The State of Arizona Independent Redistricting Commission convened in Public Session on June 25, 2002, at 12:30 o'clock p.m., at the Wyndham Buttes Resort, Kachina Ballroom, 2000 Westcourt Way, Tempe, Arizona, in the presence of:

APPEARANCES:

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

ADDITIONAL APPEARANCES:

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

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

DAVID CANTELME, Counsel, Flagstaff

B. PAUL BARNES, President Neighborhood Coalition of Greater Phoenix and Planning and Zoning Chair and Director Arcadia/Camelback Mountain Homeowners Association

DANA TRANBERG, Intergovernmental Relations Asst., City of Glendale

MICHAEL POPS, President of SMIC

SCHEDULED SPEAKERS:

MR. DOUG JOHNSON

ATWOOD REPORTING SERVICE – LISA A. NANCE, RPR, CCR
Phoenix, Arizona
Public Session
Tempe, Arizona
June 25, 2002
12:30 o'clock p.m.

PROCEEDINGS

CHAIRMAN LYNN: The Commission will come to order.

For the record, roll call.

Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: Mrs. Minkoff?

COMMISSIONER MINKOFF: Here.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Here.

CHAIRMAN LYNN: Mr. Huntwork is not present. He's excused. He'll be here in 15 minutes or so.

The Chair is here as is NDC, NDC's counsel, Commission's counsel, and the Commission staff.

Ladies and gentlemen, this is the time and place designated for comments from the public. For those that wish to address the Commission, they need to do so by filling out a yellow form. These are available in the back of the room.

ATWOOD REPORTING SERVICE - LISA A. NANCE, RPR, CCR
Phoenix, Arizona
I have three forms filled out at this time.

As is our custom, we'll try to work in public comment throughout the deliberations today and into this evening. I can't tell you at this point how long we'll go. We'll go until we're finished, whatever that means. Our schedule is such that at the conclusion of today's meeting, whenever it does conclude, the likelihood we'll get together again before the middle of August is quite slight. This will be the last meeting of the Commission in June and we're not likely to have a meeting in July. As the day unfolds, we'll try to figure out what that means in terms of what happens between now and our next meeting.

At any rate, we have three members of the public who have asked to address the Commission. First is David Cantelme who is representing the City of Flagstaff.

Mr. Cantelme.

MR. CANTELME: Thank you, Mr. Chairman, Members of the Commission.

Is this on?

CHAIRMAN LYNN: Yes.

MR. CANTELME: If I may, I'd like to approach and distribute our proposed plan.
CHAIRMAN LYNN: Without objection.

MR. CANTELME: Mr. Chairman, I also have our proposed plan on disk. I believe Mr. Johnson is putting it on the computer.

MR. JOHNSON: It's processing.

MR. CANTELME: With the Commission's permission, I have the plan. We hired an expert to put it through the computer. I gave it to Mr. Johnson. If I may have leave, we'd make it a submission to the Commission and submission of the disk to Mr. Johnson.

CHAIRMAN LYNN: For the record, Mr. Huntwork has joined us and we're happy to see him.

MR. CANTELME: A couple points about the proposed Flagstaff Preferred Plan. The computer run was prepared by Tony Sissons.

The black lines, black numbers, are the Flagstaff Preferred Plan. Red is the current Commission plan, red lines, boundaries, red digits for district numbers.

Here are, Mr. Chairman, Members of the Commission, the modifications required by the computer in order to meet the parameters for equal protection, voting rights, et cetera. They are modifications to the hand-drawn plan we presented last week.

These are the main points. In last week's
plan Ajo was in District 24 with Yuma. Now it goes to
District 4, which is primarily a western Maricopa County
district.

Number two, Greenlee goes from District 25
under last week's Flagstaff plan to District 2, Winslow
to District 2. Pinetop, Lakeside, before we had in
District 5, excuse me, District 2, now will go to
District 5. Extends District 5, a rim district,
including non-Reservation portions of Coconino, Sedona,
on non-Reservation portions of Navajo County south of
Highway 40. All of the San Carlos and White Mountain
Apache tribes go into District 2 with the Navajo tribes.
Again, we propose a plan A or plan B depending on
whether the Hopi are in or out of the Navajo District.

The point I want to make in particular is
that this new District 5, in our plan, is essentially a
tie between Democrat and Republican registration, 38
percent plus minus Democrat, 38 percent plus minus
Republican, the balance being independent or other
parties, very competitive, perhaps the most competitive
district of all 30.

Now, the specific changes, if you follow
he me in the hand-outs I gave you, I won't go over plan
B. Plan B is Hopi in rather than Hopi out. Other than
that, it's the same.
If you go to the chart I have attached to my handout, it gives you the demographics. And I'm going to go with plan A in terms of my presentation this afternoon. Again, we take no position on plan A or B, Hopi in or Hopi out. But you can see there, essentially, in District 5, as I mentioned, you have Democrat registration, 38.82; Republican registration of 37.97 percent, difference of only one percent. Under the DOJ approved plan for District 5, you have a Democrat registration of 50.9 percent and Republican registration of 36.6 percent. This takes a Democrat majority district and makes it a very competitive district.

In terms of District 25, the southeastern district, which there was a question about in our original presentation, whether or not it satisfied voting rights, whether it affected a minority dominated district or not, and if you see on the chart, essentially there's no change in terms of numbers and demographics between what the Commission, what the DOJ plan, approved plan does, and what this proposed plan would do.

If you look at the voting age, minority, in our plan A, 41.75 percent, slightly higher than the DOJ approved plan, 41.39 percent. And I believe all
minority again reflects a slight increase under the Flagstaff Preferred Plan from the DOJ plan.

I believe -- now this is just voting age.

If you take actual population, minority-majority district under both plans, ours is slightly, probably not insignificantly, higher.

Now beyond or behind the chart I've given you with the demographics are the narrative changes from the DOJ 4 plan to the Flagstaff Preferred Plan. I've gone through those with you before. I don't see any point unless the Commission has questions in going over it again.

Essentially, to sum up, what the plan does is it, in our opinion, respects communities of interest in the northern parts of the state, specifically unifying all of Yavapai County, unifying non-Reservation Coconino County sections, non-Reservation Gila, non-Reservation Apache. That district, contrary to press reports, it will not be dominated by Coconino County, will take population from Coconino and Gila, Navajo Counties. Whatever delegation would represent that area would have to pay attention to all geographic segments of the district and all population segments of the district, because Gila and Navajo Counties together could offset whatever you have in Coconino.
That, ladies and gentlemen, that concludes my presentation.

CHAIRMAN LYNN: Comments or questions for Mr. Cantelme?

COMMISSIONER MINKOFF: Mr. Cantelme, looking at the list of districts you changed, just again I'll use 1A, that's one you focused on. Several are significantly underpopulated, 3, 4, 25, and then 6 and 30 are somewhat overpopulated. One of the things we were working on last meeting was trying to equalize population to the extent possible, especially District 4 on the map pushes right up to the edge of what federal courts would allow.

If you make an attempt to equalize population in districts, would it seriously impact things like community of interest, Voting Rights Act considerations, et cetera? Because the deviations are really pretty substantial.

MR. CANTELME: Thank you, Madam Vice Chairman.

My thought off the top of my head is we can tweak those to get those down. I'm not a computer expert. Don't want to misrepresent that to the Commission. I could have Mr. Sissons do that in order to make changes to that particular goal.
CHAIRMAN LYNN: Other comments or questions?

Mr. Cantelme, thank you very much.

Now that Mr. Johnson has that in a visual, electronic form, it can be made a better part of the record because it now conforms to our other maps.

CHAIRMAN LYNN: Next speaker, B. Paul Barnes, president of the Neighborhood Coalition of Greater Phoenix.

Mr. Barnes.

MR. BARNES: Thank you, Mr. Chairman. I just received word a couple hours ago the Commission is considering the possibility of switching the Arcadia district from District 11 to District 15. If that information is incorrect, I can sit down.

That's too bad.

Let me explain a little bit more specifically why I'm here. I am a citizen. I am not a city official. I have lived in the Arcadia district for a period of 28 years. The greater Arcadia area is represented by a group called the Arcadia Camelback Mountain Homeowners Association. I have been an eight-year director of that organization, three years as its past president. I am currently a director. And I serve as their chair of zoning and planning as far as
that area is concerned. It consists of four square miles. And we represent 2,600 households. We are in the Scottsdale School District, the southern part of the Scottsdale School District. We are newly configured District 6, as far as the city council districts are concerned. And there's a chance that that district will probably go into effect sometime shortly after the first of the year.

That area of District 6 would consist of the Arcadia area, the Arizona Biltmore area, the area along North Central known as the North Central Homeowners Association, and also Ahwatukee. Now Ahwatukee is by a stretch of the imagination contiguous. It's necessary to achieve that particular configuration and Ahwatukee into the district so it would not dilute minority population votes in District 6 and District 7, which are the district that Ahwatukee section might have been put into.

The point is that keeping Arcadia in District 11 would be totally consistent with the community of interest concept. Moving it into District 15, the more central part of Phoenix, would be just the opposite. We have no real fields or interest, no commonalty with that part of Phoenix. And right now the
Scottsdale School District, the Arcadia portion, southern portion, could be described as an area in peril. The schools in that part of the district are old. Many of them are 25, 30 years old. The northern part of the Scottsdale School District, the newer area, is rapidly increasing in population and they're attempting to build new schools.

We had a failed bond issue last year that would have spent a lot of money up north to build new schools and refurbish some schools in the Arcadia area. The movement in Scottsdale School District is to close down some schools in the greater Arcadia area and southern part of the district.

We badly need a current political base to help us with the struggle that will be ahead. Putting us in a separate area and splitting us off from the political base of Scottsdale School District could potentially be devastating.

Our area is one generally of large lots. Many of them are an acre or more, which again is consistent with the balance of the district we're currently in, talking about the district up in North Central, the Biltmore area. There's no such like interest with the central part of Phoenix.

My Neighborhood Coalition of Greater Phoenix, Arizona
Phoenix gets me involved with all the neighborhood associations in each of the eight city council districts of Phoenix. And so I'm speaking from that experience. I've headed up that group for a period now of 10 years. We have made a lot of contributions to the state, made a lot of contributions to the area. I guess I would ask: Please don't kick us in the teeth by moving us over into an area that is just going to be totally foreign to us moving forward.

Unfortunately, because of the short notice, I could not bring with me the cadre of neighborhood people you might imagine I would otherwise bring. Because when we have issues like this, it's not uncommon for us to have 75 to 200 people on board. I was just able to get here myself and had to cancel a zoning hearing.

In addition, Councilman Greg Stanton is a councilmember in the current District 6 and will be a councilmember in the newly configured District 6. He also opposes the possibility of such a change of moving the Arcadia area into this other district. He opposes it on the basis -- frankly, the same basis I do. It simply tears Arcadia out and puts it in an area where we feel it doesn't belong. It is totally out of sync with it's community of interest. And Councilman Stanton has
authorized me to make the statement to the Commission. And furthermore, he will have a letter forthcoming to the Commission, as soon as he can author that.

He couldn't be here, again, because of the short notice. If any of the Commission members wish to call Councilmember Stanton by phone to try to reach his office, he would encourage that.

I would be happy to answer any questions that any Members of the Commission might have.

CHAIRMAN LYNN: Thank you, Mr. Barnes.

For the record, would you just briefly give us the, as you understand it, the perimeter of the Arcadia neighborhood, that is to say northern, western, eastern, southern boundaries.

MR. BARNES: Let me talk about the homeowners association and then Arcadia. Arcadia is larger than the homeowners association. Homeowners association, Arcadia Camelback Mountain Homeowners Association, a four-mile area, east side of 44th Street. It runs north on 44th Street past the Stanford alignment. It comes up on the southern slope of Camelback Mountain over to 64th Street. I'm talking now about the west side of 64th Street. East side of 64th Street, cuts over into the boundary of Scottsdale. Then runs south all the way down to the canal on Indian
School Road.

Now, that is the Arcadia Camelback Mountain homeowner's area. Arcadia historically also runs up just short of Scottsdale Road. This was an old citrus area. They considered themselves part of Arcadia, too. And it also runs south of Indian School Road up to Osborn. And it runs down Indian School Road to the city limits of Scottsdale.

The area I described south of Indian School is known as the Arcadia Osborn Neighborhood Association. The area I described going up east on Indian School is Arcadia Ingleside Neighborhood Association. We all work very closely together, have for a number of years. We have very similar problems in terms of the schools, in terms of land use, in terms of avoiding commercial encroachment.

And then we also have worked with these other areas I mentioned, the North Central area, that's a citrus area much like ours, large lots, same types of problems; and to a lesser extent with the homeowner association in the Arizona Biltmore area.

So we're very much a community of interest. We've been happy that way. We've supported our people at the state, work not only on city issues but down at the state.
Our particular Senator, as I'm sure you know, I'm old District 26, was Senator Tom Smith and Representative May and Representative Hatsmiller. But we've worked closely with people in old District 25, too, Senator Kaminsky and their representatives. We'd like to keep intact. We feel, frankly, it's in the best interests of the state that happen. And we'd like to keep it that way.

CHAIRMAN LYNN: Thank you, Mr. Barnes.

Mr. Hall.

COMMISSIONER HALL: Mr. Barnes, thank you for coming. Can I ask you just one question?

MR. BARNES: Yes.

COMMISSIONER HALL: As you know, our charge as a Commission is to draw the boundaries pursuant to the Arizona Constitution as set forth under the language passed by the voters of Proposition 106. And one of the charges in that language is "Competitive districts should be favored where to do so would create no significant detriment to other goals."

My question to you is -- just so you know, what you see before you is a test the Commission is currently considering. The consideration of the test, this is not part of the interim plan being utilized for 2002 elections. The intent of this test was for us to
consider all opportunities where the Commission could create competitive districts and not cause significant detriment to other goals. My question to you is, in your opinion, since this district is not, quote unquote, competitive, as it's in the gray on the screen under this test, does it cause significant detriment to other goals, and if so, specifically, which goals?

MR. BARNES: Well, one I mentioned, certainly, it totally tears asunder, which in my opinion, and the opinion of others, including Councilman Stanton, the goal of maintaining a community of interest.

Our area is -- I'd even question you are not tending to elude some of the minority representation. The Arcadia area is almost totally devoid of minority representation. I would think that if your efforts to put it into a more Central Phoenix category it would certainly be contrary to that. In fact, I mentioned Ahwatukee is maintained in the city council district 6 just because of that.

The Arcadia area, Ahwatukee area, Biltmore area, North Central area, which goes up to make a big part of District 11, and also it's basically the center of District 6, has -- it has really very little minority representation.
I think taking this population base out, which not only in terms of numbers, but in terms of voting, the voting efficacy of Arcadia is very high, extremely high. And I'd think it would tend to frustrate that minority goal as well.

I just think that the disadvantages would far outweigh any advantage to strike some balance that might exist today if it were structured that way as far as the competitive voting is concerned. And the implications, adverse implications, to me, would not be worth the gamble. I see -- I just don't think positives versus negatives make sense.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Barnes, do you know the outlines of the southern Scottsdale School District you referred to?

MR. BARNES: I guess that would depend a lot on who you talked to. I would say -- I would consider it's north-south Scottsdale, whatever you would say the boundary of that is. If you would say Shea, everything north is north, then Scottsdale School District would be everything south of that, and it would be coming up west to encompass Arcadia. Arcadia High School, which is just on the south side of Indian School and 48th Street, is in the Scottsdale School District.
Schools along Osborn that are a little bit east of the Arcadia High School are in the Scottsdale School District.

So it's not a political definition. It's a geographic definition by boundaries as loosely described. Frankly, it's kind of a moving target. That south part of the district might have been considerably further south of Shea than now people consider.

COMMISSIONER HUNTWORK: I'm still trying to understand. With Arcadia in District 11, you are saying it is united with the Scottsdale School District.

MR. BARNES: We, by having Arcadia stay in the Scottsdale School District, we have the people that will be representing us on the state. And while this is a school issue, we use, obviously, state legislators to assist us in school issues.

COMMISSIONER HUNTWORK: I understand how that works. What I'm trying to understand is how Arcadia is different in District 11 than it would be in District 15.

MR. BARNES: Totally different school district in District 15. Split us. We'd not be in the same school district, politically we wouldn't be.

COMMISSIONER HUNTWORK: District 11 as it currently stands goes over to 7th Avenue, 7th Street,
and so on. That's not Scottsdale School District.

MR. BARNES: No. We keep the same area
together now that we had. Don't split us off.

COMMISSIONER HUNTWORK: I see.

MR. BARNES: That's the difference. Don't
pick up any advantage in representation from Scottsdale
over here, don't lose it. Moving over to 15, we lose.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman,
mentioned two other Arcadia school districts, four-mile,
2,600 -- three people per household?

MR. BARNES: Usually use the figure,
getting a lot of younger families, usually talk in that
being representative somewhere of 10,000 people. We
have --

COMMISSIONER ELDER: In the original
Arcadia district? And other two, are they approximately
equal so it's 20,000 or 30,000?

MR. BARNES: No. They are --
populationwise, the Arcadia Ingleside area is a smaller
area. They'd represent a couple hundred households.

Arcadia, Scottsdale area, 500 households. Lots in that
area tend to be more like half acres. But that's
basically in terms of population what you are looking
at.
COMMISSIONER ELDER: Total Arcadia, 12, 13 thousand, probably, in that range?

