ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Tuesday, January 17, 2012
9:19 a.m.

Location

Crown Plaza Phoenix Airport (Desert 12 meeting room)
4300 East Washington Street
Phoenix, Arizona 85034

Attending

Colleen C. Mathis, Chair
Jose M. Herrera, Vice Chair
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner
Richard P. Stertz, Commissioner

Ray Bladine, Executive Director
Buck Forst, Information Technology Specialist
Kristina Gomez, Deputy Executive Director

Mary O'Grady, Legal Counsel
Joe Kanefield, Legal Counsel

Reported By:
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Certified Court Reporter #50162

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Phoenix, Arizona
January 17, 2012
9:19 a.m.

PROCEEDINGS

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: Good morning. This meeting of the Arizona Independent Redistricting Commission will now come to order.

Today is Monday -- or Tuesday, January -- we have the wrong agenda up here. Let's see.

COMMISSIONER STERTZ: 17th.

CHAIRPERSON MATHIS: 17th. And the time is 9:20 in the morning.

Let's begin with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Apologies for the late start. We wanted to make sure that we were streaming over the internet and needed to get our connections set.

Let's begin with the call to order.

Vice-Chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Vice-Chair Herrera.

VICE-CHAIR HERRERA: Here.
CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.

Other folks at the table include legal counsel, Joe Kanefield and Mary O'Grady.

Our mapping consultant Willie Desmond.

Our court reporter today is Marty Herder taking also accurate transcript of today's proceedings.

Other staff include our executive director Ray Bladine, our deputy executive director Kristina Gomez, our public outreach coordinators Lisa Schmelling and Kristi Olson, our executive admin coordinator Anna Garcia.

And I think I've got everybody.

RAY BLADINE: Did you get Lisa Schmelling?

CHAIRPERSON MATHIS: Yes, Lisa and Kristi.

Oh, and our chief technology officer, Buck Forst, wherever he is.

Thanks everyone for being here this morning.

Next item on the agenda is discussion and possible action regarding technical changes to congressional map.

So I'm going to ask Mr. Desmond what has happened since our last meeting in terms of the congressional map, any technical changes.
WILLIE DESMOND: Since the last time we met there haven't been any changes to the congressional map.

The only changes to the legislative map are the swap of District No. 1 and 14. But the congressional map is as it was Friday.

CHAIRPERSON MATHIS: Okay. So on the congressional, there have been no changes.

And are the change logs and everything up on the internet on our website? Did we get those up there?

WILLIE DESMOND: I believe the change reports and all the other standard reports are on the website. I'm not sure if the change logs are yet.

If they're not, we can get those up soon. But you can compare the plan -- you know, the tentative final and the tentative final with technical adjustments. That's all available on the website.

CHAIRPERSON MATHIS: Okay.

Do commissioners have any questions on the congressional map right now?

COMMISSIONER McNULTY: Madam Chair, Mr. Desmond, would you tell us what we've got here, please.

WILLIE DESMOND: Okay. Perhaps legal counsel would like to identify.

What this is, is it's a report from Maptitude that was part of, I believe, the actual submission last time.
I'll defer to Ms. O'Grady and Mr. Kanefield on that.

MARY O'GRADY: Madam Chair, commissioners, the report that you have is labeled I think plan components report, is what was included -- we followed the same format as the last Commission did in terms of what was included in what they certified to the secretary of state.

So when they adopted the map and then they voted to certify, this, this -- the plan to the secretary of state with this document serving as that documentation.

It includes the -- it lists the districts in the plan and includes the census geography that's part of each district.

I think in the whole county, and correct me if I'm wrong on this, Willie, if the whole county is in a particular district, I don't think they specified all the -- yeah, they didn't list all of the census geography in that county. They just listed the county.

So we're trying to follow the same format as before.

WILLIE DESMOND: So essentially this is just a very long block equivalency table that it goes -- gives every block, which district.

MARY O'GRADY: And, Madam Chair, when the legislative did it, this was also the form of the
legislation that was passed. They passed a bill with this information.

WILLIE DESMOND: Then the other packet that you have with the map on the cover is just the same packet that was provided last Friday, just another one for your reference, that has all the standard reports that we've done.

CHAIRPERSON MATHIS: Okay. Do commissioners have any questions or comments on the congressional map?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: My only comment is, and I've stated it at numerous prior hearings, numerous concerns I have about the congressional map.

