PUBLIC HEARING MEETING -06/21/01 -PRESCOTT, ARIZONA

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LISA PASCIUTI
ARIZONA CERTIFIED COURT REPORTER #50451
APPEARANCES

THE PUBLIC HEARING was taken at 6:05 p.m., 2001, at the Yavapai Community College, Building Number 20, in Prescott, Arizona, before Lisa Pasciuti, a Certified Court Reporter in and for the State of Arizona.

Mr. Joshua M. Hall, Commissioner of the Independent Redistricting Commission, 1400 East Washington, Suite 10, Phoenix, Arizona 85007, chaired the meeting.

Ms. Lisa T. Hauser, Attorney at Law from Meyers, Taber & Meyers, P.C., 2415 East Camelback Road, Suite 900, Phoenix, Arizona 85016, was present as legal counsel.

Ms. Florence Adams, President of National Demographics Corporation, P. O. Box 285, Claremont, CA 91711, was present as the Demographics Consultant.

(Whereupon the Public Hearing Proceedings began at 6:05 p.m.)

LISA PASCIUTI
ARIZONA CERTIFIED COURT REPORTER #50451
MR. HALL: Ladies and gentleman, with your permission we'll go ahead and call this meeting to order. Grateful for your attendance. Did anyone else other than besides me have trouble finding the place?

My counsel is taking scrupulous notes and we will convey that to staff. You can rest assured.

Please, come in. We apologize for any confusion. We're grateful to have you here.

My name is Joshua Hall, and I am one of the five members of the Arizona Independent Redistricting Commission. Say that fast, five times.

And we are here, as you know, today, as part of a public meeting. You'll note this lady over there typing rapidly -- and if I speak too fast, please, throw something at me. Because this is a public meeting and our intent is to document

UNIDENTIFIED WOMAN: I am having trouble hearing you.

MR. HALL: Sorry, I'll speak up. Thank you.

UNIDENTIFIED WOMAN: Thank you.

MR. HALL: The intent of this public meeting is for us to document input from you folks; and therefore, that is why we have a stenographer present, and furthermore, we have recording devices in an effort to try
and assure that we have accurately recorded all input and
the proceedings of this meeting.

And let me just kind of give you an overview of how
we intend to proceed, and do so in that fashion.

First of all, we have a little presentation in an
effort to kind of give you an overview and provide some
information to you.

Secondly, as some of you've had an opportunity to
out a speaker slip which is on these yellow sheets,
and we will allow you then to come to the microphone and
provide comment to the Commission

If you have not had an opportunity to fill out a
speaker slip, we would welcome you to do so. We would
love to hear from anybody and everybody.

I will simply call these speakers after my little
presentation, in the order of which I have received them.
Following that, we will then take an opportunity for any
additional questions that there may be, as long as those
questions are relevant to the items as they are listed on
the agenda, so that my attorney to my right will ensure
that I'm in strict compliance with the public meeting and
open meeting laws.

Is there any questions about that process prior to
movjng forward?

Young lady, am I speaking loud enough now?
UNIDENTIFIED WOMAN: Right now you are, yes.

Thank you.

Mr. HALL: Perfect. You raise your hand if I don't, and I'll bellow; how's that sound?

With that, then, as you know, we are here to -- if it's okay, I'll come out here,

(Mr.Hall moved in front of the commissioner's table.)

MR. HALL: We're here to provide information relative to this very important process. And really, our goal -- can everybody see this? Great. Our goal as to this Independent Redistricting Commission is to redraw the legislative and congressional districts pursuant to the provisions of Proposition 106.

The difference is that in past years, as you know, the Legislature played the primary role in this process; and now this authority has been turned over to a five-member Commission, by the voters of the State of Arizona, in November of 2000. Therefore, you as the citizens playa critical and important role in this. And while we'll provide a little bit of information, really, you are here to educate us.

We want to hear your input and then we want to try and incorporate that in an effort to try and assimilate it so we can make sense and come up with boundaries and maps.
to the best extent as possible, to accommodate the
communities of interest throughout the state.

Our covenant and our obligation as members of this
Commission, is to be as fair and impartial as we can. And
I can assure you, that each of my fellow commissioners and
myself are committed to do so, so that we appropriately
represent the needs of the people of Arizona.

Often in the past, redistricting has been a deeply
decisive process. Some have said that there have been
partisan power plays. Incumbent protection and even racial
discrimination. And this word, as you all know, is often
referred to as Gerrymandering.

In 1811 the Boston Globe ran this comic. There was a
federalist governor by the name of Aldridge Gerry. And he
was accused of drawing a district in an effort to protect
his own interest. The Boston Globe cartoonist then took
this district and transformed it into a salamander. Thus,
was born the word, in 1811, "Gerrymander" named after
Aldridge Garry and after the salamander.

We have Americanized that term and typically refer to
it as "Gerrymandering", but whatever your pronunciation
preference is, is fine with me.

Well, we're here to try and slay the Gerrymander, if
you will. Here's a couple of examples of how the abusive
political process can occur. On the example on the left,
you can see that there is a dispersal of minority party voters, which is a term called dilution or cracking.

You can see that they have -- the minorities are represented by the pink boxes. The way these lines are drawn in districts one, two, three and four, have diluted their ability to represent their own interest. In the example on the right, you have a concentration of minority party voters, which is called packing.

Some may give the opinion that packing would benefit minorities. Well, in some degrees it could, but if they have a significant amount of representation, packing then, would not allow them to have an opportunity maybe in a couple of districts versus one district.

Here is another example of how racial gerrymandering works to achieve the political result. Here on the left is, created an ethnic district to help the Republicans in this hypothetical example. Notice how that has occurred; with respect to utilizing these lines to protect the Republicans.

On the right, you can see that they drew the lines and diluted the Hispanic vote in an effort to preserve a white Democratic incumbent.

These are all purely hypothetical examples, but I think are things that we are aware of. And I think it's important to note that packing or cracking or diluting or...
retrogression and all become familiar with, of these other terms that I have become familiar with, at the instruction of our counsel, are all illegal pursuant to Federal law.

The voters of Arizona wanted to clean up the state redistricting process and therefore they created the Proposition 106, and that's why we're here.

The five members of the Commission consist of Steyen W Lynn, who's the chairman and the only registered independent on the Commission. Steven Lynn is the public relations manager for Unisource Corporation, which is a parent corporation of Tucson Electric Power; and he resides in Tucson.

Oh, man, sorry about that. Hit the button accidentally. Let's see if I can figure this out.

Okay. Andrea Minkoff is the Vice-Chairman and is a registered Democrat and is a business woman and resides in Phoenix.

Daniel R. Elder is in architectural design, he resides in Tucson is a registered Republican.

I'm Joshua M. Hall, I'm businessman, and I have businesses in Navajo County of Pinetop, Lakeside, Showlow and Snowflake and I reside in St. Johns. And I'm a registered Democrat.

