The State of Arizona Independent Redistricting Commission convened in Public Session on August 14, 2002, at 9:30 o'clock a.m., at the Wyndham Buttes Resort, Kachina Ballroom, 2000 Westcourt Way, Tempe, Arizona, in the presence of:

APPEARANCES:

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

ADDITIONAL APPEARANCES:

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

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SPEAKERS FROM THE PUBLIC:

JOSEPH C. DONALDSON, Mayor, Flagstaff

DAVID CANTELME, Counsel, Flagstaff

DANA TRANBERG, Intergovernmental Relations Assistant, Glendale

PAT BRENNER, Community Relations Manager, City of Apache Junction

LEONARD GORMAN, Chief Staff Assistant, Navajo Nation

EDWARD T. BEGAY, Speaker, Navajo Nation Council

SCHEDULED SPEAKERS:

DOUG JOHNSON

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CHAIRMAN LYNN: The Commission will come to order.

Good morning, ladies and gentlemen. The Commission will reconvene.

For the record, four Commissioners are present. Mr. Huntwork is excused. He will be joining us shortly.

We are represented by legal counsel. NDC is here and IRC staff.

As is our custom, we would be happy to take public comment not only at the beginning of the meeting today but as we move forward in our deliberations today at appropriate times, as we did yesterday, to entertain additional comment when it makes sense to do so.

At the moment, I have one speaker slip. If there are others of you that wish to speak, please make sure that staff members have your slips and are prepared to bring them forward and get you into the que.
Our first speaker this morning is David Cantelme who is representing the City of Flagstaff.

Mr. Cantelme.

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

I would like to put Mayor Donaldson on. If we may have him come forward first, then I'll get into the meat of what I was going to say.

CHAIRMAN LYNN: Without objection.

MAYOR DONALDSON: Thank you, Mr. Chairman, Commissioners, again for this opportunity to speak before you.

I understand the full decision you folks made yesterday concerning the Flagstaff proposal, and we fully respect that. However, we want to continue to address the issues brought forth by Commissioner Minkoff. And we're prepared to address those issues and submit for your consideration, for your record, on the record, our answers and revisement of the Flagstaff proposed map. And respecting your time, I'm just going to go ahead and introduce Mr. David Cantelme who will speak for the City of Flagstaff.

CHAIRMAN LYNN: Thank you, Mr. Mayor.

Mr. Cantelme.

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

I also realize the Commission has done its work. We do appreciate very much the opportunity to speak to you again and at least respond to some of the questions that had been posed to us yesterday.

I very much respect the position the Commissioners are in. I have to serve on a school board. I very much can appreciate you donating your time and being in a position where you can please some of the people some of the time but can't please all of the people all of the time. We fully respect that. Yet the Vice Chairman had raised some very serious questions yesterday. We'll very briefly respond to them.

Particularly the question was dealing with population deviations. And we very much recognize that as a significant issue. Even though you may be within what is permissible by equal protection, nonetheless, you still should strive to reduce the deviations among districts as much as possible.

What we have done, if I may, Mr. Chairman, present you with --

(Commissioner Huntwork arrives.)

CHAIRMAN LYNN: For the record, Mr. Huntwork has joined us.

COMMISSIONER HUNTWORK: Good morning.

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CHAIRMAN LYNN: Without objection, we'll receive the report.

MS. HAUSER: Mr. Sissons, do you have any --

MR. RIVERA: Do you have any for legal counsel?

MR. SISSONS: Actually, I do.

MR. CANTELME: What I've given the Commission is a copy of revisions to both plans A and plans B. As you recall, one is Hopi in and one is Hopi out.

We've made some very minimal changes at the margins of both plans, the result of which is to significantly decrease the population deviation between the maximum and the minimum, or positive-negative deviation. Taking the ideal as -- I believe the ideal figure under the 2000 Census was approximately 171,000, maybe 200 -- 171,000, whatever it was, taking that as a starting point, by making -- I'll just talk about plan A. That's not to endorse one plan over the other, but to be respectful of the Commission's time. We've given you a written narrative that addresses plan B just as we have on plan A.

On plan A, we made three changes. Plan B, we have made two of those three changes. Specifically,
on the first change, it is to take the Coconino County portion of the Arizona strip and go from District 2 to District 3. And then the second move is in northwest Phoenix, the area between Pinnacle Peak on the south and Happy Valley on the north, 43rd Avenue on the east -- excuse me, 39th Drive on the east and 43rd Avenue on the west. That's about a half-square-mile area, moving that from 6 to 4. 4 had been, as Vice Chairman Minkoff pointed out yesterday, the district in our original plans, preferred plans, that had the greatest deviation. And this cures it.

And then the third move is up in Navajo County, the area north of US-60, east of State Route 77, but not Show Low, Taylor, Snowflake, or Holbrook. That goes from 5 to 2.

We've also given you a chart that goes with the narrative and it describes the results in terms of numbers and percentages resulted from these moves. And you can see there that on the districts that we have changed -- and again, we've taken the core of our map as your map. We've only changed these five districts. You can see there that the maximum deviation downwards is the 2.28 in District 2. And the maximum upwards that we've got there -- and this, again, is only the ones we've changed; it's not the ones you originally have in

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your plan -- a .92. I think Mr. Sissons has found the
net result deviation in our plan is --

MR. SISSONS: Plan A, up --

MR. CANTELME: Can we just add those two?

MR. SISSONS: Actually, no. Because what
is not shown on here is some districts that we did
affect in our earlier submission.

MR. CANTELME: Under six?

MR. SISSONS: 5.6 under one of the plans.

MR. JOHNSON: Can't hear you.

MR. CANTELME: 5.6, plan A; and 4.6, plan
B.

We'll submit this in digital form to NDC.

We realize you got past this major vote.

We understand that. While we respectfully disagree, we
realize decisions have to make.

We would like, if we have permission,
Mr. Chairman, to submit this in digital form to NDC.

CHAIRMAN LYNN: No objection.

MR. CANTELME: I believe Mr. Sissons is
doing that.

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

Ms. Minkoff.

COMMISSIONER MINKOFF: Not a question, but
as long as you are submitting this material, if you
could submit something like we have here for all 30
districts, it would be helpful.

MR. CANTELME: Thank you. We can also do
that, no trouble at all. It will also be in digital
form.

CHAIRMAN LYNN: Thank you.

Mr. Mayor, any other comments?

MAYOR DONALDSON: Thank you.

CHAIRMAN LYNN: Thank you for your
diligence and very enthusiastic representation of your
community and their interests. We appreciate that.

MAYOR DONALDSON: Thank you very much.

CHAIRMAN LYNN: The next speaker slip I
have, the only other speaker slip I have for this
session, is Pat Brenner, who is the manager of community
relations for City of Apache Junction.

Mr. Brenner.

MR. BRENNER: Good morning, Mr. Chairman,
and Members of this Commission.

Pleasure to see you.

I have a statement from Mayor Coleman of
the City Apache Junction and the City Council of Apache
Junction I'd like to enter into the record, if I may.

CHAIRMAN LYNN: Without objection.

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MR. BRENNER: Dear Mr. Chairman and Members of the Commission, the online information center for the Redistricting Commission states the Commission is charged with redrawing fair, competitive districts based on criteria set forth in Proposition 106. The new districts must also comply with Section Two and Five of the Voting Rights Act and follow traditional redistricting principles, including compactness, contiguity, and respect for existing features and communities of interest.

As Mayor of a community which has spent the past 10 years split between three separate Legislative districts, Districts 4, 7, and 21, reaching from Avondale in the West Valley to communities in the White Mountains, the prospect of spending the next 10 years as part of a district that reaches to the Mexican border is unacceptable.

I call your attention to your mission statement which charges the Commission with administering fair and balanced redistricting and requests the Commission's consideration of the following points.

Number one, that Apache Junction remain whole and not be split between various and numerous Legislative districts.
That Apache Junction remain with Pinal County.

That Pinal County remain whole.

And that Apache Junction not be part of an East Mesa district.

I, as well as many others in the community, voted for Proposition 106 with the hope of being in a Legislative District that showed respect for our city boundaries, geographic conditions, and shared community interests. I am disappointed that these principles are not reflected in the 2004 maps, the current map, or maps.

I respectfully ask your consideration of this request. If you need any additional information, please contact me at 480 982-8002.

Sincerely, Douglas Coleman, Mayor of the City of Apache Junction.

CHAIRMAN LYNN: Thank you, Mr. Brenner.

Comments or questions for Mr. Brenner?

Thank you, sir. That will be made a part of the record.

MR. BRENNER: Thank you.

CHAIRMAN LYNN: The next speaker is Mr. Leonard Gorman, Chief Staff Assistant for the Navajo Nation.

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Mr. Gorman?

Mr. Gorman may have stepped out. I know he was here earlier today.

MR. ECHEVESTE: Oh.

CHAIRMAN LYNN: Good morning, Mr. Gorman.

MR. GORMAN: Good morning, Mr. Chair,

Members of the Commission.

To say as a follow-up comment to Mr. Speakers' comment, the Navajo Nation did submit -- Mr. Speaker submitted a Resolution from the Inter-Governmental Relations Committee supporting plan B initially developed by the City of Flagstaff.

CHAIRMAN LYNN: We have air conditioning.

If you'd speak up.

MR. GORMAN: To follow-up Mr. Speaker, the Navajo Nation was supporting plan B developed by the City of Flagstaff.

Their plan B2 resubmitted this morning, the Navajo Nation just has several comments on that issue, the plan B map, since the Navajo Nation supports the plan B developed by the city.

Three areas, the Greenlee County issue still continues to be part of number 2, and part of these, adjustments be made three areas, Greenlee County, probably the southern part of the Navajo Nation includes

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areas such as parts of Winslow and the north part of the
Interstate 40, that little strip on the bottom -- south
end of the Navajo Nation in Coconino and Navajo
counties, and then the western part of Navajo Nation in
the Page area.

The Navajo Nation initially submitted a
proposal that included areas west of Page along Kaibab,
I believe that's a river, or county line, the west end
of the Coconino County line.

So perhaps there could be a continuation
of consideration for those three areas may be taken into
consideration balancing the population.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Gorman.
Questions or comments for Mr. Gorman?
Mr. Gorman, thank you.

Our next speaker, I notice at least this
is the last speaker slip in my possession for this
session, that would be from Edward T. Begay, Speaker,
Navajo Nation.

Speaker Begay, welcome back.

SPEAKER BEGAY: Good morning, Chairman,

Members of the Commission, staff, and also the guests
here this morning.

It's always interesting and a pleasure to
appear before a body that is responsible for doing a job that is needs to be done. And at times it gets to be a very hectic job. I don't envy your job at all. But nevertheless, you have given us this opportunity to present our map maps over the period of time you all have convened to review the overall redistricting for the State of Arizona in light of the year 2000 Census count. With that, I would like to again thank you for giving the time to just make some remarks.

Of course, the Navajo Nation representatives were here yesterday as you began your two-day meeting. And it was the Inter-Governmental Relations Committee that did act by Resolution that was presented. So that way we established the position of the Navajo Nation.

Presently the Navajo Nation is working with the City of Flagstaff regarding the plans A and B. I guess this morning there has been further, made some refinements on that. And hopefully that would be taken into serious consideration by this Commission.

I respect the decision of the Commission regarding the Flagstaff plans that were presented. The Navajo Nation is deeply disappointed with the decision. The new maps generated by Flagstaff is -- we reviewed before coming to this meeting this morning, and

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specifically plan B would be satisfied -- satisfy a
large number of Indian tribes in Northern Arizona.
The Navajo Nation is very hopeful that
we're making some progress on these issues. I believe
if you are still in session, if there's any
reconsideration to adjust, we would be most grateful.
And again, thank you for the time. And
hopefully you would make a wise decision for the
citizens for the State of Arizona.
Thank you, Mr. Chairman.

CHAIRMAN LYNN: Thank you, Speaker Begay.
Comments or questions for the Speaker?
Mr. Speaker, I want to, on behalf of the
Commission, thank the Navajo Nation for their time and
attention to this process. It is probably without peer
in terms of the number of people who have been involved
in the process from the beginning and who have been
involved in helping us make our decisions. Even though
the decisions may not all be to the Nation's liking, we
certainly appreciate the involvement of the Navajo
Nation. We appreciate the fact that you hosted us in
Window Rock for a meeting. And we appreciate your
involvement and we thank you very much.

SPEAKER BEGAY: Thank you. You are
welcome.
CHAIRMAN LYNN: Any other members of the public wishing to be heard at this time?

If not, we'll close public comment for the moment.

As I mentioned earlier, we'll continue to take public comment during the course of the meeting and move forward.

At this time, I would like to ask Mr. Johnson for his report on the tests that were ordered yesterday and the possible adjustments to the base map.

Mr. Johnson, while you are there, we'll go through that first. And then I believe you also have a deviation report that we can also take, but we'll do that subsequent to the -- looking at how the map turned out at this point.

MR. JOHNSON: Okay.

While this is coming up, just to clarify one thing, compared to information you were given versus what you'll get through me in a couple days, I spoke to Flagstaff representatives. The total deviation they mentioned for districts that differ from the 2002 plan. When you get my run of the equivalency file, there will be larger deviation that still includes 2002 plans, they indicated their goal is for us to substitute in changes
in those districts. Wanted to explain why it would jump when you get that.

I started with the test C base map and then incorporated the various instructions from the Commission yesterday into this plan which is simply called the August 13th Plan. Let me show you the changes.

The other piece I did is worked with Tim Johnson on the traps. And you'll see -- I think there were four traps of zero population, a small sliver of blocks, and one involved 21 people. So let me show you that as well.

Each of you have spread sheets in back. One is a standard spread sheet, demographics, registration, and original AQD data. Another one is what we introduced yesterday is the three-race and four-race averages, new AQD, as it's also being referred to, where the four-race average is an average of the 1998 Governor, Secretary of State, Attorney General, and Corporate Commissioner races, the statewide races for '98, and three-race average Governor, Secretary of State, and Corporate Commissioner.

The reason for including both, when Dr. McDonald looked at it, he found some evidence the Attorney General may have been an aberration and wanted
to give you both scenarios.

You have spreadsheet that puts all the
different competitive measures together on one sheet for
your reference.

First changes were down in Tucson,
included the Skyline test and squared off the area north
of Skyline and traded for it in the area of Sunrise as
discussed yesterday. It came out just as we discussed
it yesterday with no changes from that result.

There were no traps down in that area.

The second area of changes was the Old
Town and United Neighbors area. And this is also the
area where the populated trap was found.

The pointer.

As you can see, the red lines that are
overlaid are Test C and the colored lines are the August
13th plan. So you can see District 14 ascends to the
north up to Butler. District 12 instead of extending
into Phoenix stays within Glendale. And District 15
instead of coming across into the United Neighbors area
also extends north to Butler.

The one trap I wanted to point out is this
one Census block here. That's a 21-person Census block
where the Congressional District, because of it's zero
deviation requirement, both percentage and people, took

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in that block into the district. And so if we follow
that street and did not follow the Congressional line,
the county would need to make a new precinct just to
administer the election for 21 people. Pursuant to the
instruction to incorporate those trap fixes, that's the
only population change area. And it's actually the only
area that would show up to the naked eye on the maps.