And it's just a, it's just a shame from my perspective, and by saying this I don't mean to place my community above anyone else's in the state in terms of importance, but it does kind of strike home that my community where -- that has been my home my entire life, and that has been commented about not only by me in various hearings but pretty much unanimously from the public, which is the Paradise Valley, greater Paradise Valley, greater Biltmore, greater Arcadia area has -- just has a line right through that community.

In fact, not to overpersonalize it, but the line
goes right by my property line on MacDonald there.

And I just really regret that the configuration of that CD 9 and how it winds around from Ahwatukee, part of Chandler, Tempe, part of Mesa, south Scottsdale, and then a narrow neck into Phoenix, and then it grabs part of, well, essentially the Arcadia area and separates it in the Biltmore area from Paradise Valley and puts it together with those other areas mentioned in north Phoenix.

I just -- it just strikes me as a rather contrived district, and I'm just -- I feel this sense of regret that that community that's really been together as far as -- as long as I can remember is going to be split by this map.

CHAIRPERSON MATHIS: Thank you.

Other comments from other commissioners?

(No oral response.)

CHAIRPERSON MATHIS: Mr. Desmond, in terms of technical changes with any of the individual counties, you've already dealt with all of that. Those are -- there's nothing -- no outstanding issues in that regard, or is that. . .

WILLIE DESMOND: I -- there's still some issues. At this point I don't think there's anything we can do to correct those. Worked very closely with Maricopa County on some of their issues.

We can talk a little bit about the South Mountain
issue and just go over that one last time.

I know they have presented somewhere around 90 to 100 changes that they'd like to see made that were very important in their mind. After the technical changes, they identified, I think, seven outstanding issues. We were able to correct most of them.

After meeting with them again, after the meeting on Friday, I think it's down to just one, one area that's a problem.

Or, Mary, correct me if I'm wrong.

There's no outstanding line changes I know.

There's -- they're not asking for any other blocks to be moved from one district to another.

The other counties that have provided specific requests have all gotten those requests.

There are some counties that didn't ask for a specific -- specific changes, but did ask -- you know, sent their VTD plans, their precinct plans, and we've accommodated those where possible.

MARY O'GRADY: And, Madam Chair, the South Mountain issue, Friday when we reported most of the areas where the line using the census geography extended included homes on the north and south side. When we checked the specific address, they were assigned to the side of the mountain where the Commission's plans indicated they should
They did find one block, one census block, which again is smallest unit of census geography where that was not the case, where they had people on both the north side and the south side, a few people on the south -- a few homes on the south side of the mountain assigned to the same census block.

So those people on the south side of the mountain would be part of the congressional and legislative district for the north side of the mountain.

And there was just one instance of that when they went through along the edge of the mountain preserve there.

WILLIE DESMOND: And that issue has been minimized by the fact that the congressional and legislative district lines match each other in that area.

Earlier the legislative district ran on the north of South Mountain. The congressional ran on the south. Those have been brought together.

So there is an issue where the census block, which is the smallest level we can draw at, is big enough that it has people on the north and the south side, so no matter what you do there's going to be people that are in a district -- as long as you use that visible geographic feature, which is one of the criteria, you're going to have that issue, but it's -- I think it's only one or two homes.
And we've known about it for a while, ways of minimizing that impact, and I think we've gotten it down to as best we can.

CHAIRPERSON MATHIS: And the visible geographic criteria is the mountain itself?

WILLIE DESMOND: Yes.

CHAIRPERSON MATHIS: Just to clarify.

Okay. Any other comments or questions?

(No oral response.)

CHAIRPERSON MATHIS: Well, we appreciate all the county elections officials and directors helping us in terms of getting everything straightened out from a precinct level and working with Mr. Desmond on this.

I know it's been a long slog.

And thank you for your work on ensuring that we get everything covered there.

I think the next item on the agenda is just the discussion of possible action regarding technical changes to the legislative maps.

And Mr. Desmond mentioned just the change in numbering from -- with swap from 1 and 14, where the Commission voted unanimously to approve the change of LD 1 to the Yavapai Prescott area, at their request, and Cochise County area, which used to be 1, is now 14.

And that was the only technical change I think
that he made since our last meeting.

So, any other comments or questions on the legislative map?

WILLIE DESMOND: I'll just note that the pack that you have with the map on front does reflect that change. So all the reports have the 1 and 14 swap.

And those are not yet on the website. So anybody who's looking at the reports that are up there still will have 1 be in Cochise County and 14 be in Yavapai County.