And Mr. James R. Huntwork is an attorney, with a law firm and he resides in Phoenix, and he is a registered
Republican.

Therefore you can see that the Commission in accordance with the terms of Proposition 106, consists of two Democrats, two Republicans; and then we, the four, after having received our appointments, interviewed five candidates and elected or nominated or hired or whatever the word is; Steven Lynn, who is the chair who is the registered Independent.

And I quote from the Proposition, which states --and incidently we can provide you a copy of that, if any of you are suffering a little insomnia, it's wonderful bedtime reading to cure that.

But basically, this proposition states: The Independent Redistricting Commission shall establish Congressional Legislation districts. The commencement --and that's the key word --the commencement or start of the mapping process for both the congressional legislative districts shall be the creation of districts of equal population in a grid-like pattern across the state.

The Commission has already accomplished this goal.

How many of you have had an opportunity to see grids that have been placed on paper here and beyond? That is the initial equal population grid. We'll talk about that a little bit later on.
In addition: Subsequent to the commencement of the initial equal population grid, then, we must comply with the following other goals or requirements.

The district shall comply with United States voting constitution and United States Voting Rights Act. Congressional Districts and legislative Districts shall have equal population to the extent practicable.

Districts shall be geographically compact and contiguous to the extent practicable. District boundaries shall respect communities of interest to the extent practicable.

To the extent practicable, district lines shall use visible geographic features city, town and county boundaries and undivided census tracks.

And to the extent practicable, competitive districts should be favored, where to do so would create no significant detriment to the other goals.

I think it's important to note, folks, that this Proposition 106 is now law. So it's another thing, that in addition to the Federal requirements previously, that were guiding this process. We have a proposition which is now law. And we, as a Commission, are obligated to follow
that, that proposition to the "T"

In addition, subsequent to that,
the Proposition states: Party registration and
voting history data shall be excluded from the
initial phase of the mapping process, but may be
used to test maps for compliance with the
above goals.

The places of residence -- the place
of residents of incumbents or candidates shall
not shall not be identified or considered

Therefore, I would respectfully request that when you
provide comments to this Commission this evening, that you
would refrain from mentioning the place of a residence of
an incumbent or candidate since we are not allowed to
consider that

In April, 2001, the Commission received the facts of
Arizona changing population as reported by the census.
much do you think the State of Arizona has grown?

UNIDENTIFIED WOMAN: 40%.

MR. HALL: Well, said. That's exactly right. To
5.1 million. To put this in perspective, folks: From 3.6
to 5.1.

Look at the population of Maricopa alone. Now it is
3 million. In 1990 the whole state was 3.6 and now
Maricopa alone is 3 million That's a clear indicator,
maybe, where most of the growth is occurring.

Here's some examples, though. Yavapai County grew
55.5%. Mohave -- who would have predicted -- grew 66%.
That's merely some examples. Who can me tell me how much
Prescott Valley grew?

(Various answers given).

MR. HALL: 164%, you win. Let me get some candy
here, for the participants. 164% from, what, eight grand
to nine, to like 24,000 people. That's incredible growth.
Prescott itself was almost 28%. Chino Valley was another
50-something percent. Just citing some local examples for
you.

As we indicated, the first step of the Commission is
to develop districts in a grid-like pattern, equal
population grids.

The English Dictionary or the dictionary gives some
different examples of grids, and so we cited some of those.
For example, a network of uniformly spaced, horizontal
perpendicular lines; in an effort to try and decide what
that meant.

I may say at this point also, that no member of the
Commission or its staff or counsel had any say whatsoever
with respect to the language of Proposition 106.

I might also add, as my personal opinion, that not
necessarily all that language is perfect.
Therefore, and nevertheless, we are --we are bound
to do the best we can to comply with that. We simply have
to do what we have to do. We've been given the horse and
now we've got to ride it. We didn't get to chose the
horse. We voted then to go ahead and start this grid.

We wanted to be as arbitrary and independent as
possible in starting this grid. Because the only
consideration, realize, is population. Therefore we made
a decision to start it at --we chose it basically by a
lottery, to start it at the Gila and Salt River basin
meridian point. Does anyone know where that is?

Well, it's kind of --what is the actual address,
Lisa?

MS. HAUSER: It's about 115th Avenue and
Baseline in Phoenix.

MR. HALL: And that point, as you know, for
those of us that do a lot with legal descriptions --I own
a title company -- is the starting point for geographical
surveys for the state.

In fact, all legal descriptions that are meets and
bound references will say of the Gila and Salt Basin
Meridian.

We utilize that point then, and drew a vertical line
and a horizontal through that point, just to try and start
this equal population grid. We drew then, and said we --
we --by purely random draw we said we were going to start
in the Northwest quadrant of the State of that. Northwest
quadrant of that little grid we made based on that point
And then, by the flip of the coin said, should we proceed
clockwise or counterclockwise; we decided to go
clockwise, as we aggregated to come up with equal
populations.

The aggregation unit is townships, which all of us
may know, are basically land-based units of about six-mile
squares. Constituting 36 sections, and each section
constituting 640 acres

Here we have, then, we utilized the process of
aggregating townships. One township into a township grid
of four townships, and aggregated them into intermediate
townships and into super townships

One could ask the logical question then Why then is
the map that I saw, not square? Right? Good question.
Because, in addition to the township aggregation, we have
to take into consideration the basic population block of
census tracks.

And if you look at a map on census tracks --and I
could show you one -- those are basically polygons all
across the State, and are arbitrary in shape. And to split
census tracks and blocks becomes a very cumbersome and
complex process.
Therefore we aggregate townships, but then with the overlay of census tracks, had to develop rules to accommodate problems as this new historic process occurred. And that's basically what occurred. And so the computer aggregated townships, utilizing the overlay of census tracks. We developed rules and adopted rules to accommodate problems as they occurred.

And in essence, the Commission then adopted the rules and saw this map aggregated by computer, at the same time the public and the press saw it. Because, by adopting the rules, the map was merely a product of the rules anyway. The map -- the grid then, the starting point grid -- and I emphasis that, that some of you have seen or probably all of you have seen, is merely that starting point; because of following the terms and condition of this proposition.

Our next step now is public hearings and that's why we're here today to be with you and we're grateful for the opportunity. Because now we take into account and consideration all of the other goals as referenced previously on the slide. And the most important that you can help us understand, is communities of interest. What represents communities of interest.

We then will take our high-dollar consultants then, Will take that information and they will try and develop
what they're calling Arizona units of representation and
make sense of that, assimilate it and then come up with
lines that are better.

Let me put this on the record. The Independent
Redistricting Commission shall advertize a draft map of
congressional districts for comment, for everybody to
comment, including the Legislature for at least 30 days.
An Independent Redistricting Commission shall
establish final district boundaries.

We did the initial grid, we are then going to hold a
first round of public meetings. We're going to develop
draft maps, and then we're going to come back for a second
round of public meetings and allow the Legislature time to
review it and provide all of that input again, and then we
will do the final mapping.