The other traps, just to point out where
they were, there were two right on the edge of Tolleson
that were slivers that are between -- the city line
doesn't go quite all the way to the road, so there's a
very narrow zero population Census block between city
line and road. I stopped at the city line and
Congressional line and went to the road. I moved it to
the road so we avoid traps.

And there was a similar case up in the
north between 4 and 6. There was a zero population trap
along the border of Glendale. And, again, I would zoom
in, but I have to zoom in so closely you would lose all
reference points to see those traps. The only one that
involved population was down there.

You have the spread sheet before you. Let
me summarize it.

I'll get my copy there.

MS. LEONI: Excuse me, Doug, the red lines
on this map are what? The red lines are --

MR. JOHNSON: Test C.

MS. LEONI: Test C.

And the colored lines are what?

MR. JOHNSON: The August 13th plan.

DR. ADAMS: Doug --

MR. JOHNSON: Is there a question?

Dr. Adams was asking about something I didn't mention specifically. The way that that trap was created in this test is the tradeoff yesterday. As you can note, when 14 picks up its population in the north, its picking up from 10 and giving population to 12. So there's this area between north of Northern that is the same as discussed or shown yesterday. And that is the area where 10 picks up from 10 to 12 to trade off. And that's what had created the trap.

The resulting total deviation of this plan is 4.22. Note that is slightly higher than the plan C deviation by a few hundredths of a point, and that's because of the changes made -- oh, the last set of changes made, which is the 19 and 22 tradeoff. And that is where, pursuant to the Commission's instructions, I tested used keeping the border between 19 and 22 at Broadway rather than having 22 come up into the small bump there.
The colors are so close, let me change
those.
You can see previously 22, District 22
came up above Broadway and picked up four Census blocks,
squared off at Broadway, made it an easier to understand
and describe the border there, but the result was an
increase in total deviation to 4.22 percent.
We have the competitiveness information
and other things on the spread sheet before you. And as
I noted, they are on the tables in the back for the
public.
I can answer any questions you have.
CHAIRMAN LYNN: Questions or comments for
Mr. Johnson?
Mr. Elder.
COMMISSIONER ELDER: Mr. Johnson, would
you, I guess, zoom in on and include Districts 11, 12 --
no, 14, 15, and 12. That area, there.
Could you turn on and shade the Glendale
boundaries here?
Mr. Chairman, I guess why I wanted to see
this, I still have a problem with the way the historic
district in Glendale comes down in 12 and pinches off 14
to where it looks like we really have an extremely
articulated district there.
It doesn't seem -- I guess it unites a community of interest a little bit more, but it's still just a little bit more. It doesn't seem it's benefiting as much as it may be hurting the ease -- the term Doug used is describing the district. Where do you run; where do you campaign; where do you live; where do you vote.

I'm still a little concerned that that district, for lack of a better term, is an ugly district, not compact, almost not contiguous. If you look at the way circulation gets from the southeast to northwest, that neck along Grand, that's probably the only road that actually connects them. I just wanted to discuss that a little further to make sure that's the way we as a Commission want to go in creating a district that almost -- I can't describe why it's been done that way other than for voting rights issues.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: First of all, Mr. Elder, I think you meant 13, not 14, didn't you?

COMMISSIONER ELDER: 13 comes around and looks like --

COMMISSIONER MINKOFF: 14 has a straight line.

COMMISSIONER ELDER: Fine, follows the
boundary of Glendale, follows jurisdictions, even though
we talk about 14 off to --

COMMISSIONER MINKOFF: So you are

concerned about where 12 and 13 kind of spiral around
each other. 13 is one of our voting rights districts.
And, Doug, are there differences in the population in
that little group of 13 that cuts into Glendale from
surrounding population? Is there any way we could even
out some lines without disturbing either competitiveness
of 12 or Hispanic voting age population in 13?

MR. JOHNSON: Test A from yesterday, I

actually tried to do that, where it really squared off
this area here to get rid of the kind of wraparound
effect.

COMMISSIONER MINKOFF: Yes.

MR. JOHNSON: The impact of that, it put
in areas not as heavily Hispanic or as focused Hispanic
neighborhoods and dropped the Hispanic voting age in 13
down to 53 percent and change, which is in the range in
the Department of Justice area is a gray area.

COMMISSIONER ELDER: Currently it's 56.7.

MR. JOHNSON: 13 is 55 and some change.

Let me get that.

MS. HAUSER: 55.25.

COMMISSIONER MINKOFF: So that loop from

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13 has heavier Hispanic concentration than areas described?

MR. JOHNSON: Yes. The area in the old plan discussed yesterday is divided between 13 and 12. Because part of it is a very dense Hispanic community, and the other part is -- while about 30 percent Hispanic, it's not nearly as unified as the other half.

COMMISSIONER MINKOFF: Thank you.

COMMISSIONER ELDER: So let me follow up with that, then. In other words, then, for the rationale for 13 being articulated, we have the Hispanic and the voting rights issues that this appeared to be the best way of doing that. And we in turn are trading some of the compactness and almost contiguousness of that district. Is that --

MR. JOHNSON: We're definitely trading compactness.

COMMISSIONER ELDER: I just wanted to make sure there was a good reason why and it wasn't just this is what was left over or it was just that's what we found and we didn't look for other ways of doing it to give a more definable edge and boundary there. And if that's the case, then I'm satisfied with where the district is now.

CHAIRMAN LYNN: Mr. Huntwork.
COMMISSIONER HUNTWORK: Well, I -- I was not so much thinking about District 13, which I understood the reason for that, previously, and we discussed it previously that Doug had gone all along the boundary of 13 all the way to the bottom, southwest corner, all along the boundary of 12 to see if there was anyplace -- to see if there was anyplace we could make trades. I'm assuming that is still the case, you've not found anything else or had any other ideas to find out how to do that anywhere along that border, correct?

MR. JOHNSON: Correct.

COMMISSIONER HUNTWORK: But on the other hand, I just -- I said this yesterday, looking at it here on the map again today, I'm sorry, I don't mean to take my fellow Commissioners' time to beat a dead horse, we voted on this, and I recognize that. I don't think we did a service to the people that live in that Old Town area. They don't have anything in common with Litchfield Park, Goodyear, and so on. They belong more with District 14. I just think we made a terrible mistake when we did that.

I wish there was a way we could keep 12 from going so deeply into that area begin with. The more narrow we pinch it and further extend in, the more of a disservice to the people that live in that urban
core which I think is much more heavily identified with
14, 15, and 10.
So --
CHAIRMAN LYNN: Thank you, Mr. Huntwork.
I would point out Ms. Tranberg's testimony from City of Glendale counters that view and indicates the downtown area and here --
COMMISSIONER HUNTWORK: I understand that Glendale City perspective on this. I understand it very well. I'm not talking about the city. I'm talking about the people that live in that area.
CHAIRMAN LYNN: We don't have testimony from them is my only point. I wish we did.
COMMISSIONER HUNTWORK: But I'm familiar with that area. I've driven through there. I know what it's like.
CHAIRMAN LYNN: Thank you.
Ms. Minkoff and then Mr. Hall.
COMMISSIONER MINKOFF: Mr. Chairman, I'm wondering if there is a way to get that Old Town area into District 13 which I think would not disturb the City of Glendale because there is an adjacent portion of the City of Glendale already in District 13? Is there any population on the boundary between 13 and 12 that has a similar demographic composition, maybe the area
west of 115th Avenue or west of the 101 Loop. Is there anything we could trade from 13 into 12 so we can take that area into 13? I think that would address Commissioner Huntwork's concerns without changing the demographics of 13, which is a major issue.

MR. JOHNSON: This is obviously both in our June meetings and our response to DOJ, and these meetings, a key area of concern. And, particularly, just looking at District 13, you can see the issues with it.

What I just brought up now, I switched the red lines from C to test A. You can see how they are much squarer. It does take that Old Town area into District 13. It squares off down here instead of where we were just east of the 101 in that area, instead of taking the two jags that are in there. And it's a much more compact district. This was my attempt to do just what you are describing, Commissioner Minkoff, look at neighboring areas close in demographics.

This test did reduce Hispanic voting age of 13 to 53 percent and some change. And that was picking up the most demographically matched neighborhoods.

One thing I should note for the record, too, on there, it would be possible to remove this arm,
have 10 come down pick that up, and 12 would go into 9,
do a little circle there to avoid the compactness there.
I haven't fully drawn a test, but the reason I did not
present that to you yesterday is that the impact of that
is 12 would be picking up heavily or relatively more
Republican areas from 9. We'd also be adding a city
split to Peoria. It leads to its own set of issues.

I do want to say that is something I
looked at as an attempt to address that, but it led to a
waterfall of new problems. So it is something both the
Commission and NDC in our tests, pursuant to your
instructions, have looked at in detail and not been able
to come up with a more satisfactory result.

CHAIRMAN LYNN: Mr. Huntwork, is there --
I'll get to you, Mr. Hall.

Is there anything -- do you see something
you would like to have NDC test as a possible solution?
I don't want to put you on the spot for that. I'll take
Mr. Hall's comment, if there's anything we can order
that hasn't been looked at, we'll certainly try to do
that.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I just
want to reiterate my concerns of yesterday, as long as
we're continuing to whip the horse. The point is the
fact that we haven't heard from those people, my
experience in this process is no news is good news. We
have a map posted. We haven't heard any objection to
the current position of the map which, could be inferred
they are not unhappy with their present situation,
irrespective of Glendale, the City of Glendale's
perspective, which I'd like to address next.

On the issue, the fact, one, they knew
where they were, we have posted the map some time,
allowed for comment, public comment, and our number of
letters we've received from citizens really happy is
minimal. Normally we just hear when they are unhappy
with what we've done. I think lack of testimony can be
viewed as positive, instead of the converse.

With respect to the City of Glendale's.
Five versus six, if I was the director of the City of
Glendale, I'd own all six Representatives instead ofive and have that much more influence in the
Legislature. They say our position is such a minority
position, I'd still make sure they knew they represent
my city.

I'm not sure that position is particularly
in the best interests of the city, but that's not my
call.

My major concern, however, is that I think

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that the voters, and especially in the Maricopa area, have experienced a certain level of confusion. You know, we had had draft maps, permanent maps, then a map submitted, now a court appointed map, and now a new map. Even people I visit with on a regular basis, i.e. my wife, can't figure out which map we're on.

Are we doing any benefit making a last-minute change, causing confusion? They went, know where their polling place was in 2002. 2004 we're saying we want you to do something different and you may have a different candidate. Things changed. We had a neighborhood representative and one city representative that said come move 6,000 people. All those points, in addition to Mr. Huntwork's point, which I'm not sure their situation is better to the north than it would be to the south -- I know that's probably all we've done. The more I look at the situation, the stronger I'm in opposition to making this move, in addition to the fact that now the district is less compact.

CHAIRMAN LYNN: Any further discussion on this portion of the presentation?

What I think we might do, we have two issues. And one of the issues involves a trap of 21 individuals.

The Chair would entertain motions to

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incorporate either of these, of the changes, the Tucson
change and this, the one we're talking about, into the
base map for further consideration, which we need to do
formally.

Ms. Minkoff.

COMMISSIONER MINKOFF:  I move that we
incorporate the adjustment to population between
Districts 12 and 10 to correct the trap identified.

CHAIRMAN LYNN:  It's not just the trap
adjustment.  I think that is one of the issues.  I'm
looking for the two tests that were run.

COMMISSIONER MINKOFF:  You want them --

CHAIRMAN LYNN:  Put in the map or take
them off the table.

COMMISSIONER MINKOFF:  You would like to
incorporate the shift between 12 and 14?

CHAIRMAN LYNN:  Yes.

COMMISSIONER MINKOFF:  Fine.  Since I
support that, I'd move that.

CHAIRMAN LYNN:  Let me ask a technical
question, Mr. Johnson.  The issue of the trap, is that
outside the bounds of the shift?  Should it be voted on
separately:  We already issued a discussion dealing with
traps and lining of districts so counties wouldn't have
the burden of a very small precinct to support.
MR. JOHNSON: If the Old Town and United Neighbors issue isn't adopted, the trap would go away.

CHAIRMAN LYNN: The motion is to accept the Old Town and United Neighborhood shift.

MR. JOHNSON: I'd ask the motion be to accept that shift with the one change of the trap.

CHAIRMAN LYNN: Okay.

COMMISSIONER MINKOFF: That's my motion.

CHAIRMAN LYNN: Thank you.

Is there a second?

Hearing no second, that motion dies for lack of a second.

Is there an affirmative motion with respect to the Tucson motion?

COMMISSIONER HUNTWORK: I will move that we make the Skyline shift as previously outlined.

CHAIRMAN LYNN: It's been moved we make the Skyline shift.

Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Second.

Discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

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COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries five-zero and is so ordered. That motion is now incorporated into the base map.

MR. RIVERA: Mr. Chairman?

CHAIRMAN LYNN: Mr. Rivera.

MR. RIVERA: The information you provided us includes the Old Town change and Skyline change.

MR. JOHNSON: Yes.

MR. RIVERA: If we don't incorporate the Old Town change and Skyline change, these numbers will change on these charts, am I right?

MR. JOHNSON: Right.

MR. RIVERA: Right. Okay.

COMMISSIONER HALL: Only in three districts.

CHAIRMAN LYNN: In three districts. And we'll have to rerun it. If no changes in that district, we can do another run. We already have the numbers -- we can go to plan C --

MR. JOHNSON: Correct. If neither the Old Town or United Neighbors Test, United Neighbors being
the subset of that, are adopted, we'd be back at the 
test C lines.

CHAIRMAN LYNN: Test C lines for those 
three districts. We'll get an integrated whole if we 
can, but we have the numbers.

COMMISSIONER HALL: We have the numbers, 
don't we, Jose? Because we have the numbers.

MR. JOHNSON: To clarify, we have test C 
numbers. If we don't have the test run, the only one is
just the United Neighborhood change of 2,000 people.
Gave the stats yesterday but haven't the full spread 
sheet.

COMMISSIONER HALL: Where are we on the 
United Neighborhood change? I thought that was all 
within --

MR. JOHNSON: Old Town includes the United 
Neighborhoods Test.

COMMISSIONER HALL: We have left that 
alone.

CHAIRMAN LYNN: We've left that alone. In 
that portion of the map, we're at test C as our base 
map.

MR. JOHNSON: Correct.

CHAIRMAN LYNN: I have a speaker slip from 
Ms. Tranberg representing the City of Glendale. It
would be timely to take her comments now, since we're
dealing with that issue.

So without objection. Ms. Tranberg.

MS. TRANBERG: Thank you, Mr. Chairman,

Members of the Commission.

I would like to address the Old Town issue
with you. I've provided the correspondence the City of
Glendale has provided since the beginning on the primary
issue of unifying Old Town area. I understand some of
the Commissioners' concerns. I particularly would like
to address Mr. Hall's concern or comments regarding six
districts are better than five.