We'll get that sorted out on the website as soon as the meeting is over.

CHAIRPERSON MATHIS: Okay. Thank you.

I'm just curious on this planned components report, it says short format in parentheses. What's the long format?

WILLIE DESMOND: The long format is over 500 pages.

CHAIRPERSON MATHIS: Wow.

WILLIE DESMOND: I was told to bring a copy for all of the commissioners.

That's over five reams of paper.

The last Commission used the short format also.

I think the only difference is that the long format gives a line for every block instead of putting fixing it across.
CHAIRPERSON MATHIS: Okay.

(Brief pause.)

CHAIRPERSON MATHIS: Okay. I'm not hearing any questions or comments on the legislative side.

The next item on the agenda is discussion and possible action to approve final legislative districts and then also number five is final congressional districts.

Does anyone want to comment on that? Discuss anything?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Maybe just jumping back to the legislative, and I know I've said this before, but with respect to the numbering, I sort of regard mine -- I mean, we've got two next to ten, which is next to 14. Eleven next to four. One is next to 13 and six.

I mean, I wish there was a more systematic way that they are numbered.

I can say when I applied to be on this Commission that I knew where one incumbent legislator lived, and that's only because she was my parents' nextdoor neighbor. And she was term limited anyway, so she wasn't around this go-around.

Otherwise I didn't where anyone lived. But just if you told me their legislative number, I would have sort
of a vague, general knowledge of that area where they're coming from.

    And we don't have that here.

    I guess we're over a ten-year period you study the map, and you have that kind of memory you would -- you would over time develop, oh, yeah, 14, that's Cochise County or Graham and Greenlee County.

    But, you know, that's only going to be for really insiders. In terms of the public's perception, they're not going to have it.

    So I wish we could have done something like the last Commission did, which was start with Yavapai County and Prescott and that district, give them No. 1, and sort of a hat tip to Arizona tradition, and then move across the state from left to right and up north to south and sort of number them sequentially to give a sort of logical order to the numbering of the legislative districts.

    CHAIRPERSON MATHIS: Thank you.

    Any other comments?

    COMMISSIONER STERTZ: Madam Chair.

    CHAIRPERSON MATHIS: Mr. Stertz.

    COMMISSIONER STERTZ: Just as a, as a follow-up on our hearing, and thank you for allowing me to call in to last Friday's hearing. Whether or not you heard my commentary or not, I wanted to sort of repeat it.
It sort of goes back to the follow-up with what Commissioner Freeman was sharing, sort of like the evolution of professional sports, where, where you know them by their colors, and you know them by their numbers, but you no longer by -- know them by who the players that are inside the uniforms anymore.

That's sort of where, where I'm looking at this in the legislative and congressional district.

It's sort of been sort of thinking about this, this process in that we have, we have a little over nine years left on our terms on this Commission. All of the legislators and senators that will be -- that are currently in office or will be elected into office this upcoming November will be turned out, and we will still be, we will still be part of this process.

So the, the -- it sort of -- I can only equate it back to the idea that this is becoming more like professional sports in that we're going to remember the numbers more than we're going to remember the players in the numbers.

That leads me a little bit in support of what Commissioner Freeman was saying, is that, that the people that are living in their homes, they're living in their neighborhoods and communities, are going to be there long past the current legislators and senators that are
representing them and will live past us as commissioners.

It would be great if we would try to create some institutional memory that can carry forward with our districts, allowing those districts to have some continuity.

I think there becomes a sense of disenfranchisement by, by members of the public because they get to a ballot -- the ballot selection, and they go to make their vote, and they say, well, from the last 20 years or the last 10 years I've been in this particular district. And I don't know who this person is, because we are -- have districted them out or we will have turned them out.

And I look at that, and I'm no longer in District 28. I'm now in District 10. And it will take a time for them to become reacclimated to that.

I think it's a service that we should be considering to the members of the public to get them to have more continuity in their, in their world.

This decision has already been made. The Commission elected to not move on this last, last Friday. And to adopt the technical aspects of these maps and adjustments other than the flip flop of 14 and 1, which is ceremonial at best.

So I think that we are not serving our -- the six and a half million people that we were asked to serve when we took an oath at the beginning of this as stridently as,
as I had hoped that we would.

CHAIRPERSON MATHIS: Thank you.

Other comments?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: You know, the -- we talked about it last week when Commissioner Stertz brought up the issue of disenfranchisement by not giving them the numbering, the numbering not being the way they wanted to be. And I -- to me, that's an argument that I don't understand.