In your packet, there should be a citizen input form.
On that form and in that pocket, also, you can --for those
of you that are techno-wizzes, you can do that over the
internet. Somewhere in the information, I believe, our
website is referenced. But it is
www.AZredistricting.board.

That form, then, we would like you, even this
evening --have all of your friends at the next bridge
game or whatever --fill out this form.

First question asks for pertinent information about
you. Second question says: Tell us your major concerns,
in a few words what you think is the most important aspect
for this process.

What boundary lines would you like to see in this
area? What areas, group or neighborhoods do you think
should absolutely not be divided by new district
boundaries.

Okay. What information would you like to take into
account in drawing boundary lines in your area? Please
rank order all that you think should apply. One being the
most important Keeping a community in tact; bringing
particular groups together using a man-made or natural
boundary; drawing congressional and state districts include
whole cites or as much as city of equal population
permits; using local government boundaries; keeping census
tacks from being split; using freeways and major
transportation routes; compact and contiguos shapes.

Please help us, help you.

That's a quote from a movie; isn't it? If I'm not
mistaken. After you do that, complete it and hand it in
and help us, and there, again is the website.

Any questions about that form?

Ms. Hauser: Josh?

MR. HALL: Please.

MS. HAUSER: If I could just mention one thing?
If anyone here is a member of the Legislature or a prospective candidate for either the State Legislature or for Congress; when you fill out the citizen input form, give us a business address, for example. You can give your home phone number, but use a business address instead of your home address.

MR. HALL: Thank you.

Any other comments or questions about this form?

This forum is the basis for us developing Arizona units of representation. We must follow the Federal mandates, as I indicated: Equal population and the Voting Rights Act.

Let's talk a little bit about the Voting Rights Act. And let's talk about the fact that -- Arizona is one of how many states, Lisa?

MS. HAUSER: I think 11.

MR. HALL: 11 states in the nation; that is what's called a section-five state. Meaning that we're subject to section five of the Federal Voting Rights Act; right?

MS. HAUSER: 1965.

MR. HALL: 1965. Please, Lisa, give us a four-sentence definition of what section five means.

MS. HAUSER: Section five is the part of the Voting Rights Act that says for states or sometimes it's
just a county in a state, that are covered jurisdiction.

Meaning there was some past history of discrimination in connection with voting. Some places had pole taxes or literacy taxes or those kinds of things. If you got covered because of that, then you are subject to pre-clearance under section five of the Voting Rights Act.

Which means that any voting change that you make, whether it's every time your precinct voting place changes; the jurisdiction -- Yavapai has to get that pre-cleared.

Which means, they have to go to the Department of Justice and ask for permission to make that change and show that they, have not by making that change, done anything that would take any minority backwards or put them in a worse position than they were before the change. And that's the rule, you know: Are the minority populations being placed in a worse position.

So we are covered by section five as a State, and we have to take our legislative and congressional boundaries to the Department of Justice. That was more than four sentences. I apologize.

MR. HALL: That's okay. It's all right.

Attorney's bill by the time, we understand.

So in a nutshell, we must take care of minority interests pursuant to the Department of Justice requirements.

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That means that any - our final plan must go to our attorneys who must then prepare a detailed written report that has to go the Department of Justice and receive pre-clearance. Once they send that report in, the Department of Justice has 60 days to respond.

In the event that they ask a question or they feel like a staple is missing or something, they send that back. The clock stops. And then we must respond to whatever additional requests or questions they may have - they must respond - and then that goes back to them, and then the clock continues. So - and then we must follow the terms and conditions of Proposition 106 also.

So our goal then, is to have public hearings which we are having now, develop initial draft plans, have more public hearings, do the final plan and submit it to the Department of Justice by the end of the year. How are we doing?

Why the end of the year? Because, as you know, another issue in our state is the Clean Elections Act. And therefore, sometime in January - what’s the exact date, do you know? Early January.

MS. HAUSER: It’s actually before that where it’s possible.

MR. HALL: Really?

MS. HAUSER: People will really be wanting to
be doing it in January.

MR. HALL: First of the year, for their New Year's Resolution, some will say: I am going to run for Congress or Legislature. And with the Clean Elections Act, they can begin to receive contributions from folks in their district. Well there are two things they need to know to do that. One, who's in their district and what is my district.

So our goal, then, is to try and accommodate those candidates. We are confident that we’re going to be able to do that.

The mitigating factor, though, is going to be those who challenge what we do.

MS. HAUSER: You’re going to hit me, I know.

MR. HALL: Go ahead.

MS. HAUSER: I have to just clarify one thing.

MR. HALL: Please.

MS. HAUSER: The Clean Elections Act --

UNIDENTIFIED WOMAN: Could you speak up, please?

MS. HAUSER: The clean elections Act does not apply to Congressional candidates, it’s just for State Legislative or Executive Offices.

MR. HALL: I’m sorry.

MS. HAUSER: That’s okay. There is no -- clean elections component for the Federal elections. Sorry.
Mr. Hall: Where our goal is to try and submit a final plan to DOJ, Department of Justice, by the first or second week of September, and the allow time for them, 60 days plus, for them to do the review process.

With your permission, we’d be happy to respond to any questions you have, unless you have some that are completely burning; and with your permission, I’d like to move to the public comment section of the meeting; allow those who would like to comment.

Again, for anyone who’s not had an opportunity to fill out a speaker’s slip, you can speak with Myra, and if you raise your hand, she’ll be happy to give you one. And subsequently to the comments, then, we’ll be happy to answer any questions that you have. Here they are.

Why don’t I take this opportunity – Myra don’t leave -- why don’t I take this opportunity to introduce some of the staff that are with us. We have our stenographer. What was your name again? Lisa. First time I met lisa, I apologize.

Myra is with us, she’s one of our public outreach folks and has done an excellent job in helping arrange this meeting.

Florence Adams, is one of the consultants, Dr. Florence Adams, with National Demographic Corporation, which is one of our consultants assisting in this process.
And Lisa Hauser, who is one of our legal counsel. Lisa has been deeply involved in the redistricting process in 1990, and involved in much of the challenges with that process. As you know, the courts ended up drawing some of those lines at that time. And so we are grateful to have Lisa with us who has extensive experience with respect to this process and with respect to the Voting Rights Act.

MS. HAUSER: We should also clarify --

MR. HALL: Please.

MS. HAUSER: There are two attorneys -- two attorneys who work for the Commission. There is me and then there is Jose Rivera. And because most of the attorneys who have some experience in this area have affiliations with one party or the other, the Commission decided to hire two: One Republican, one Democrat. So I am the Republican of the two. So just so you know that.

MR. HALL: That's okay.

UNIDENTIFIED WOMAN: I have a question. Are the microphones up at all?

MS. HAUSER: That's what we're here for.

MR. HALL: These microphones are simply for recording. They're not magnification. And I will -- I would respectfully request folks that make comments, that they would do so as loudly as they can, so all of the participants can hear.
(Group discussion about and testing of microphones.)