As I stated previously, and as our
Maricopa and several of our Council members have
testified before the Commission. Unfortunately when
it's a minute area, including one of the proposals, one
square mile of District 14 being in the City of
Glendale, it's very difficult to get a Legislator to
listen to your concerns, either right now as we're
communicating with different candidates for District 12,
who does have -- or District 10, has larger portions of
Glendale, we're already hearing from some of them,
"Well, most of my area is Phoenix, so we're focusing on
Phoenix residents." So I guess I would respectfully
disagree with the thought that six is better than five.
We were hoping that the Commission would adopt the Old Town proposal today. And I would request you would reconsider it.

District 14 wraps around and as was testified to yesterday by several -- a woman from the Phoenix neighborhood, they see their neighborhoods as distinctly different from those in Glendale. Their request was to be included in a Phoenix area, not District 12, a Glendale area.

I think that the dividing line of Glendale and Phoenix is not only a city boundary, but I think it's a distinction between neighborhood associations in that area.

With that, I'll entertain questions you have. But we request you would reconsider.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I just want to make sure we're not putting words into the mouth of that neighborhood association. Certainly they recognize distinctions between the area I think probably north of Northern as well as south of Northern and between Phoenix and Glendale. But I also would guess, if I can put words into their mouth as well as you can, and they would need to speak for themselves, really, but what they don't have anything in common with is Goodyear.
and Litchfield Park, and so on. They are an intercity neighborhood. And to that extent, they have more in common with that little area of Glendale that we're talking that.

But I'm wondering, could you explain to me why that area, that is the highly urbanized Old Town area, would have anything in common with the high growth areas in the west side of valley, why do you find that an appropriate connection other than you in the abstract don't want Glendale to have another division? Why are those people better off?

MS. TRANBERG: Mr. Chairman, Members of the Commission, I in no way put words in someone's mouth. She in testimony said she didn't want to be in 12, an area that cuts down the central city and also has a connection with communities north, further to the west of it.

Obviously, we'd love to see that unified into one area. Unfortunately, because of limitations and the voting rights issue, they are not. For the past 10 years that area has been significantly fragmented. We think this is an improvement upon that. Those Glendale neighborhoods, there's a tight neighborhood between different Glendale associations and neighborhoods. They work with the city
and with each other. Therefore, I think it's important they remain unified with other neighborhood communities rather than being placed into District 14 which is Phoenix communities.

CHAIRMAN LYNN: Ms. Tranberg, I don't want to interrupt your dialogue. I made an error this morning. Clearly it wasn't the first and won't be the last.

In reviewing the work of the Commission yesterday, it was my understanding, at least I thought I had a clear understanding, that what I thought we had done on two separate votes was order further testing of Skyline and Old Town and United Neighbors. In fact, what we did was vote them into the base map. So my -- it was my error. And what we do have now is a base map that contains both of those changes.

If there is --

COMMISSIONER MINKOFF: Doesn't have the trap, though.

CHAIRMAN LYNN: The trap was identified overnight. So we would certainly have to add that to the mix.

Clearly any of those decisions, until a final map is adopted, is up for -- they could be reconsidered. I would remind the Commission in order to

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reconsider any decision that has been made, the maker of
the motion for reconsideration has to have been on the
prevailing side.

So with that caveat, I just -- all I want
to do is clear up the discussion. Because at this
moment, I'm confident now that our base map includes
both of those changes.

Mr. Elder was first and then Ms. Minkoff.

COMMISSIONER ELDER: Yes, Mr. Chairman.

It was my understanding we were going to run tests on
those. And that's what I wanted to do was the sole
intent of my vote for this. Since I am on the
affirmative side of that vote, I would bring that up as
a motion to reconsider.

CHAIRMAN LYNN: Mr. Elder has made a
motion to reconsider the Old Town and United
Neighborhood adjustment. Is there a second to that
motion?

COMMISSIONER HUNTWORK: Mr. Chairman, I
second --

I assume a seconder can be on the other
side?

CHAIRMAN LYNN: I believe that is correct.
The maker of the motion has to have been on the
prevailing side.
COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: It's been moved and seconded.

What is before the Commission is a motion to reconsider. A motion to reconsider does not undue what has been done, rather, it puts the issue before the Commission again as if it had not yet been voted on and will be voted.

All those in favor --

Discussion on the motion?

Ms. Minkoff.

COMMISSIONER MINKOFF: I have a question of Doug and some comments to make.

Doug, Commissioner Hall expressed concern a few minutes ago that people are going to be terribly confused if we move district lines and they are not going to know where to vote. Does this change any precincts, any people's polling places, or are they just voting at the same place but in a new Legislative District?

MR. JOHNSON: It's difficult to say. There's a lot of factors that go into precincting, obviously, and the counties do that.

It would -- the question in my mind is are the changes of a nature where they could just switch the
precinct assignment? And District 13 has made some changes that I think will require precinct adjustments, because we were reducing the deviations from the nine percent it was when those precincts were drawn. The changes to 12 and 14 and 10 and 15, I can't characterize those in terms of the impact on the precinct lines. And obviously if a precinct changes them, some people's polling place will change. That is something that the county people might be able to answer, but I can't.

COMMISSIONER MINKOFF: And you have been -- are the counties going to have to redo precincts because of the population adjustments that we've made?

MR. JOHNSON: Yes.

COMMISSIONER MINKOFF: Okay. So there are a lot of people who are going to be in different precincts in 2004 than they are in 2002 because we've made population adjustments, correct?

MR. JOHNSON: Yes. We've done things such as unite the Isaac School District in all three tests, previously divided, in order to respect precincts. In that one case I worked with Tim Johnson who worked for the Commission and county. That's not an issue at all, they have plenty of time before 2004 elections to reprecinct. He was only working on the one case. I
can't speak to the others.

CHAIRMANN YNN: The motion is to reconsider, whether or not we'll have another vote, not merits of the motion. Do you want to vote on this again, that's the question before the Commission.

All in favor of reconsideration say "Aye."

COMMISSIONER HUNTWORK: "Aye."
COMMISSIONER HALL: "Aye."
COMMISSIONER ELDER: "Aye."
CHAIRMANN YNN: Opposed, "No."
COMMISSIONER MINKOFF: "No."
CHAIRMANN YNN: Chair votes "No."

Motion passes three-two.

The issue of the Old Town and United Neighbors switch is back on the floor for discussion.

COMMISSIONER MINKOFF: Mr. Chairman, I have to say I'm really, really puzzled as to why there is any serious question about doing this. What we are hearing is that the City of Glendale has asked us to make this shift, but we haven't heard anything from the people. And so, therefore, we're going to ignore the input that we have had.

We have had so many changes in these maps, as Mr. Hall has said, that a lot of the people probably don't understand where the process is. Unless they have

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been logging on to our website on a regular basis, unless they have been coming down to our meetings on a regular basis, they have not been following the process. Quite honestly, I believe that's true for the overwhelming majority of people in the Arizona. What I do in this kind of situation, and what I believe a lot of people do, I figure I've elected people who are supposed to represent me. If it's a city issue, I've elected a Mayor and a City Council, and I expect them to represent me as a resident of that city. If it's an issue before the Legislature, I have elected Legislators in my district who I expect to represent me. I don't go down to the Legislature and give public testimony on every issue that is important to me.

I think that we have heard very, very clearly from the City of Glendale. And I also think that Proposition 106 is very clear, that city unification that minimizes city splits is something that is very important.

In the earlier map that we had, test C, the Old Town area of Glendale was in District 14, a district that extends clear over to the area immediately north of Sky Harbor Airport.

If you are looking at a district that is strung out all over the place, areas where people from

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one end to the other probably never get to the other end
of the district, where it's going to be virtually
impossible for a legislature to represent the concerns
of the City of Glendale and of the Phoenix Airport area,
which may very well be in conflict, the more that we can
unify Glendale, the better it's going to be for those
people.

There are 60 some hundred people in this
area. If we put them in District 14, they are less than
five percent of the district. And they are not going to
have any impact at all on a Legislature from District
14. That's a majority-minority district. That
Legislature is going to listen to those concerns. It's
also kind of a Phoenix inner-city district. And those
are the concerns that will dominate it.

By not making this switch, we're in effect
telling 6,600 people in City of Glendale they'll have to
go without adequate representation.

One of the things we have to look for in
making this kind of a switch is whether there are any
significant detriments. And that's what I don't see. I
see that it makes District 12 a little less pretty.
Quite honestly District 12 and 13 aren't pretty anyway,
nor is 14 or District 15.

We have very strange looking districts
drawn for very valid reasons, Voting Rights Act, uniting historic neighborhoods, which is an AUR that we established. And I believe respect for integrity of city boundaries is an equally compelling argument to create a district that is not as compact and not as pretty as we would like.

I used to be in District 18. Now I'm in Legislative District 11. And awhile ago I got a card from the Maricopa County Recorders Office, told me this is my Legislative district, County Supervisor District, and this is my polling place. There's no confusion. I know exactly where I am. There's no concern about my knowing who to vote for and who not to vote for, because they're bombarding me with information. Actually, my district, they're not, because there's no Democratic primary.

When candidates want my vote, they let me know. I hear from them. I can choose to pay attention or ignore their input.

I'm not concerned I'll not know who's running in my district. There are very compelling reasons why we've been asked to make the shift. It's important for city information, important for not disenfranchising 6,600 people in the City of Glendale willingly without any significant representation in the
Legislature if we don't make the shift. We owe it to
them to do it.

CHAIRMAN LYNN: Thank you.

Further discussion on the motion?

COMMISSIONER HALL: Do we have a motion?

CHAIRMAN LYNN: The motion on the floor is
to incorporate the shift in the map.

COMMISSIONER HALL: Already voted it.

MS. LEONI: Undue it.

COMMISSIONER HALL: I'm lost.

CHAIRMAN LYNN: I understand that. Let me
give you a map. Yesterday we voted three to two to
incorporate this into the map. That was done by
Mr. Johnson overnight and you see it as incorporated.
Mr. Elder was on the prevailing side on that motion
yesterday. He made a motion to reconsider. The motion
to reconsider passed three to two. We're now
reconsidering the original motion which is to include
this shift in --

COMMISSIONER HALL: The original motion
doesn't have to be remade?

CHAIRMAN LYNN: No. It's on the floor.

Absolutely.

Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman.

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If there was ever a poster child for a town boundary that had the characteristics of Glendale and -- if we tried to put together a district that looked like that and sent it to the Department of Justice, we would actually be tarred and feathered. So they brought it to some extent on themselves by having a town that has to be cut up because of stretched-out, strenuous necks that reach out to population areas.

I tend to think that the sanctity of jurisdictional boundaries in the case of Glendale is probably at the extreme low end just because of the way they have managed annexation and/or bringing populations into their city. But what does play a significant role is the population in the area that we are discussing, which is Old Town. And the Old Town population, by the discussions we had when we had Rudolfo Perez take a look at the numbers he saw there, and I believe by the time we worked it out, there was something like out of those 6,600 people, there was somewhere in the range 4,800 Hispanics. And being in District 14 almost makes more sense than being in District 12 or 13.

So from my perspective, I'm looking at it more from where does that population, where does that community belong, and not worrying that much about Glendale. Glendale has been able to manage a separated
community for many years. And to manage one more split
in a Legislative area doesn't make -- it doesn't appear
as though there would be any problem in the way they
have their administration in their city set up. That's
the reason I wanted to take a look at it from a
statistical base, from Mr. Johnson's point of view.
What change did it make from the demographics of the
area concerned, the Old Town area, on the different
districts that this change would affect. If it didn't
make any difference, then they probably should stay in
14. If it does make a difference, then the change is
justified.

MR. JOHNSON: If I may, Mr. Chairman, a
quick note.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: The area, the record --
6,000 people, 4,500, whatever we're talking about here,
is, I think, 28 percent Hispanic voting age rather than
40. I just want to be clear on that.

COMMISSIONER ELDER: Total or voting age?

MR. JOHNSON: Voting age.

COMMISSIONER ELDER: What is the totals?

MR. JOHNSON: I don't have it in front of
me, but I can figure it out while you guys move on.

CHAIRMAN LYNN: Mr. Huntwork and then

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Ms. Minkoff.

COMMISSIONER HUNTWORK: Well, I think, Mr. Chairman, I think that the districts that we have in this area are really some of our worst work as a Commission, as a whole. Certainly the configuration of 13 is not something that we have any control over. That was required of us under the Federal Voting Rights Act concerns. We had much nicer looking districts before the Justice Department objected to them. We had to do this to come up to minimum requirements of the Justice Department.

I don't think we can consider going backwards on District 13. So I do feel that we are stuck with that configuration no matter how noncompact it might be and no matter what the effect might be on the number of ways in which the City of Glendale gets broken up.

Beyond that, then, looking at what we can do to ameliorate the situation, we have some concern about the competitiveness of Districts 10 and 12. Doug has suggested an approach that -- and you asked what we might be able to do. And I think the answer really is there is not a whole lot we can do without probably destroying two competitive districts. Certainly I think District 10, if we made the kind of switch that would be
necessary over into 9, District 10 would cease to be a competitive district. But we could get rid of that whole extension into Glendale and probably consolidate it in two more compact districts rather than three at the expense of losing a competitive district.

What I think we should do in this situation, personally, is the minimum necessary to get rid of -- we did add that finger over across from 12 over into Phoenix. I don't think the neighborhood in Phoenix deserves to be with Goodyear and Litchfield Park any more than the neighborhood in Old Town Glendale does. And, personally, I would have favored the neighborhood adjustment rather than the Old Town adjustment just as a way of solving that one problem which is noncompact, anyway, causes an additional city split into Phoenix. If you will, it divides Phoenix one more way. You don't need to do that. But we also don't need to go north of Northern. Why would we put people north of Northern in a district that includes 48th Street and Van Buren, or whatever the southern boundary is there? That doesn't make any sense, either.

So my own preference would be to do the more minimal change, give that neighborhood what they asked for. Doug had a perfectly sensible suggestion, give a little bit more of Old Town Glendale, solve that
one problem, and then not cause a series of other
unknown problems. I would be in favor of that.

I'm not in favor of this. I see it as a
thumb and wrapping around and they're about to squeeze
that lobe -- the grasping hand district, if we don't do
something about it.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Ms. Minkoff.

COMMISSIONER MINKOFF: Actually 13 doesn't
change at all, no switch in or out of 13.

Couple comments. First of all, the Old
Town area Mr. Johnson says is 28 percent Hispanic,
Rudolfo Perez was here yesterday and we specifically
asked him what he thought, representing MALDEF, of this
proposed shift. And he said we would support it. So I
think that we can put that issue to rest. They didn't
have a problem with it.

There's something less than 2,000 Hispanic
voters or -- population in that area, far fewer voters.
I think he said something about the voting age,
Hispanics in the area who would be moved, and he didn't
see a problem with it at all.

Looking at the City of Glendale, and I'm
sorry that the little crosshatches are gone now, but if
you look at the boundaries of the City of Glendale, I

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might ask Doug if you could put the boundaries of the
City of Glendale back up for us, please.

MR. JOHNSON: Sure.

COMMISSIONER MINKOFF: Thanks.

If you notice, most of Glendale is in that
North-South configuration. And it doesn't look a lot
different than District 6 or District 7 which we really
didn't have a problem with. They are very long
districts from north to south and very skinny from east
to west.