I mean, disfranchisement isn't about numbering districts.

Disenfranchisement is about having people's vote or -- and you have people's votes heard by creating as many competitive districts as possible.

That's -- to me that's the essence of what our job is.

We -- again, without creating as many competitive districts without making substantial -- any detriment to the other goals.

And I think what we tried to do here is create as many competitive districts, but unfortunately we didn't do as many as I thought we could have.

Again, I think we could have made one more
district competitive on the congressional side and
definitely at least, at least one more in the, in the
legislative side and then one on the congressional side.
So to me disenfranchise -- disenfranchisement is
about people's voice not being heard, not about the
numbering.
I think if you ask most people what their numbers
are, the district that they live in, they probably don't
know.
They -- what they care about is who is
representing them, making sure that that individual is
representing them well and is serving the community well. I
think that's, that's the essence of what we're trying to do
in making sure that, again, we're creating as many
competitive districts as possible.
And that's been my only regret, that we weren't
able to create as many competitives because of the, you
know, the compromise that we've been doing since the
beginning. So -- and that's -- those are my two cents.
Thank you.
CHAIRPERSON MATHIS: Thank you.
Any comments from other commissioners?
COMMISSIONER McNULTY: I've commented earlier on
this issue. I won't repeat my earlier comments.
VICE-CHAIR FREEMAN: Madam Chair.
CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Well, if the charge of this Commission was to create as many competitive districts as possible, which I don't think that's what the law requires, or the Supreme Court opinion says, then that should have been done.

And I am not sure where the compromise was.

I think we're hear this word compromise, and the litany is Democrats -- well, it means the Republicans get absolutely nothing, the Democrats get everything, but say they're not getting everything, and that's the compromise.

That ain't a compromise.

I've handed the laser pointer around many times at prior hearings and asked that these compromises be identified. And no one did it.

There has been no compromise. These are essentially the Democratic maps that are being implemented by the Commission.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I think the facts are pretty simple, and I think Commission Freeman appreciates facts. But let me just quickly say, we have a 30 congressional districts -- excuse me, legislative districts in Arizona, 16 -- I mean, these are facts. I mean, just look at the
numbers. Sixteen are heavily Republican. Ten are Democratic.

Because of the, because of the Voting Rights Act. And, again, I thank God for the Voting Rights Act or else we probably wouldn't have any.

And then we have four competitive districts.

If, if somebody can explain to me how these are Republican maps, I will -- excuse me, how these are Democratic maps, I, I, I will -- I'll apologize.

And also you look at the congressional side, Mr. Freeman says that they are, again, Democratic maps.

Four solidly Republican districts out of nine. Two Democratic districts, again because of the Voting Rights Act.

And then we have three competitive districts.

And as I said before, when you have the way it is -- let me focus on the congressional districts, congressional side. Worst-case scenario for Republicans, they only win the four that they have a stronghold on and Democrats win the two majority-minority districts, plus the competitive ones, for a 4-5 split.

Worst case for the Democrats, the Republicans win all four of them that they have a stronghold in, and then the three competitive districts, for a 7-2 split.

So if somebody tells me and somebody can prove to
me, just using the facts, how these are Democratic maps, I, I -- I will -- yeah, I'll apologize and say, you know, you're right.

But the facts are what they are, and the facts don't lie, so if -- people can talk about all they want that these are Republican, these are Democratic maps, the facts are clearly not on their side.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Well, we'll see how the vote turns out in a few minutes, whether it's a Democratic map or it's a bipartisan map reached by this Commission.

If you want to talk about facts, let's talk about the percentage of registered Democrats and Republicans in the state.

There's a material registration -- material registration advantage for Republicans in the state.

When you create the voting rights districts, which we're required to create by federal law, you end up putting a large number of those Democrats, which are the minority party in the state, into those districts, which makes the registration advantage for the Republicans in the other parts of the state enormous. It's encroaching two to one.

And yet congressionally you claim -- the Commission packed as many Republicans as you could into four
districts to pack them away, totally disregarding the virtues of competitive districts, as we've heard so much about during this Commission. It doesn't apply to those Republicans and those districts and those Democrats who find themselves in those districts.

Competitive districts are meaningless to them.

And then you claim there are three competitive districts.

Well, let's look at nine, highly contrived District 9.