MR. HALL: Any additional comments or questions?

I’d like then, Mr. Johnny Johnson, please.

Would you please spell your last name for the court reporter.

MR. JOHNSON: J-o-h-n-s-o-n.

MR. HALL: Thank you.

MR. JOHNSON: As in Linden

MR. HALL: Okay. I see the resemblance.

MR. JOHNSON: He had more hair. Welcome to Yavapai County, Mr. Hall.

MR. HALL: Thank you.

MR. JOHNSON: Back in October, November when Prop 106 was being highly debated throughout the State, the Republican party of Yavapai County was really not in favor of the passage of this bill. Our friends, the Democrats, were.

After the election was over, they had their way.

Their state chairman had boosted $600,000 into the till to get the passage of that act; which is fine. Now, I'm in a quandary as to why, at this stage of the game, we're in favor of what the Commission has come up with.

Basically, really having had an exhaustive study of the interior work that is in Maricopa County, and good luck on that one, but we are very please with the work that the

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Commission has done so far as it regards our Congressional District Three, and as far as it regards the redistricting of the 30 legislative districts within the State.

There are many reasons in the list that you had on the screen a little while ago, in memory of six or seven criteria that you looked at to create a legislative district; it would seem that Yavapai County has its own legislative district to fulfills almost all of those requirements.

It certainly would be a contiguous district. It would be a great change from the situation that we have now, where we are backed up among four different legislative districts. Part of the county is in two, part of it is in district five and part of it is of district 28.

It would be very helpful to us, and it would be --I think, develop a wide interest of community activity to have Yavapai County as its only legislative district.

Basically the Republican Party and Steve Pierce, as our county chairman, has appointed me as Chairman of the Redistricting Committee of the Republican party.

We applaud the work that the Commission has done so far. Reserving of course, the right to change our minds should you change your minds. Thank you for the opportunity to address you, sir.

MR. HALL: Thank you.
(Pause).

MR. HALL: Karen Kenton Jones? Kenton, is that right?

MR. JONES: I was going to say, I was looking around for that person myself.

MR. HALL: Sorry. Sorry, Kenton, it's not your handwriting, it's my eyes. I apologize, Mr. Jones.

UNIDENTIFIED WOMAN: What is the last name?

MR. JONES: Last name is Jones.

MR. HALL: Kenton Jones.

MR. JONES: I'm glad for those occasionally who don't know what my name is.

I guess Johnny and I suffered the curse of getting here a little early here tonight. I'm also legal counsel, Republican Party of Yavapai County.

When I first found out about 106, and the issue became one of avoiding of what we're seeing the traditional abuses, if you will, of the Gerrymandering process, the acronym "IRK", kind of fit the way I felt about 106. It seemed, very possibly, that the cure was going to become more abusive than the disease.

I understand the issue of the Voting Rights being applied, the rights act being applied over what are considered past abuses. We certainly understand the implications of the Justice Department review of our

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circumstances now.

But in fact, in regard to most of what we see outside of the --you know as we fondly refer to up here as the great State of Maricopa --in fact, there was a very real sense, I think, that the boundaries as they were drawn, had traditionally done a pretty good job of representing communities of interest.

As Johnny referred to it, we were pretty much concerned that what was going to happen was that in the interest of what is claimed to be, you know, fairness and even-handedness; what we're going to see was the division of communities, the division of grouping, the division of traditional territorial boundaries --and really a Gerrymandering to avoid a Gerrymandering.

At this point --and I agree with Johnny on another point as well --which is God Bless you on the Maricopa County issue, where you are literally going to be dividing residential neighborhoods and things like that.

The truth of the matter is, outside of Maricopa County, Yavapai County becomes somewhat of a poster child for meeting the qualifications --or excuse me --meeting the requirements of 106; as regards traditional and historic boundaries, communities of interest, typical demographic divisions, if you will.

In fact, in looking at this and trying to figure out...
where the criticisms would come, it would seem that the criticisms would come from going back to the system we have had. Which is, as Johnny said, one county being divided between four districts; which artificially creates a situation where one or two towns in Mohave County, across the river, are included within our district. Because that seemed to work at the time and seemed to include something, which clearly was more abusive, if you will, to the process, than it was helpful.

At the present time, for myself, I cannot think of an application that could be better --based on demographics, based on population, based on historic boundaries, based on community interest, based on communities themselves, physical locals --I cannot think of a division of the State that would work better in regard to this portion of the State, than simply using the boundaries of Yavapai County as a district. Thank you.

MR. HALL: Thank you. Mr. Jones

Dawn Knight.

MS. KNIGHT: Hi, how are you today. I’m glad you came up to explain some of the things, too. And my name is Dawn Knight, K-n-i-g-h-t.

First of all, I want to commend the Redistricting Commission, and applaud the Commissioners for their dedication and hard work. I know it’s no easy task to try
to perform the six goals that you had been doing, and you
have done quite well.

In Yavapai County, except for sixth goal; which is
having it divided so that it will be -- would we say:
competitive districts. I have some information about the
competitive districts. We have Republican to Democratic:
1.7 ratio, 1.76 ratio, Republican to Democrats.

We formed a little committee ourselves. It wasn't a
Democratic committee but they were democrats and interested
people that wanted to make sure that it would be
competitive; because that's why many people voted for this
106 Proposition; because they felt like it would be more
competitive and include -- and be able not to have, like we
do now, all of the 30 districts. And we have one that is
kind of equally distributed. And most of the rest of them,
according to the map that we had here or the chart, most of
them were either Democrat or Republican. And so it would
be hard for it to have a competitive race there in those
districts.

We worked quite diligently and we did have problems
trying to get some Democrats into the district. And we did
come up with a map, and the map looks similar to this. And
we thought we could get some Democrats from our neighboring
county of Gila County. And, also, that would equalize not
only and have us some -- if the people want to see this --
have it more competitive; but also, leave the river counties and the river states --cities as one; because they do not have the same interest that Yavapai County has.

The reason we chose Gila County was because they do have the same interests. And historically, they were mining --we were both mining, we were both ranching. And they are very, very appealing to the retirement communities.

And so they --they would be. And if we took that, we would still be within the 130th populations. We're leaving the precincts from the northern area and giving it to Coconino, like it has been now, up toward Coconino. And those are the only precincts that are left out. And we have at least the 130th; which is 171,000 populations, if you divide the whole state into 30ths.

So I would appeal to the Commissioners to look at that goal when choosing your final map, and trying to get more of the districts so that they would be competitive. It might give you some suggestions about the final phases of drawing it up. And we are certain that the Commission will really --work really hard at trying to meet all six goals if possible.

And I know you have a big job out there and we really thank you coming to let us have all of these input --these public inputs. And again, thank you for all of the
MR. HALL: Thank you, Ms. Knight. Did you -- were you going to give us a copy of that map?

MS. KNIGHT: I think we did send one down there already. But we do have a copy of it there.