Where Glendale kind of goes a little crazy
in terms of city boundaries is to the west where there's
an area that looks like it's not connected and then
further over, that's the boundaries of Luke Air Force
Base which apparently have been annexed by the City of
Glendale. All of those are in District 12, anyway. So
that's not an issue at all. The North-South, main
portion of Glendale is really relatively compact. And
what we've been doing is carving it up because the
divisions of Glendale into five or six different
districts are all in the compact area of Glendale. The
segmented areas are all in District 12. So I don't see
they brought this on themselves at all.

I see this as a cure to what they believe
is an unacceptable city split. District 13 was ugly
before. It's ugly now. District 14 is a little cleaner
because it has a straight line at the western edge along
43rd Avenue. District 12 dips in, but dips in and
that's for city unification. And for that reason I
strongly support it.

CHAIRMAN LYNN: Any further discussion on
the motion?

For the record, the reason I voted for the
change yesterday had little to do with the neighborhood
shift, quite honestly, was more a matter of trying to
unify Glendale into five splits instead of six.

Quite honestly, Mr. Elder's comments about
the shape that Glendale has chosen to configure itself
in through their own public policy makes it very, very
difficult for this Commission to address any sort of
integrity with respect to that city. That's just one of
the difficulties that we have, because it is a very
odd-shaped city, for whatever reason, and has appendages
that are very difficult to incorporate in a certain
area, a single area.

If you are ready for the question.

Mr. Johnson.

MR. JOHNSON: Just to answer the question
Commissioner Elder asked before the vote, that area you
are discussing that was in 14 test C and discussing
moving, is 6,300 people, 26.06 percent Hispanic voting
age and 30.83 percent Hispanic total population, just to
answer your question.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Just for one last run
through at a dense mind here.

If we're shifting population out of 12 and
putting into 14, does that increase the Hispanic or
minority voting percentages in 14?

MR. JOHNSON: The trade in this
configuration actually reduces it slightly because the
area picked up to the north is less Hispanic.

COMMISSIONER ELDER: Homeowner
association.

MR. JOHNSON: The previous test in test A
that picked up the golf course, and things in that area
that did not reduce it, but in this configuration, yes.

COMMISSIONER ELDER: Can you state that
this benefits, by the sheer numbers, demographics of
minority voting age population either in District 13 or
in 12? I guess 12 doesn't change, so 13 -- pardon me,
12, not 13.

MR. JOHNSON: 12 -- results of these
tests, August 13 data, 12, 27.57 Hispanic voting age, so
it's almost identical to this area. This area is one
percent lower than that.

COMMISSIONER ELDER: Okay. The last question would be on competitiveness.

Does it change competitiveness between the previous C and the -- I guess number 4, or the August 13?

MR. JOHNSON: In 12 -- let me make sure. The Judge It scores, August 13 plan is 3.4 and for 14 is a 12. AQD is a 7 percent spread in 12 and a 20 -- almost 25 percent spread in 14.

Let me grab the numbers here.

COMMISSIONER ELDER: Between old plan and new plan?

MR. JOHNSON: I'll have to compare those to test C.

In test C, the AQD score for District 12 was 7.97 and it's now 7.12. So this improves the AQD competitiveness measure by eight-tenths of a point for District 12.

Oh, the other piece of this trade we looked at yesterday was the impact on 10. It reduces the -- increases the spread in District 10 thus making it slightly less competitive, but the change goes from 7.5 to 7.7. So that two-tenths less competitive while 12 becomes eight-tenths more competitive.
CHAIRMAN LYNN: Are you ready for the
question?

The question before you, let me remind
you, is to incorporate this change into the base map.

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

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

CHAIRMAN LYNN: Opposed say "No."

COMMISSIONER HUNTWORK: "No."

COMMISSIONER HALL: "No."

COMMISSIONER ELDER: "No."

CHAIRMAN LYNN: Motion fails three to two.

In this portion of the map, in this
portion of the map, then, we are back to the test C
configuration of the base map.

So, to -- now that we've straightened that
out and we are caught up with what we have done
yesterday, the base map that we are working with has one
incorporated change.

We do need to have -- unless there are
other motions to include further changes, we do need a
motion on the trap --

The trap is not an issue any more or is it
still an issue?

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MR. JOHNSON: Mr. Chairman, the populated trap of 21 people is no longer an issue.

CHAIRMAN LYNN: Other traps.

MR. JOHNSON: Four zero population traps, and I can show --

CHAIRMAN LYNN: Would you please identify those.

DR. ADAMS: Mr. Chairman, I would just remind you that there was another change to the map at Broadway. The Broadway change was also incorporated into the map.

CHAIRMAN LYNN: Thank you. That also was voted on yesterday. And that has been incorporated in the base.

So we have that one block going from, I believe, 22 to 19, or 19 to 22, one of the two.

MR. JOHNSON: As you'll note, the zero population blocks are very small. Green numbers indicating population of various traps around. We've previously run through them. Nine over here, fix the Scottsdale trap voted on back in November and that has been -- that the Commission visited at that time and kept in the plan at that time.

The 21 that you see is the one with the vote that just took place is no longer a trap.

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Up on the border, 4 and 6, there's a very, very small block. You can see it down there. Zero population right along the city border.

And then right down here in Tolleson is actually the other three. It's a little confusing. This zero in the middle of the town is zero population for this block, or group of blocks that wraps around the edge. Each of the blocks is city line and street, the city line didn't go all the way to the center line of the street.

And then there's two very minute school zero population blocks there.

So these three you see here and the one between 4 and 6 are the traps that were created by the tests we've run recently and that remain in the test base map.

CHAIRMAN LYNN: Is there a motion to eliminate those traps?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, to get it under discussion, I move we eliminate all the traps mentioned.

CHAIRMAN LYNN: Thank you.

Second?

COMMISSIONER ELDER: Second.
CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I'd like to take another look at the nine-person trap.

Eight, 11, or is it -- yes.

MR. JOHNSON: This trap is nine people.

They are in the City of Phoenix or Paradise Valley?

In the City of Phoenix who were in District 11, which is our Phoenix and Paradise Valley District.

The Congressional Districts -- let me add those on here, and I'll explain why I'm doing this.

Traps are created when Legislative lines and Congressional lines are very close but not quite on top of each other.

There you go.

The Congressional District included this portion of Arcadia. So it included those nine people with this portion of it's Phoenix population because Congressional Districts can't deviate.

When we went to draw the Legislative Districts, the Commission actually followed the city border, Scottsdale city line all the way through that area and kept all the Phoenix areas in District 11 and the Scottsdale areas in District 8 and 17. To eliminate
this trap would mean taking these nine people and
putting them into District 8, which we can certainly do.
But that was the issue, that makeup, at that time back
in November was the additional city split and taking
nine Phoenix people into a Scottsdale district.

COMMISSIONER HUNTWORK: What is the
boundary of the area that consists of the trap? Can we
see it?

MR. JOHNSON: Sure. Let me get some
street names on here.

So this is just north -- Indian School
Road runs below the Congressional black line here,
Indian School and -- I won't Jomake -- J O M A K E.

COMMISSIONER MINKOFF: Jomake.

MR. JOHNSON: More or less along Indian
School Road and 66th Place. Let me make the streets
black.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: My recollection
when we looked at it before, frankly, I recall a larger
area. I may have been -- I may simply have
misunderstood the situation previously.

Is this better defined?

MR. JOHNSON: Maybe you are recalling
Tucson, 36 people, but it's a large area.
COMMISSIONER HUNTWORK: One thing, it's an expensive separate precinct for nine people. On the other hand, part of Phoenix and neighborhoods to the north for other purposes. It's a shame we have to distinguish them for any reason, but it certainly seems to keep them together.

I guess I still come out on the side of preserving this as a separate precinct so that those nine people can be logically and adequately represented with respect to everything else.

CHAIRMAN LYNN: Further discussion on the motion.

If not, all those in favor of the motion --

COMMISSIONER MINKOFF: Restate the motion.

CHAIRMAN LYNN: The motion is to correct the traps identified by Mr. Johnson in the areas that we are currently reviewing.

Mr. Huntwork.

COMMISSIONER HUNTWORK: And I have just spoken against the motion with respect to those nine people, so --

CHAIRMAN LYNN: Well, the motion is inclusive at the moment.

COMMISSIONER HUNTWORK: Right.

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CHAIRMAN LYNN: All in favor of the motion signify by saying "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Opposed, say "No."

COMMISSIONER HUNTWORK: "No."

CHAIRMAN LYNN: Motion passes four to one.

Let's take a 10-minute break.

(Recess taken.)

CHAIRMAN LYNN: The Commission will come to order.

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

For the record, are there any other proposed adjustments to the base map at this moment before we start a general discussion about what we have in place?

If not, Mr. Johnson, I would ask you to do a couple of things. First, if you would go through a synopsis of the population deviations. And in order to do that, let me just preface it by saying to the Members of the Commission, because of the most recent decision to, in effect, remove the Old Town and United

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Neighborhood change, that we're going to have to do some page shifting as we go through these variations. We will have -- if I can get you to have two sheets available, one is the one handed you this morning, the August 13th test, and that's your statistical spread. It's this one. And then you'll also need the same sheet from test C.

COMMISSIONER MINKOFF: Is it in our book?

CHAIRMAN LYNN: Yes. It's in your book.

Those two sheets will give you column by column the numbers. What we won't have available until later and maybe won't need it today is a singular statistical printout that incorporates both districts, both sets of districts.

So, Mr. Johnson.

MR. JOHNSON: Thank you, Mr. Chairman.

What I'm about to walk through is district by district. It should be kept in mind these district-by district analyses are within the larger picture of deviations I described yesterday of East Valley, Phoenix, and shifts between those regions.

For the districts that are unchanged, actually, since our November 9th discussion of deviations, I won't repeat all that discussion. All that is in the record. And that applies to Districts 1
and 2, to start us off.

So those deviations are the same as they were back in November and for the same reasons that the Commission voted on back in November.

In District 3, and unless otherwise stated, the August 13 spread sheet is the data and lines that I'm referring to. And what you see -- what you see on the screen, the colors are August 13th. And the red lines overlaid on top of it is the population balanced test A that brought most of the districts to zero deviation.

So District 3, this has been visited by the Commission, and the deviations have been previously voted on when we discussed the area south of Quartzsite and Wendon and Salome. So three and 24 have both been previously discussed. And the only changes from November are really keeping Wendon and Salome together and keeping Quartzsite together with the development to the south as the city requested.

District 4, this is the first of the truly changed districts. Let me get the numbers in front of me.

As currently in the Commission's map, it has a deviation of 362 people underpopulated, which is 0.21 percent underpopulated. This is a result of really

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two decisions. One is to keep District 25 in the
configuration that was reviewed and approved by the
Department of Justice and the second is in the Phoenix
area to keep the district borders following major roads
and avoiding divisions of neighborhoods.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Johnson, I'm
sorry, but when you talk about the current Commission
map. I need to know whether you are talking about the
current map, the August 13 map, or --

MR. JOHNSON: The reference I'm trying to
use to refer to the August 13th map except for the
change that was just made in the Old Town, United
Neighborhood area. In that area, the reference will be
to the test C lines for those districts.

COMMISSIONER MINKOFF: Okay. So that is
the map currently under consideration rather than any
map presently in force.

MR. JOHNSON: Correct.

The only other change I should mention,
too, is the nine-person precinct trap fix over on the
Scottsdale-Phoenix line, which isn't on any of your
spread sheets, but it's only nine people, so it's not
going to affect any of the percentages by more than
one-hundredth of a percent.

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Let me bring up the roads. The border of 4 and 6 is following the roads and squared off. That's what I mean by following major roads which also means avoiding cutting through any neighborhoods.

District 5 is also another district that has the same deviation as this issue was addressed back in November, so I'll go on.

Interrupt me if there are any questions throughout this.

District 6 --

MS. HAUSER: Was the District 5 deviation related to District 2, back in November?

MR. JOHNSON: When we looked at ways that the deviation in District 2 could be reduced, so it's more the deviation of 2 could have impacted 5, but the Commission decided not to do that. So the 5 deviation is driven by following county lines and avoid splitting Hinkleman and Winkelman.

MS. HAUSER: Okay. Thank you.

MR. JOHNSON: District 6, as mentioned, the west portion, it's following major roads. Same thing in east lines slightly off where they'd be if in perfect balance to follow major roads and avoid splitting neighborhoods.

Part of the difference in the actual
borders and red lines you see on the screen is a piece of the larger picture, too. So the lines here are population moving from the East Valley to other parts of the state. So not all this area is equal to, for example, in District 6, overpopulated by 668 people. Obviously there are many more people than 668 people on the green area of the line and over here. That deviation is a result of following major roads and avoiding major splits.

MS. HAUSER: Did you say over or underpopulated? It shows underpopulated.

MR. JOHNSON: Sorry. Typo in handwriting.

Underpopulated by 668.

District 7, which is underpopulated by 302, or 0.81 percent. It again has the avoiding splitting neighborhoods on the border with 6. And on the border with 8, this diagonal line it's following is the 101 Loop. So that line is drawn to follow a major road and avoid splitting either side of the now freeway.

Then the north-south border is Pima.

Again, we're following a major road and avoiding splitting neighborhoods in that deviation.

District 8 has the exact same issues with the border of 7, underpopulated by 454 people. And as discussed, on the border of 7 and 8, the border of 8 and
11 is following the 60 line.

And down, the border between 8 and 17, the most likely place we'd look to remove that deviation, the deviation is necessary to follow the major roads.

In this case, I believe it's Thomas. But, again, we're avoiding splitting neighborhoods and following major roads.

I guess that is a theme.

COMMISSIONER ELDER: With this change here it would make it still around 450 some, so it's underpopulated by about that amount?

MR. JOHNSON: Yes. That's right. 8 and 11 were at the nine-person spot. Thank you. 8 has gained -- I'm sorry. Let me confirm this, make sure it's right -- we have moved these nine people into District 8 to eliminate the trap. So that has added nine people to District 8, bringing the deviation from a negative 454 to a negative 445.

District 9. District 9, the deviation is caused, number one -- oh, the deviation is a negative 559 people. Today some of that is up here in the corner where we removed a portion of the City of Surprise to reduce the number of splits of Surprise. The remainder of that deviation is to square off the border between 9 and 10 and follow major roads down there and avoid
splitting through neighborhoods.

Now, District 10 -- I'll have to switch maps here. One second. Here we go.

See now District 10 has returned to its configuration in the population-balanced test C which gives a deviation of minus 591 people. And this deviation is a result, in the north, of following major roads. Actually Thunderbird Road and Sweetwater are used here. Where the jags are, those are jags in Sweetwater.

That is following, again, in the south, you see the squared-off borders where we tried to avoid splitting neighborhoods and follow major roads or at least the half-mile roads wherever possible.

District 11. District 11 is more or less in its August 13th plan configuration, which actually matches the C configuration except for the nine-person change. On August 13th it was showing underpopulated by 559. It's lost nine more people, is now underpopulated by 568 people.

I'm sorry, I'm showing 11 and reading numbers for 9.