That district in 2010, which was a high watermark for Republicans, nationally and in this state, where Republicans won the super majority in the legislature, which had never happened in 100 years -- 100 years in this state, that district would have elected Terry Goddard as governor. And keep in mind Republicans won all the statewide races in 2010. It would have elected Felicia Rotellini as the attorney general. And, in 2008, when Arizona had its own senator running for president as the Republican nominee, it would have elected Barack Obama.

Now, Democrats call that a competitive district.

We'll see.

In Congressional District 1, which now runs along the eastern side of rural Arizona, and also this time picks up Tucson suburbs of Marana and Saddlebrooke and Oro Valley,
that district over the last ten years, or the prior version of that district had been competitive. It had changed political hands at least twice, with in 2010, again, that high watermark year for Republicans, Representative Gosar winning with less than 10 percent of the vote.

Now more Democrats have been piled into the new version of that district such that the Democrats hold a ten-point registration advantage. And from what I understand, Representative Gosar is considering moving from -- I guess, he I've since learned lives in Flagstaff area to Prescott.

Again, that is what the Democrats called a competitive district.

So I don't think -- again, as I noted at the beginning of today's hearing, I think we split communities. We split my community.

This is -- there -- I've asked the Commission multiple times show me where the compromise is, show me where there's some contribution to these maps by Commissioner Stertz or myself.

And it never happened.

So we'll see what happens. I'm sure we'll vote on maps in a little bit, and we'll see whether it is a Democratic map or a whether it's a bipartisan map reached by this Commission.
COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I'd like to respond to Commissioner Herrera's request of asking if you can show how these map are.

Commissioner Herrera has said from the beginning that he wants competitive districts. He wants competitive districts. That's what he wants. We don't have enough competitive districts in this map. We -- this is no way.

The funny part about this is that there has, there has been a consistent majority on this Commission that has excluded the two Republicans for the design of these maps.

Therefore, Commissioner Herrera, if you wanted competitive districts, and you say that there are not enough competitive districts, then your own majority that you've helped create on this Commission has failed.

Correct?

Therefore, so I find it a little disingenuous to keep harping on this, on this concept of I'm not getting what I want, yet I've been in the majority for the last 11 months.

So, Madam Chair, we're going to vote on these maps shortly.

I suggest that before this degrades into a, into a
contest of words that are not going to be meaningful to
either the public or to the Commission or -- and will
positively not make any change at all to the maps, the six
constitutional criteria that were outlined were readjusted
by the majority of the Commission.

And we can debate that. We've debated it for the
last nine months.

We've had hundreds of and hundreds of hours of
commentary and testimony.

And we've had thousands and thousands of documents
from the public.

I just received another delivery on Saturday with
new information about -- from the public saying please don't
split this district and please don't disenfranchise this
group and please don't do this.

Yet all of those are not happening.

So before we start going and rehashing issues that
we've gone through before, the chair -- this is a, this is a
decision that the chair's going to be making.

There are two votes on the Democrat side and two
votes on the Republican side.

This is why I believe that the whole process is,
in my opinion, you know, substantively flawed, because it is
one person in the state of Arizona that is really the
linchpin in making the decisions on where the congressional
and legislative map lines are.

        You've been -- Madam Chair has been hearing arguments from the Republicans and arguments from the Democrats, and the majority of the time has taken the position of the Democrats' arguments.

        I've got, I've got my theories and the public's got their theories about why that might be, but they're purely theories. They're purely just suppositions.

        So I'd rather, excuse me, I'd rather just move on and -- and I'm not sure what more that we can add to the record or what we can add more to the public's sense. I mean, I don't think that we have a sense of confidence and comfort from the public on this process.

        I don't think that we've got a sense that Proposition 106 has been effectively managed.

        I believe that even, even by, by virtue of when the Minority Leader Campbell came up and spoke in front of us, and he was talking about how the previous Commission, who didn't have all -- and wasn't borne with all the influences that we were borne with, as far as investigations and impeachments by the governor of the chair and potential impeachment of the rest of the Commission by the governor, that what we didn't have is that he said that without any of that, that still the prior Commission gerrymandered the maps.
So, I look at Proposition 106 as being something that potentially -- and I asked him the question, whether or not he felt that the public was duped. And he couldn't answer that question.

And I am not -- I almost find it very dangerous when decisions like this fall into the hands of a single individual. And that, Madam Chair, is you.

So you are the, you are the swing vote on this Commission, and you have been from the very, very first decision that was made from when two vice chairs were put into place, since the selection of legal counsel was put into place, since selection of mapping consultants were put into place, since selection of the congressional and legislative draft maps were put into place.