MR. HALL: Down to our offices.

MS. KNIGHT: Yes, I have a copy here.

MR. HALL: Thank you.

MS. KNIGHT: And then if you wanted to know, it also is contingent to the county lines. There is 85% county lines and 15% precinct lines. It's following all of those. And so if you have anymore questions about that, and the legislative districts that we had, were these on the old Gerrymandering map that showed how the pie shape and they were districts.

MR. HALL: Thank you very much.

MS KNIGHT: I want to thank the other people -- I am just a member of the committee, and they told me I had to get up and talk. But the members of the committee, one of them here, Bill McDonald, and the other one Skip Country (phonetic) called pointer, so that's why I'm here.

MR. HALL: Thank you.

Let me apologize in advance for my massacre of this first --is it Geral?

Mr. Brownlow: Brownlow.
MR. HALL: Mr. Brownlow, how did I do?

Terrible?

MR. BROWNLOW: You done all right.

MR. HALL: All right.

MR. BROWNLOW: It's Gerald. Last name is B-r-o-w-n-l-o-w.

Just a few -- you've got a tough job. I'm sure you're not going to satisfy everybody. I can't in my job. I just would -- I believe somebody mentioned here, is protect us from the State of Maricopa County. A lot of legislatures, congressional people come up here and campaign in Yavapai County, 'cause we are so strong a Republican vote up here. And they come up here and as soon as they get elected, they seem to forget Yavapai County.

We are surrounded by six other counties, and a might different from our committee -- Mr. Johnson, I didn't attend those meetings -- but I find if we have part of Yavapai County in another district, then those people will come up and talk to us, and listen to us. And if they don't have a part of Yavapai County, we never hear from them.

Dawn, I'd like to address, I think you said you'd knock off the northern part of Yavapai County. There's only two precincts, I believe, in Yavapai County that is
Democrats, and that's my two little Ashfork and Seligman Districts up there.

MS. KNIGHT: Sedona.

MR. BROWNLOW: Sedona? Well, I don't count them.

(Laughter)

They're over the boundary in their own little area over there. Thank you.

MR. HALL: Thank you, Mr. Brownlow.

Mr. Stan Turner.

MR TURNER: I'd like to start with several questions. Among my questions are, number one, the section five as you talked about the Federal mandate, that our districts be approved by the Federal Government Agency. How much longer is that going to be in force, do we know?

MS. HAUSER: My guess is until Congress repeals that requirement. Technically there is a provision for getting out from under section five pre-clearance. But a jurisdiction has to go through, I think it's ten years, without any violations.

And a violation can occur even by something as innocent as, let's say the Legislature passes a statute and the Department of Justice objects to it; that's considered a violation. So in all candor, I would have to say that, you know, with self-preservation in mind, perhaps, that an agency who knows, you know, if they give you a clean bill
of health for ten years; if you get right close to the end
of that, I think they would probably find a violation and,
you know, will continue to be under it.

That's just my personal opinion. There is a way to
get out from under it, but I think it's almost possible.

MR. TURNER: The last violation that Arizona or
any county of Arizona had was -- do you have any idea when
that was? I believe it was ten years go, when the State
Legislature drew these districts, but.

MS. HAUSER: No, I think there have been some
since. I mean, you'll find precinct changes that get
objected to at the county level. And there are some State
Statutes even right now that are up in the air, you know,
with pre-clearance uncertain.

And this State Legislature also passed a statute in
anticipation of redistricting, where they were directing
that only the -- that no statistical sampling be used. And
the Department of Justice had a problem with that. I can't
remember if it got to the point of an objection or not, but
I think there have been, you know, little things since then
that have come up.

MR. HALL: In addition, in a lot of the native
American areas, there's been a lot of voting issues, that I
know D.O.J. has been working on, so.

MR. TURNER: My second question, before I get
into responses or other things is: Was there -- was there
an interpretation by the committee, that would be your
committee, that the priorities be considered in order of
the way they were written within the proposition itself?
As in A through F, with F being last. F being the one that
has to do with quality of registrations. Was it -- was
that --

MR. HALL: Let me see if I understand your
question correctly.

MR. TURNER: Um-hum.

MR. HALL: Are you saying: Is there a prepotency
in that order? In other words, that the A has a greater
importance than F? Is that what you're saying?

MR. TURNER: No, I think that's been -- at least
what you guys have been working on -- if I understand,
correctly.

But I don't know that that was what was written into
the actual bill at the time. And then somebody -- your
committee had to make a decision. What are the priorities?
And you guys, or somebody decided, that they would be in
order of the way they were written into the -- into the
propositions.

MS. HAUSER: The Commission has not formerly
adopted any kind of position that says that they are to be
considered in rank order.
It is clear, however, that for example, I mean, it's like that kid's game of rock, paper scissors? Some things just automatically take priority. The compliance with the Constitution, of course, is one of those.

So, the one-man/one-vote principal is going to take priority over some other things. There might be things that we could do better; whether it's competitiveness or respecting communities of interest, if we don't have equal population in the districts. So that one clearly takes precedence.

Each of them relates to the other in some way, by -- if you notice the language of the Act said: In so far as a practicable, words to that effect. So they kind of bounce off of each other.

The competitiveness provision actually does that twice. So the competitiveness provision says you do that in so far as practicable, but --it's the only one that says this --but you can't do it in a way that would, you know, cause any --do any violence to any of the other criteria. So I think we have the Constitution at one end, we have competitiveness at the other end, and the other is kind of, you know, as I said, kind of moving back and forth against each other, as you know, competing criteria.

MR. TURNER: But at this point, really, number or letter F is pretty much last on your criteria right now.
MS. HAUSER: It --well, I think as a practicable matter, in going through and --when NDC lays the units of representation and focus on communities of interest and adjustments are made, the voting history did --and you'll notice also that the Act says you can't take registration into account in the initial maps phase.

So registration totals; obviously you need to be able to make things competitive. They come into play a little bit later. And, I think once the AUR's are laid out, adjustments are made to the grid, it'll be tested for competitiveness at that point. Does that answer your question?

MR. TURNER: Tested by the Commission or tested by --

MS. ADAMS: By the consultants.

MS. HAUSER: The consultants will test everything that they do with respect to, and these meetings. There will be meetings that will take place with respect to making adjustments to the grid, and satisfying the various criteria. And there's going to be a lot of different ways to do that. And D.C's going to prepare information as to all of the different ways to go about doing those things.

Then Jose and I will take a look at that. We'll give legal advice to the Commission, and then there will be days
of meetings in which the Commission --I'm sorry to have to
tell you this --in which the Commission will give
direction to NDC as to what their preference is, as far as
you know --

MR. TURNER: The bits and pieces.

MS. HAUSER: --one factor over the other.