Number 11, August 13th, is underpopulated by 494, has lost nine more people, and is now underpopulated by 503 people. The most likely place

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where that could be balanced would be up in the north corner on the border between 11 and 7. And the reason it's not balanced, one, is to avoid cutting through the neighborhoods up there. And then the configuration is drawn to avoid wrapping around the Scottsdale finger. It's more of a north-south border along those districts. A very small area is affected. And between 11 and 15 as the Commission has visited in numerous tests, that border.

So District 12, District 12 is, as just discussed in the last motion's debate, is very dependent on District 13 for it's shape and configuration. And obviously district 13's shape and configuration is heavily driven by the Voting Requirements Act. That District 12 refers to test C statistics, underpopulated by 200 people or 0.21 percent. So the reasons for that deviation are, number one, the configuration of District 13 and voting rights impacts of that configuration and, number two, to follow major roads and avoid splitting neighborhoods, in particular on the borders between 10 and 12 up in this area and then to follow city lines or at least the major portions of city lines between 12 and District 4, and, finally, in Surprise, where 12 and 4 border each other, to comply with the requests in that area to separate the Old Town Surprise, or Old Surprise,
from the Sun Cities areas.

District 13, the August 13th numbers are correct and actually match the test C numbers. And so District 13 is underpopulated by 2,834, people or 1.66 percent.

As I just mentioned, in discussion of District 12, District 13's configuration is driven by the voting rights concerns and response to Department of Justice objections. The other piece that can play here is also city borders, in particular the Tolleson kind of bump to the east. It's a large area on the map, but it's a five-person bump, done to keep Tolleson together.

District 14. Again, this is a test C configuration district.

We're almost halfway there.

District 14 is overpopulated by 116 people, or seven one-hundredths of one percent, and that is purely to follow major roads and avoid cutting through a neighborhood.

Test A identified a couple Census blocks could be moved to balance that, but that would be splitting through their neighborhood.

District 15 is August 13th data which has it underpopulated by 348 people. This is following major roads, avoiding splitting neighborhoods, as has
been discussed in previous tests, keeping the historical
districts together and trying to keep the Arcadia
community together.

District 16, another August 13th district.

There are -- the zero population precinct traps did
change in 13 and 16 from the plan, but they were zero
population, so they don't impact any of this.

District 16's deviation is underpopulated
by 2,083 people, or 1.22. And again, this configuration
is a result of the changes made following the Department
of Justice's objections and the Voting Rights Act
concerns. There -- and then to follow Van Buren
straight across.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Doug, a question on
16. We have looked at the northern, the western, and
easterly or northeasterly boundaries of 16? Is there
any population that would not dilute our voting rights
percentages to the southeast corner along the freeway?

What I'm looking for, is there any way of rotating to
the south and around and still keep the percentages
where they are, get the deviation down from the 2,000
plus number?

MR. JOHNSON: 16 could move down, pick up
areas of Tempe and even areas of Ahwatukee to make up
the 2,000 people, but it would definitely bring down its
Hispanic voting age percentage and also, I point out, go
across the mountain to pull in other communities.

CHAIRMAN LYNN: Mr. Johnson, I don't want
to interrupt the flow now. I'd like you to come back in
light of comments we heard yesterday, public comment,
I'd like you to come back and revisit District 13 at the
end of your presentation, if you would.

MR. JOHNSON: 16?

CHAIRMAN LYNN: Sorry, District 16.

MR. JOHNSON: District 17, the north end
of this, is slightly off where it would be to get
perfect balance because it's following major roads.

The deviation in this district is it's
underpopulated by 254 people. And as you can see from
the map from the south, it also has been moved to follow
the major roads, Guadalupe and Elliott and to avoid
splitting through any neighborhoods.

District 18 is -- oh, now we're into the
East Valley districts. As discussed in the test C
discussion yesterday, these districts are all
overpopulated but largely balanced between each other.
District 18 is overpopulated by 3,567 people, 0.28
percent. Obviously to get these districts to total
balance would require shifting all that population we
looked at in the tests yesterday and decided not to do because of its other impacts.

It largely follows major roads. There is, in District 18, one small jog where it moves in order to try to balance deviations between these East Valley districts, but it does try to avoid splitting through neighborhoods.

District 19, a very similar case. Overpopulated by 3,704 people, actually 2.71 percent. And that is after -- that is slightly above its test C deviation because of the change made to follow the Broadway border between it and District 22.

District 19's border with 22 to the west of where we've been focused on is the Gilbert-Mesa city line. So that's why all the changes we've looked at and all the lines drawn are on the eastern portion of that district.

The other borders of that district are the reservation boundary and the county line.

District 20, the border with 16 is discussed. The southern border of District 20 is the Gila River reservation. Then we follow Dobson Road and Alma School, again, following major roads.

District 20 is overpopulated by 3,536 people because of the East Valley situation.
21 is overpopulated by 3,577, 2.09 percent. Again, it's in the East Valley, but it does follow major roads and avoid splitting through neighborhoods. You can see the borders on there. And the border between 21 and 22, as I mentioned yesterday, is essentially the Gilbert-Chandler city lines.

This brings us out of that area to District 24. I'm sorry, District 23. This district is overpopulated by 1,296 people. The reason for that is obviously the considerations and changes made after the Department of Justice objection letter.

The one change that I showed on test A would balance the population but would slightly reduce the Hispanic voting age percentage and would also bring it below being a total majority-minority district in total population.

Oh, the other spot of deviation in 23 is Hayden and Winkelman where 23 goes into Gila County to keep those two communities together.

24 I already discussed, very similar to it's November shape except for the changes made to preserve Quartzsite and development to the south of Quartzsite, as I discussed when I mentioned District 3. 24, I should note, is overpopulated by 415 people, or 0.24 percent.
Okay. Coming to the south, the home stretch.

District 25, it's referred to as the Border District. It is underpopulated by 3,301 people, or 1.93 percent. Primary -- the most obvious area to fix that would be down in Sierra Vista or on the western outskirts of the Tucson area. And both of those areas have held to keep the City of Sierra Vista unified. And there was significant community input driving those borders and neighborhood configurations. In order to avoid splitting those areas, this district is underpopulated. It's also underpopulated to avoid diluting the Hispanic voting strength and preserve areas that preserve the Hispanic voting age population.

COMMISSIONER MINKOFF: Doug, I'm zooming in, on my map, to the area between 25 and 30 in the Sierra Vista area. Now, I don't know if the shading in my map is incorrect or not, but Sierra Vista is in District 30. And I've got the city shaded and it looks like there is a small amount of shading in District 25. Have we split Sierra Vista?

MR. JOHNSON: Right down here in the eastern border?

COMMISSIONER MINKOFF: Okay. Right there. Just to the west of the little green area that juts
down.

MR. JOHNSON: This is an area back -- I forget if it was November 3rd or 9th the Commission considered this. What happened, the City of Sierra Vista contacted us and said the Census' border for the city is wrong. And actually what the Census shows as the border splits right through a mobile home park which is a fairly active and mobilized park, moved blocks in question to unite the mobile home park and follow what the city says --

COMMISSIONER MINKOFF: Even though this map doesn't show it, we have followed the city borders?

MR. JOHNSON: Yes. This configuration of the City of Sierra Vista was described by city staff and confirmed by city staff.

COMMISSIONER ELDER: I believe we also got a couple letters from the mobile home park, too, that supported that change.

26, now we're in Tucson area districts. As mentioned yesterday, these districts are all underpopulated, 26, 28, and 30, which are not focus of the Department of Justice's review. I attempted to balance deviations between the three.

27 and 29 are not included in that balancing because of voting rights considerations in

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those two.

So District 26 is underpopulated 1,414 people. The reasons for that is as discussed in the Skyline test, to follow the major roads, also to use the river as the border between 26 and 28 until the very northwest corner of Tucson where we follow major roads and attempt to avoid cutting through any of the neighborhoods or shopping complexes as may be the case in that part of Tucson, is an attempt to unify neighborhoods in Catalina Foothills and follow major roads and boundaries in northeast Tucson.

District 27, obviously this was a topic of voting rights concern for the Commission and for the Department of Justice. When I looked, it is underpopulated by 49 people. There are actually two blocks that could be moved to balance it out, but it would be crossing over a major road in the heart of Tucson and bringing in additional areas that even a small number would dilute the population, Hispanic population there. Primarily it's following the major roads and avoiding a split of small neighborhoods there.

28. I discussed the borders of 28 with -- with 26 and 27. In the eastern portion of the district, you can see that we are following major roads, Whitestone and Broadway, and going over to Harrison
Road, and then in the northern portion of this, we're following the river along there. So it is underpopulated by 951 people, just over half of one percent. And the reason is following the rivers and major roads.

29 is underpopulated by 2,992 people or 1.75 percent. The red line shown just south of Broadway in here, it's a little hard to tell. If we took 29 up to that line, that would balance the population but also would dilute the Hispanic voting age population and it would also be splitting these communities between 22nd and Broadway by crossing the major road of 22nd, obviously.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I just have a question about this. I'm not sure. Maybe this is something that we've considered before.

Looking at District 27 and 29, both of which are districts with Voting Rights Act issues, District 27 is almost exactly balanced. It's less than a hundred people underpopulated. District 29 is 3,000 people underpopulated. If those are both districts with similar Hispanic percentage, is there a way to switch some population from 27 into 29 to even out that underpopulation a little bit without changing the
demographics of either one of those districts?

MR. JOHNSON: This district, we did look at the border between these two districts in considerable detail. I'm trying to recall all the focus of those conversations. I know in the northern part of the border, there were a number of barrios and other neighborhoods described that wanted to be unified and kept together. So that drove where that border was to the north of South Tucson. Obviously you don't want to split South Tucson.

COMMISSIONER MINKOFF: I'd be looking to take from 27 and into 29, not to take out of 29.

MR. JOHNSON: I would have to go back to those tests to get the specifics of each change. I do recall, number one, that is a fairly densely populated area, so it -- small changes would have made the difference. You are talking about almost 3,000 people. It's still a small area. I think the thing was to keep the border at 12th.

COMMISSIONER MINKOFF: Down in the south, right there, the blue area, which has a somewhat irregular border, and looks like there are major streets immediately to the west and south of it, is that something that would, you know, square it off a little bit?

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MR. JOHNSON: It would square it off. As you can see from the --

COMMISSIONER MINKOFF: I can't see. I'm too far away.

MR. JOHNSON: There's at least a hundred, in some cases more, 900 people in these blocks. I recall that being an issue when we tried to balance more closely. It had either one of two effects: One, because the blocks were so heavily populated, we ended up with some strange configurations in this area that were objected to because of how they split the different areas. The second piece had to do with the voting strength in each district. And 29 -- 29's voting age is 45 percent Hispanic and under two percent Native American, in terms of voting age, whereas 27 is also low in Native American voting age at three and a half. But 27 is a district where the discussion of the Pascua Yaqui Tribe came up and their discussion of wanting to be in 27 with that community. So I --

Not having the record in front of me, I can't recall all the details of why that line is precisely where it is, other than the north.

COMMISSIONER MINKOFF: But we have looked at it.

MR. JOHNSON: We've looked at it in

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considerable detail and drawn a number of tests down there.

COMMISSIONER MINKOFF: Then let's move on.

MR. JOHNSON: Number 30. Finally District 30, really, I've described all the borders of it. Talked about following major roads between 26, 28, and 30. The other piece I should mention is that the lines are drawn and it does impact deviation to some degree, so District 30 picks up Rita Ranch, given the expected characteristics of that neighborhood fitting better with 30 than 29. And Sierra Vista impacts deviations and limits what we can do.

Finally, the border of 30 and 25 in Santa Cruz County follows city and Census designated place borders and then follows a line generally reviewed by residents of Santa Cruz. And we have considerable testimony that that is the appropriate place for that border.

Marguerite was just asking a question about District 16, so let me clarify there.

The changes in 16, actually the only changes in 16 2002 plan and the August 13 plan are along the border of 13 and 14.

As I mentioned yesterday, the only change of the border of 14, 15 is a two-person shift to unite
the Isaac School District.

In looking at 13 in ways to reduce the deviation in that district while maintaining the Hispanic communities and Hispanic voting age population, it did transfer some areas with 16.

As you can see from the red lines here, balancing the populations of both districts involves other changes up north in 13 but with these two would involve shifting these areas cutting through neighborhoods of McDowell and 67th and dividing between 13 and 16 and doing the same again north of McDowell in this area.

And then in the plan we got it to total deviation. It also split the five-person block of Tolleson off from 13. So hopefully that clarifies the issues in 16. It was primarily to keep those communities united while reducing deviations and preserving Hispanic voting strength in 13 as opposed to 16.

CHAIRMAN LYNN: Are there comments or questions of Mr. Johnson on this report?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I would like to thank Mr. Johnson for making such a clear and comprehensive report, reminding us of the high

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points of the issues we've discussed recently and over
the last many months.

I would also like to commend him on the
quality of the written material that had been prepared
prior to this meeting and that we had an opportunity to
review at length prior to the meeting so that we could
make our own judgments about whether we agreed with
these configurations and know exactly what we were
looking at and why. I think it was an excellent piece
of work and of tremendous assistance to me so that I
could exercise my own judgment about, in detail, where
the lines needed to be drawn. So thank you very much.

CHAIRMAN LYNN: And while Mr. Johnson is
basking in the glow of those very kind and well-placed
words, let me ask you if you would be willing to move
acceptance of Mr. Johnson's report on deviation and make
it a part of the record.

COMMISSIONER ELDER: So moved.

COMMISSIONER HUNTWORK: Well, I would
be -- he beat me to it.

I'll second.

COMMISSIONER ELDER: Let's move on.

MS. HAUSER: Mr. Chairman.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: If the motion could specify

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the Commission adopts those as its findings, that would be helpful.

CHAIRMAN LYNN: Well, separate and apart from the adoption of the map itself?

MS. HAUSER: Yes, as it -- with respect to the specific findings for the reasons for the deviations.

CHAIRMAN LYNN: Yes. If that is acceptable to the maker and seconder of the motion, we would take Mr. Johnson's report and accept it as our findings on population deviation.

COMMISSIONER ELDER: So moved.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

Mr. Hall.

COMMISSIONER HALL: Just to clarify, what is the total deviation?

MR. JOHNSON: There it is. Too many spread sheets.

Total deviation is 4.22 percent. Our smallest, or most underpopulated district, is district -- let me just confirm this -- is District 2. Yes. It is District 2 in the north, which is 2.06
percent underpopulated. And our largest or most
overpopulated district is District 19 at 2.17 percent,
which actually adds up to 4.23, but that's a rounding
issue.

COMMISSIONER HALL: Mr. Chairman, I just
want to comment in light of the fact that a number of
plans have received acceptance throughout the years that
had significantly higher deviations than our plan, and
again, just to piggyback on Mr. Huntwork's comment, I
think that we as a Commission with the assistance of our
consultants have done an excellent job in minimizing
population deviations to the greatest extent possible.

CHAIRMAN LYNN: Thank you, Mr. Hall.

Further comments on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: I just want to
comment that in -- in voting on these population
deviations, I recognize that there is no more
fundamental right than one man one vote.

MS. MINKOFF: Person.

COMMISSIONER HUNTWORK: One person one
vote, I properly stand corrected.