MR. BARNES: Possibly. Don't have the Census. That's my best guess.

COMMISSIONER MINKOFF: Mr. Barnes, I want to clear something up. There seems to be confusion or concern about the school district, the Arcadia area in the Scottsdale School District.

MR. BARNES: Correct.

COMMISSIONER MINKOFF: Obviously it's not united with the rest of Scottsdale. Scottsdale School District, incidentally, is an enormous school district that spans over many of the districts we've drawn.

MR. BARNES: Right.

COMMISSIONER MINKOFF: As you move north from Arcadia across the mountain into Paradise Valley up to Doubletree, isn't that also Scottsdale School District?

MR. BARNES: I believe a good portion.

COMMISSIONER MINKOFF: What amazes me is we have Paradise Valley School District but Paradise Valley is not part of Paradise Valley School District. All of that is Scottsdale School District, the whole eastern portion of District 11 in which Arcadia is located on the map?
MR. BARNES: Right.

COMMISSIONER MINKOFF: Thank you.

CHAIRMAN LYNN: Further comments or questions.

Mr. Barnes, thank you very much.

MR. BARNES: Thank you.

Councilman Stanton is happy to provide the Commission with a letter.

CHAIRMAN LYNN: Thank you. Appreciate that.

The test, looking at the final decision of whether to accept the test may be later today. There again, it may not come until August. Appreciate your input.

MR. BARNES: Thank you.

CHAIRMAN LYNN: Third, at this point, the last speaker slip I have this session, Dana Tranberg, inter-governmental relations assistant representing the city of Glendale.

Ms. Tranberg.

MS. TRANBERG: Dana Tranberg, here for the City of Glendale. The Mayor and counsel were unable to come as they had prior meetings on the city's concerns. On behalf of the city, I'd like to make a few comments.

ATWOOD REPORTING SERVICE — LISA A. NANCE, RPR, CCR
Phoenix, Arizona
We believe the latest issue of maps was released May 24. If that's incorrect, please correct me.

As the Mayor stated and Ms. Martinez stated in the 2001 meeting, the Glendale communities, far west Glendale are far more rural, Old Town has strong ties with the Hispanic community, and central and north Glendale have strong ties to the metropolitan area.

We appreciate your work on improving the Congressional Districts that were in the City of Glendale, went from three districts to two districts and believe they better represent communities of interest.

We'd also like to thank you for work on State District 9 which better aligns the northern area of Glendale with the northern area of Peoria.

Concern lies particularly in the fact Glendale now is divided into six state Legislative districts. Previously we had been divided in five. Glendale now lies in 4, 9, 10, 12, 13, and 14. These six districts continue to divide Glendale's communities of interest, particularly the Old Town Glendale community of interest is encompassed in approximately three districts. We're the only municipality in the state with six Legislative Districts. The only city
that has more districts is the City of Phoenix, which is significantly larger than the City of Glendale.

City of Mesa, for comparison, has four, and City of Scottsdale has three.

We'd like to see the Commission make every effort to unify communities of interest in Glendale. We believe it's in the best interests of our residents.

With that, I'll conclude my comments. I know you have a lot of work to get done today.

I'll answer any questions.

CHAIRMAN LYNN: Thank you, Ms. Tranberg.

Mr. Hall.

COMMISSIONER HALL: It could be argued that means Glendale has six times the influence. What is your response to that theory?

MS. TRANBERG: Mr. Chairman, Mr. Hall, given the fact with five districts, none have a majority of Glendale, it dilutes Glendale's, the majority being Phoenix or other communities. There isn't necessarily a district or particular legislator focused on Glendale issues.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you.

Ms. Tranberg, you said District 9 works well for Glendale. I have a two-part question. Number
one, can you tell me what is the approximate population
city Glendale and tell me which of the six districts you
mentioned are districts you believe Glendale has
substantial influence in and in which are the interests
of Glendale marginal?

MS. TRANBERG: Mr. Chairman,
Commissioners, the population of Glendale is
approximately 222,000, which is approximately 58 square
miles.
The area we're particularly concerned with
is the Old Town area of Glendale, basically Northern
Avenue down to Camelback from 43rd to 67th. That area
is a significantly large Hispanic population, and that
area currently is divided into three districts, 14, 13,
and District 12. We do appreciate District 12 does also
unify the far west area of Glendale, which is mostly
more rural in nature. But our primary concerns are that
central area.

COMMISSIONER MINKOFF: Thank you.
CHAIRMAN LYNN: Other comments or
questions for Ms. Tranberg?
Thank you very much.

MS. TRANBERG: Thank you.
CHAIRMAN LYNN: At this point we have
perhaps one other speaker. Let me make sure we get that
slip up here so we can take care of that at this time before we move on to Mr. Johnson's report.

Well, sir, you've challenged me to read your signature.

Michael --

MR. POPS:  Pops.

CHAIRMAN LYNN:  -- Pops.

MR. POPS:  Like Sugar Pops.

CHAIRMAN LYNN:  Easier than I thought it would be.

Approach the microphone and we'll be happy to hear your comments.

MR. POPS:  Good afternoon.

Since we all don't have better sense than to stay out of the heat and come out on a 113 degree day, I'm here as a South Phoenix representative and representative of the South Mountain Impact Coalition, which I was down at the State Capitol earlier with Representative Leah Landrum about this and talked with several Commissioners over a district including new District 16 which encompasses old 22 and 23.

From the beginning of this redistricting issue, in the capacity as consultant I work as, I've been observing that redistricting issues is a main issue among minorities and the lower percentage throughout the
country. But here affecting Arizona, where we are only three percent of the population. We're looking at the factor of fairness, representation on the Commission, representation of fairness for the voting act, and all of the concerns. I was hoping some of my colleagues would be here to share concerns. Since I'm President of the South Mountain Impact Coalition, I think I can convey the concerns pretty well.

That is my major concern, to see if this is going to impact up to 2010. From what I've been informed of, this is what we're going to be faced with. I want to see the new areas, old areas, especially old 22. Seniors, a lot of people are dying off and demographics are changing severely. Want to make sure there's fairness to Latinos there, too. All South Phoenix, I've been here through the years, strong historical black districts are even changing, which is Julian, and the Park South area, the Brainwood and Brents, 19th Avenue, Southern and Broadway, other pockets between Central and 7th Street, Central and 7th Avenue. So those are my areas of concern.

I just wish you guys would explore it and make sure it be fair all the way around. That's what I
came out to speak to you about.

CHAIRMAN LYNN: Mr. Pops, I want to be sure I understand your concern.

Would you, if you could, if you could direct your attention to District 16 on the map. If there is any part of that district that you don't recognize in terms of boundaries, we'll be happy to zero in on it and give you an opportunity to --

MR. POPS: Okay. Like you are bringing in the Buckeye Road area, south of Buckeye Road to the mountain, which would be Dobbin Road, Buckeye Road, that would be the old 22, and then south, across the river bottom, across the freeway, would be merging into 23. Those, historically, two major pockets of African Americans and Latinos in between. Now demographics reversed. Used to be 73 percent African Americans, 38 percent Latino; now 38 percent African American, 77 percent Latino.

Nevertheless, in conclusion, a factor, a lot of minorities felt ignored. I'm expressing that concern. I monitored. You guys are trying to be fair, what I seen.

CHAIRMAN LYNN: We're still trying to be fair.

I'd like you to direct your attention to
District 16 as currently configured, the light blue
district, as you see.

MR. POPS: Yes.

CHAIRMAN LYNN: Is there something about
that district you'd specifically have us change?

MR. POPS: No.

It's dissemination of information and to
be involved and included in the forum. If we don't push
the news media to let us know, we don't know. That's
part of the problem, lack of information. Can't get
people to participate, especially working class people
cannot come to these type meetings this time of day.
I'm self-employed, own two businesses. I'm the boss. I
can come when I want to. Everybody doesn't have that
opportunity to do that.

I wanted to express my concern. I have to
go run pick up my son from summer school.

CHAIRMAN LYNN: If I could ask one other
brief question, there's nothing other than 16 you object
to. Do you support that district as currently drawn?

MR. POPS: As for right now, I think I
can. I'm not married to it, but I think I can support
it. I'd know more so after we meet, which I think you
know about. After I finish meeting with the rest of the
community, we can expound better.
CHAIRMAN LYNN: Thank you, Mr. Pops.

Appreciate you being here.

MR. POPS: Thank you.

CHAIRMAN LYNN: Other members of the public that wish to be heard at this time? If not, we'll close public comment for this portion of the meeting and certainly take additional public comment later on in our session.

I wonder if we could then turn to a report from NDC. And there are a couple things NDC will be reporting on, not the least of which will be the results of the instruction given to NDC at our last meeting. There may be other items NDC wishes to cover prior to that report. I'll leave it up to you how you want to take the items.

If you like, following the agenda, a report on competitiveness on Congressional Districts with respect to new data that has -- new data bases that have been compiled. Don't know whether you are prepared to give that or not.

MR. JOHNSON: Mr. Chairman, I haven't been working on cleaning up data bases, don't know the status of that.

CHAIRMAN LYNN: Well, then let's skip it for the moment. We'll get back to it.

ATWOOD REPORTING SERVICE - LISA A. NANCE, RPR, CCR Phoenix, Arizona
MR. JOHNSON: That may be a reference to when Dr. McDonald spoke last week. I believe he handed out Judge It results for that.

CHAIRMAN LYNN: We'll get consultation on that and move to Item IV.

MS. HAUSER: We have it.

CHAIRMAN LYNN: We do have it. We could at least pass that out.

MS. HAUSER: Yes.

CHAIRMAN LYNN: Good.

Move to Item IV, report on recommendations and instructions from the Commission at last meeting.

Mr. Johnson.

MR. JOHNSON: Mr. Chairman, at the last meeting, instruction I'm reporting on now was to balance population deviations between 26, 28, and 30.

We looked last week at just balancing between 26 and 28. Then the idea was try balance a little more both to reduce deviation in the three districts and hopefully get even more competitive districts as well.

I'm here with two plans to show you, Tucson 2 and Tucson 3. There's a standard spread sheet with Dr. McDonald's Judge It analysis for each plan in front of you, copies at the back table for the public,
as well.

I have two reports, actually four reports, two on each plan.

The reason for two plans is that I wanted -- I faced two real questions as I did this. One was balancing deviation as much as possible. All three districts are within one person, all balanced between the three. That leaves 0.64 percent underpopulated once we balance between the three.

First what I'll show you, in reference to Tucson 2, is focused on getting that population and making the minimum change possible to what we've seen last week. The second map takes compactness goals more into consideration. Moves more people, going an additional step beyond just getting deviations just right, as has been common, trying to take other criteria into account while doing that.

First let me show you Tucson 2. And what you are seeing here on the screen, the colors are the plans, in this case Tucson 2, and the red line is the 2002 plan, so you can see where the changes take place.

In this case, first, District 26 comes down essentially to the border of Flowing Wells. Let me get the roads on there so you can see which roads. Roughly to Romero and Roger Road. Stairsteps up back to
the river. And what you can see, this does balance the
population between the three districts. The tradeoff is
over between 28 and 30 where this area south of the
river is picked up, actually between two river beds is
picked up, by 28.

This does leave -- this one doesn't really
address compactness issue as much. It does leave 28
with somewhat of finger coming across here. 28 has
somewhat of a finger underneath the river but does
address the deviation question.

It also does make all three districts
slightly more competitive. District 26, you can see
Judge It is 0.4 more competitive, goes from 7.6, 7.2;
AQR goes from 11.18 to 10.58, about a half point
improvement; registration is also about a half point
improvement, 14.7 to 14.1 in District 6.

Changes in 28 also make it more
competitive by close to the flip side, .4 in the Judge
It spread, .7 for registration -- .6 registration, .7 in
AQR.

District 30, in this plan, or in this
test, is essentially unchanged. Judge It score stays
the same, AQR spread gets eight hundredths of a point
closer, registration is 0.13 closer.

That's test 2.

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Phoenix, Arizona
Let me show you Test 3.

CHAIRMAN LYNN: Just for Mr. Elder's benefit, I know his eyes are better than mine, he doesn't have a computer here, for his benefit, could you just outline the boundaries of the -- of that change, if you would, Mr. Johnson?

MR. JOHNSON: Certainly.

CHAIRMAN LYNN: The western portion until it gets back up to the river.

MR. JOHNSON: Let me get the other streets and fill in the blanks.

What we end up to is Stone Avenue is the eastern edge, comes down to Wetmore. This is, the stairstep, Nevins, Nevins Drive.

CHAIRMAN LYNN: Limberlost alignment, over to Roger, and finally down to Prince.

MR. JOHNSON: Yes. Then going along the preexisting border of 28 and 27.

CHAIRMAN LYNN: Thank you.

MR. JOHNSON: If I flip over to the other map, as I mentioned, it makes improvements in terms of competitive points.

Switch over to what I call Tucson 3, and you can see this one, again, both addressing the deviation issue while trying to keep in mind more
compactness criteria as well and other criteria always a factor when drawing tests.

This one eliminated the finger that came across the south edge of the area. Drew the district all way to Stone Avenue. This jog, you see the district line where Stone Avenue jogs over. Picking up areas between the river and Prince Road going east to Stone Avenue.

This does trigger more of a change in other areas.

Can you see this? Area 28 extends past the red line, picked up areas before and additional territory discussed at the last hearing we were going over, using the river as the north border all along there. And let me get the streets.

And actually the eastern border is where it looks like a small portion of the river, go down just to the east of Avenida Ricardo Small, east of areas, Camino Seco, picking up one neighborhood north of Speedway, and -- a little bit north of Speedway just east of Camino Seco in an attempt to make the area more compact in that change. Also affected, picked up more population.

District 26 needed to lose population to compensate for that. Made that tradeoff.
Let me change colors so it shows better.

COMMISSIONER MINKOFF: Excuse me, District 26, 30, so close in color, can you change one, please?

MR. JOHNSON: Yes. There we go.

The border between 26, 30 becomes the forest line there. And 30 has come across -- we used to have this bump between the two districts that was -- where balancing population previously.

30 picked up that area, smoothed up that area, and come across to Swan, I believe that is. Let me confirm that. Yes.

COMMISSIONER ELDER: Could you scroll to the left a little bit so we see where you are working?

MR. JOHNSON: Sure. Let me zoom out a bit, too.

You can see the big blank area is the forest that remains in 26 and 28, just comes westward a little bit. Still a little bit of a jagged edge. May be able to smooth that out a bit when do statewide deviations.

Other than that, largely following the Swan Road break.

COMMISSIONER ELDER: Could you zoom in there right at that area?

MR. JOHNSON: Sure.
COMMISSIONER ELDER: May have helped Andi but killed me as far as seeing streets, or anything, in the red. What is the bottom one?

MR. JOHNSON: Sunrise.

There we go. There's an art to choosing colors, one I've not mastered.

Sunrise, middle area, forming the southern border.

Essentially population as shown in the 2002 map, population becomes that on the other side.

Streets up in Catalina Foothills are not very straight or square. Makes it -- this is a result of going to zero deviations.

COMMISSIONER ELDER: Down to the right a bit, see what is up in the upper left.

MR. JOHNSON: Sure.

COMMISSIONER ELDER: Knowing the area, demographics are not much different in this area and the area we're seeing here and the gray in-held area below. Is the population significantly different there? I mean, could we take and trade the upper left-hand green for lower right-hand gray? The reason I'm saying that, these square miles in here were developed -- about square miles of state land trust something, developed by the homeowners association. Each of the two areas are
very cohesive. Schools are central, whole thing. Seems as though to take the area north of Sunrise and east of Swan, include with District 30; and then take the area to the west of Swan, which is a totally different -- area east of Swan, north of Skyline, Country Club. That's distinct, Skyline, with a wall, guard.

Move to 26. Numbers again?

MR. JOHNSON: Demographics, the area north is a little more Republican than the area looking at just north of Sunrise. Both lean Republican. The only reason for the tradeoff, populations are significantly different. There's a few hundred in here, maybe 1,000, and a couple thousand in here. So this is -- again, I only had about hour to spend playing with numbers between the two districts. This is as close as I could get with essentially one percent deviation. It could well be an area to consider with slightly larger deviation in order to use deviation in that neighborhood. Trying to trade off populations, this is how they ended up.

CHAIRMAN LYNN: Other comments, questions, on Tucson plans 2 and 3?

Mr. Johnson.

Mr. Huntwork.

COMMISSIONER HUNTWORK: We're balancing
population in this area because of where we went to down
below, between 26 and 28. Had you not gone so far, you
wouldn't have to do this balance?

MR. JOHNSON: The main difference in
Tucson 2 and Tucson 3 is an attempt make the north
Tucson area more compact.

COMMISSIONER HUNTWORK: Could have done it
drawing a line somewhere of Stone, a block east or west?
There is a major street, what is that, Oracle?

MR. JOHNSON: Oracle.

COMMISSIONER HUNTWORK: Why not Oracle,
straight line, or Stone or --

MR. JOHNSON: Well, in part, it didn't
workout as cleanly in other areas. Also, trying to come
fairly close to the north-south border of 27, 28 to give
a more compact feel to 28 and eliminate --

If I had drawn the line --

COMMISSIONER HUNTWORK: Wherever you draw
it, it's making 28 more compact than it was.