There will be lots of little forks in the road that we're
going to come to. And that's kind of how that will work.
And some of it is a little --the process is fluid in the
sense that it's never been done this way before So
anything I say about the process, it could get tweaked
along the way when we find --and, "Oh, my gosh, that's not
working," and that we need to try to handle it a little bit
differently. But that is kind of how it's being envisioned
at this point.

MR. TURNER: All right. And I should identify
myself for the record, I didn't do that. I am Stan Turner,
T-u-r-n-e-r. And for the record, chairman of the Yavapai
County Democratic Committee, so you'll know where I am
coming from, in case you didn't already.

Another question. And this one was a big surprise to
me, I heard this tonight: Why is the Legislature getting
to review your second determination? If I understand what
was said, that there is first determination and we're at
that point now. After this, they'll come to a second
responding, and N.D.C. is responding, to every single piece
of public input that we get.

But with the Legislature, the Constitution requires
that we do that. So if we do not adopt their changes or
suggestions, they will be told why.

MR. TURNER: So if the majority --I am sorry --
the majority caucus of the State Senate or the State House,
writes a review or makes recommendations, those
recommendations would hold no more sway, than, say one from
the committee that Dawn Knight was on or one from the
Redistricting Committee or a committee rep?

MR. HALL: That's correct. But let's --and
remember, that any and all suggestions --we have certainly
have an opportunity to consider all of them, and justify
why we made what decisions we did make and justify why we
didn't consider certain recommendations or decisions.

For example, this evening we received a sample map.
And my --probably going to surprise you, but this is not
the first one we've received and --I'm going to go out on
a limb here --but I'll bet it's not the last.

So we must consider all of these. Our consultants
will and each one of the commissioners will, but you need
to realize when the word goes, the final say is with the
five-member Commission.

MR. TURNER: If my fax machine continues to
work, you'll probably see that map an awful lot more. It's just a thought.

MR. HALL: Great.

MR. TURNER: Actually, no, I do want to make the case, in seriousness, that we do look into -- into Gila County as far as being part of Legislative District One. And I'm also confused in that part two, we haven't quite discussed very much about the U.S. Congressional Districts, but, but we can get to that in a bit.

But, again, I think that keeping in mind, part F, keeping in mind that as Dawn Knight noted in her speech, there are many, many, many historical areas of interest that Gila County and Yavapai County have shared. Keeping in mind that -- that going from there to here, you are not finding a whole lot of different types of people. I think if you move a little bit of Gila County into LD-1, if that's what it still is at the time, you can help accomplish part five.

We're not looking for equal representation here, as Democrats. But the two to one that we've been living under for ten years now, is leaving a lot of people disenfranchised. Leaving a lot of the people out of the system. People who do not want to take part. Or people who want to register as Democrats, register in the other party, because they want to vote against what they consider
the worst of the Republican Party.

So if we're not asking for equal, because we understand the demographics of the area. If we had five percent more, ten percent more, bring us a little closer to an equal number, I think we have a fair shot at representing all of the people, instead of a tyranny of a majority party.

I'd like to just do some quick responses here, just because, gosh I just can't stop myself.

Johnny Johnson talked about the $600,000 that the new state chairman put into this proposition. He wasn't state chairman at the time. I'd like to clarify that.

Mr. Johnson neglected to mention that there was between three and six million dollars infused against this thing by the Republican party. A lot of it taken somewhat illegally or is still in question, from the State of Nevada, for our election.

I just wanted to throw those couple of things in there. As far as Mr. Jones, I certainly am not surprised that he's in agreement with a separation, where Yavapai County or a two to one Republican to Democrat district is just fine with him. I mean, after all, he's Republican Counsel, that's what he'd like.

But again, I'd ask you to look into this thing and try to make it just a little more fair. It doesn't have to
be equal, make it a little more fair.

And one last remark here as to what has been said.

Supervisor Brownlow did mention that after people are elected from Yavapai County, after courting Yavapai County, they tend to forget us. Let's keep in mind that there's really only been one Democrat elected from Yavapai County for about 30 years, so it would be the Republicans who are doing the ignoring of us here. I thank you very much.

MR. HALL: Thank you. And, Mr. Turner, just to clarify, with respect to this issue of partisanship; let me just once again emphasize one phrase from this proposition just so that -- that you, again, and Lisa alluded to it.

That party registration and voting history data shall be excluded from the initial phase of the mapping process, but may be used to test maps for compliance with the above goals. So the initial mapping process which we're moving through now, that's not a consideration.

Later on, then, I think it's clear that that will be become a factor to make sure, you know, as long as it doesn't conflict with compliance of the above goals. I just wanted to clarify that for you.

MR. TURNER: I was just worried that I'd miss you the next time. And --

MR. HALL: I understand.

MR. TURNER: And I guess I do want to return to...
1 United States Congressional District Three, if that's what
2 it's still designated after the redistricting process.
3
4 Can you help me out with some of information you have
5 here? Where is a breakdown of what the United States
6 Congressional Districts may be after redistricting?
7
8 MR. HALL: Are you referring to how many there
9 will be?
10
11 MR. TURNER: We'll I am assuming that there's
12 seven.
13
14 MR. HALL: There's eight.
15
16 MR. TURNER: There's eight. And won't your --
17 your Commission be breaking down those eight --
18
19 MR. HALL: Correct.
20
21 MR TURNER: --for deciding those?
22
23 Okay, now --
24
25 MR HALL: Let me just clarify that point.
26
27 There is 5.1 million, so that's equally divisible by
28 641,329 people. So there will be eight congressional
29 districts comprising of almost exact equal population.
30
31 MR. TURNER: Um-hum. And do you have in here
32 --I assume that these are the maps that represent that?
33
34 MR. HALL: Those are the initial grids, that's
35 correct.
36
37 MR. TURNER: The initial grids. I'll tell you
38 what, this one right here appears to be the biggest
disaster I've seen in my life. And this one right here, appears to be the second biggest disaster.

But this one: Including the Mohave, Yavapai County, a large chunk of western Maricopa County; which is --well, basically what I'm going to get here is that I don't think that this particular grid is going to come anywhere near any kind of equality or near equality between the parties.

I urge you guys to keep that the mind, again when you're doing that.

MR. HALL: Let me just say with respect to the grids, for example the congressional grids, I can tell you, Mr. Turner, that those congressional grids, as they are, would not pass muster with D.O.J. with respect to section five.

MR. TURNER: Um-hum.

MR. HALL: So there are --there is only one guarantee that you're going to get out of me tonight, and this is it: The final maps will not look like that. I can't tell you how they're going to look, but I can tell you they won't look like that.

So you can rest assured that we know that there are changes that need to be made for a variety of other reasons, other than those that you've alluded to.

MR. TURNER: I believe we have another map in the making for suggestions for --what we'll call
Congressional District Three?

How can we simplify --and I'm sorry to take up so much time --how can we simplify this to stay with the -- the United States Congressional Districts. Uhm, shall we call it three 'cause we've always been three in Yavapai County? Or shall we call it U.S. Congressional District, A, B, C, D and F?