I think we have many, many considerations
we have to look at, but in making the balance just in my
own mind, I have always weighed very heavily trying to
achieve as much of a population balance as we possibly could. There are, I think, some circumstances in which by uniting neighborhoods and communities of interest we actually achieve a better representation of all the people than necessarily by taking off a bit of a group where they would have been represented by somebody of their choosing and putting them in another place in which they have little or nothing in common with. So I think there are some circumstances here where we have been able to -- in fact, I think we were compelled to balance other considerations against simply exact population equality. But I'm certainly convinced that we've done the best possible job that we could of doing that.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Further discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and passes
Mr. Johnson, if you would go back to District 16 in light of public testimony yesterday regarding African American voting strength in general and particularly that portion of the community in District 16, I wonder if you might give us a brief report as to your assessment of that issue relative to the comments that were raised yesterday.

Mr. Hall?

COMMISSIONER HALL: Mr. Chairman, as part of that, can you pull up on your screen -- maybe you are doing that -- the feature that highlights African American populations in central Maricopa.

MR. JOHNSON: Yes.

Started looking at this after the comments the other day, just to more fully understand what was being described to us the other day, the starting point was, that I used looking at this, was the reference to districts -- 1990s Districts 22 and 23, which you can see it's -- here is 22, and then 23. These are, obviously, in the southern Phoenix area, just for reference, this is South Mountain, Ahwatukee, and then the reservation areas south of there. And I looked at the data you've seen for months now on the 1990 districts. Let me get these numbers. 28, and District
22, once you infuse it with 2000 Census data, comes out at 7.13 percent African American voting age. District 23 comes out at 13.04 African American voting age. As we're all very familiar with and discussed at length last year, these districts, and the districts surrounding them as well, actually, are underpopulated. District 22 is underpopulated by 5.19 percent relative to the ideal, based on 2000 Census, and District 23 is actually underpopulated by 17.3 percent. So the challenge in complying with the Voting Rights Act requirements and complying with the community requests and all the input the Commission took at South Mountain and other hearings was to draw districts that met with voting rights requirements, constitutional requirements, and the community requests.

What you see here is what I pulled up after the comments yesterday. It's a thematic map showing the African American voting percentage by Census tract. I used the current districts to figure out where to do the lines.

Blue, darker blue colors, tracks less than 7 percent African American voting age. The kind of whitish blue is ones in the middle, between 7 and 13 percent. And then the green from 13 to 25 or over 25 percent African American voting age.

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You can see the current -- there really is, as described to us at South Mountain, a community goes from within the Freeway Loop, 10, 17 Freeway Loop, down to the edge of South Mountain. That is where we had many requests to unite into various plans. And the thematic matches the description which was given to us.

What you can see, current lines 22 and 23 split through that community. The red line is the border. And you can see how it goes through the middle of the thematic map and also goes through the areas within the loop here that the Commission was requested be joined with areas closer to South Mountain. The result, let me bring up -- this is, in C, integration of 16. You can see how areas within the freeway loop are united with areas of South Mountain. And the result of this is a -- let me get the numbers -- 13.55 percent African American voting age in that District 16.

Note that the Commission managed to both make up the population shortage and at the same time slightly increase the African American voting age in that district relative to District 23.

Some of the comments that were made, Mr. Pops made some excellent comments about the need for education and the need to involve the community. I think the Commission's list of hearings and public

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meetings and public comment period speaks well to that record. And he didn't have specific comments other than he mentioned the Avondale area and how the community is spreading out toward Avondale and El Mirage. Those areas are over here to the west of the reservation and El Mirage is actually up in this area.

You can kind of see in the thematic the areas, I'm assuming included in his comments are the 7 to 13 percent African American voting age tracts. However, as you can see from this map, adding these in would involve a very large area, considerably more population than could be included in one or two districts, unless we used some very creative line drawing to only pick out pieces of those. And that is something the Commission has avoided doing in virtually every case. And all the areas in between 16 and those new communities, or new spread of the population, as he described them, would reduce this district. It would reduce the African American voting strength in 16 or any other district we try to draw to incorporate those areas.

Just one final point --

CHAIRMAN LYNN: Mr. Huntwork has a question.

COMMISSIONER HUNTWORK: I just want to
make sure I understand you, Doug. Even if we did that, were to draw a zero population line to get to those areas, by incorporating them, we would actually still be diluting the African American population in District 16 because those are less than 13 percent versus a 13 percent plus population in District 16 as we have it configured; is that correct?

MR. JOHNSON: Precisely, yes. Those areas, if included in 16, would reduce the African American voting age in 16 even if we could get to them without taking intervening population.

My question of the second district which has never, as far as I'm aware, I haven't specifically reviewed the record on this, but we don't have a specific request from Representative Landrum or other representatives of this community for a second district to be drawn in any specific way. But looking at the plan, District 13 is at 5.96 percent African American voting age, just one percent below the seven percent 22 was. It does incorporate a number of these areas. Given the lines here, I should point out, since we're doing this by tracts, the whole tract will be highlighted. You can't see this tract if the Northern portion of 13 or southern portion in 12, that is the heavily African American portion of it. You do
get a sense a lot of areas he was referring to are in 13
and close to the District 22 percentage even though we
had to consolidate most of 22 and 23 in order to
preserve the voting strength in 23 which was, as I'm
sure all of you recall, extensively discussed with South
Mountain representatives and a key focus of changes made
in October as we approached the final map.

Are there other questions about this?

CHAIRMAN LYNN: Any other questions or
comments about District 16?

Mr. Huntwork.

COMMISSIONER HUNTWORK: There is the area
at the upper left, which is certainly a long way away.

What is that?


CHAIRMAN LYNN: That was referred to
yesterday by the speaker.

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: Other comments or
questions?

Mr. Johnson, thank you for that analysis.

I appreciate that.

We have a few items left on the agenda. I
would like a process, as a suggestion, ask my fellow
Commissioners if that's acceptable. We're about at a
time where a midday break would be appropriate. We
have, as I understand it, other than some housekeeping
items, two items left on the agenda. The first is a
report on the, now the base map that we're considering
with respect to competitiveness, and any comments that
Commissioners wish to make in that regard, and then the
adoption of a map to be submitted not only to the
Department of Justice but to the Secretary of State. As
far as the housekeeping issue is concerned, we have
potentially a report from Mr. Echeveste, who is shaking
his head that he has none. We have any other
information that needs to come from legal counsel. And
I don't know how much of that, if any, there is. They
are shaking their heads.

My suggestion would be take the noon break
now, follow the noon break by a competitiveness report
followed by one final call to the public for this
process today and then a discussion of a final map
adoption.

Does that meet with everybody's approval
in terms of scheduling?

COMMISSIONER ELDER: For scheduling,
Mr. Chairman, the only request I have, we at least have
time to talk to Mr. Echeveste. I'd like to find out why

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the Department of Administration would reject our request for proposal to save the citizens in the range of 15 to 25 thousand dollars. He said it was rejected by them. I wanted to get a response or letter --

CHAIRMAN LYNN: Want it on the record?

COMMISSIONER ELDER: I do want to get it on the record. So do that after lunch.

CHAIRMAN LYNN: Let's do that now, get that out of the way.

Mr. Johnson, if you have any work to do between now and the time we move to final adoption, you are free to do that.

Let's take this one item and break for our midday break.

All right. Mr. Echeveste.

The issue, for everyone's edification, Mr. Elder is referring to is the issue of whether or not we have ability to purchase computers or whether or not we must continue to lease them from Maricopa County.

Mr. Elder?

COMMISSIONER ELDER: Yes, Mr. Chairman.

We made a proposal to the Department of Administration that we purchase computers. And Mr. Echeveste came back with a denial on that basis. And I'm not quite sure I know the genesis or background
of what bureaucratic rule or regulation that the
Department of Administration has that would cost the
taxpayers between 18 and 25 thousand dollars when the
state has a tremendous deficit. I was trying to find
out if there is a rationale as to why we cannot purchase
computers.

MR. ECHEVESTE: Mr. Chairman, Mr. Elder,
the approach that -- let me just preface by stating that
hindsight is a hundred percent. And I'm sure that this
Commission, had they known at the beginning of this
process that you would still be here at this point in
time, would have instructed your director to purchase
computers through the standard State purchasing process.
Unfortunately, because it was felt by, I'm sure, the
Commission, that this would be a short-term Commission,
it was decided to go the route of contracting with
Maricopa County to lease the computers from Maricopa
County. The fact that this process has taken the length
that it has, we determined that it was not cost
effective to continue leasing the computers. One of the
thoughts, the thought that I approached the Department
of Administration with, was that we have the
Commissioners purchase computers and we would then lease
them from them and at the end of the term, you would do
a buy-out and they would be your computers. The State
determined, in their wisdom, that that violated -- and I
don't recall. I don't have the letter with me -- some
state law or State statute. And they said no, they
could not allow us to do that.

Now, we can still, and I have directed my
staff to move forward to purchase the computers within
our organization, and then we'll sign them out to you.

So I'm proceeding on that ground now.

CHAIRMAN LYNN: One of the issues, as I
recall, in the decision to lease rather than purchase
computers, and I may have this fuzzy because it was some
time ago, one of the issues was that the vender that the
State has preapproved did not have computers of a type
that we needed in order to run Maptitude and other
relevant programming. And that was one of the reasons
that we decided very early on that we'd ask Maricopa
County to be the conduit through which a large plotter
and other things were made available to the Commission.

MR. ECHEVESTE: Thank you for the
correction. I don't believe I was with you at the time
those decisions were made. But they were certainly
logical and realistic decisions at that point in time.
As I say, hindsight now shows that the Commission has
paid for those laptops time and time again, about four
times or more. And the only thing I can tell you at
this time is that we are attempting to purchase laptops given the fact that now the court date has been moved to March to try to contain that cost. So we will proceed on that ground unless told otherwise.

And about the only other perspective I can give you is that I suppose it could be looked at as revenue sharing to Maricopa County through the State. So that's about the other perspective I can give you.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Just to close on that, I would like to pursue that. If we have approximately another eight, nine months to go on this, by the time we get done with a March date at $600 a computer, there's five of them, plus I don't know whether the attorneys or any of the other had anything that we had, that alone is 3,000 a month. In about four months, we buy the computers that we would have been paying Maricopa County for and the other four months we save the citizens money whether they reside with us or stay in their warehouse, I don't care. We should get out of the lease as fast as we possibly can.

MR. ECHEVESTE: With your direction, we'll proceed with an attempt to buy appropriate equipment to support the Commissioners.

CHAIRMAN LYNN: Thank you, Mr. Echeveste.
1 At this --
2 Ms. Hauser?
3 MS. HAUSER: Mr. Echeveste, has any
4 attempt been made to renegotiate the contract with
5 Maricopa County?
6 MR. ECHEVESTE: No. I have not -- I have
7 not -- in fact, it was a Maricopa County representative
8 that suggested that perhaps that was the best way to
9 approach this is to just terminate that portion and pick
10 up our own.
11 CHAIRMAN LYNN: You might --
12 In trying to solve the problem, explore
13 all options including renegotiation of the contract with
14 Maricopa County. I'm sure as much as they would be
15 willing to participate in any revenue-sharing activity
16 we might be able to provide them, they also have a sense
17 of fairness. If we're paying for something four times
18 over, they might very well take an adjustment.
19 MR. ECHEVESTE: Thank you. I'll take that
20 optimistic view and see if I can't make it a reality.
21 COMMISSIONER ELDER: One last comment,
22 probably rolled into that. We bought Maptitude through
23 Commission funds, some other programs. Some programs
24 loaded on the machines, there may be a site license
25 factor from Maricopa County. I don't know what the

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numbers are. If you look into what those are.

CHAIRMAN LYNN: Thank you.

It is now almost 20 minutes of 1:00. I ask if it is -- may we take less than an hour and come back at 1:30?

I would very much like to, for those Commissioners who have traveling to do this afternoon, I'd like to begin the afternoon session as early as practicable. And 1:30 seems like a round number.

I ask my fellow Commissioners as well as staff to respect that number and actually try to begin the afternoon at 1:30, not near 1:30.

So if we may stand in recess until 1:30 this afternoon, we'll finish our agenda.

(Recess taken.)

CHAIRMAN LYNN: The Commission will be in session.

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

The Commission is prepared, Mr. Johnson, to hear your report on competitiveness.

MR. JOHNSON: Mr. Chairman, really it's a follow-up to the detailed report I believe you have from Dr. McDonald. What I really want to do is walk through the competitive measures and tools that have been
presented to you yesterday and today, if I can find my
table.

Here we go.

There have been a number of different
measures that have been discussed throughout this
process at this effort to measure competitiveness. What
we've tried to do is incorporate more and more of those
as we build up the data base and as the different
measures are suggested.

And what you've received today is a number
of items, one of which is labeled August 13th plan,
competitive spreads. This has a number of columns on
it, some of them very familiar, some of them new to the
last two days' meetings. It starts with the district
numbers, then has the Judge It measurements, which
obviously everyone is very familiar with. So that gives
our -- the numbers that Dr. McDonald brought from the
first two in looking at competitiveness. Next is AQD,
which as you know is the average of three Corporate
Commission races from '98 and 2000, and as presented as
kind of a measure of a low ticket if not bottom ticket
race where, in the early analysis, when this measure was
developed, it was thought people would vote more in line
with party affiliation or party leanings than
necessarily heavy personality driven races higher up on
the ticket might indicate. So that's intended to be a second measurement you might refer to for evaluating competitiveness of districts.

The next two columns are based on data bases that have been developed for yesterday's meeting and today's meeting and following up on conversations by Dr. McDonald and others with the Commission.

The 1998 four-way average is looking at four races in 1998, Governor, Secretary of State, Attorney General, and Corporate Commissioner, and averaging those four, what you have in front of you in each of these cases is the spread between Democratic and Republican percent.

Next is a very similar measure but only using three races. It left out the Attorney General's race. And Dr. McDonald suggested it might make sense to look at each of those because of the dynamics of that specific Attorney General's race.

The next column is registration spread, the spread between Republican and Democratic percentages in a district.

A measure that has been mentioned throughout this process, occasionally we put together spread sheets for it, we wanted to formally do it and make sure you had the information, is looking at the

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third-party registration. The theory mentioned and used on some occasions is that if no one party is a majority, or in other words, if the second party and the independents add up to more than the larger party, that by definition is, to some degree, a competitive district under this theory because the largest party has to win over someone in the other, either the independent or the second-party registrant. So the last two columns give you first the other party registration, everyone except Democrat or Republican combined together, and then an indication district by district whether that other registration is larger than the two-party spread.

Just a quick reference column. You can also see the same figures by looking at the second, third columns from the right.

So this is a summary of a number of different tools.

You have, on other sheets, for example the spread sheet labeled at the top 1998 statewide races averages, this gives you the Democratic average and Republican average in each district that were referenced to create the spread shown on the summary sheet.

Similarly, on your standard spread sheet, the one with all the demographics for each district, you have the details for each district; active total, if you
want to reference actives and inactive; and also the
specifics for AQD on that sheet.

You have a number of different competitive
tools in front of you, the data in front of you as well.
Dr. McDonald has referred to both a seven
percent spread. He also when he appeared before the
Commission talked about the applicability of different
percentage spreads as a measurement of competitiveness
or as degrees of competitiveness. And other people have
talked about 10 percent spreads, five percent spreads,
15 percent spreads all being accurate characterizations
of competitiveness. We wanted to be sure that you had
all that information and could refer to it as you make
your decision and attempt to draw districts in
compliance with that criteria.