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: If you had stopped
short of that, then you'd not have to make adjustment on
the east side of 28, either. Is that -- as big an
adjustment on east side of 28.

MR. JOHNSON: Still, as in Tucson 2, some
change over there.

You are correct. If I stopped the line north-south further to the west on 26, 28, I would not have picked up as much between 28 and 30.

COMMISSIONER HUNTWORK: Is the only reason you did that is you wanted to get the north-south line closer to 27?

MR. JOHNSON: Looking where to use a major road to border it. You are right, there are major roads in the area. Couldn't get populations to balance as smoothly as I would have needed, would have jags across a major road. Block here or there. Did not make a smooth line like Stone does.

COMMISSIONER HUNTWORK: You don't mean if you used Oracle, probably could have eliminated the northern change between 26, 30, made a smaller change between 28, 30. I don't see why that would be a problem. I don't understand.

MR. JOHNSON: In order to not make any change between 26, 30, back at the Tucson 2 plan. I can bring that up. That had just enough people to balance populations.

Let me change the color here.

This plan, see where the border is for 26, 30, unchanged 2002 plan, down in the neck area here, we
end up with this stairstep.

COMMISSIONER HUNTWORK: I understand that.

Completely. If you had not went all the way over to Stone, instead gone to Oracle --

Is Oracle 77?

COMMISSIONER ELDER: Yes.

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: Obviously smaller changes in other areas, rippled population.

If all you had to do was ripple population in 28, 26 and some 28 and 30, never had to do anything 26 and 30.

MR. JOHNSON: If I go further than this line, 26, coming to the east, have to give up some 26 in Catalina Foothills. Because this area east of Oracle, even there, is very low population. Couldn't trade this area for this area. I would need to -- either come well over west or balance somewhere else. That attempt to balance the north-south line is the primary reason for ending up at Stone.

COMMISSIONER HUNTWORK: What about the area Oracle and Stone south of there? How many people are in that area?

MR. JOHNSON: Let me bring it up.

There are 660 in this Census block here,
895 here, with about 80 down below and 12 up here.

Looking between Oracle and Stone, 1,500, 1,600 people.

COMMISSIONER ELDER: Drag down, see

what -- nine or three, not sure, to the right of 77.

MR. JOHNSON: Three there.

COMMISSIONER ELDER: Anything north of there? Tucson Mall?

MR. JOHNSON: Zero, zero. I believe there's a two at the very north of that. Yeah.

This area here all zeros except one area of two at the very top.

COMMISSIONER ELDER: And next half section on the north and to the west of 77, 300, about 800 in that?

MR. JOHNSON: 366 here and 16 here.

As you can see, the challenge, two, three blocks of 20 people, and a block of five, six hundred. And they don't line up with major roads very nicely.

COMMISSIONER ELDER: What we have in this part of town is a number of apartment units sprinkled among commercial retail property. A very mixed area in terms of its use. Along major thoroughfares, get residences next to commercial businesses all the way along thoroughfares as you go east-west, to some extent north-south.

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Phoenix, Arizona
Ms. Minkoff.

COMMISSIONER MINKOFF: Doug, can you, on Test 2, go back and show the three districts intersecting so we can see the changes?

CHAIRMAN LYNN: As Mr. Johnson is doing that, as a housekeeping matter, I have two more speaker slips which I intend to take as soon as we get through Mr. Johnson's report.

So for Representative Landrum-Taylor and Mr. May, we'll get to you as soon as we can.

MR. JOHNSON: Is this the large view you're looking for?

COMMISSIONER MINKOFF: Yes. I'm confused. I thought I heard you say something earlier that said you didn't move anybody between 30 and 26 in this plan. It looks, in fact, like you haven't. I don't understand how you equalized population. The interim map has District 26 underpopulated by almost 7,000; 28 overpopulated by 3,000; 26, 763. Equalize population, all would be underpopulated by 1,600 some people. So how did you get 30 underpopulated by 1,600 people without moving about 2,300 people out of the district? Is that all the area there, just between 30 and 28?

MR. JOHNSON: That's correct. Instead of trading people directly, 26 and 30, moved a lot from 28
COMMISSIONER MINKOFF: Okay, moved a lot of people from 28 to 30, I presume, on this test.
MR. JOHNSON: Reverse.
COMMISSIONER MINKOFF: Added 1,600 from District 30 to 28. At the western end you have moved lots of people. Many thousands, correct?
MR. JOHNSON: Yes.
COMMISSIONER MINKOFF: Thanks. I needed help understanding how that worked.
CHAIRMAN LYNN: Mr. Elder, you had your hand up.
COMMISSIONER ELDER: Not long.
CHAIRMAN LYNN: Both microphones work. You don't have to share. Happy you are sharing.
COMMISSIONER ELDER: Working together very nicely. Play nice.
I guess the area I was wanting to go, Mr. Chairman, was my feeling that Map 3, or Tucson Test 3, benefits us in many ways from the standpoint of being more compact, in general, communities of interest work better. It's more definable where you campaign or vote. The glue between Swan and Craycroft, excuse me, there's a road there, communities on either side interface, not a barrier of any sort.
The first test where went around the north side, connected the area of Savino Canyon to the west, works better this way, from schools, transportation, from recreation, from social constructs of this area. I'm just wondering if you rotated areas, where I do have concern, you've taken two very strong neighborhoods up there to the north and we've taken part of an area to the southeast of what I believe is Harrison and Tanque Verde, at the lower end, an area added on between Test 2 and 3 south of the river, I'm just wondering if there's a way of taking less there out of 30 so you don't have to take so much of 26 and float it into 30 to balance the population. Take from Tanque Verde Road -- Tanque Verde Road is right at the 1,000-person apartment project, in here is 700, 750, don't know what those two numbers are -- looks like probably 1,500 people in the area right here. Mr. Johnson told us in prior comments up in the area where you have Skyline, Bel Air, and the Coronado Foothills Estate area, Coronado Foothills Estate, this area here, green, above Sunrise, west of Swan, Bel Air, East Swan, North Sunrise, if you didn't take as much of that, could put that, might be added in, facilitate what we're doing on the west. If you get rid of, break up these two communities, making this whole,
or there isn't enough population area, zero buffer, this helps so you don't have a three mile, three-quarter mile wide tongue coming out from a compactness issue.

   Neighborhoods on either side of that, not really strong. You'll have an old neighborhood, and then a mobile home park, and then another neighborhood and school and business and mobile home park.

   Continuity, cohesiveness, probably isn't as strong from community of interest.

   I think probably trying to give them wholeness or a continuum across there is probably best done by this plan if we resolve how to population balance this population, or some combination.

   All in all, plan 3 appears to be the better plan for the area. I think the discussion, or phase the discussing is moving, it should not change demographics, competitive test, or minority voting rights. But Mr. Johnson can probably give us a better handle on that.

   CHAIRMAN LYNN: Thank you, Mr. Elder.

   Mr. Huntwork.

   COMMISSIONER HUNTWORK: Combine ideas.

   1,000, 1,500 people east of Oracle. We said making Swan a straight north-south divider would involve about the same number of people. And then just make up the
difference, equalize in the area Mr. Elder was pointing to. Is that --

MR. JOHNSON: It's certainly something we could try doing. I should note, as you've seen all the tests throughout the whole process, it's very, very hard to get a perfect deviation district as cleanly as this does, Stone.

COMMISSIONER HUNTWORK: I'm not suggesting perfect. 1,500 out of 26 over at Oracle Road, add to 28. Approximately the same number people out of 30 over on the east side. Adjust the same people on the north.

MR. JOHNSON: Certainly worth trying.

COMMISSIONER HUNTWORK: Comes close, straight lines.

MR. JOHNSON: Comes very close. The jags probably end up roughly the same, slightly different places than they due now. Demographics of the three areas match up fairly well. The only area that would raise significant concern for me in changing figures on the test is competitiveness. The area between Oracle and Stone is heavily Democratic. Taking out of 26, putting in heavily Republican areas by Swan. It's certainly something that may work from a numbers standpoint.

CHAIRMAN LYNN: You may have a slightly
better exchange -- I think we're trying to accomplish several things. Clearly it's the right direction. 26 is more competitive. If I remember your figures, 6.7 --

COMMISSIONER ELDER: 7.6 to 7.2 I think.
CHAIRMAN LYNN: Test 3 it's low.
MR. JOHNSON: Judge It spread, 6.7.
CHAIRMAN LYNN: 6.7 Test 3, an even better spread, more advantageous spread than Test 2.

You may have a little better luck in terms of an exchange between Republican, Democrat, if you equalize to the east of District 28 rather than trying to equalize north. North is clearly Republican, no question about that. The more you move south, even to the east side, the better the mix Republican, Democrat, in the Central City. Maybe an exchange that helps you without doing damage to the concept talking about, trying to keep Central City relatively low and straightening up the line between 26 and 30, which is important because those neighborhoods are very much the same. When you cut a piece of them out, you are cutting a piece of neighborhood out.

If you take a major street, major division between -- the western side of the street and Swan, for example, is a normal divider in of and itself of neighborhoods just because of its width, north and

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I think you are suggesting, what I'm hearing, see what direction Test 3, what it does to competitiveness. Take a look at some other adjustments again with an idea we want to get as close to population as feasible without doing damage to other goals as well. Further discussion on Test 2 or 3 in Tucson? Mr. Johnson, do you have any additional report? 

MR. JOHNSON: The only thing I was going to mention, the numbers in front of you, I hadn't mentioned for the record, the figures in Tucson, briefly, Judge It numbers mentioned 26 go to 6.7 in District 26; 28 gets to the point where 26 was, 7.6; 30 increases slightly, 10.2 to 10.4 percent between the two, Republican, Democrat.

AQD, District 26, one and two-thirds points more competitive; and District 28, 2.1 more competitive.

COMMISSIONER MINKOFF: Give us the numbers.

MR. JOHNSON: Sure. They're on the spread sheet. You have them in front of you on the spread sheets.
COMMISSIONER MINKOFF: Oh.

MR. JOHNSON: 28, AQD goes to 9.6 to 40.37 split. Still 19 points, but it is down from 21.

On AQD, District 30, primarily because picking up Republican areas from 26, a little less competitive, four-tenths of a percent less competitive.

Again, Districts 26, one-and-two-thirds points more competitive. District 28, one-and-two-thirds points more competitive. 1.8 more competitive spread registration. Essentially 2.0 in registration in 28 and three-tenths a percent of a point in 30.

CHAIRMAN LYNN: We do need to -- we're coming up on a time we need to take a break. I'd ask Lisa Nance to indulge us. There are two speakers I'd like to take now in deference to their schedules, then we can break, even take a longer break than we normally take at that juncture, then get back to the discussion overall.

Without objection, thank you, Mr. Johnson, we'll hear from Representative Leah Landrum-Taylor followed by Representative Steve May.

Representative Taylor, good to see you again.

MS. LANDRUM-TAYLOR: Thank you, Mr. Chair,
members of the Redistricting Commission. Thank you for allowing me to have the opportunity to give a bit of public testimony here with regard to the redistricting plans.

I'd like to preface, state my understanding, need for clarification. After the meeting today, will we be all done for 2004 or are we going to have some time here, maybe a 30-day marination time, to see, get more public input regarding these maps and have an opportunity so it's not so rushed?

First, can I get an answer to that?

CHAIRMAN LYNN: I can't tell you what we're going to do. I haven't discussed any of that with any member of the Commission. I can only tell you, as was stated earlier, our work today, wherever we wind up, the next meeting will be in August of the Commission. We don't have a time frame between now and then where all the Commissioners are available for a meeting.

So from the position of the Chair, and that position only, I was thinking if we made substantial progress toward a draft solution for 2004 and beyond, what we might do at the end of the session, today -- again, other Commissioners' opinions to the contrary notwithstanding -- that we might vote that as a draft map, put it out for at least 30-day comment, but
really comment until we meet again in August, and then finalize a map for submission for Department of Justice at that time.

We do have other tests that need to be run which won't be run until we get a better handle on the final district configuration. The population deviation issue has to be undertaken subsequent to a draft or near final map being adopted.

Those are sort of the sequential steps. Again, I can't tell you where exactly we'll wind up. That's one possibility.

MS. LANDRUM-TAYLOR: Thank you for that clarification.

I think it's extremely beneficial to allow more opportunity for the public to participate. The reason I say that, I know when you initially started all this, there was opportunity for the public to participate. Information was out there. Schedules were there. Individuals knew about the meetings. They were posted in local newspapers, radio, everywhere where people could find out what is going on. This has unfortunately not been the case.

I've been getting a lot of complaints saying we just didn't know about what was happening the way we did last time with this. That can be something
where I think a little improvement can be made in this instance.

I know, for instance, a final draft and then at that point final stamp on the 2002 plan, just to me there was not enough time or input with that as well. That's why there's so many different concerns, complaints about that, again, which have been brought to my attention.

And also, too, I also have some same concerns that have been addressed, the need to make sure every group is having an opportunity to participate the way that we did it last time.

I think it was a decent process as handled. I'd like to us to continue on to make sure truly it's a public, participatory process with it.

Having to say what community of interest, focusing on the old issue of competitiveness, something we need to stay on track with that and make sure our state is as fair as can be in this instance.

Those are some concerns I wanted to address and have, again, an opportunity for the public to get this information out to them and let them know, have a small series of meetings like last time before the final stamp.

After 2004, I think we'll be back every
two years to do lines. Hope not, that after 2004, that
we should have somewhat of -- something in concrete to
follow.

It's important to us to make sure we get
everyone's input.

CHAIRMAN LYNN: Appreciate your comments.

With respect to the 2002 mapping, that
time frame was dictated by court deadlines dictated by
the court, a process dictated by the court in terms of
our trying get that done so candidates this time around
could have certainty, even though a late date, and
understand where running, where signatures and donations
needed to come.

Clearly we've moved beyond the broad,
general public input phase of this process. In many
cases, what we're dealing with are specific Department
of Justice objections to a map that was submitted. And
we are dealing with specific changes to the map
regarding one or more of the issues under consideration,
competitiveness being chief among them.

We are attempting to get to the place
where our deliberations and our work can be made known
generally and widely. That does not mean the
Commission, necessarily, would have another series of
meetings. However, what would mean all methods of
input, save those public meetings, is available to the public during the period of time between now and August where any individual can write, telephone, get on the website. All those avenues are certainly open. Plus any public comment we'd take in August, as we get to a final determination before we resubmit to the Department of Justice. But the phase we are in is well beyond the series of meetings -- two series of meetings held last year in terms of development of draft maps. I just want to be clear about that.

MS. LANDRUM-TAYLOR: I understand.

After meetings, I think just, again, a good opportunity for maybe not the final stamp on things -- just a little confused if that is going on or not, allow people to have a chance to look at it, advise them of the time schedule, what Department of Justice would be, and powers that be, are deeming what the time frame is. Give people an opportunity to take a look at what is being presented. We know nothing is in the final stage right now but is there room still for any type of a change, if that is something that is necessary. I know in the instances I'm speaking of, there are some changes necessary.

CHAIRMAN LYNN: Appreciate that.

Ms. Taylor, if you would, I don't want to
cut you off. Are you finished with your statement?

Questions, then, if you wouldn't mind.

Mr. Hall.

COMMISSIONER HALL: Thank you. Just a

point, additional point of follow-up. Before I ask, you

appreciate, the court approved maps the end of May. For

your information, those have been on the website over 30
days as of this point.

Regarding the specific district with which

I think you are concerned, we, to my knowledge, we've

received no input on the website or anything relative to

those maps. We'd certainly welcome that.

MS. LANDRUM-TAYLOR: Certainly.

COMMISSIONER HALL: Mr. Pops was here

earlier. Referencing District 16, we asked if he had

any changes. He -- he hadn't met all his constituents

or people he worked with. He didn't have any changes.

I'd like our consultant to zoom in on 16

which you see is the light blue on the map. If you have

any specific feedback, given your experience, position,

regarding necessary or potential issues you -- changes

or issues you may see with this particular district,

we'd welcome those at this time even before we're able

to meet again sometime in August.

You mentioned specific issues. In looking
at that map, we can go to whatever level detail you
prefer, are there specific issues you want to address?

MS. LANDRUM TAYLOR: There was a Coalition
we had initially. At the time District 23, I know
that's still the same map as far as what we'd like to
see within that district, how it relates to communities
of interest and competitiveness as well. That was
something that was submitted. We can resubmit that, if
you need that.

We're talking about what had been
submitted initially. Take a look at that plan again.
Many of the areas still -- actually came out pretty
good. There are some areas of concern as far as how the
district, for instance, little area between 19th Avenue
over on Southern -- goes from 19th to about 23rd, that
area. Here is -- 17, move over -- trying to see
Southern Avenue. I see Broadway, don't see Southern
clearly marked. Here we go.

Right in this area here, there may be a
little bit of concern as far as this area not being
included in the district. And it gave an opportunity
for African Americans to be able to win a seat in
another district, in old 22.

There have been some concerns brought by
some African American entities this may not be the best
plan, to have all that, all African American
congestion packed into one district of 16. That's
one of the concerns brought to our attention.

Again, I can make sure to resubmit the
initial maps that had been given, from the broad
coalition of individuals from the Laveen area, other
individuals we had as part of this to show exactly what
we would like to see in that instance.