I'm trying to come to a point where we all are on the same page talking about what the districts are.

MR. HALL: I understand that. Right now, at that phase, since this is merely an initial grid, with respect to the consideration of only equal population, we were hesitant, and in fact, didn't number them; because we did not want to try and create a correlation in people's mind between for example, present District Three and Two, what would be numbered three on the current grid.

Therefore, that's why this is merely an equal population grid. You can rest assured that when we come out with our draft maps they will be itemized. And then we --I think it will be 'easier for all of us to get on the same page. Are you referring to the current --

MS. ADAMS: I doesn't really matter, because we are going to be looking at the territory included.

MR. TURNER: And, again, your deadline for submitting this would be? Be submitting finds on the
United States Congressional Districts deadline, is what date?

MR. HALL: Are you referring to trying to get recommendations in prior to the draft map phase?

MR. TURNER: Hopefully final approval, final recommendations --

MR. HALL: Well, we intend to be --try and do a submission to the Department of Justice by the first of September.

MR. TURNER: Okay. And then D.O.J. will kick it back, possibly, or not kick it back, possibly. And if they approve that at that time, then that's what we will have.

MR. HALL: Correct.

MR. TURNER: But this question comes, simply because there are a number of people lining up out there to be ready to run for the congressional districts, but they don't know if they live in medium blue or dark green or really dark blue or turquoise, so.

MR. HALL: We're intimately aware of the timeline --

MR. TURNER: Uh-huh.

MR. HALL: --and of the anxious anticipation for these results. And nobody's more anxious than me.

MR TURNER: Okay.

MR. HALL: But I don't know if I mentioned
earlier that, no Commissioner is paid for this particular opportunity. And you can rest assured that while we are grateful for the opportunity serve, we are anxious to finalize this service to the citizens ourselves. So I appreciate that and we are working diligently to accomplish that.

MR TURNER: We appreciate your work. And thank you guys for putting with me for so long.

MR. HALL: Thank you, Mr. Turner.

Mr. Sidney Moglewer? Moglewer?

MR. MOGLEWER: Moglewer.

MR. HALL: Better spell that.

MR. MOGLEWER: I will.

I'm Sid Moglewer, M-o-g-l-e-w-e-r.

And I'm a citizen of Prescott, and representing myself as an interested party I do appreciate the hard work this Commission is performing and I think it can be a valuable service.

But looking at your initial congressional map, I can see the Gerrymandering is not completely dead. I was disturbed and glad that you recognized the deficiencies on the congressional map that three Congressional Districts dipped into Maricopa County, the Phoenix urban area. And I think that's an abomination.

My concerns are as follows: I have professional
concerns with using an area township grid, and then
superimposing a population census track grid on top of
that. I think that can be technically questioned.
Over 20 years ago, some of my professional colleagues
were very happy, they were developing some early models on
fairness and redistricting. I think they were using linear
programing techniques, with constraints based upon
advanced concepts of fairness.
Unfortunately, the politicians were not interested at
the time, and my colleagues went on to more productive
work. I would hope National Demographics Corporation has
carefully researched that.
Today we have stronger models and better computers
and they are there. It seems to me the foundation of most
of these models was census tracks. They were the unit and
they built on that. It seems artificial to use an area,
grid and then superimpose the census track we already have
it from the bureau of the census, and it's population base,
which is foundation of a requirements for redistricting.
Thank you.
MR. HALL: Thank you.
MS. ADAMS: Let me just speak to that for a
moment. Under the provisions of Proposition 106, as you
saw in the --
MS. HAUSER: Louder, Florence, please.
MS. ADAMS: Under the provision or Proposition 106, as you saw in the powerpoint, we had to start with a grid and the definition of a grid census tracks don't exactly fit that definition because they --if you look at a census track map, you will see that they are very irregular. They are not grid-like.

So we needed something to use that was grid-like, in order to aggregate areas. But then we had to look at census tracks, because census tracks --you're absolutely right --that is how populations are counted.

And keeping whole census tracks together, is one of the recommendations as much as practicable, and is one of the recommendations of Proposition 106. So, starting with that grid-like pattern, but then super-imposing the census tracks, gave us the population. A requirement of the proposition. And that's why we began that way, that's why the Commission approved that approach.

MR. HALL: Thank you, Florence.

MS. HAUSER: And we're not splitting --the grid does not split any census tracks.

MS. ADAMS: Oh, and one other thing. The grid does not split any census track. All the census tracks are kept whole within the grid. Now that may not --that may not end up that way. But at this point, we have used whole census tracks, in the aggregation of the populations.
MR. HALL: Thus you can see the strict for county boundaries, because census tracks respect county boundaries.

Is there is anyone who would wish to speak who did not have an opportunity to fill out a little yellow slip?

Are there any additional questions? Please, come on up on. Thank you.

MS. JENNY-COLON: My name is Patsy Jenny-Colon, J-e-n-n-y, hyphen, C-o-l-o-n. I am the Yavapai County Recorder.

And I am here tonight to speak on behalf of the Voter Registration Department and my Elections Department.

And we would wish you God speed and good luck, because we have to make certain determinations by December 1st, which I'm very pleased to hear, this September one. And we'll all light a candle or something.

MR. HALL: Thank you.

MS. JENNY-COLON: We have been anxiously awaiting this, because, as you know, as it was just touched on; we have the other Commission that was established by initiative, the clean elections, quote, unquote, are also, not helping us.

Because, we have to be able to verify their --their their candidate's donation slips. Because every time you fill
one of those out and you give them a five-dollar donation,
they come back to the County Recorder record, and we have
to verify that that person is registered to vote. We can
do that, but we can't determine at this point, on boundary
edges, whether or not they will be in that district at the
final analysis.

And they start when, December something? About the
same time. It's not going to be fun for anyone. And we
have to be able to, in the Voter Registration Department,
establish these lines on a precinct map and transfer those
people into the correct precinct.

So, just so you know that there are other things out
there that need to be addressed as soon as possible, and
D.O.J. doesn't really care. As you know. Thank you.

MR. HALL: Thank you. Ms. Jenny-Colon. Do you
go by Jenny-Colon or Ms. Colon?

MS. JENNY-COLON: Whatever

MR. HALL: Miss Colon did you have the
opportunity to meet with the county recorders?

MS. JENNY-COLON: Yes, I was.

MR. HALL: Okay. Well, I -- we appreciate that
and we recognize the burdens that you bear, that are
subsequent to our burden. And I don't think most
people realize that. And so we appreciate your assistance
and also your input.
Where there any other folks that wish to speak? And if not, I would welcome any additional questions someone may have? Please.

MR. TURNER: I just like that hear myself speak.

But what do you plan to do with the Hopi Reservation. That's got to be a real sticky one for you guys. Do you anticipate --and I know you can't give us a real answer -- but do you anticipate that it would be separated off? Or do you anticipated that it will become part of a larger Northern Arizona Legislative District?

MR. HALL: Thank you for that question, and let me answer it this way, by stating the facts.