CHAIRMAN LYNN: Thank you, Mr. Johnson.

Comments from the Commission?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well,

Mr. Chairman, I think that is a helpful summary. I
think it's even more complicated than that, in a way. I
think we, as we looked at this subject of
competitiveness, I think we were aware of a number of
strengths and also weaknesses in the tools that simply
are available for us to use. Obviously we are aware
that any, any system is subject to statistical errors, 
to aberrations, depending on which races are selected 
and why. You know, there are statistical ways to try to 
correct for that and make sure you are dealing with your 
best available, but of course we had to take all of 
those numbers with a grain of salt and a degree of 
common sense. We know that logically there is no bright 
line that says exactly 6.9 is competitive and exactly 
7.0 is not competitive, or 7.1. It's one is slightly 
more competitive than the other, but both may be very -- 
they may -- those two differences may fall within a 
margin of error of statistics anyway.

We had a number of people point out to us 
that the competitive nature of the state, of the 
districts, is changing, because the state is growing 
very rapidly. And we heard arguments that 
competitiveness, unlike population, arguments population 
should be a fixed number but competitiveness should not 
because of its very undefined nature. And I think we 
honestly did try to take all of those factors into 
consideration.

As we tried to create competitive 
districts, at least in my mind, we tried to make each 
district as competitive as we could. And we tried to 
take into consideration the effect of the -- of any

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changes that we made on the competitiveness of the adjoining districts as well as on the other -- of course on all the other criteria that are set out in Proposition 106.

There were actually some situations where statistically we could make one district more competitive without having a significant effect on the adjoining district because, I guess, on relative voting rates of people -- turnout rates of people in two districts. So there were opportunities to do that. I recall making some of those decisions as we went along.

We looked at the fact that our state as a whole is competitive in the sense that we have very viable candidates from both parties on a statewide basis, and yet there is a difference in registration that some people might argue is noncompetitive, if you were going to try to draw a bright line based on some statistical number. Yet we know Arizona is very competitive and Arizonans are very independent minded.

We know that it's not just a matter of comparing Democrats and Republicans and how many are registered a different way. But obviously, Republicans can vote for Democratic candidates, too, if the Democrats field a superior candidate or make better arguments under the circumstances that our state faces.
at any particular time. We had good examples of that. We had not just, you know, aberrations but Democratic candidates who were elected from districts that you would swear were solid Republican Districts and we have Democrat members of the State Legislature right now today who are very popular in their districts with Republicans and Democrats alike.

So this has been a very complex equation that we have tried to work with here and to take all of those factors that just relate to competitiveness itself into consideration in making these decisions as well as, then, having to consider whether each decision we make has a significant detriment to the other criteria.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Mr. Hall.

COMMISSIONER HALL: Refresh my memory, Doug. Does the Judge It formula only include the two parties?

MR. JOHNSON: When looking at the previous election results of Judge It?

COMMISSIONER HALL: Right. Or does it take into consideration also how the other parties, representatives of their parties voted?

MR. JOHNSON: The piece of the Judge It
formula that is driven by the previous election results, 
as I understand the reports I've seen from Dr. McDonald, 
only include the Republican and Democratic numbers in 
that, similar to our AQD analysis only look at 
Democratic votes and percentage of Democratic and 
Republican. On registration, which is also part of that 
formula, I don't know.

COMMISSIONER HALL: I'm intrigued, because 
we've talked for some time about the impact of those 
other registered voters that belong to another party, 
and for me this is one of the first reports I've seen 
that itemizes those numbers. And for me it's rather 
interesting and impressive. I mean -- I'm counting 
where the voters that are registered to another party 
other than the Democratic or Republican party exceeds 
the spread between those two parties is 11 of them. Is 
that right?

MR. JOHNSON: Yes.

COMMISSIONER HALL: And interesting 
ENOUGH, those 11 are 11 of the top 12 most competitive 
districts. So in reality, even taking the Judge It 
analysis, if you throw in that additional variable, in 
my mind, these districts are more competitive than are 
reflected by the numbers in light of the fact that you 
have that other additional significant factor, not to 

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mention whatever impact the lack of incumbency in most
of these districts has on these races.

So, I guess, as we've been hammered
somewhat by some, and with what motive one can only
guess regarding the Commission's attention to
competitiveness, I think it's very clear that we've done
an outstanding job in this respect. And I think this
report highlights it very clearly.

You know, utilize a Judge It score of 10
versus seven, and I appreciate Mr. Huntwork's comments
relative to the fact that the statistics are a measure
of degree, not absolutes, and it's like water boils at a
different temperature depending on the location of the
pot. I think it's very clear if you come up three
points, you have nine competitive districts in that
respect. And even utilizing the Judge It, which is in
some of the people's mind the gold standard, I guess,
adding the other registrants in there, I think those
numbers are even more impressive.

So, Mr. Chairman, I guess what I'm saying
is that I'll be interested to see subsequent elections
of this year, but -- I just think that given the
constraints we had of the other criteria, most
specifically the Voting Rights Act, that this Commission
has done an excellent job in insuring that districts are
very, very competitive throughout the state.

If you take, for example, District 5, which I have some familiarity with, which is by all measurements a very competitive district, I would argue, given the makeup of some of those voters, especially many of those Democratic voters are rather conservative on occasion, some of these districts that would fall below the proposed magic threshold would be more competitive, i.e. 30, than District 5. You have -- or I should say even 15. You have a situation where three times the spread of the voters, in the other party, is three times that of the discrepancy between the two major parties. And given the makeup of a group of voters, I just think it's important as we look at all of these variables, we understand that this is a very, very fluid and difficult process to determine.

So I compliment not only the views of our consultant counsel, Dr. McDonald and Handley, and all the other work, but I compliment my fellow Commissioners for our attention to this important goal with respect to the proposition and what I feel we've done an excellent job in achieving, very, very competitive districts.

CHAIRMAN LYNN: Thank you, Mr. Hall.

Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you,
Mr. Chairman.

I think my fellow Commissioners will not be surprised that I have some comments which are a little different in vein from those that preceded me. First of all, let me explain my motives, since Commissioner Hall referred to what the motives of some Commissioners were. My motive is a map which reflects the wishes of the people who voted for Proposition 106. I think if you look at the comments I've made and votes I've cast, that has been the theme of everything I've done from the time I started this process. That's it, nothing partisan, but just an attempt to reflect the Legislative intent of the people who passed this initiative and made it a part of our State Constitution.

I look at some successes we achieved. And there are some districts here that I think are very, very competitive. I think 17 is probably the most competitive district in the state. I think 5 is a very competitive district. I'm surprised to see, in the statistical analyses, that District 12 is more competitive than I thought that it might be. And there was a recent editorial in the Arizona Republic that referred to District 12 in discussing the candidates running in that race and said that they were quality
candidates probably because of the competitiveness of the district, that it brought out really good candidates from both parties. And District 10 is a very competitive district. District 15 surprised me. We tried to make a change that didn't work because of community of interest concerns to make 15 competitive, but looking at this, even though the Judge It figure is a little bit above the seven percent level, if you look across the way, I think 15 is a competitive district. On the other hand, I look at District 26, which has a Judge It score below the seven percent threshold, but looking at the other numbers, that does not seem to me to be a very competitive district. And the same, you know, with some of the others moving across.

The other registration that is listed there isn't very compelling to me when you look, for instance, at District 1 where there is a 21 percent registration spread and a 24 percent other registration, that assumes that 90 percent of those people have to vote for the minority party in District 1 in order to sway the outcome of that district. And I think we realize that that is not likely to happen.

Dr. McDonald's study, incidentally, does include minority party registered voters as well as independent and no party designate, because he refers to

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Judge It as a predictor of future elections and talks about it as predicting vote share. And so it seems logical to me that the vote share that he is talking about is all the votes cast in an election and what the share will be of either the Democratic or Republican candidate since Judge It really only refers to probability of electing major party candidates.

Competition is a necessary condition for the existence of democracy, and this is from his report, and on the next page, this is the key to what I would have liked to see more of when he talks about quoting Proposition 106 stating that competitiveness is to be favored where the use of it would not create significant detriment. What is meant by significant detriment is open to interpretation.

Making trades between competitiveness and other goals is permissible up to some unspecified point. And I submit that the difference between us on this Commission is where that unspecified point lies.

Up until this point in the process, we have made major, dramatic changes in every map that we did moving from the grid, to first draft, moving from the first draft to the second. But at this point, there has been an unwillingness to do more than look at the minor adjustments.
If you look at the public input that we've received, except for the tremendous amount of public input that we had that related to a specific area of the map, people who were concerned about their district, I don't like the way that you've split my county, I don't like the way that you've split my community, I want my community to be part of this community, and they were relating to very specific items relating to their neighborhood. We got an enormous amount of comments regarding that. That's good. However, the general comments that we got referring to the process as a whole, the overwhelming prevalent topic was competition. People wanted competitive districts.

I saw things differently than my fellow Commissioners. I still believe very, very strongly in my position, as I imagine the rest of you do in yours. Reasonable people can disagree.

I look at areas where I believe we could have done better. I explained in detail at the June 25th meeting some of my reasons. I don't need to repeat them here. It's part of the record. But I believe that we have an obligation, when appropriate, to make more than border changes in this map in order to achieve competitiveness.

I believe that we did not demonstrate
significant detriment to other criteria of Proposition 106 in several cases where we abandoned an attempt to create a competitive district. That's why I, as I said before, I think the map could be more competitive than it is. It should be more competitive than it is. And that's why I'll ultimately vote against it.

CHAIRMAN LYNN: Further comments from the Commission?

Mr. Hall.

COMMISSIONER HALL: Well, for my benefit, Andi, you cited several cases where you feel like the Commission could have done better. I was wondering, specifically, if you could state those cases.

COMMISSIONER MINKOFF: Sure. I believe, as I said -- first of all, let me state that I believe we should go into any redistricting process with the goal -- we've got 30 districts -- with the goal of creating 30 competitive districts realizing that that is an unachievable goal because there are going to be other things that are going to impact it. However, putting voting rights districts aside, certainly we had an opportunity in District 6 to create a competitive district that we did not. We had opportunities in Tucson to create three competitive districts that we did not. Those are the ones that immediately come to mind.
There was a possibility of four more competitive districts. Since to my mind we only have five, that almost would have doubled it and I think would have made it a much more appealing map. When you add in what I see as five other districts that depending on circumstances --

COMMISSIONER HALL: I don't want to interrupt you, Andi. Which three in Tucson, just for my benefit?

COMMISSIONER MINKOFF: Okay. We had tests that turned District 26, 28, and 30 into competitive districts. We deliberately excluded 25 and 27 and 29 because of --

COMMISSIONER HALL: In my mind, 26 and 28 are competitive. That's what I'm asking.

COMMISSIONER ELDER: That's what it says here.

COMMISSIONER MINKOFF: Look at 26, the Judge It number just under 6.6. If you look across at the rest of the numbers, that's why I say you consider 26 competitive; I do not consider 26 competitive. Looking at the growth pattern of 26, and that the map we've approved will not be in use until 2004 elections, I seriously doubt, under normal circumstances, if a Democrat will be elected to the Legislature from that

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1 district.
2 Now things happen. We have a Democratic
3 Senator from District 30, current District 30, which is
4 a strongly Republican district. If hadn't been for the
5 all fuels fiasco, he wouldn't have been elected. We
6 have a Democrat elected in Prescott currently. If it
7 hadn't been for some terribly inappropriate comments
8 made by a Republican Legislator that convinced the
9 majority of voters in that district that she was beyond
10 the pale in terms intolerance and bigotry, he would not
11 have been elected because that district is traditionally
12 a Republican district. Those aberrations happen. I
13 think we have to look at the normal behavior of a
14 district.
15 Commissioner Huntwork stated that the
16 state as a whole is competitive. I agree with that.
17 The state as a whole is competitive. In the last two
18 presidential elections, it voted for a Democrat in one
19 election and Republican another election. Who knows
20 what we'll do in 2004. The state is competitive.
21 Unfortunately, because of the map we created, the
22 Legislature will not be.
23 COMMISSIONER HALL: For my benefit, thank
24 you for your indulgence, Mr. Chairman, I want to make
25 sure I understand what you are saying. District 6, 26,
28, and 30, in your opinion this Commission could have
done a better job to make more competitive?

COMMISSIONER MINKOFF: Would cause me to
support the map.

COMMISSIONER HALL: With your permission,
I'd like to respond to that.

I think we hashed the District 6 issue.
That's of record. And to the majority of the
Commission, it did cause significant detriment to other
goals. That's clear on the record.

With respect to 26, despite Ms. Minkoff's
every measure, 28 is even competitive. I would argue
that 30 is competitive. If you notice, certainly not as
competitive. Again, it's a matter of degree. If you
look at 28, which is over the 7.0 figure -- in review,
the 7.0 mark is where Dr. McDonald has a 95 percent --
he feels like his 95 percent accuracy that he can
predict -- or prediction accuracy.

Am I stating that right, Ms. Leoni? Isn't
95 percent tied to the 7.0 level?

MS. LEONI: His 95 percent confidence
interval that the election will fall in that range. The
range is a narrow one, seven percent, 3.5 above 50
percent or 3.5 below.

COMMISSIONER HALL: Okay. So I -- in

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response to that, with all due respect to Ms. Minkoff, it is that of the four districts she cited, certainly two of the four, in my mind, are competitive. And the question is that in an effort to try and make those other two more competitive than they already are is what detriment would be caused. And I think the Commission has adequately established that in the Tucson area and certainly in the District 6 area, there was significant detriment by gerrymandering, in many cases, in an effort to create a competitive district.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman.

I'll respond to some of those comments also.

When we look at 26, look at Judge It, Judge It is weighted toward the Legislative races. That's the people that represent their district. Where you look at the four-race and three-race, those are statewide races, and it may just have been that they didn't enjoy the candidate at the state level. But they certainly are competitive in their own legislation, own Legislative district.

I think the same thing is true on 28. 30, it's -- when we take a look at the Independent vote and take a look at who they've elected
in the past, I would contend that 30 is reasonably competitive. On that basis, I do agree with the majority of my fellow Commissioners we have a good series of competitive districts. The ones that we've debated extensively as to whether there is significant damage to the other factors, the other conditions of 106, I think are self-evident from the discussions we've had.

I would like to move on down the road to accept the data base as a finding of the Commission, if that's an appropriate term.

MR. JOHNSON: Mr. Chairman, if I can make a final quick comment on the spread sheet.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: The numbers in front of you today are for the August 13th plan. In the area where we went back to the C plan, you have the same information in the material provided yesterday. They're just not consolidated in one sheet as nice.

CHAIRMAN LYNN: Thank you.

Jim, Mr. Huntwork.