As far as internet, I know a lot of my
constituents complained they just cannot get that access
to be able to punch it up; unfortunately, they may not
have it in their homes or access to it. That's why it
makes it difficult to look.

This is why we're having time to study the
issue, study the map, see if there's something that
truly can be workable so people have their
representation. It's very important so we can present
it even in paper form.

If smaller meetings of individuals
throughout District 16, like, come together, a broader
coalition, that would be something useful.

Again, I have to let you know, it's
sometimes very difficult to get that internet access.

So we'll work with that and make sure you
get that plan immediately, again. It's pretty much the
same plan as last time.

COMMISSIONER HALL: Thank you for the input.

I'm sorry for being so dense. Let me see if I understood what I thought I heard you say. Did you say it's your preference instead of having a combined African American population in one district, you are thinking it would be better to divide the African American population in two districts? Currently as the district you see configured on the map, District 16, the total African American percent, voting age percent, is 13.64. Now, from my line of thinking it would seem to give the African American community a significant voice of influence in that district. Am I understanding you correctly to say you think it's better served having that, that population divided in two districts?

MS. LANDRUM TAYLOR: I gave a brief example. It still needs to be looked at, studied, have the opportunity to input.

That has been one concern brought up by different African American organizations, is this the best for this district or is it not. That's what is being looked at right now. We'll definitely have decision made within a week to see is this something acceptable or not. That's why.
COMMISSIONER HALL: We welcome the input.

Thank you.

MS. LANDRUM-TAYLOR: You’ll definitely know in a week is it okay, acceptable or not.

Still other -- again, we want to make sure it's something based on communities of interest.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Representative Landrum-Taylor, good to see you again.

When we looked at District 16 and looked at creating a district, it's obviously one of those the Department of Justice has looked at very carefully and will continue to look at very carefully in whatever new map we send to them.

We looked at District 23, which has been very successful over the years electing African Americans to the Arizona State Legislature. We saw the percent of African American persons in the district was right around 13 percent. And what you see in District 16 is something not too far different from what currently exists in District 23.

What we need to know from the community is does that work from you? Do you want to maintain the same percentage so you maintain the same potential for success you've had in the past or prefer to take the
community and split it between two districts which may enhance the ability -- electability or eliminate it entirely. So we very much would like to hear from you on the issue.

MS. LANDRUM-TAYLOR: Thank you. That would be something extremely helpful to hear from the population affected again, something worked on very hard.

Wanted to make sure today was not the day for final decision, at least we're hoping so.

CHAIRMAN LYNN: Thank you. Appreciate it. Representative May, Steve May.

MR. BARNES: Just got a phone call.

CHAIRMAN LYNN: It's always the case that will happen.

Here is Representative May, the only one sensible enough to dress properly for the weather.

REPRESENTATIVE MAY: Thank you. I got a call you were having a meeting and about to destroy a significant interest in my district.

I'd like to address that.

Paul Barnes addressed the issue between 11 and 15. Paul has been in Arcadia as long I've been alive. When rats invaded Arcadia, everybody called Paul. Now they call about this, Paul is called on this.
Republican, pushing Republican Arcadia into 15 so there's an additional seat. As someone that serves the citizens, has for several years, and hopes to do so in the future, it's a serious mistake hurting citizens we're supposed to serve. What I'd like to ask is that you consider the community of interest in that particular district. Arcadia people really belong with Arcadia north, north central Phoenix, Scottsdale, as opposed to throwing to west central Phoenix, where many never go. Moreover, it's actually a different media market, what you propose doing with District 15.

There are local sections, for example, of the Arizona Republic. Arcadia gets a different section than central Phoenix, west central, gets the same section as Paradise Valley, north Scottsdale. The Tribune, Arcadia, parts of Biltmore, Scottsdale.

There's a lot of significant differences when you consider the community interest perspective. It's a serious issue for us.

I realize the competitiveness issue may be an advantage to my party to sacrifice the Arcadia area to 15, but I don't think it serves well.

CHAIRMAN LYNN: Comments or questions for Representative May?

Mr. Hall.
COMMISSIONER HALL: Representative May, thank you for your comments.

Now, questions about what you had to say.

As you'll notice on districts 14 and 15, given your experience in general area, there also is a proposed test on there regarding those two districts. You'll notice the dark maroon lines represent tests configured from the 2002 interim map. The red in there is a proposed test between 14, 15. I'd be interested in hearing your opinion regarding that test.

REPRESENTATIVE MAY: The question, Mr. Hall, would be of 14, 15, the balance?

COMMISSIONER HALL: Colors show the proposed test. Red, dark maroon lines, are how the lines exist as currently configured under the 2002 map.

REPRESENTATIVE MAY: Is the question what I'd amend or prefer?

COMMISSIONER HALL: I wondered if you have any comment whatsoever on that test.

REPRESENTATIVE MAY: One, divided a neighborhood, as it is, with -- taken, I guess, kept Arcadia intact, part of divided 2002 maps.

My comment would be taking what you will, what currently is in 11, pushing 15, I guess you call it the test, what is community of interest, my folks on
Camelback Mountain and folks at McDowell and I-17.

CHAIRMAN LYNN: I understand your comments for the northern part. The southern part intersects with blue, 14. What you see there is the line which is above the -- runs parallel with the I-10 freeway above it is a trade looked at between Districts 15 and 14. That area has been traded for the area to the east. His comment, his question of you is -- we understand comments on the northern part of the district. I wonder if you can answer the question on this part of the district.

REPRESENTATIVE MAY: I used to live south of I-10, an area called Story. That area, really, in my opinion, should be part of 15. Because if you live -- for example, I-10 divides the Story Historic District. There are A lot of issues with that whole division itself. South of Story Historic District, south additional -- upcoming historic neighborhoods probably stood, which by a community of interest standard would be included 15.

I'd argue the 14 line goes too far north from the perspective of community of interest.

CHAIRMAN LYNN: Are you referring to District 14 goes too far south, the blue border?

REPRESENTATIVE MAY: Yes.
CHAIRMAN LYNN: Go further south.

REPRESENTATIVE MAY: I would, having lived there a couple years, and knowing the community there, I'd move it south.

CHAIRMAN LYNN: Other comments or questions for Representative May?

If not, we thank you very much for coming. Are there other members of the public that wish to be heard?

REPRESENTATIVE MAY: I should ask constituents to be e-mailing, calling, after today, is that their opportunity?

CHAIRMAN LYNN: Clearly we're relatively certain we'll not have a final map to submit to Department of Justice until we do additional testing on population deviation. That testing will take us into the August time frame. Any other comments your constituents or others wish to share with the Commission can be e-mailed, or snail mail, for that matter, to the Commission until August and certainly will be noted and distributed to the Commission.

REPRESENTATIVE MAY: Thank you very much.

CHAIRMAN LYNN: Thank you.

If no other members of the public wish to address us at this time, we'll take a 15-minute break,
without objection.

(Recess taken.)

CHAIRMAN LYNN: The Commission will take their seats.

The Commission will come to order.

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

Mr. Johnson, any further reports or information from NDC?

MR. JOHNSON: I don't have any, Commissioner.

CHAIRMAN LYNN: Ladies and gentlemen, as I survey it, we have several options that are before us under consideration with respect to decisions that have to be made before we can move to adoption or consideration of a draft map. Again, per explanation earlier, at this point, it's only my own point of view whether or not a draft may, per se, is the direction to go, seems in terms of timing it would be a reasonable outcome to have a map that certainly could be viewed and looked at by a variety of groups and individuals for a period of time to be considered in August when we can again convene. Of course, that would give NDC an opportunity to move forward with the population...
adjustment exercise, as well.

I think what we need to do, if we work backwards, Mr. Johnson has the current tests loaded. Why don't we start with Tucson, see if we can't give specific direction there on the Tests 2 and 3 and then move to Phoenix and talk about the additional Phoenix testing, and then any other area of the map you wish to move on, see if we can't coalesce around some ideas.

What is your pleasure with the Tucson map?

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I would like to take a look at a couple things. One, I need some information. Is the maroon line the 2002 court approved plan or --

MR. JOHNSON: Yes.

COMMISSIONER ELDER: We're looking at, I believe, Test 3 right now.

Test 3, I would --

Want to do it by motion?

I would move we accept Test 3 as our -- not adopted plan -- as the recommended plan for review of population deviation.

Is that the way you want the motion worded?

CHAIRMAN LYNN: Well, and you want that as
is or is that with some modification?

COMMISSIONER ELDER: I want to make some modification. Seemed like we needed a motion on the floor or either that or move we accept Test 3 with modification.

CHAIRMAN LYNN: Let's do this, Mr. Elder. I think the original idea is probably easier to follow. Let's have a motion for acceptance of one of the two Tucson maps. Then by amendment we can direct specific changes and include those by amendment in the final vote.

COMMISSIONER ELDER: I move we accept Test 3 as our preliminary plan for testing.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

Now this would be the opportunity to perhaps make some adjustments should those be appropriate.

COMMISSIONER ELDER: Mr. Chairman, in relation to this plan, the attempt to get us down to almost balanced population between three districts appears to have generated some anomalies in communities of interest I'd like to see if we could modify.
I think changes on the west boundary at Stone Avenue are appropriate and don't need to be considered any further in that there's a half-mile area there of zero population. To get across that back and forth doesn't seem to make sense for compactness, community of interest, or anything there. Where I do have concern is the area to the north central along Swan Road and Alvernon Way. We're dividing up some fairly strong communities and homeowners associations.

Is the pointer still available?

CHAIRMAN LYNN: The pointer is still there with Mr. Johnson.

COMMISSIONER ELDER: I said in prior discussion, these areas right here, Alvernon Way is a road right along the west side of this subdivision. And for many, many years, that was the limit of -- I believe whose properties was to the west, Coronado Foothills. It's been developed somewhat. The community has pretty much set itself aside, this section right here, has both a strong homeowners association. If they need support for activities, they are very cohesive.

I'd like to see if we can get this population here whole. I don't have a strong feeling. My sense is we take the population here, in the Coronado Foothills Estate area, and bring them back into 26 and
take population in this area, which is the Skyline, Bel
Air Homeowners Association, and take what was in 26 and
put it into 30. It may give us some imbalance.

I don't think the imbalance in population
deviation is going to be significant. I think it does
more harm or would be more beneficial to keep these
communities together. If too far out, go down to the
Harrison and Speedway intersection, roughly on the east
side. If the population of those two subdivisions was
too far out of balance, then I would look at putting
population from District 28, which is the light-colored
area, and maybe start with south of Speedway, put that
back into 30 to bring population balance back into 30
and keep working our way around until we got as good
balance as we could, say, as Tanque Verde Road. I think
that would still benefit the competitiveness.

The northern, or north central, is apples
apples, no change to demographics there.

Here, if we took Republicans out of 30 and
brought into 28, 10th of a percentage, going the right
direction, won't make competitiveness.

Fairly neutral, the changes I'm speaking
to.

I think if we give Mr. Johnson latitude
with some population deviation in areas, not make all
three districts exactly the same, it will benefit the
southern region.

CHAIRMAN LYNN: Let me see if I understand
the discussion. I take that, that may turn into an
amendment. I want to be clear, particularly with
Mr. Johnson, that he understands it.

The western alignment of proposed District
26 around the Stone corridor and then down south should
be left as is. We're trying to square up the division
between District 26 and 30 using essentially Swan as the
divider. And the squaring up would be done by trading
some population north and west of the Swan-Skyline
intersection for the population that is between Sunrise
and Skyline to the east of Swan, to the extent that that
evens out. Should that not even out, we go east to
Speedway and Harrison and a little south for population
to move into the district to even up.

That's the way I understood your --

COMMISSIONER ELDER: Yes. What I was
looking for in context was that right now Mr. Johnson
has gone in, I have all three districts within two
people of each other. If it turns out 300 difference,
it's not a big deal, in my mind, in relation to the
effect the division has right now.

I'd like to add into the amendment, as we
get to it, that we allow for a minor deviation in population. We're not talking two percent. We're talking four percent, talking 10 percent.

CHAIRMAN LYNN: Are you offering that as an amendment?

COMMISSIONER ELDER: If Lisa Nance can read back the amendment, I'm not sure she can -- I'll not make her attempt. I'll make an amendment.

I'd like to propose an amendment that we use Sunrise -- excuse me, we use Swan Road as the north-south divider between District 26 and District 30 north of Sunrise and that if that produces excessive population deviation, that we then go to the area at roughly Harrison and Speedway and we look at the trades to bring the population up or down in 30 by adding or subtracting population, at that point.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: Made a motion, second?

CHAIRMAN LYNN: Not the main motion. The adjustment, like all adjustments, are to have equal weight.

Is there a second to the amendment?

COMMISSIONER HALL: Second.
CHAIRMAN LYNN: Discussion on the amendment.

Question, first, then Mr. Huntwork.

Ms. Minkoff.

COMMISSIONER MINKOFF: I'm trying to understand what you are proposing. Looking at 14, gray areas up above, Swan straight across, gray area of Swan, move 30 further north going into 26?

COMMISSIONER ELDER: That is correct.

CHAIRMAN LYNN: The microphone is working.

Congratulations.

Mr. Huntwork.

COMMISSIONER HUNTWORK: In light of earlier discussion, I'd like to ask why not consider Oracle as the dividing line for 26, 28? That really would allow us to balance population within a few hundred people. Fix population into 28, really can't -- there's restricted ability to equalize population between 26 and 30. Started out with equal population and --

COMMISSIONER ELDER: Mr. Huntwork, my intent was, by the third portion, or part of that amendment, is we'd then be able to affect 28 to add or subtract from 30, in lower -- at the Harrison Road.

COMMISSIONER HUNTWORK: Haven't added
anything into 28, wondering if you had objection to
freeing up the exact western boundary of 28.

COMMISSIONER ELDER: Knowing that area
there, the problem is we have the racetrack, Tucson
Mall, businesses -- I think Doug brought up earlier --

COMMISSIONER HUNTWORK: 1,000, 1,500
people between Oracle and Stone.

CHAIRMAN LYNN: In the Census tract we
looked at earlier.

COMMISSIONER ELDER: Oh, including south
of Roger Road there.

COMMISSIONER HUNTWORK: Right.

COMMISSIONER ELDER: Probably from a
neighborhood, schools, and that type of thing there,
Oracle Road is a good boundary. Maybe we open it up to
that to give us the plus and minus in 28. Because
cohesiveness of neighborhoods to the east is -- of
Oracle Road probably do go toward Stone, First Avenue,
and the school district, that direction. Areas west of
Oracle probably gravitate more to Flowing Wells School
District. And there's a good buffer all way along
Oracle of commercial, I don't know, to communities on
the east and west that really are that well-formed where
I think they gravitate each separate way.

Yes. Oracle is fine.
CHAIRMAN LYNN: Question here. I'll ask for a second if you want to incorporate that change in the motion.

The concern is, one, what we're trying to achieve. I want to be clear, the current alignment on the west side of this district, District 26, moves well into the area of competitiveness. The concern would be most of the voters you'd move out of the district move the line from Stone west to Oracle is more heavily Democratic than would be the case, adjustments on the east side.

COMMISSIONER ELDER: That is correct.

CHAIRMAN LYNN: Clearly. I just want to be clear about that on the record. But if you still want to do it, I'll ask if everyone is amenable to the amendment.

COMMISSIONER ELDER: Well, Mr. Chairman, again, I think my preference is the east side shift because it doesn't change the balance in 28.

CHAIRMAN LYNN: Then you're not willing to accommodate the change in line on the west side but rather are looking at the population deviation to be balanced on the east?

COMMISSIONER ELDER: Can we take them as separate?
CHAIRMAN LYNN: Absolutely.

COMMISSIONER ELDER: I think the way it is worded now best fits what I want to discuss in that area with Mr. Huntwork's idea there as an option.

Before, when we were giving Doug the direction of, you know, trying to keep this barrier, the first road off the map goes across the river, and bridge across Tanque Verde, try to keep as whole as possible. Also went through the exercise, had green, red, green, blue, gain Republican here, balance to get competitive here. If we take a Democratic, probably majority over here out, we've not gained anything in competitiveness on the east. My sense is I think this, that change on east will not change what we did last week. The change on the west may. I don't know if I use my personal standpoint where I weight different things, communities of interest, to geography, to the way things function, to minorities. And those are not in my order of hierarchy.

I think that the changes that we're making here are beneficial. It may be different Commissioners perception on how to rank things, that's what is the suggestion.

CHAIRMAN LYNN: The suggestion by Mr. Huntwork is not included at this time. It could be
separately.

Discussion on the amendment?

Ms. Minkoff.

COMMISSIONER MINKOFF: I have further questions. Perhaps one or both can help me. That's in terms of switch proposing up north, do you know, or Doug, weigh in here as well, whether that is going to put population more out of balance or if it's a relatively even trade? If not an even trade, which part has the larger population.

MR. JOHNSON: If I may, Mr. Chairman, Commissioner, it will put it out of balance. The area west of Swan Road, talking about moving back in 26 larger population than the area east of Swan Road. I don't know until --

COMMISSIONER MINKOFF: Significant or a couple hundred people?

MR. JOHNSON: It's, I think, in the hundreds.

CHAIRMAN LYNN: Option to balance.

COMMISSIONER ELMER: The intent, quickly adding numbers, it may be something in the range of 800 to 500. If it's 200 out, let's nothing to the effort of trying to divide other areas. We've seen the work. If it turns out it's a thousand, yeah, we have to make a
change. I don't want to leave that kind of deviation out.