The facts are: We had --I had an opportunity to be in Flagstaff on Monday --seems like a month ago.

Anyway, there we --first of all prior to that, I had an opportunity to meet with Chairman Taylor, who is the chairman of the Hopi Tribe, on Monday, before the meeting on a previous occasion.

And at the meeting last night, and prior to that meeting, the chairman of the tribe and members of tribe have made it very clear that it is their desire, to remain separate from the Navajo Nation.

Monday, next Monday, I have an opportunity, again -- I've already been there twice --but I have an opportunity, again, to go to Window Rock. And there we will hear from

LISA PASCIUTI
ARIZONA CERTIFIED COURT REPORTER #50451
the Navajo Nation, and listen to their desires.

There's no question, given the history in 1990 wherein, the Hopi Tribe via legal counsel intervened. And basically the courts drew the line, which is known, quote unquote, as the Indian plan, which really was the Hopi plan, because they were really the only Native Americans that appeared. That they were very sympathetic to their desires. And therefore, for example, on the Legislative Districts and Congressionally, you see this little balloon that draws them out.

There's no question that that is one of the challenges, slash, opportunities of this Commission, and we are aware of the many diverse interests with respect to that matter.

And, do I have any idea how we're going to resolve that? The answer is unequivocally "no" You can rest assured that we are seriously taking into consideration all of the communities of interest.

And quite frankly, the Navajo/Hopi situation in the northeast quadrant of the State is only one or two --one of the several other communities of interest that have other desires that even make that issue more complex.

(The Court Reporter interrupted and asked Mr. Turner to speak loudly.)

MR. TURNER: I'm sorry. Stan Turner again. Any
indication from the current administration and it's Department of Justice that seems to lean one way or the other towards the 1990 Department of Justice administration, other than the last stand of the president?

MR. HALL: Our legal counsel has had an opportunity to go to Washington, on your tab, and meet with the Department of Justice; and therefore, I'll let Ms. Hauser respond to that.

MS. HAUSER: Well, Department of Justice, certainly plays it very close to the vest. And they don't give advisory opinions and they don't tell you ahead of time how to go about doing anything in this process.

I will tell you --and I worked on pre-clearance issues under the former Bush Administration, also under the Clinton Administration. They tend to be career people. They're --I mean, there is not a tremendous amount of turnover. So I wouldn't expect, necessarily to see, dramatic fluctuations in viewpoint.

Probably the biggest difference that I would note, right now, is that there has been some case law that's come out since the last redistricting process, that says you cannot make race a primary consideration. It can't be, you know, the first and foremost thing that you look at. If you do, it's going to be subject to strict scrutiny by the courts. Which usually means, it's going to be subject to strict scrutiny by the if you --you're under that
test, it usually fails. You're told that you haven't
complied with the Constitution.

So, there are instances where, you know, race comes
into play, where, you know, you have a group that lives
together. For example, like an Indian Reservation. That's
clearly a community of interest. It just happens to have a
racial component to it.

But you know, typically, at this point in time, you
would say, "Well, we drew this because of identifying a
community of interest." And you're not allowed to rely --
go hopskipping around the states to collect minority voters
to make a district to accomplish something, that may be
Department of Justice would like to see.

So that is something that's going to be a little bit
different this time. We're not quite sure how. We're
going to be walking a real fine line, because D.O.J. is
still looking at minority interest, and we're not allowed
to make that the primary consideration. So stay tuned. It
could be interesting. We'll see.

MR. HALL: And if I may piggyback on that just
one minute, the other legal issue --and Lisa can correct
me --is the issue of retrogression. Which in essence
states that a minority set of voters cannot go backwards in
their ability to be represented. That's a layman's legal
definition. And that's another very, very important issue
and --hey, I'm open for suggestion folks, please.

MS. KNIGHT: I just had a question. I was kind of disturbed to the extent practicable. Does it mean that you have a lot of leeway, or just what would happen? It's in everyone of those. And I thought, geez, that is just kind of, you know, wishy-washy.

MR. HALL: Given the complexity of what we've just heard here this evening, you can see why that is necessary wiggle-room language. And no, I think that the desire of the Commission is to comply with all of those provisions.

But clearly, if they were unequivocal, it would be impossible. And, so that's -- that's the, I think, the simple answer Please, young lady.

UNIDENTIFIED WOMAN: Doesn't the Federal Guidelines give you a percentage that equates to practicality?

MR. HALL: Yes. With respect to --on some items. With respect, for example, population deviations.

UNIDENTIFIED WOMAN: Right.

MR. HALL: I'm going to let Florence respond to that.

MS. ADAMS: Yes. Well on the --I'm going to stand because you have trouble hearing me. But on the congressional districts, we must be exactly equal. And as
you heard, the population is divisible by eight. So we can
get right on the money on that

UNIDENTIFIED WOMAN: I hope and pray that we are
going to go from six to eight Congressional Districts.
That six of them are part of Maricopa County and two are
part of Pima --

MS. ADAMS: We'll certainly take that into
consideration.

MS. ADAMS: In regards to legislative districts,
there is a little bit more legal room as far as equal
population is concerned, but I never like to state a
deviation. What we aim to do is to get them as equal as
possible.

Actually, Arizona State law says: Nearly equal. So
we have that to look at that as well. So I'm not going to
state one, maybe if the attorney would like to state one?

MR. HALL: She wouldn't.

MS. ADAMS: I think she'll probably --I think
she'll feel the same way as I do. Because as soon as you
state one, the chances are you're going to meet that.
You'll go up to it. And I don't think that's wise.

I think we need to look at the other factors and then
create districts as nearly equal as practicable, given all
of criteria that we have to meet.

MR. HALL: Can you state your name for the
record, please?

UNIDENTIFIED WOMAN: Emily Ellis, E-l-l-i-s.

MR. HALL: Thank you. Any other questions?

Ladies and gentlemen, it's been a pleasure to be with you this evening. Again, we welcome your input. Just because we may not be back for a little while, does not mean that we do not welcome your input, via phone call, fax, email, u.s. Mail; however is the most appropriate means for you.

MS. ADAMS: Web site.

MR. HALL: Absolutely. And we more than appreciate your input, and rest assured we'll consider it.

And this meeting stands adjourned.

(Conclusion of the meeting held on June 21, 2001 at 7:29 p.m.)

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CERTIFICATE

I,

LISA PASCIUTI, an Arizona Certified Court Reporter, do hereby certify that the proceedings had upon
the hearing of the foregoing cause are contained fully and accurately in the shorthand record made by me thereof,
and that such shorthand was reduced to writing by me,
and that the foregoing 60 typewritten pages of said transcript
contain a full, true and correct transcript of my shorthand
notes, taken by me as aforesaid; all to the best of my
skill and ability.

DATED this 26th day of June, 2001, at

Prescott, Arizona.

[Signature]

LISA PASCIUTI
Certified Court Reporter, AZ CCR No. 50451