It has been your vote that has swung this.

So I'm going to suggest that, that, that we wrap this up and allow the folks that are looking to run for office to get their arms around their new districts and their new numbers and their new potential constituents so they can begin to, to move forward and run for these offices and these districts that have been created.

CHAIRPERSON MATHIS: Thank you.

I'd like to do a call for public comment before we do anything else. But if there's other commissioners who want to say something in the meantime, feel free.
I only have one request to speak form.

So if there are others who wanted to address the Commission at this time, if you could fill one out and get that to our executive director, I'm sure he'll bring that up.

So, in the meantime, is there anything from other commissioners?

(No oral response.)

CHAIRPERSON MATHIS: Okay. With that, we'll do public comment. This is item nine on our agenda. We're jumping ahead to that.

First speaker is Frank Bergen, representing self, from Tucson.

FRANK BERGEN: Madam Chair, commissioners, good morning. I think I put on that card that I wanted to address the topic of gratitude, and I would like to thank five of you and your staff, your consultants for a job that I consider to be well done.

I, I have attended enough of these meetings and paid enough attention outside of the meetings to realize what an incredibly difficult job it has been. And I have some slight knowledge of the personal difficulties with which some, probably all of you, have worked. And so I want to thank you.

I have a numerical comment or two.
I'm not sure that it was my name that I heard mentioned a little while ago, but someone said something about professional sports.

Well, I've never been involved in professional sports, but for nine years in Sacramento I was the manager and the sometime catcher on a men's slow pitch softball team.

And I chose for some reason, and I don't remember the reasons, to wear number six.

And it had nothing to do with Joe Torre, and it was long before he began to manage the Yankees.

At any time I could have changed my number.

I might have chosen 37, which Casey Stengel wore in managing various teams over a lot of years.

However, I think that on the field and wherever the team gathered, people knew me by my face. And probably half the people on the team would not have been able to say what number I was wearing.

Currently I'm in Legislative District 30 and Congressional District 8.

When this process ends, I will be in Legislative District 10 and congressional district -- wait a minute, it's the other way around, it's congressional -- see, it doesn't matter really.

It will be Congressional District 10 and
legislative district -- well, you know, the numbers don't matter.

What does matter to me, as I said the very first time I spoke to you, is that I will be in two competitive districts. And that's one of the things I want to thank you for.

I -- I'm just -- I'm personally, and I have to share this, I'm really flabbergasted when I hear that after all these months there is still a sense that one side has just whipped the other side.

And I think that's ridiculous, when there is so little likelihood of the party which is now in the minority in this state becoming a minority party (sic) in either house of the legislature any time during the coming decade unless, you know, something catastrophic happens.

So I just think it's time to get on with it. And if I were sitting up there, I would have called it to question.

But instead I just call on all of you to bear up with one another.

And then I never did get a chance to get that bill into legislature last year, maybe this year, to send you all on three-month vacations in five different points of the compass.

But thank you all very, very much. And thanks,
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thanks for giving me the opportunity to speak. As is probably pretty obvious, I love to talk.

Thank you.

CHAIRPERSON MATHIS: I claim Hawaii.

Our next speaker is Bill Engler, representing self, from Maricopa.

BILL ENGLER: Thank you, Madam Chair.

Commissioners, my name is Bill Engler, E-N-G-L-E-R. I live in Anthem.

I've spoken on numerous occasions before the Commission. I've always spoke toward competitiveness because I think that's very important.

I came into these hearings in a district that's overwhelmingly Republican, and I came out in districts that are overwhelmingly Republican.

Now, that's not your fault. There's nothing about you can do about it. That just happens to be because of where I live.

I'm just up here today to thank all of you. I know you've had a thankless job, and that includes your staff, the mapping consultant, the attorneys. Nobody has come out of this unscathed.

However, I don't feel ill-served by this Commission. And I think the majority of the citizens of this state would feel likewise. And for that, I thank all
of you.

CHAIRPERSON MATHIS: Thank you.

Our -- my last request to speak form is
Representative Daniel Patterson.

And if anyone else would like to address the
Commission, feel free to fill out a request to speak form.

REPRESENTATIVE DANIEL PATTERSON: Thank you,
Madam Chair and commissioners. I've spoke to you a few
times throughout the process.

Looks like you're finally wrapping up, so I want
to salute your efforts for the public interest in Arizona.
Always a tough process.