CHAIRMAN LYNN: Discussion on the amendment?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, that was -- I want to underscore what the Commissioner, underscore what was just said. I don't think we can allow significant population deviations in order to achieve competitiveness. Equal population is one neutral criteria we cannot significantly impair in order to achieve competitiveness. I think a few hundred is not significant. 1,000 people I think is significant. I need to know how big that deviation is before I can really stop at this point of the discussion.

CHAIRMAN LYNN: Here again, we're not -- if we order that test, there's a couple options. We can take a break and Mr. Johnson, do you have an estimate how long it would take you to conduct such a test to give us an idea what the new district would look like, population involved?

MR. JOHNSON: I'm not sure, betting on the side --

COMMISSIONER ELDER: Scissors, rock, paper.
MR. JOHNSON: I could give you a close estimate in probably 45 minutes, 30 minutes. I wouldn't have analyzed it down, can I -- can get it to one, a good estimate.

CHAIRMAN LYNN: On the amendment, further discussion?

Mr. Hall.

COMMISSIONER HALL: I think it's clear on the test if able to achieve excellent results, perfect population balance, I'm confident it won't be an issue of population deviation. I speak in favor of the amendment, have important goals, maintained communities of interest. Districts are more compact. We've favored competitiveness. This is a clear example of where we've fully complied with all the criteria of Proposition 106.

CHAIRMAN LYNN: Further discussion on the amendment, amendment only?

All in favor of the amendment?

Mr. Huntwork?

COMMISSIONER HUNTWORK: May I ask a question? Is this amendment, in effect, subject to ascertaining there's not significant population deviation?

CHAIRMAN LYNN: I think we're ordering a test.
Commissioner Elder: 45-minute test.

Chairman Lynn: 45-minute test. Then we should have a pretty good idea what the population might be. If it presents a problem, we can revisit.

Commissioner Huntwork: Fine.

Chairman Lynn: All in favor of the amendment, signify "Aye."

Commissioner Elder: "Aye."

Commissioner Minkoff: "Aye."

Commissioner Hall: "Aye."

Commissioner Huntwork: "Aye."

Chairman Lynn: Chair votes "Aye."

Motion carries unanimously.

The motion as amended, a motion to accept Tucson with the amendment that we just voted on and ask Mr. Johnson to go ahead with that test as amended and give us an opportunity to review the figures, at least in a preliminary sense, results of the changes we are ordering.

Is there further discussion on the motion?

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

Commissioner Elder: "Aye."

Commissioner Minkoff: "Aye."

Commissioner Hall: "Aye."

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

CHAIRMAN LYNN: Chair votes "Aye."

It is so ordered.

Go to the Phoenix area.

I don't believe the subject is cleared up, direct every test outstanding. I don't want to leave anything unattended. I want to make sure we give you complete instruction when we decide to break.

Is there a motion with respect to tests involving 11 and 15?

Mr. Hall?

COMMISSIONER HALL: Mr. Chairman, I think whenever we make a decision, vote on a particular motion, we have an opportunity to reflect and have the opportunity to either -- I had the opportunity to fly through the smoke and land here this morning. In so doing, I took an aerial view of the valley. And it was rather interesting to do so reflecting on the fact we'd be meeting, trying to draw imaginary lines where I know they exist. I'd like to reiterate, flying over certain mountain ranges, I'm convinced the vote last week regarding a test of District 6 was the correct vote.

Having said that, I also sat and listened to testimony today throughout various tests and have, frankly, been impressed with the collective wisdom of this Commission.

ATWOOD REPORTING SERVICE - LISA A. NANCE, RPR, CCR Phoenix, Arizona
of our previous drawing of lines. I think it was
attested to this morning with respect to public
testimony we heard.

I think, in my opinion, and I'm not
necessarily making a motion, just getting discussion
started, I like Districts 14, 15, and 11 as they
previously existed. I throw that out there to hear
additional comment on that from my fellow Commissioners.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I
just want to speak about changes to 14, 15. I think
these are two separate changes. I think each one is
independent of the other one. I think we ought to
discuss them individually.

I'm in favor of that change. It looks
really weird, because it creates a very long foot on the
district. But we've heard from the people in the
Historic Districts that Districts 14 and 15 in the
interim map don't work. As I think about it, and I
drive through that area all the time as I go downtown,
it really doesn't work. A significant number of
Historic Districts are south of the dividing line that
currently separates 14 and 15.

If we want to be sensitive -- if we want
to be sensitive to the Historic District AUR, then we
need to make that change.

You heard from Representative May earlier this morning or this afternoon after explained what we were asking about that our interim plan really doesn't recognize the Historic Districts. The change has no other impact on 14 and 15 in terms of demographics, in terms of Voting Rights Act implications. The only downside to it is it does create a narrow section of District 14 going out to the east. That is the disadvantage. But weighed against the greater advantage of uniting an AUR, from whom we heard significant testimony, I think this particular change makes sense. If you like, I'd be happy to put that in the form of a motion.

CHAIRMAN LYNN: I'd be happy to have a motion on either of these. They are indeed separate. And we should deal with them separately.

So the record is clear, we're dealing with a specific, individual change, whether we accept it or not, and move forward.

I'd be more than happy to take that from you.

COMMISSIONER MINKOFF: I'd like to move we incorporate the changes between Districts 14 and 15 that unify as much as possible the Historic District AUR in
District 15 and incorporate that on the map for further
testing.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, I think

that -- I think this is a good change that we have the
opportunity to address for a number of reasons. I do
think it's important as we make changes and work through
these final sets of changes that we reflect on what has
happened. We went through practically a year working
with material and came to well-advised decisions for all
the right reasons. And only a couple of things
happened. They are very significant, but they are what
I think we need to deal with.

Number one, we had -- we had some
incorrect data. And we definitely needed to correct
data bases and see whether they made significant
differences to the conclusions we'd come to,
particularly with respect to competitiveness. Now that
we've seen the results of that information, it really
pretty much verified the decisions that we made
originally. Districts we thought were competitive
pretty much remained competitive, might have even been a little more competitive, certainly were not significantly hurt by these changes.

The second thing that is very significant is, of course, the Justice Department disapproved some of our districts. And we were obliged to increase minority voting strength in three of five districts in the State of Arizona.

In the interim plan we did that, and it left us with some other issues that we, I think, needed to go back and look at, how did those changes affect communities of interest, how did they affect population balance throughout the state, and to some extent, in these districts that were left over, how did they affect compactness of the districts, what were originally some reasonably compact districts ended up all being very oddly shaped.

Before we're done, I think we need to at least address those points. Just getting down to it here. This is one of the districts affected by the Justice Department disapproval. It's an area that we must, have no choice but to address. We can't address it without affecting the rest of the map and without throwing open everything else we did to complete review and looking at it fresh, seems to be what some people,
at least in my opinion, have misinterpreted this proceeding as being about.

With those limitations, and for those reasons, I think I enthusiastically support correcting this district, lines between these two districts directly affected by Department of Justice action.

CHAIRMAN LYNN: Further discussion on the motion?

COMMISSIONER ELDER: Mr. Chairman, I'd like to ask a question of my Phoenix compatriots. Testimony we had this morning concerning Arcadia, is the interface between 14 and 15 in play in the discussions of Arcadia or is Arcadia totally within 15?

COMMISSIONER MINKOFF: It Isn't involved in this at all. Arcadia is primarily the gray north of the existing dividing line between 15 and 11. It's a totally separate issue.

COMMISSIONER ELDER: What I'm seeing here, my perspective is the configuration of 14 being modified would not affect anything beneficial to the Historic Districts and, call it, the east central valley. And, therefore, I think we're probably there. It's a good solution.

MR. JOHNSON: Mr. Chairman, if I might ask one question. We had the initial proposal from the
Historic Districts, the rectangular area for a neck, then initial modification for that, Westwood, to try for a small neck in 15. I wanted to clarify both of those are historical district tests.

COMMISSIONER MINKOFF: As you have it on the map.

CHAIRMAN LYNN: I took it that the motion incorporated all of those changes.

MR. JOHNSON: Okay. Thank you.

CHAIRMAN LYNN: Further discussion on the motion?

If not, I need, at least for the record, to indicate I understand and appreciate the concept of historic neighborhoods. My experience is historic neighborhoods may be very different in Phoenix than Tucson. Historic neighborhoods tend to feel very closely aligned to themselves, that is to say to each neighborhood. But it's less the case that they align in a coalesced fashion. I've never been a particular fan of this AUR. That doesn't mean anything. It is an AUR. Substantial testimony supports it, and there's been additional testimony as late as last meeting to support it. I think in this instance I'm not happy with the alignment of 14, a less regular shape, fairly extensive arm going to the east. I understand it really doesn't
change in a significantly negative way the kind of things we're trying to achieve in 13, 14. For those reasons, just on the record, I would support the motion; but I guess for reasons other than those stated, and I guess I want it on the record, the fact I'm not convinced that every historic neighborhood needs to be together for any particular reason. I don't think that is something that is high on my priority list. But I certainly am willing to defer to my colleagues from Phoenix who thought that situation politically otherwise, political in the best sense of the word, not the worst sense, in terms of how neighborhoods operate together, how they coalesce on issues, better than I. I'm happy to support it. It's not a hilt I want to die on.

Ms. Minkoff.

COMMISSIONER MINKOFF: To clarify a couple points. I don't know it's unique to Phoenix. These Historic Districts really do work together. Many cases, in Story, Willo neighborhood, whatever, most just driving through know they're in one of the inner city Historic Districts and are really not aware of the boundaries between districts. They have an Association of Historic Districts that is extremely active. Because some Historic Districts are actually quite small,
Mr. Huntwork lives in the middle of one, a few blocks square, Alvarado, one of oldest, most beautiful Historic Districts in the city, they work together because many are too small to do anything on their own.

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: I wanted to say, it's truly not a political issue in the sense Republican versus Democrat. It's sort of everybody, regardless of political party, wants to preserve their neighborhood and make it as nice as possible and preserve what is unique about it. In the midst of a city as big as Phoenix, and a metropolitan area, and as big as the valley, these historic neighborhoods are a really small component in the sense they very strongly have to work together in order to have any meaningful voice at all. I think that's what it's all about.

CHAIRMAN LYNN: Discussion on the motion? If not, all in favor of the motion signify "Aye."

"Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.

Is there an affirmative motion on 11 and

15, now understanding District 15, for our purposes, is

configured the way that is essentially shown in terms of

the trade with 14? We've voted on that.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I

would like to make the motion we proceed with the

realignment between 11 and 15 as depicted here. I'll

explain the reasons, if anybody seconds it.

CHAIRMAN LYNN: No problem.

I want to be sure everybody is clear. In

this instance, Mr. Johnson, correct me if wrong, the

motion configuring 11 and 15 is with respect to color

rather than other lines on the map. Mr. Huntwork's

motion, the result of the motion would be, again, an

interesting -- well, doesn't quite match, but District

11, the yellow, pale yellow district, would be

configured as is shown here in yellow. And that would

leave District 15 as configured in the darker tan or

taupe.

MR. JOHNSON: Right.

CHAIRMAN LYNN: Is that your

understanding?
MR. JOHNSON: Yes.

CHAIRMAN LYNN: Is there a second to Mr. Huntwork's motion?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Moved and seconded.

Discussion on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: I have three reasons I want to support this motion. Firstly, again, District 15 was one impacted by the Justice Department action leaving it as a very spread-out and noncompact district. This allows us to make District 15 more compact without really making District 11 less compact. Secondly, in the middle of District 11, as originally proposed, there were some geographical features. The Arcadia neighborhood north of Camelback Road really bumps into Camelback Mountain. This alignment, to some extent, at least, is closer to recognizing that natural boundary line in the district. It doesn't match it perfectly, but it does pick up in the motion those geological features and creates a north-south dividing line through District 11. And the third reason is competitiveness. This makes District 15 a competitive district.

What it does with the negative is it does...
have a somewhat negative impact on communities of interest. I think that there are lots of folks in what would be District 15 in this configuration that would argue strenuously they do have a community of interest with Arcadia. I do, however, recognize most people in Arcadia would feel their community of interest was more with the more affluent areas that were previously -- were identified by some of the speakers here today.

So, thank you.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I think I generally stated what I think my opinion was on this particular test earlier. I just think I'm trying to be consistent, my thought on those issues, for the same reason I voted against a proposed test and change of District 6 to make it more competitive, because of the impact and significant detriment on communities of interest.

As we heard this morning and for reasons with which I agree, this change has significant impact and significant detriment on communities of interest also. I think it is significant. I recommend we leave 15, 11, as they were.

CHAIRMAN LYNN: Mr. Elder, Ms. Minkoff.

COMMISSIONER ELDER: As they were, the
COMMISSIONER MINKOFF: Had a change.
COMMISSIONER ELDER: He said, correct,
maroon line.
COMMISSIONER HALL: Maroon line between 11, 15.
COMMISSIONER ELDER: That may lead me.
I seconded primarily because I wanted
discussion on this district. We heard public testimony
from Glendale.
Mr. Johnson, could you turn Glendale on?
COMMISSIONER MINKOFF: It's not here.
COMMISSIONER ELDER: I want to see where
it is in relation to the western boundary.
MR. JOHNSON: The purple line, this purple
line. It doesn't affect this.
COMMISSIONER ELDER: Looking to see if any
interface, which would open a whole other can of worms,
potential for taking part of the northwest corner of 14,
trading for the southeast corner, give more
representation to the Town of Glendale. I would like to
have looked at that. It does not look like that's
possible.
No further comments on this one.
Thank you.
CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you, Mr. Chairman.

I expected this motion would be proposed today. As I was thinking about it before coming here I decided, prior to coming here, that I would support the motion, because I felt that it was consistent with my strong emphasis on competitive districts. I was also going to suggest in order to be consistent my four fellow Commissioners to vote against it.

COMMISSIONER HALL: I am.

COMMISSIONER MINKOFF: It does seriously damage a community of interest on which we've had significant testimony, not just testimony this morning but earlier testimony from representatives of the Arcadia neighborhood telling us the type district they wanted to be in. I was prepared to vote for it until I came today. Quite honestly, public testimony earlier today changed my mind. We have put together Moon Valley, Paradise Valley, and Carefree. We heard loud and clear from Arcadia they don't want to be in 15. I do favor District 15. I originally made the motion to follow that. We need to listen to what people are telling us. For that reason, I'll vote against it.

CHAIRMAN LYNN: Further discussion on the
motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Just on issues of consistency, the way I analyze them, so they are clear in the record, several criteria are in play in this which compete against each other, and they do not all add up to the same thing. Compactness and geological features support this change. I'm acknowledging community of interest, standing alone, seems to oppose it. I do feel that it is important that -- you did hear clear testimony today about how some people in Arcadia feel about this. It's very likely to be the general feeling in Arcadia. But this is the kind of change that almost goes against public input rather than take what a handful of people say.

Previous to this, I think it's important to understand, that Arcadia had said they wanted to stay together. I think there was only one real spokesperson for Arcadia, I can recall. He made the same comment a number of times, had to do with keeping Arcadia together, rather than, as I recall, placing it with any other particular community. And the change proposed does keep Arcadia together. It does not take arbitrary population out of the middle of something else and move it. It east keeps that neighborhood together.
Thank you.

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, as we talk about different competing criteria within the body of the Constitution, I am constantly reminding myself of the fact our excellent consultants, NDC, throughout the process, annotated and prioritized the importance of these different criteria in the public's eyes based upon thousands of hours of public testimony. You'll recall both written and verbal input from the people of the state, Arizona's minds and eyes, communities of interest was number one. Therefore, that's why I feel like -- that's why I voted the way I would on 6. That's why I feel I'm opposed to this motion.

I think the wishes we heard, together with public testimony, will be additionally forthcoming in abundance via e-mail and other sources. My sense is District 11 and 15 are more consistent with communities of interest as originally portrayed.

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I have
a question for Mr. Johnson. The motion we have, colored
boundaries as opposed to maroon boundary, what are the
competitive numbers on 15 and 11?

MR. JOHNSON: Under this test, in District
11, AQD spread 16.44, that favors Republican. 15, 4.61
in favor of Democrats. In terms of Judge It, it's
District 11 is exactly 10 percent Republican advantage
and District 15 is a 2.8 percent Democratic advantage.

COMMISSIONER ELDER: And what were the
numbers on the original DOJ, court-approved?

15, 11, I see up there in maroon.

MR. JOHNSON: District 11, there is 11.4
Judge It spread; and District 15, 7.4 percent Judge It
spread. AQD and registration, District 11 has 18.6
percent AQD spread and 22.3 percent registration spread
among active voters. And 15 is 12.7 percent AQD spread
and 9.05 percent Democratic registration advantage among
active voters.

COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: Further discussion on the
motion?

Mr. Hall.

COMMISSIONER HALL: To emphasize a point,
11 -- 15, under the current '02 plan, 7.4 Judge It, just
four-tenths out of competitive, certainly within what we

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voted before, that's on a continuum. In my opinion, the
districts are competitive.

CHAIRMAN LYNN: Further discussion on the
motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Opposed, "No."

COMMISSIONER MINKOFF: "No."

COMMISSIONER HALL: "No."

CHAIRMAN LYNN: Chair votes "No."