COMMISSIONER HUNTWORK: There is one thing I would like to clarify. I disagree with Commissioner Minkoff as to her statement that the overwhelming topic of the comments we received was competitiveness. I
disagree with that. I feel that the overwhelming subject was community of interest. Time after time people said, in fact, make somebody else's district competitive, but preserve my community of interest. Now, there were some who were willing to sacrifice that, and more power to them. But I think that the overwhelming sentiment of the State of Arizona, people stood up in front of us with anger and with zeal, sometimes with tears in their eyes, but it was "Preserve my community. I need to be with other people like me so that we can have a voice in the Legislature." That was the overwhelming topic. And this Commission faced that very recently with the proposal for competitive District 15 where Arcadia came and clearly, and I think correctly, said we do not perceive our community of interest to be with downtown Phoenix. We perceive it to be with the areas to the north of us, Paradise Valley, and so on. And this Commission, Commissioner Minkoff included, voted against compact and competitive District 15 because of communities of interest.

I do not disagree with that conclusion. I voted the other way, but I recognize and support the fact that my fellow Commissioners exercised -- each of us exercised our judgment. That's why there are five of us. That's why we were picked the way we were. And I
hope and pray that among us, collectively, we had much more wisdom than any one of us would have had individually and, I suppose, than any one person who agrees or disagrees with what we've done will ever have with respect to this subject.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

I want to make a couple comments both with respect to the competitive nature of our process with respect to competitiveness and also what I believe are some misstatements of fact. I agree with Mr. Huntwork, in fact we had a Power Point presentation after each of the rounds that we went through, and that Power Point analyzed the responses from the public that were received by the Commission. If you look at that Power Point, Mr. Huntwork is quite correct that the communities of interest and other issues that comprise some of the goals that we were trying to achieve were much higher on the list both for Legislative and Congressional maps than was the issue of competitiveness. It was far down the list in terms of things that people were concerned about when they responded to the Commission.

The second thing I want to point out is the premise that if you start with the goal of constructing 30 competitive districts in the State of

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Arizona, in my opinion, you have misread the law. And let me tell you what I believe the correct reading is. Your goal should be to establish 30 Legislative Districts and eight Congressional Districts in the State of Arizona that balance the six criteria that are mandated by the Constitution. And the balancing of those criteria are to be done on the basis of personal judgment, certainly, input from the public, and facts that are really not in dispute. And let me give you an example.

If your goal is to have 30 competitive districts in the State of Arizona with a five percent, give or take, spread between registered Republicans and registered Democrats, theoretically you might be able to draw 30 districts. They wouldn't be pretty, not compact, wouldn't be contiguous, wouldn't reflect communities of interest. Might draw 30 districts to preserve that spread. According to former Peter Goodenoff, the Republicans would win all 30 seats. And he believes that because for a variety of reasons, one party in this state dominates not by virtue of registration but by virtue of turnout. And the fact of the matter is that statistically those who should side or would side with one political philosophy or the other aren't sufficiently registered in the state in order to
make the elections what they ought to be. We can't
control that. We can't do much about that, quite
honestly. And the assertion that lines we have drawn
will have a chilling or negative effect on that I think
begs the question whether major political parties, major
or minor, will be successful in getting people to
understand they need to participate in this process.

The bottom line for me, and not that it
means anything, but I spent a fair amount of my
undergraduate career studying political science. It is
my major, something I learned in school and practiced in
one form or another over 30 years, is election and
competition in elections are not about registration, by
and large. They are about the following things: They
are about having good candidates offer themselves up for
public office. They are about having ideas that people
will find that they can resonate with. And they are
about running good campaigns so that you don't trip on
your sword on the way to the holy grail.

The fact of the matter is that those
parties and those individuals, no matter which party and
which individual, who do those things, win elections.
And it isn't a matter of the spread or the Judge It or
anything else.

Two factors are missing in our analysis
because they are unquantifiable. We have attempted, and
Judge It actually attempted to quantify the impact of
incumbency. And it takes it into account. In my
opinion, and subsequent research that I've seen suggests
that incumbency is given less importance than it should
have. And, as a matter of fact, one of the reasons that
districts in this state continue to elect representation
in that area is because they are satisfied with the
representation they have, whether that is Republican or
Democrat, or Independent, or Green Party, or whatever.
And I would suspect that one of the reasons that more
candidates don't offer themselves up for public office
is it is extraordinarily difficult to run against an
entrenched incumbent who has been there for more than
two terms. And the fact of the matter is that is one of
the reasons I, as an Independent, don't much like term
limits, because I think good people are in short supply
in public office. And if good people want to continue
to run and serve the state, there's no reason why they
should not be allowed to do so.

So the factors are many. The complexity
happened to be quite evident in how we go about doing
what we do. I will tell you this: Once you start with
the six criteria that we have had to operate under, once
you believe that all six are important, and I'm not
going to get into the nuances of whether -- it's a 1984
argument, all pigs are equal but some pigs are more
equal than others. I will tell you all six criteria are
important. Every one of us when selected or elected to
this Commission said we were in favor of competition.
But to use the big analogy, if you could make pigs fly,
a lot more would be in the air than there are now.
The fact of the matter is the state begins
with a polarized voting community, and for us to do
justice to the other goals, there has to be a balance
between competitiveness and the other five goals. We've
tried to do that. I think we've done a principled,
reasonable job at it.

If you go back to the original founders of
Proposition 106, the original authors, and look at what
they said, not the people who ran the campaign to get it
selected on the ballot or approved, but the original
drafters, what they were trying to do is take the role
of redistricting out of the hands of the incumbent
members of the Legislature. That has been done and done
well.

And we have done a job that did not talk
about incumbency, did not talk about candidates, did not
talk about giving an unfair advantage to people who were
in charge of drawing the lines. So I think in that

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respect we have done an extraordinary job with respect
to balancing our criteria.

Laterally, I will tell you that we cannot
find and I defy anyone to come up with a bright line
distinction between a competitive district and a
noncompetitive district. The best we can do is utilize
the tools at our disposal and any other faculties we
bring to the table, each of us individually, based on
our experience, to determine whether or not we can move
the needle along the continuum in one direction or the
other to make a district more or less competitive. And
after you satisfy the Voting Rights Act, and after you
have a spread of 16 to 22 percent in party registration,
the best you can hope for is a map that has several
districts that might be competitive. To assume you can
do better than that is really sending yourself on a
fool's errand.

Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you,

Mr. Chairman.

A couple things we agree on.

I also oppose term limits. I would agree
with you that probably the best thing about the process
we have undertaken is the fact that it has been free
from the influence of incumbents in spite of the fact
that the spouse of a current incumbent verbally attacked
me awhile ago as deliberately gerrymandering his wife
out of her district when I had no idea where they lived.

But a couple of things.

I also have been a student of politics and
political science all my life. My Bachelor's Degree,
Master's Degree, are both in that field. I used to
teach American Government and also an elective course,
the Problems of Democracy. That's what we are living
now, guys, problems of democracy.

I think there were some comments I made
that were misunderstood. I just want to very, very
briefly explain them. When I spoke about public
comment, the public comment that we received, I think
that maybe you didn't understand the first part of my
remarks. I agree, by far, the majority of comment that
we got had to do with the community of interest. This
is the district that I want in my area. I made that
very clear. There was another group that we got that
basically referred to a macro map rather than a micro
map. Some of them said don't consider minorities, not
understanding that we were mandated by the Arizona
Constitution and the United States Constitution to
consider those groups that were protected under the
Voting Rights Act and could not ignore them, nor would

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we ignore them. There were other comments made about the map as a whole.

What I was saying, the comments referred not to a specific area, not to a specific community of interest, not to a district I want in my area and I don't care what you do in the rest of the map, that there was an overwhelming groundswell of support for competitive districts.

Secondly, when I said that to me the ideal was 30 competitive districts, I did not propose we start that way. I understand the wording of proposition 106, and clearly competitive districts are the last step in the process. All that I meant by that is to say that wherever a competitive district could be created, that is what we should do. And if we could satisfy the other five criteria of Proposition 106 and create 30 competitive districts, that's what we should have done.

The reality is that's an impossible to task. We all recognize that. Given the impossibility of creating 30 competitive districts, after dealing with the first five criteria, it is my contention that we are still obligated to go through and create as many as we possibly can. I don't think any of you would disagree with that.

Where I think we disagree, I believe that
there were opportunities to create competitive districts
that we missed. I respect your right to the opinions
that you hold and I hope that you respect my right to
the opinion I hold.

Thank you.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I
just want to respond to that last comment of
Commissioner Minkoff. I certainly do respect her right
to that opinion. I agree with her analysis of the
process. I agree that we followed the steps outlined in
Proposition 106 to the end of the process. And then I
also agree that competitiveness, at that point, comes in
at an extremely important level. And we have a very
profound obligation to use our best judgment to create
competitive districts as long as they do not cause
significant detriment to the other goals. I think that
the only ruling that we have on this from a trial court,
I think the Judge said at that point it becomes as
important to the other goals subject to, you know, not
doing significant detriment. And I think that was the
very standard that we have attempted to apply.

It really boils down to application based
on a personal judgment of how those criteria weigh
against each other. I also think -- I don't think we
missed, I'm not sure, but I don't think we missed
competitive districts that are hidden in the map
somewhere. I think what happened was that we found a
configuration and then basically we disagree on the
application of the principles to that configuration.
And that is certainly an honest disagreement.
And I, by the way, I don't believe that
Commissioner Hall or any other Commissioner Hall
intended to question your motivation. I think it more
had to do with some of the possible litigants.

COMMISSIONER HALL: That is correct. I
was not referring to any Commissioner. I was referring
to some of the litigants who profess to represent my
party, and other parties, and the very actions they've
taken against the Commission have caused the districts
to be less competitive. The irony is remarkable.

No, Mrs. Minkoff, that was not directed at
you but people that profess to be interested in that but
are only interested in their agenda.

CHAIRMAN LYNN: Further comments on the
issue of competitiveness?

If not?

Ms. Hauser.

MS. HAUSER: Just one moment, please.

CHAIRMAN LYNN: I might remind the members

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of the public, subsequent to the discussion on competitiveness, I'll have a call to the public one more time today in advance of the Commission taking up possible adoption and certification of a Legislative map to the Department of Justice and Secretary of State. So if you would like to speak, if you would get a speaker slip and have it ready, please.

At this time, are there any members of the public that wish to address the Commission? You, like we, should be speechless. If you'll bear with us, we're going to get some language straightened out.

Are there any further reports from NDC? I'm stalling. Any further reports from legal counsel? COMMISSIONER HUNTWORTH: Can I make a motion?

CHAIRMAN LYNN: That's essentially what we're waiting for, I think. What I would like to do is take five minutes in place. We will be in recess. (Discussion off the record.)

CHAIRMAN LYNN: The Commission will come to order. All five Commissioners are present along with
legal counsel, NDC, and IRC staff.

Is there an affirmative motion from the Commission?

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I would like to make a couple of motions, if that's all right.

In light of the fact that competitiveness seems to be the subject of present and future activities, I, as a Commission, I just feel like it's important that -- in fact, I want to make it a motion that we as a Commission vote and acknowledge that we have used all of the competitiveness tools that have been identified by Mr. Johnson and that these tools are a representation of a matter of degree of competitiveness, not absolutes, or not a bright line, utilizing your terminology, Mr. Chairman, and as further discussed by my fellow Commissioners.

CHAIRMAN LYNN: Is there a second to the motion?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

COMMISSIONER MINKOFF: I want to be sure I quite understand the motion. I want to understand the motion, because it sounds like something I might be able to vote for.

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Are you saying by the motion, Josh, only that we've had available tools, Judge It, AQD, election results, et cetera, we've utilized them in making our own determinations about competitiveness?

COMMISSIONER HALL: Correct.

CHAIRMAN LYNN: Further discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion passes unanimously.

COMMISSIONER HALL: I expect a similar vote, Ms. Minkoff.

COMMISSIONER MINKOFF: Can't vote for the map.

COMMISSIONER HALL: Didn't vote for the last one.

I move we adopt, as a Commission, the August 13 map as suggested by today's motion as the Legislative Redistricting Plan for the years 2004 through the years 2010.

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CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: It's been moved and seconded.

On the motion.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Were there any further traps we needed to identify and correct besides the ones shown on the screen this morning? We were looking basically at the Phoenix Metropolitan area at that time. Is there any anywhere else?

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: There is -- with the software that runs these checks, classified as a trap down in the Tucson area of 36 people, that was also identified by software this November, also -- unlike things today, it's a fairly large geographic area that was discussed and visited.

We'll have to run the trap check on the 10, 12, 14 adjustment, but I don't anticipate it to find anything.

CHAIRMAN LYNN: Further discussion on the motion?

I infer from the motion the intent here is to both -- I mean we're going to adopt that. Do we need

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a separate motion in terms of certification to the Secretary of State and/or submission to Department of Justice?

That would be a subsequent motion?

Those are subsequent motions.

This motion is for adoption of the plan.

Further discussion on the motion?

If not, we'll do this by roll call.

Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: "No."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

The motion carries four to one and is so ordered.

Mr. Hall, do you have a subsequent motion?

COMMISSIONER HALL: I guess.

I move that we certify the adopted plan and submit it to the Secretary of State.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.
CHAIRMAN LYNN: Moved and seconded.

Discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Opposed, "No."

Motion carries unanimously and is so ordered.

MS. HAUSER: Let's -- I need each of you to sign this.

COMMISSIONER HALL: We can co-process, Lisa.

Mr. Chairman, I move we submit the adopted and certified plan to the Department of Justice as soon as possible, with great expeditious fashion.

MR. RIVERA: With all deliberate speed.

COMMISSIONER ELDER: All deliberate speed.

CHAIRMAN LYNN: Is there a second to that motion?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you.
Discussion on that motion?

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

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

Motion carries unanimously and is so ordered.

COMMISSIONER HALL: Mr. Chairman, I would like some kind of idea from counsel/staff as to when that will occur, approximately.

MS. HAUSER: I would approximate that as early next week.

COMMISSIONER HALL: Early meaning Monday?

MS. HAUSER: Or Tuesday.

COMMISSIONER HUNTWORK: Perhaps Wednesday.
CHAIRMAN LYNN: Before late next week.

Is there other business to come before the Commission?

If there is not, the agenda calls for a recess or adjournment at this point in the meeting.

For the record, I want to again thank, with the heartfelt thanks of the Commission, and I know

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I speak for everyone on the Commission when I do this, everyone who has helped us through this process. Obviously there are still issues with lawsuits and other things that may necessitate future meetings of the Commission, but we have every confidence to believe that at this juncture in our process we may very well have a map that will be precleared by the Department of Justice and will be in effect for the balance of the decade.

Those that have assisted us in this process, National Demographics Corporation, Dr. Adams, certainly Doug Johnson, who has done yoeman's work throughout the process, their legal counsel, Ms. Leoni, who has been of great service to all of us in her capacity representing NDC and working with the Commission, our own staff at the office, Adolfo, Lou, Kristina, those that have been with us from very early on in the process to the end, and certainly our legal counsel, Lisa Hauser and Jose de Jesus Rivera, and I also want to thank Lisa Nance for putting up with us. It's been an interesting ride for all of us, and we appreciate her work as well.

The Commission at this point stands adjourned pending a call of the Chair and a formal notification of any subsequent meetings.

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Thank you all very much.

(Whereupon, the hearing concluded at approximately 2:42 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 141 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 19th day of August, 2002.

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

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