But I'm just here from Tucson today to point out
one technical mistake that still seems to exist on the map,
which is a split precinct, Precinct 46. And you may want to
fix that.

That's in the -- right now it's cut in half by
22nd Street.

And up until December 23rd the Commission had that
precinct whole within LD 2, and then there was an idea to
just make the line straight on 22nd Street, and that I think
had the unintended consequence of cutting Precinct 46 in
half.

The neighborhoods on both of that side of
22nd Street also are connected. The neighborhood
association boundaries go north of 22nd Street and south, and some constituents raised this to me this weekend, and I said since I was going to be coming back to Phoenix today to the capital, I would try to raise it in front of the Commission, and see if you can make that technical change to not split Precinct 46. I know the Commission was looking at making sure that precincts weren't split, and that one still seems to be need to be fixed.

So, my recommendation would be for the Commission to go back to what you had until December 23rd and put all of Precinct 46 back into LD 2, to respect the connected community there and also the keeping the precinct from being split.

Thank you very much.

CHAIRPERSON MATHIS: Thank you.

After public comment we'll talk about that and see what the situation is.

Our next speaker is Gary Bohnee, representing Salt River Pima-Maricopa Indian community.

GARY BOHNEE: Good morning, members of the Commission.

Glad I made it.

I'm here just to, I guess, make a statement and then also, I guess, confirm and maybe get some feedback from you all on some proposed changes that were discussed at the
last Commission meeting with respect to the legislative
districts and the impact on the Salt River Pima-Maricopa
Indian community.

And I guess I would just first say that
principally the community is opposed to in any way of being
split into separate legislative districts.

And I'm not sure what the situation is currently,
but, I guess, first, to enunciate that principle. I
understand there perhaps were some technical issues or
technical changes that the Commission was looking at.

So I -- I guess I will leave that as my statement.

But perhaps if it's appropriate for the Commission
to clarify what changes were being, were being proposed.

CHAIRPERSON MATHIS: Sure.

We can talk about that.

Maybe Mr. Desmond can pull up that area too. That
would be helpful.

WILLIE DESMOND: So the splits are primarily in
the southern side of the reservation.

Some of them are areas where -- like, for instance
right here where the reservation and Mesa both occupy the
same area.

The other ones are ones that were designed to
accommodate the Maricopa County precincts.

All of the splits are unincorporated areas by and
large and all of them are zero population. There's no split off population.

If I turn off the Maricopa County precincts, you can see we're trying to follow their line also.

This area is by and large the same area that's split off under the current legislative district, a little less actually, but it's kind of -- it's very similar to that, if that makes sense, using the same border that goes along the reservation now.

It was my understanding from the folks in Maricopa County that, that their border of the reservation looks closer to how we have it. But this does split the reservation as defined by the census.

It's something that we looked at. We could move the line back without affecting any population. The only thing that would have to happen is we'd probably have to print another one of these components report.

GARY BOHNEE: And just to clarify, I guess, if I could, is currently the legislative district that community is located in, are -- is it, is it whole in terms of respecting the boundaries of the reservation? I think that's Legislative District 23 currently.

And the reason I ask, I -- in just talking about with President Enos, she, she also asked that we -- that I enunciate that we not break the community up, particularly
on the southern end.

And although there may be no population, the question that -- I guess there are a couple questions that arise.

One is the possibility that there are individual allotted land parcels within, within that area that you're speaking of.

And while there may not be residents currently, that's not to say that because they are private land holdings within the community by land -- individual landowners, that perhaps those lands would be, would be utilized at some point in time.

And then also the, the border is -- there are a number of tribally owned businesses. The Materials Group is one of the most prominent that's on the southern end there of the, of the reservation.

So I would point out those two, those two items.

So to the question, again, is, is the current legislative district --

WILLIE DESMOND: This border largely follows the same border as the current legislative district. So the area in -- where you see blue is, is the current district line.

This area right here, I'm guessing this is around the 202, or a little bit north of there. It looks like
current District 23 splits off this area a little bit more
so, but it is in the legislative tentative final.

So I guess to answer your question, the current
District 23 is slightly less whole than -- well, not
necessarily. Excuse me.

Most of the reservation is in 23, current
District 23.

There are some areas in the southern border where
it's not. That's the case for proposed District 26 as well.

If that answers it.

GARY BOHNEE: Yeah. I guess the -- I would then
say that with respect to the current legislative district,
if -- since that is the, what is the current district, and
what is -- where the community is currently located, that to
the extent that the map would reflect or be able to reflect
what is the current legislative district would be
appropriate.