Motion fails.

Is there --

I think we should have an affirmative
motion with respect to 11, 15, since that was to do
something else that did not pass.

COMMISSIONER HALL: Mr. Chairman, I make a
motion we proceed with our map utilizing Districts 11
and 15 as they are currently configured under the 2002
court-approved plan.

CHAIRMAN LYNN: With the previous
adjustment between 15 and 14?

COMMISSIONER HALL: Correct. I was
speaking to the northern boundary. Thank you.
CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion?

All favor of the motion, signify "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries and is so ordered.

Are there other, Mr. Johnson, are there other tests outstanding for which we have not given you direction with respect to any of the proposed changes to districts from the interim map?

MR. JOHNSON: The only other change, changes in La Paz, Parker and Quartzsite. The Commission voted to continue a test. I don't know if that is, in your view, still stands or --

CHAIRMAN LYNN: I think we're looking for both population and --

Did you do any further testing or any consultants do further testing on that?

MR. JOHNSON: It's still the configured exact same way as when you voted last week.

CHAIRMAN LYNN: Mr. Hall.
COMMISSIONER HALL: I'd say, if we need a motion --

CHAIRMAN LYNN: I'm not sure. Do you feel you need -- are you clear on the direction on where to go in La Paz, Yuma County, at this point?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: I think we made that change to use the irregular border on the southern portion of that district.

MR. JOHNSON: Correct.

CHAIRMAN LYNN: It would seem to me it might be an appropriate time, even early for dinner. Maybe take a longer break insofar as Mr. Johnson might be able to further the test in Tucson and come back to us with a result we can then incorporate.

I get the sense we're fairly close to a determination statewide as to map we'd like to put out, at least in draft form, over this next month plus period of time.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, just looking at information Mr. Johnson had on the border earlier, it looked to me we could do this in five minutes, not 45 minutes. Specific population numbers in

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each of those areas, one could simply add up, in a relatively small number of precincts, if not mistaken, 10 precincts in terms of area, or thereabouts.

CHAIRMAN LYNN: Considering the instruction to Mr. Johnson, no change in the western boundary, interface 26, 28, basically squaring up the border on Swan in the north, adjusting for population east --

Mr. Huntwork may be correct. I'm wondering if we took a 15-minute break if you might show us what population adjustments might look like by adding up those numbers.

MR. JOHNSON: The key to tests, if it goes slowly, I'm not sure it can be done, when giving time estimates. Blocks move slightly, 10 minutes.

CHAIRMAN LYNN: It's not parimutuel wagering. We'll take a brief break, see how far you get. We'll come back in 15 minutes, get that answer. We're close to a determination on that test. That would give us an integrated whole with which we could discuss moving forward.

MR. JOHNSON: Makes sense. As long as you are aware something could go wrong and I'll tell you I have to look more.

CHAIRMAN LYNN: If we're not aware now, we
should be, something could go wrong.

COMMISSIONER HUNTWORK: We'll see.

CHAIRMAN LYNN: We're clearly aware of that.

Let's at least test that theory and take a 15-minute break. And we'll reconvene sooner, if you are finished.

Stand in recess.

(Recess taken.)

CHAIRMAN LYNN: The Commission will come to order.

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

Mr. Johnson, illuminate.

MR. JOHNSON: Mr. Chairman, I tested moving the area west of Swan into District 26 and the area east of Swan into District 30. The one complication encountered is the block checkered on the screen there actually extends across Swan. This is an area, further north edge to development, the East Swan area, Oakmont, West Swan, it's the area north of Coronado. That spot, it's not possible to divide right on Swan. I left this area in District 30 because the majority of the area seems to be in 30. Obviously I can't tell what the population is in that. The result
of that is the population in District 26 goes down slightly.

We did have 0.64 underpopulation before this test. This takes us to 0.85 in District 26. District 30, we also had 0.64 percent underpopulation. This takes us to a 0.43 underpopulation, as we move a small number of people net from 26 to 30.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: How many people in that indivisible district are affected if you put it in 26 instead 30?

MR. JOHNSON: 322, actually balance deviations more between the two, 0.8 in 26 and 0.6 in 30.

CHAIRMAN LYNN: Doug, would you highlight the entire district so that --

MR. JOHNSON: The difficulty is the portion of that district that is east of Swan.

COMMISSIONER HUNTWORK: It appears to me, if all were consolidated in 26, it's more compact, more compact than the finger into 26.

COMMISSIONER MINKOFF: Then 30.

COMMISSIONER HUNTWORK: No. All the gray line.

CHAIRMAN LYNN: To the extent any
population portion Census block comes south as a finger, what you are doing is splitting that neighborhood in a way it shouldn't be split. The only way to assure, unless by further investigation, is to get a split, understand there are no folks living there and it's not developable. The only way to guard against that is to take the district east to be sure the district stays intact. Swan is the dividing line. There's no question there.

COMMISSIONER MINKOFF: Is there something there or --

CHAIRMAN LYNN: Might be. Essentially at the north or entrance to Skyline Country Club.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, the finger that goes from the entry at the bottom end is the swimming pool, recreation area for a townhome. All that area along the west, or road east Swan Road, both sides of the road are high density townhouses, one row of townhouses the other district, the other row of townhouses, recreation center. Same thing along Oakmont. Oakmont, balance that side, four- to eight-acre type parcels inside the Country Club.

The area, if we go to the west, there's one road and it's double loaded with eight acre,
probably, residence sites there. And the area to the
north is national forest.

My sense is we'd be better served in
keeping it with the east. It's still well under one
percent deviation. And I think communities of interest
and the way they function together is probably more
appropriate this way.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I make a
motion we adopt these changes, the southern portion
changes, into our developing map.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

COMMISSIONER MINKOFF: I have a question.

Does that include putting that Census block in District
30?

COMMISSIONER ELDER: Yes.

COMMISSIONER HALL: You are saying like he
has it now?

COMMISSIONER MINKOFF: Right now,
crosshatched.

COMMISSIONER HALL: Like that.

COMMISSIONER MINKOFF: Yes.
COMMISSIONER HALL: As he tested it.

COMMISSIONER MINKOFF: Fine.

CHAIRMAN LYNN: Discussion on the motion?

MR. JOHNSON: Mr. Chair, if I make one note. I did look at the other area down to the south by Speedway to see if that would bring the two districts closer together. And actually making those changes would have put the districts more out of balance. So I didn't make --

COMMISSIONER ELDER: Irrespective, add to or subtracted to?

MR. JOHNSON: Moving the area south of Speedway into 30. Could be moving more 30 to 28 to balance a bit.

CHAIRMAN LYNN: Balance 28 as configured.

MR. JOHNSON: 0.64 underpopulated.

CHAIRMAN LYNN: Under.

All right. Discussion on the motion?

All in favor, signify "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.
It is so ordered.

Are there -- let me do this a couple ways.

First of all, we're, I believed, at, I believe, a summary position on a map that could be put out in draft form, that is to say by either accepting or rejecting a number of tests that have been run and discussed, we've come to a position, we've dealt with the area of Quartzsite, Maricopa County, Pima County, and the balance of the map would be as is represented in the interim map, 2002 map, or court-approved map, whichever your appellation, preference is, but that particular map.

Is there any other instruction to NDC that we would like to put on the record before our next meeting?

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I think I want to go through this map as we've got it configured now to see where we're at.

One of the other issues I think we need to take a look at, we've had three, four different days of testimony from Mayor Donaldson and attorneys, et al., concerning the Flagstaff plan. Today we received a digital data base. I don't really have any numbers to assess it or evaluate it. What I'd like to propose,
whether a motion for Mr. Johnson to take a look at the
plan and report back to us in our August meeting, or
whether it's just a recommendation, if we do it that
way, fine. I'd like to at least take a look at it, see
what the impacts and effect are and how it may fit in.
CHAIRMAN LYNN: I'll take that as a
motion. I think it's worth putting on the record.
Is there a second to the motion?
COMMISSIONER MINKOFF: A motion just to
deal with the Flagstaff plan?
CHAIRMAN LYNN: As I understood it,
dealing with Flagstaff's Preferred Plan A, B 2 we
received today in electronic form.
COMMISSIONER MINKOFF: What he's asking --
CHAIRMAN LYNN: Asking Mr. Johnson, as I
understand, Mr. Elder, correct me if wrong, to analyze
those two proposals with respect to various impacts
those changes might have on existing districts and what
implications those changes represent.
COMMISSIONER ELDER: I guess further, I'd
like it somewhat in the same format as the other data
bases, here's how it compares, not trying to do an
apples oranges type thing.
COMMISSIONER MINKOFF: I'll second that.
CHAIRMAN LYNN: Thank you.
Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, that test, proposal, while interesting, is not significantly different from proposals we looked at and considered last summer and fall.

My own feeling about where we are and what we're doing at this point, I don't feel that we are taking a de novo look at a situation. We've had some specific issues we needed to address, including impact of the Justice Department action, including the impact, if any, of the data that was determined to be incorrect. We have looked at that. None of it really had any significant impact. In my view, decisions we made in Districts 1, 2, 5, and surrounding districts, we made numerous other important detailed, meticulous decisions about communities of interest throughout the region and throughout the state, many of which are impacted by this as it works its way down around the southern part of the state and back into Western Maricopa County. I'm not in favor of reconsidering all of those decisions. Therefore, I speak against the motion.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, when

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we created District 2, as you recall, it was at the end
of the process. It's current configuration is nothing
that really appeared in this way in any of the other
drafts. Mayor Donaldson was at our meetings the week
that we adopted the map that we sent to the Department
of Justice -- actually, not when actually adopted, but
when we adopted it in concept prior to adjustments. He
was not happy. Many of us were not happy with this
district. We said at the time, "This is the only way we
can see to make the rest of the map work. If you can
show us another way, please do so." Mayor Donaldson
came back to the first of what I'll call the latest
series of meetings we've been having since the court
approved our interim plan and asked us to please do
something different with Flagstaff, this district
doesn't work. We said the same thing, "We tried. We
don't know how to do it. If you propose something to
us, we'll take a look at it." They came back with an
initial proposal. And questions were raised about
voting rights districts that might have been
compromised. They recognized that. They came back
again and today they came back again.

I think we have an obligation to at least
take a look at this. Otherwise, what we should have
said the first time they stood up is we don't want to
make any changes. Don't bother us.

I don't know if their plan works better than our current plan or not. I'm not sure it does. I am sure we owe them a careful look at the plan.

I'm much more concerned about getting it right than doing it quick. I believe we have an obligation to at least look at the plan, see if it works. If it doesn't work, we already have District 2 approved by the Department of Justice and can move on with that district. If there's a way we can accommodate the Native American majority in that district and also accommodate the City of Flagstaff, I think we ought to take a look at it.

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: I apologize. I just want to say for a record we did take a look at it. The essential issues raised by this proposal are no different than the ones looked at last fall. Essentially involves moving two Apache tribes out of District 5 into a district with the Navajos, raises the whole question of what to do with EACO, and what the appropriate balance of Native American population is in a district. It raises the question of causing the
Apache tribes to lose influence which they obviously do have in highly competitive District 5 as it currently stands.

Your testimony makes no sense at all in terms of how Apache tribes have no influence in District 5, one of the most competitive districts in the state. One obviously will be swayed by the -- how much turnout there is and how voters vote on those two reservations. Those are all issues we did look at very closely for differences between this plan and that plan 4H with the various developments and permutations of it which don't affect any of those policy decisions we made last fall. Therefore, for the record, we did look at these issues very carefully.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman.

I think my intent is I think we do owe it a look. If I was to go through my memory bank as to what the AURs were that would be affected, I don't think they come out on top of that. If we take a look at the edges, I don't think -- take a look, the mantra can't get there through here, Camp Verde along with the river, doesn't make for a very good district to campaign in as well as doesn't make a very good district as far as how
the social aspects are of it, if you call it the rim
district. So I think there's a lot of negatives. But I
also believe that we probably need to take a look at it.

So I guess in my comment about having
Mr. Johnson put it in the same format we had, we looked
at things of how many counties, how many cities,
jurisdictions are split, AURs are split. If we could
have that type of just general review is what I'd be
looking for.

CHAIRMAN LYNN: Thank you.

Further discussion on the motion?

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I agree
we've analyzed this in intimate detail. For me, as we
discussed 6, 11, 15, the issue here is communities of
interest. Right now we have the largest fire raging in
the history of the State of Arizona and probably the
history of the Western United States. I think nobody
appearing in reference to a community of interest issue
there, Chairman Massey, Mayor of Pinetop, Mayor of Show
Low, all the representatives are there in this district
currently configured as a community to battle the
complete devastation of the area. It is a prime example
it's a tight community of interest.

The Commission wisely considered all the
options previously. I don't question the wisdom of what
we did previously and support that wisdom as I did in
Maricopa.

I, too, speak against the motion.

CHAIRMAN LYNN: Further discussion on the
motion?

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Opposed say "No."

COMMISSIONER HUNTWORK: "No."

COMMISSIONER HALL: "No."

CHAIRMAN LYNN: Well, the privilege of the
Chair is to explain my vote as I give it. I am in
agreement with my colleagues on my right that we have
looked at many and, if not all, most of these issues.
However, this particular map is different in certain
aspects than some of the maps we looked at. It's
generally the same, but it is different in some aspects.
For that reason, I see no particular downside in at
least doing the, pardon the expression, fly by that the
motion speaks to. I think that we will undoubtedly wind
up in the same place.

I'll vote in favor of the motion to order

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the look, because I think that's appropriate. I'm doing so with the clear understanding I agree with Mr. Huntwork we're not attempting to do anything de novo. I didn't go to Catholic school. I still know what that means. Or law school, for that matter. I do know what that means. I think the outcome, ultimately, may be the same. I certainly would like to look at it. (Motion carries.)

CHAIRMAN LYNN: Are there other specific instructions we need to issue to NDC before we move to a final decision on a draft map?

If not, what is your pleasure with respect to the map that we have configured, even though cobbled together with looking at various tests various places, what we have essentially, if you look at areas, certainly, we have the interim map with a number of changes. There's a change in Tucson that involves 26, 28, and 30. We have a number of changes in the Phoenix area that involve a number of districts. But principal among them, 14, 15, and we have a slight change in 3 and 24 on the west.

What is your pleasure with respect to that map?

Mr. Hall?

COMMISSIONER HALL: Mr. Chairman, I just
may be, may be hung up on semantics. This is not our
draft map. This is our amended interim map. We are
well past the draft map. I only make that distinction
for my benefit. At least, I think clearly the draft map
was treated differently pursuant to our instructions as
we are obligated to treat this map here. Just for my
benefit, so other than that, I just wanted to make that
clarification.

CHAIRMAN LYNN: Appreciate that
clarification. We often use words interchangeably that
aren't interchangeable. Not a draft in the sense of
this process, but we do have the opportunity, because of
scheduling, to put this map forward as our work in
progress toward a final map that will be submitted to
the Department of Justice.

Perhaps we ought to just condition it this
way: This is our work to date and to order that on the
website, to order it available to the public, to devise
an appropriate means of citizen feedback, include an
appropriate citizen form that could also be put on the
website, made available to people through the IRC office
on request during this period and a time we'll again
have a quorum so any input that the public would like to
present on any aspect of this work in progress could be
made available to us.
Mr. Chairman, I think public comment is always welcome and appreciated. I do want to make a distinction between the type of public comment we'd in effect receive at this stage and the process we went through before in holding public hearings and building up a huge record of communities of record in Arizona and what they were and what it all meant. I do think that we're past that stage.

I think, too, we have not made significant changes to the map from the decisions that we made previously except to the extent that we had districts that were affected by the action taken by the Justice Department and then ripple effects on competitiveness, because that, by the loss of mathematics, made it that much more difficult to create competitive districts, that fewer Democrats available to work with. Of course, we had to look at -- pardon me if I'm repeating myself -- the data that was flawed to make sure in making final decisions it was based on correct data. So we undoubtedly will receive public comment. We should look at it. But what I'm trying to focus on, in my own mind, is how do we get this done. What is the most efficient way to get it done, present it to the Justice Department, and bring closure to this process.
Whatever anyone might be thinking, I think that is what is truly in the best interests of the people of Arizona, at this point in time.

And so I would like to really, myself, I'd like to adopt what we have as our not final map, we have to do population adjustment, final map subject to proposal by NDC of neutral population adoptions. I realize the Flagstaff test just approved somewhere is in limbo, which is one of the things I had in my mind as I was speaking against that test.

CHAIRMAN LYNN: I understand that and appreciate that.

Since we have in fact ordered that test it would probably be, unless a majority of the Commission wishes to move that direction, would probably be advisable not to call this the final map any more than we might call it a draft map. Certainly we can post what I'm calling, for lack of a better term, work to date, in a form to be reviewed.

I can't agree any more. I feel where we're in a different place, the draft map presubmission 30-day review, clear changes, some adjustment to what Department of Justice objected to, some do further work with respect to competitiveness where possible, some correct other issues which specifically come to light.
where we could make changes, not do harm to other things created. Clearly we've done that and made an extensive record on that.

All I'm asking for at this point, semantics aside, is some finality to the work to this point and ability to get it to a form for others to view it and give us the benefit of whatever wisdom they'd like to give us.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I'd like to point out also for the record there have been those that have expressed a desire to have an opportunity to comment on the work that we were going to do and have done on the 2002 interim plan. I'd just point out that plan was adopted late in May. I'd also point out we're here 30 plus days since that time. Some of those that seem to be so intimately providing input have been conspicuously absent.

We welcome -- we could diddle around until whenever. We've done significant work here. I concur 100 percent with Mr. Huntwork we have an obligation to the people of the State of Arizona to complete our work in most the expeditious fashion. I'm 100 percent in agreement we move forward, instruct our attorneys and our consultants to move as rapidly as possible, clean it
up, assure population deviations are appropriate, and
prepare it for resubmission to DOJ.

CHAIRMAN LYNN: Looking for a motion

somewhere.

Mr. Huntwork then Mr. Elder.

COMMISSIONER HUNTWORK: Mr. Chairman, I
move that we instruct NDC to proceed with, insofar as
possible, with the finalization of the 2002 interim map
with the changes that we have recently authorized,
including a complete proposal for the Commission with
respect to population deviation in accordance with
instructions we previously authorized, on whatever map
we put forward, and to do so as expeditiously as
possible, at the same time completing work on the
Flagstaff proposal as expeditiously as possible, and
present all that information as expeditiously as
possible to the Commission in a format which would allow
us to act upon it, if we so choose, through a telephonic
meeting, if we determine that that is appropriate at the
time.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: I second that.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

Mr. Elder.

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Phoenix, Arizona
COMMISSIONER ELDER: I guess my attention span is not good enough anymore. Direction is to give Mr. Johnson -- have Mr. Johnson proceed expeditiously to develop the map we would then put on our website?

COMMISSIONER HUNTWORK: No. My motion had nothing to do with what we put on the website. We can come back to that in a separate motion, as far as I'm concerned.

CHAIRMAN LYNN: As I understand the motion, what it essentially does, we know as a Commission we can't meet in person until August. My sense of the motion directs Mr. Johnson to complete the following work as expeditiously as possible: First, to configure the interim map with all changes we've approved; secondly, to test the Flagstaff proposal and provide information about that test in a form that we can digest, whether we meet in person or whether we meet telephonically; and, finally, to adjust or suggest adjustments to population in a form we can simply review individually and perhaps act on telephonically for a final adoption; to do those things in the most expeditious manner possible; and to then essentially, at the call of the Chair, if those -- if those things are ready for our review sooner than August, we'd try to get some form of meeting together to act on it.
The motion is silent on what happens in the interim with respect to the publishing, making available the work of the Commission. That can be done in a subsequent motion.

Does that summarize accurately your motion, Mr. Huntwork?

COMMISSIONER HUNTWORK: Very well.

CHAIRMAN LYNN: The second is consistent?

COMMISSIONER HALL: Yes.

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I stated earlier that when the motion was made I expected, given what transpired beforehand, I was going to vote against the motion. I asked for the opportunity to explain my negative vote.

Fellow Commissioners, I ask your indulgence. There's a lot I need to say. There's a lot that concerns me, a lot now, never done before.

CHAIRMAN LYNN: Ms. Minkoff, I don't want to interrupt you. I'll give you all the time you need to make comments.

I get the sense before we vote on this motion, there may be -- there may need to be considerations of a legal nature we ought to take into

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account, because there are some legal concerns relative

to this motion.

I'll give you all the time you need to

make your statement on the record. But I wonder if we

might table this motion in favor of a brief Executive

Session to make sure there are no problems legally with

the way we're about to proceed.

COMMISSIONER MINKOFF: Sure.

COMMISSIONER HUNTWORK: I'd yield to a

motion for Executive Session.

CHAIRMAN LYNN: Motion to table the motion

in favor of Executive Session?

COMMISSIONER ELDER: So moved.

CHAIRMAN LYNN: Is there a motion?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Pursuant to A.R.S. 38-431.03(A)(3) and

A.R.S. 38-431.03(A)(4), there's a motion to table the

motion on the floor in order to have a brief Executive

Session.

All those in favor of the motion on the

table, signify "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN:  Opposed, "No."

COMMISSIONER HALL:  "No."

CHAIRMAN LYNN:  Chair votes "Aye."

Specifically on the motion to go into Executive Session, a motion?

COMMISSIONER HUNTWORK:  So moved.

CHAIRMAN LYNN:  Second?

COMMISSIONER ELDER:  Second.

CHAIRMAN LYNN:  All in favor, signify "Aye."

"Aye."

COMMISSIONER ELDER:  "Aye."

COMMISSIONER MINKOFF:  "Aye."

COMMISSIONER HUNTWORK:  "Aye."

CHAIRMAN LYNN:  Opposed, "No"?

COMMISSIONER HALL:  "No."

CHAIRMAN LYNN:  Chair votes "Aye."

Motion carries.

I don't expect it to be a lengthy session, 15, 20 minutes.  I don't know what else.  That's what I'm guessing.

(Whereupon, the Commission recessed Open Public Session to go into Executive Session from approximately 4:51 p.m. until 5:38 p.m. at which time Open Public Session resumed.)

CHAIRMAN LYNN:  The Commission will come
to order.

For the record, all five Commission members are present along with legal counsel, our consultant, and the Commission staff.

When we went into Executive Session, there was a motion on the floor that was tabled. We need to have a motion to untable that motion from the table.

COMMISSIONER HUNTWORK: So moved.
CHAIRMAN LYNN: Second?
COMMISSIONER HALL: Second.
CHAIRMAN LYNN: All in favor, signify "Aye."

COMMISSIONER ELDER: "Aye."
COMMISSIONER MINKOFF: "Aye."
COMMISSIONER HALL: "Aye."
COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."
Unanimous.
(Motion carries.)
COMMISSIONER HUNTWORK: The motion on the floor, my motion, I'd like to amend slightly in one respect. My amendment is that in addition to all moved previously, I would like to insure that the current map, which we've ordered for processing of, be posted on the website as soon as possible for public comment and that

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any action that we might take occur no sooner than 30
days from the date on which that map is posted.

CHAIRMAN LYNN: Is that amendment
acceptable to the second?

COMMISSIONER HALL: Who is the second?

CHAIRMAN LYNN: I recall it being
Mr. Hall. That would be a guess on my part.

COMMISSIONER HALL: In the event it is, I
accept it.

COMMISSIONER ELDER: Fine.

CHAIRMAN LYNN: Note universal acceptance.
Without objection, we'll accept that into
the motion.

At that point, Ms. Minkoff had the floor.

I apologize for interrupting, but

Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you,

Mr. Chairman, my fellow Commissioners. I ask you to
bear with me, because I have a lot to say. It may take
a few minutes.

For the first time, I've written out some
remarks. I want to make sure I didn't forget anything.

There has been a lot that has happened
that has caused me concern. I want to take the
opportunity to express some of it to you.

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Phoenix, Arizona
The Commission is about to vote on a Legislative District map that, after population equalization and perhaps a few other technical adjustments, may finally be adopted and forwarded to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act.

As I said earlier, I intend to vote against the proposed Legislative District map. Thank you for giving me the opportunity to explain my negative vote.

When Proposition 106 was passed by the voters in the 2000 General Election, I really believed it would result in a significant change in the makeup in Arizona's Legislative and Congressional Districts. I believed the people of Arizona were sending a message that not only were they unhappy with districts drawn by and for incumbent legislators, but they wanted districts in which their votes mattered and in which they had a say in who would represent them in the Legislature. In short, they wanted a choice. I believe that it was our mandate to draw districts that gave them that choice. I do not believe the plan before us is responsive to that mandate.

The official title of Proposition 106 reads, I'm quoting, "Proposing an amendment to the
Constitution of Arizona; amending Article IV, Part 2, Section 1, Constitution of Arizona relating to gerrymandering and improving voter participation in elections by creating an Independent Commission of balanced appointments to oversee the mapping of fair and competitive Congressional and Legislative Districts."

The arguments in the Publicity Pamphlet in favor of the initiative and the newspaper articles, and mail-ins, and other items in support, all mentioned the importance of competitiveness in drawing new districts. The amendment itself states, "To the extent practicable, competitive districts shall be favored where to do so would create no significant detriment to other goals."

I believe that the decision by the Commission to preclude further testing and the possibility of creating Competitive District Number 6 in Maricopa County was not only a serious error but violated our mandate under the Arizona Constitution.

Initially, there was a three-two vote in favor of testing Competitive 6. Then, suddenly, after a break, there was an unexplained reversal of the vote and a four-one vote against any further testing or consideration of the proposed competitive district, an action that may very well have caused those observing our process to look at the trend of events with doubt
and confusion.

In earlier discussions, several arguments in support of not testing Competitive 6 were put forth, which I think were misguided. Let me explain why that decision and the reasons expressed for it by my fellow Commissioners prevent me from voting to approve this final map that will be adopted, I believe, which are representative of a pattern that prevailed throughout the development of the map.

First of all, I want you to know, I mention you all in this. Don't think I'm picking on anyone.

Commissioner Elder expressed concern a number of districts were modified in order to create a district I refer to as Competitive 6.

Let me briefly summarize how we got to this point. The first step in the mapping process created a grid. After the initial round of public hearings, substantial line changes were authorized to produce our first-round map. This was necessary and entirely appropriate. After a second round of public hearings, the draft map again changed significantly. All of us were in Prescott and as a result of the meeting, I think, certainly realized why significant changes were needed. However, now, at the most
important point of the process, when we have the
opportunity to create the competitive map people thought
they were getting with Proposition 106, there's
unexplainable reluctance to do anything but tinker with
the map. It appears that future changes to increase
competitiveness can only be done by creating changes
along the margins of districts previously developed. I
don't accept that approach.

Proposition 106 favors competitiveness
when there is no significant detriment to other
criteria, not if there isn't a need to move too many
lines. Much more substantial changes than those needed
by this proposal have been made at other points in the
process. District line changes should not have been a
reason to deny consideration of Competitive 6.

Another concern about the proposed change
I'm calling the case of the invisible mountain. There's
a mountainous area Commissioner Hall saw as flying in
today just west of 7th Street between Dunlap and
Thunderbird. Commissioners thought that it was an
impossible barrier to the proposed district because of
the way it cut the northern and southern districts off
from each other.

Let me direct your attention to the map
from October, November submitted to the Department of
Justice as well as the map approved, the last map, submitted to the three-judge panel of the federal court approved for use in this year's election.

I ask my fellow Commissioners to take a look at District 10 in both those maps. District 10 is an east-west district running primarily between Dunlap and Thunderbird Roads. The mountain does not just protrude into the district, it essentially cuts it in two, separating the area between 7th and 20th Streets completely from the rest of the district. And yet, no mention was made of this invisible mountain during the creation of District 10. The mountain became visible and an issue for some Commissioners when inside a potential competitive district.

I'd like to ask my fellow Commissioners why what was proposed in Competitive 6 was unacceptable but what we did in Interim 10 was okay.

I believe with 170,000 residents in a Legislative District, they are much less concerned about a mountain's edges in districts than they are about responsive legislators.

The issue of compactness was also mentioned. Given its importance, I'm mystified why those people who felt we were proposing noncompact districts did not ask for tests to measure it.
Mr. Johnson mentioned there were about 39 measures of compactness, but there are two, Polsby-Popper and Roeick, which are generally recognized as giving worthwhile and measurable results. Moreover, they are very easy to run.

Since I did not have access to those tests, I ran a rather unscientific but, I believe, revealing test of my own. I used Mapquest on the internet, which I'm sure many of you are familiar with, and used the driving distance time from the southeast to northwest corners of Districts 6 and 7 under the current interim map and under proposed Competitive 6. In each case, the route developed by Mapquest was very direct and, I believe, was the route that would be taken by someone familiar with the area.

Under the interim map used for this year's election, the distance in District 6 between 17th Street and Thunderbird to the southeast corner, I-17 and the Maricopa County line, is 36.85 miles. The driving time estimated by Mapquest was 50 minutes.

I was unable to use the same measure on Interim 7 as there were no roads in the northwest corner, but it is of similar size and shape to District 6. When they are built, I anticipate the same driving time.

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Under the Competitive 6 proposal, the distance in District 6 from 20th Street and Camelback to 27th Avenue and Union Hills is 14.53 miles and the driving time is estimated at 29 minutes.

The distance in proposed District 7, Scottsdale Road and Cactus to I-17 and the Maricopa County line is 43.78 miles and the estimated driving time, 59 minutes.

Creating a new competitive district adds less than seven miles distance and about 9 minutes travel time to traverse District 7. Is this significantly detrimental to sacrifice competitiveness?

"Significant" was discussed a lot. It's been discussed in deliberations and Prop 106, but it has never been determined how to define it. Or perhaps we're treating it as the US Supreme Court defines pornography: We can't define it, but we know it when we see it.

Competitive 6 was also described as a political gerrymander. Commissioner Huntwork passed out material to illustrate his point. This is the material. We all received it at our last meeting.

I'd like to look at the definition of gerrymander contained in the handout to see if it applies to Competitive 6.
13

Gerrymander one: A district that, number
1 one, protects the incumbent. That doesn't apply as the
2 Arizona Constitution prohibits us from identifying or
3 considering incumbents' place of residence.
4
5 Gerrymander two: Assures unattended
6 elections. That doesn't apply as the creation of a
7 competitive district would be exactly the opposite.
8
9 Gerrymander three: Gives one political
10 party, Democrat, Republican, a lopsided advantage, which
11 can hardly be said if we create a competitive district.
12
13 Gerrymander four: Is not fair to voters.
14 It seems to me a district that fails the first three
15 must fail four.
16
17 In the same material passed out by
18 Commissioner Huntwork, it states 15 of Arizona's Senate
19 races went uncontested in the 1998 Arizona elections.
20 Supposedly, the reason is competition. Under the
21 interim map in use which was approved, there are 18
22 Senate seats which will be decided in the primary,
23 hardly an improvement.
24
25 Chairman Lynn said previously that reasons
26 for choosing to enter or refrain from public service are
27 many and varied and beyond our knowing. I submit that
28 spending one's time, effort, and money to run in an
29 election in which one has a very slim chance of

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Phoenix, Arizona
prevailing may be a strong reason for choosing other avenues for public service.

Moon Valley is contained in Interim 6, Competitive 6. It is a mature area with established infrastructure. It has a lot in common with the southern part of Competitive 6. In a car or bus, you can get past that mountain in less than five minutes. Yet, my Fellow Commissioners feel Moon Valley fits better with New River and Anthem, which are new, developing areas with many miles of open desert removed from Moon Valley. There was no testimony from Moon Valley regarding which way they prefer Moon Valley. They have established schools without a need for additional schools, such as an area like Anthem which has needs for new funding. Moon Valley needs repair and maintenance of its infrastructure. Anthem's infrastructure is still being designed. Moon Valley's concerns are best shared with those areas to the south that were included in Competitive 6. And I believe the New River, Anthem community fits very well with areas in District 7. New River would be very similar to some of the older areas of Cave Creek. Anthem would correspond to Desert Ridge, Greyhawk, some large, planned communities in District 7 which face like issues in their communities. It's a very good match. It's true
the community of Moon Valley and Anthem are both areas that tend to be Republican and are needed to create another noncompetitive Republican district.

Voting studies show that people of similar economic, ethnic, religious, and educational backgrounds tend to vote the same way. Therefore, if homogeneous districts are drawn, they'll never be competitive.

Political research also demonstrates that competition moderates extremism in the political process and creates office holders who are more responsive to their constituents.

Mention was also made we're to consider future growth patterns of districts so they're not severely malapportioned in 2010. Commissioner Huntwork cited a court case that stated that future growth could be considered. It's nice to have growth patterns that suggest a district will be over or underpopulated in 2010. To the extent one can moderate that, we'll have performed a valuable service. However, the criteria that are now a part of the Arizona Constitution, including the mandate to favor competitive districts, obviously have higher legal standing.

Incidentally, one of the fastest growing populations is the Hispanic population, but we certainly and correctly gave no thought to redrawing districts
that were drawn to accommodate the Voting Rights Act and
to reflect the Hispanic AURs, two of the requirements of
Prop 106, to accommodate future growth of the Hispanic
community.

Lest we feel too proud of the minimal
changes in Pima County for a Competitive District 26,
I'd point out this map is not to be used until the 2004
elections. Growth patterns in Pima County tend to show
District 26, which include Oracle Road and the
Saddlebrooke areas, will not long be competitive.
Barring a political scandal in which two incumbents'
seats are lost, such as in the 2000 election, I
sincerely doubt a Democrat will be voted a legislator in
26.

Commissioner Hall made much of the 16
percent Republican registration advantage once the
districts drawn for the Voting Rights Act are removed
from consideration. However, there's a similar
concentration of Republican voters in eastern Maricopa
County. If Mr. Johnson were to show us his registration
graphic, there would not be a lot of yellow or green in
that area. It's as unrealistic to expect
competitiveness in those five East Valley districts as
it is in the Voting Rights Act districts.

With those five districts removed from the
calculation, the registration advantage narrows and
makes competitive districts look more achievable.

The only judicial ruling so far which may
inform us in the approach to our task is a ruling on a
pretrial motion in which Judge Fields states,
"Competitiveness is equal in importance to other neutral
criteria." Clearly that hasn't been the Commission's
approach to date. I suggest it is not too late to
change our focus.

Early in this process, Dr. Heslop
described our work as principled redistricting. One of
the principles to which I adhere is respect for the
intent of the Arizonans who voted to add Prop 106 to the
Arizona Constitution. I cannot support this map because
I believe it violates that principle.

I thank you all for your patience. I
realize this is a very lengthy presentation.

In conclusion, I believe the Commission
can go one of two directions. For a change, we don't
have to rush. These districts won't be used until 2004.
We don't appear in court until January. If my arguments
have been at all persuasive, delay adoption of the map.
Order more tests. Come back in August with a real
effort to create more competitive districts, even if it
involves moving some district lines. Or you can move
forward with the map we have before us and we can look
to the Arizona courts to determine which is the right
approach.

Gentlemen, the choice is yours.

And thank you for your attention.

CHAIRMAN LYNN: Thank you, Ms. Minkoff.

Further discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I
did not prepare remarks for tonight. We have an
extensive record which has been put together with blood,
sweat, and tears for a year and a half as to how we did
this. And one -- and ones concluding argument does not
undermine or weaken the record that we have. I think a
couple things are important to mention, though.

One is that I think that the standard that
we have all applied, and I certainly know the standard
that I've employed with respect to competitiveness, and
the standard I've heard my fellow Commissioners apply,
has always been completely consistent with the statement
made by the judge in the trial court. I do not know the
context in which that statement was made or what
arguments were before the judge, but we have always
insisted upon two things: Number one, the plain wording
of proposition 106 states exactly what the standard is,
and, secondly, the advice of our counsel that, in
effect, competitiveness was another criteria but, as
stated clearly in Proposition 106, cannot be applied to
do significant detriment to other goals. Where it can
be applied without doing significant detriment, it is
equal in importance to the goals. That was the standard
I understood, the standard I applied.

Another thing I think that is critically
important is that we didn't just discover this. We
applied that standard in creating the original
districts.

Some of the remarks that Commissioner
Minkoff has made seem to me to suggest that we were
doing something different or applying a different
standard this time. That was certainly not my
understanding or expectation.

I think that competitiveness is
sufficiently important, that we did go the second mile
and even the third mile to consider all possibilities
that were out there.

I hate to say it, but one of the things
that happened since we first considered competitiveness,
did our best to create competitive districts that
fulfilled other criteria of Proposition 106,
particularly in the central Maricopa area, was that the
Justice of Department informed us that we had gone too far. We had actually gone too far the other direction. We had not put enough Hispanic minority Democrats into the minority districts. We were forced to put more into those districts which had the effect of making it more difficult, not less difficult, only one way to do math, no Republican way, no Democrat way to do math, more difficult to make competitive Republican -- change Republican districts to competitive districts in Maricopa County.

I want to point out that it made it easier, or at least it made it necessary, if focusing on creating competitive districts, to take a look at some of the districts noncompetitive Democrat and think about making those competitive districts. We had the golden opportunity to do that here by making District 15 competitive. It did involve a test with respect to a community of interest. Ms. Minkoff, like the majority of the Commission, voted against that change on the ground it would do significant detriment to communities of interest. Having taken that vote, although I voted the other way, I certainly cannot disagree with the standards that were applied or with the judgments that were made by my fellow Commissioners. That is our responsibility as Commissioners is to make those

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Phoenix, Arizona
judgments. Each of us weighed those criteria with respect to District 15, as we did with respect to proposed District 6, as we did with respect to existing District 10, and as we've done to the best of our abilities throughout this process.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Further discussion on the motion?

Mr. Hall?

COMMISSIONER HALL: Well, I'm just a little confused. Ms. Minkoff, perhaps you can help me. Are you suggesting in the event this Commission would have voted to approve test District 6, you would be in favor of this map?

COMMISSIONER MINKOFF: No. I'm not sure I would have. I think I would have also like to have seen something more in Tucson.

COMMISSIONER HALL: Now competitive 26?

COMMISSIONER MINKOFF: We disagree whether that district is truly competitive.

COMMISSIONER HALL: The standard in this process, Judge It, even Mr. Hegarty agrees is the most sophisticated, accurate form of measuring competitiveness. Pursuant to that analysis it's competitive. More, you mean, for example --
COMMISSIONER MINKOFF: I mean April 1st of the year 2000, figures we're using, that's a snapshot, all we can use.

COMMISSIONER HALL: Right.

COMMISSIONER MINKOFF: According to that, District 26 is just under the seven percent mark. However, this is a map for 2004. And --

COMMISSIONER HALL: Well --

COMMISSIONER MINKOFF: I believe we cannot consider District 26 truly competitive. For equal protection, those things, that is a snapshot.

COMMISSIONER HALL: We heard you argue, shouldn't argue growth, now --

COMMISSIONER MINKOFF: Don't consider growth in terms of population of a district.

COMMISSIONER HALL: I'm just trying to understand. What --

You are saying it isn't correct to assume, then, if we -- this Commission made a determination to have a Competitive 6 in the map, you still feel like there are other areas that should have been improved that were not considered?

I'm confused. After having plowed the field extensively, I'd respectfully submit there aren't other areas.
COMMISSIONER MINKOFF: I think what I was saying, one of the main objections to competitive District 6 was there were a number of districts whose boundaries had to be changed in order to create the district. 4 was involved, 9 was involved, 10 was involved, 6, 7, I think to some extent 12 was involved.

COMMISSIONER HALL: Right.

COMMISSIONER MINKOFF: I believe those were the six districts. There was argument it was too disruptive of all districts, therefore, we should not do it. That's an approach I disagree with.

I believe that if all you are going to do is work around the edges, shift population between two districts, it will never work. But if we do the kind of things we did in District 6, that we could have done --

COMMISSIONER HALL: Again, that may well have been an argument. My argument, just to be clear, in my mind, has been consistent throughout: Did it cause significant detriment to communities of interest? I asked four, five people I worked with, "Is Moon Valley the same as?" "Absolutely not. That, everybody knows that's a different part of the world."

I was convinced by fellow Commissioners there would be sufficient damage to communities of interest, as I was convinced in District 11 and 15,
which was the converse situation. But what I'm trying
to say is whether boundaries change, and whatnot, I
agree that is less significant than whether there's
significant detriment to goals, which I believe there
was.

I guess what I'm understanding, if that
would pass, you'd be happy? All I get out of you,
there's one district you're unhappy about, by virtue of
your comments.

In my opinion, I think that you have
attempted to undermine a process that has been arduous,
and filled with integrity, and based on principle from a
long, long time ago. And I guess I just take exception
to the whole concept: You know what, there wasn't one
district passed, therefore, this process has not been
independent and fair. And I just want to go on record
as saying that I respectfully disagree with the whole
characterization.

While I respect your opinion and you are
welcome to your opinion, I, for one, am of the opinion
nothing just happened or there wasn't unexplained
changes. I think all of us listened to one another for
an understanding, and with the principles that are on
the table. And based on that understanding we make
judgments to the best of our ability to insure we
complied with the law. I'm sure we have, to the best extent possible.

Also, if pulled, the east valley spread could be reduced some, an issue fundamental with the grid by redistricting.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I just wanted to clarify one last point. I think the reason why it's important to know how many districts are affected is because we worked so hard to create districts that reflected communities of interest in the first place. And we've looked at where the edges were in order to put them as close as we possibly could to the right place. So as we do change a whole series of districts in order to try to accommodate, find one district that is competitive, it's significant not only to look at the way in which that particular district violates the criteria of Proposition 106, also look at ripple effect on the districts. I just think that's important to explain that argument as it really is not in such a simplistic way as which characterized.

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

What I'd like to do is continue comment on the motion, discussion on the motion, rather than

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1 debating any particular point made earlier. And we can
2 have an opportunity to do that on the record after the
3 vote is taken.
4
5 Ms. Minkoff.
6
7 COMMISSIONER MINKOFF: I wanted to respond
8 to comments. If you prefer, I wouldn't until after the
9 vote is taken.
10
11 CHAIRMAN LYNN: I'm not sure the comments
12 are on whether to pass the motion or not. Philosophical
13 or not, I'm looking to comments on the motion.
14
15 COMMISSIONER MINKOFF: They may be related
16 to the motion.
17
18 The comment made my remarks were trying to
19 undermine all the Commission has done over the last 18
20 months, nothing could be further from the truth. The
21 point is we're now about to take a vote to put a
22 district map, Legislative District map, out for public
23 comment that with minimal changes, population
24 equalization, other things, we're probably pretty close
25 to a map to be submitted to the Department of Justice.
26 We haven't taken that vote yet. Therefore, rather than
27 trying to undermine the Commission, I'm trying to ask
28 the Commission to vote against this motion, because I
29 believe that it's the wrong approach.
30
31 People can look at the same set of facts

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and come to different conclusions. I think that's what has happened. I've been consistent in my approach to this task from the very beginning. If you look at my application to serve on this Commission, and my personal statement, I talked about the importance of competitive districts and the importance of giving people a choice. I have repeated that mantra every single time I've had an opportunity to do so. So I think in that respect you can all know where I've stood on this issue from day one.

I am not saying I didn't get what I want in District 6 so I'm not voting for the map. If you listen to my remarks, I said our approach to District 6 was an example of something that has prevailed in the development of this entire map. I went into detail on District 6 because that was the most recent issue to be dealt with. I don't have Mr. Huntwork's photographic memory.

I'm still amazed you came up with forage. I don't remember specifics of other situations. I do remember time and time again whenever a possibility of creating a competitive district came up, there was always a reason not to do it. Usually I was the minority vote on that. I was consistent then.

I'm consistent now.

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Unless I change minds, which I doubt I have, I'll be the minority vote again. I call things the way I see them. I'm consistent to my principles and consistent to my position taken throughout these 18 months.

I would hope some of you agree with me and vote against this motion. If you do not, I respect your opinion as I hope you respect mine.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I agree, Andi, you have been consistent, applied your judgment honestly. I agree with that. I feel the other Commissioners have as well. And that's what we're here to do. That's why the Commission was set up the way it was, why picked for different reasons by different people, and so on.

We do have a group process which has produced results. I don't agree with every aspect. I do respect the process and result. I respect your participation any many contributions made to the result. Honestly, District 10 is a result of your handiwork. We found a competitive district I felt did have integrity, was reasonably compact, contained communities that did have a lot to do with each other because of your persistence and your insight. So I don't agree it's all...
been for nothing, if you feel that way about it.

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Hall.

COMMISSIONER HALL: I guess, Mr. Chairman, with your indulgence, Andi, hypothetically speaking, if you were given the All Mighty pen, what would you do different with the map in order for something you'd approve?

COMMISSIONER MINKOFF: How much time?

COMMISSIONER HALL: Light, we tested every possibility in intimate detail. It should be a brief analysis.

COMMISSIONER MINKOFF: I think sometimes you have to think out of the box, or out of district lines. Maybe that's the problem.

We keep looking at the map saying how can we move this line? How can we move this line? What I would do is drive Doug crazy. I'd have him put the registration graphic up on the screen, take a look at that, without district lines even present, and see where there were areas where there was a mix of Republican and Democratic voters, and I'd draw a circle around those areas, then come back to the map and look at now those mixes of Democratic, Republican voters impacted other
criteria. Destroy districts that help comply with the Voting Rights Act, if they do, that takes precedence. We all know it does. Do they possibly divide up communities of interest? I don't know they do.

When you were asking people if Moon Valley deals well with the area around Camelback and Central, et cetera, you know, did you ask if they had a lot in common New River? They don't. They are a unique community. I submit they have more in common with the southern area than north, although they are themselves and they are unique.

That's what I would do.

I think that, you know, it's difficult to say this far along in the process, but I think that we began looking at competitiveness with the idea that all we're going to do is tinker around the edges. I remember bringing it up in a meeting. That is the answer I was given. I was very unhappy with the answer. And I realized at this point that is probably what we'd end up with. That is approach is wrong.

First of all, we were told this is a pretty competitive map. Then we got Judge It back and some other things. All we had at that time was AQD, and it looked more competitive. Then I looked at it and realized how few competitive districts there really
were.

No, not just tinker around the edges.

Look at red, yellow, green, see where it is, and see areas of the state where we really can create competitive districts. If it requires completely new districts, let's do it, as long as we can comply with other criteria.

It seems to me one of the criteria we wanted to comply with was not doing significant harm to communities of interest or contiguity or equal population, whatever, not doing significant harm to districts already drawn. That's a mistake we made.

COMMISSIONER HALL: It's noted, Andi, I have yet to have a specific answer what you'd do. It's noteworthy of the fact what you described is precisely what Doug has been doing.

Let me point out on the comment of tinkering around edges, what we have to tinker around are voting rights districts, nine of them. Doug put them up. We've all seen it, a concentration voters that are sacrosanct, were an effort for all of us.

Incidentally, all the maps submitted by other parties, the Democratic party, were less competitive than our map.

It is not there, Andi, with the exception

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of one district. It's not there. That's the fact of
the matter. And that's precisely what we've been doing
forever.

All I hear is District 6. I'm saying it
isn't there.

You know, I'll respectfully disagree and
I'll come over for salad someday or something.

COMMISSIONER MINKOFF: How about dessert.
CHAIRMAN LYNN: Further discussion on the
motion.

COMMISSIONER HUNTWORK: Firstly, we
couldn't start considering voter registration.
Proposition 106 prohibited us from starting there.
That's something we had to come back to by express terms
of Proposition 106. I want to say that's what we just
did. I think we came back to it.

CHAIRMAN LYNN: Further discussion on the
motion?

I need to say two quick things. I think
I'll be very quick about saying it.

First of all, I think the important thing
that I learned through this process is that people of
good character and goodwill can disagree and disagree
appropriately. I do think there were some things said
in Ms. Minkoff's statement not only would I take issue
with but I think put a significant dent in the
relationship that I certainly have with Ms. Minkoff
because the inference in a number of things said are not
only wrong, they are -- they are really detrimental to
the credibility of anything we've done, which I think is
an unjust characterization of the way this Commission
has operated.

The most important thing I want to say is
when you talk about changing lines, it's as if those
lines appeared magically, have no basis for not being
changed.

The fundamental argument that is going to
be the subject of a lawsuit, it seems to me, is when and
how competitiveness is taken into account. There may be
a difference of opinion, and the judge may side some
other way; quite honestly, I feel very comfortable with
the way we approached it, which is this: In order to
determine whether or not you created a significant
detriment to one of the other goals, you at least have
to understand what the other goals look like on a map.

And what we did is we went out and significantly spent
time creating a record that looked at the other goals.

Now, had we done it in reverse order, had we made a map
that first looked at competitiveness as our primary
responsibility then tried to factor in communities of
interest, we certainly would not necessarily have
arrived at the same location with the map looking the
way it does. But I would submit to you that it would
have been a violation of the Constitution to have done
it that way.

In order to consider competitiveness
first, you'd have to do exactly what Mr. Huntwork said,
look at registration, and other things, which we were
precluded from doing in the first phase of mapping.

The fact of the matter is to the extent we
have made a record of significant detriment to voting
rights districts, to communities of interest,
compactness, to contiguity, to respect for community
lines, city boundaries, county boundaries, and so on, is
the extent we accepted, rejected changes which would
have made the map more competitive.

With all due respect to every single
member of this Commission and everyone who has appeared
before this Commission, every single map that was
presented had a point of view behind it, whether that
map stated it as a point of view or not. Every map the
Republicans would have submitted, had they submitted
maps, would have had a point of view. Every map the
Democratic Party submitted had a point of view. There's
no question maps representing other interests were
presented with a point of view. The only map that
didn't have a point of view going in, I believe, is the
map we created didn't have a point of view other than
attempting to balance six sometimes very contradictory
goals of Proposition 106. The only way to do that
honestly and effectively is through a process. If you
buy the process, you buy the result. So by the time we
came to a map submitted to Department of Justice,
rejected on the basis of five districts needing further
attention, and our attempt to improve --

And everybody, Ms. Minkoff, not just you,
every single member of this Commission in their
application indicated that they favored, wanted to
create, and would support competitive districts. I know
that because I read all of your applications. I read
them before I interviewed for Chairman. And I did that
to get a sense of whether or not we might be able to
work together. In fact, I think, in the main, we've
worked together extraordinarily well.

I will tell you this: Having taken
exception with some of the things in that statement, and
quite honestly in a very personal way taken exception
with some of the inferences made, I believe that this
Commission can and should be proud of the process we
adopted, the way we went about our business, and the
result.

Quite honestly, I think those that have been critical have been critical for a variety of reasons. Honestly, those critiques don't hit home as much as critiques coming from this side of the table. Those I think were beyond the pale and it's unfortunate they were made.

Further discussion on the motion?

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Opposed "No"?

COMMISSIONER MINKOFF: "No."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries four-one.

Other instruction from the Commission to the consultant or staff?

Anything from legal counsel?

MS. HAUSER: No.

CHAIRMAN LYNN: Commission staff?

MR. ECHEVESTE: No, sir.

CHAIRMAN LYNN: The other agenda item on the agenda, future meetings.

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I think if you will allow me, I will ask your indulgence. When we get reports back from NDC we've ordered to be done as expeditiously as possible, I'll consult with staff, consult with you as to the future meeting dates, and call an appropriate meeting at the appropriate time when all the work is done.

Any further business to come before the Commission?

If not, the Commission will stand adjourned until the call of the Chair.

(Whereupon, the hearing adjourned at approximately 6:20 p.m.)

* * * *

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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 159 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 28th day of June, 2002.

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