Any further cuts, I think, the community side
would not be favorable to be made.

WILLIE DESMOND: And there are no further cuts.
If anything, the reservation is kept slightly more
whole.

GARY BOHNEE: Thank you.

CHAIRPERSON MATHIS: Thank you.

WILLIE DESMOND: Just --
CHAIRPERSON MATHIS: Go ahead.

WILLIE DESMOND: I was just going say to just to make sure we're totally clear here.

So this blue line, this is the current district.

The green line and the black line below it are --

the green line is the Maricopa County precinct. The black line is the legislative boundary as we have it drawn.

This area right here, and this area right here -- let me turn up the. . .

So this area and this area are the ones that are not -- not in the district. That's the split. As well as a tiny portion right here, and then this portion that sits in both Mesa and in the reservation.

The green line again is the precinct line.

The black line, which I'll make a little thicker so you can see it underneath easier, is the south border, and the current legislative line, all run the same, same area.

The current legislative looks like it comes down here into Mesa a little bit.

Ours doesn't. Ours follows right along the reservation border there.

And then the other area, I guess, of divergence is, is, again, right here, where it looks like the current legislative splits off a little bit more than we do.
But, just to -- Commissioner Freeman just pointed out that I should put the water feature on a little. That'll move that down so you can kind of see where this -- where the river runs in this discussion.

Just to be clear, these are all zero population areas. So it can be switched back without affecting population.

It's just these were moves made to, I guess, accommodate the Maricopa County voter precincts that they had hoped to incorporate.

GARY BOHNEE: Thank you. And, again, I would just say, again, the principle of keeping the community as whole as possible. Number two, as you've indicated to the extent that we're consistent with, I guess, the context being the current Legislative District No. 23, if that's the -- if that would be the community's preferred context, but also to the extent that you can enhance the community's wholeness in this process is going to be preferable.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Any questions or comments on this?

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Ms. O'Grady, do you, do you have any comments?
MARY O'GRADY: Well, if I'm -- commissioners, if I'm understanding the testimony correctly, it sounds like because it follows the old LD 23 line, that to the extent it deviates from the old LD line, it does so in a manner that incorporates more of the reservation, that it sounds like, and correct me if I'm wrong, it sounds like you would be okay with the map as shown that they're not requesting additional changes.

GARY BOHNEE: Correct. In the southern boundary is the only area where that affects the community, not the northern boundaries. Is that correct?

WILLIE DESMOND: That's correct.

GARY BOHNEE: Yes.

MARY O'GRADY: Okay. So he's confirmed that, that he's fine with the line as is now that we've gone precisely where the line falls and how it compares to the prior legislative district line.

COMMISSIONER McNULTY: Thank you.

CHAIRPERSON MATHIS: The other comment, can we check Precinct 46 in the Pima County area along 22nd Street and see what that issue is?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Before we go down that path, I want to ask a couple of questions of Mr. Desmond regarding
precinct splits and precincts that are split.

Mr. Desmond, do we currently have precinct splits in other areas and other municipalities throughout the state? I mean, this is -- or is this the only precinct that's been split in the state?

WILLIE DESMOND: No, there's many precincts that are split.

There's places where we were able to undue those splits and -- with the technical changes. But there's other cases where in order to keep a precinct whole it would involve moving several thousand people from one side to the other, no matter which way you did it. So those types of things were not, not changed.

That's either because sometimes the precincts don't conform to the same census place boundaries and the Commission has made it a priority to not split municipalities. Other times, you know, splits have been gone through, gone through cities in order to, you know, build strong voting rights districts. And if it involved moving, you know, less performing areas in or out, the precincts remained split in those cases as well.

But we've worked to minimize those -- the effect of that.

I can -- I'd be happy to go through and show you just some of the counties if you like.
COMMISSIONER STERTZ: No. Madam Chair, I was just trying to confirm that, that this isn't the only split precinct in the state of Arizona.

And, Madam Chair, if we are going to go down the path of looking at one particular precinct split, then it opens the door for looking at all precinct splits.

And I would make the recommendation to move forward without going through the process or even the analysis at this point.

CHAIRPERSON MATHIS: Thank you.

Comments from other commissioners on that?

COMMISSIONER McNULTY: Madam Chair, I agree with Mr. Stertz.

CHAIRPERSON MATHIS: Thank you.

Any other comments?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Well, it sounds like there's not a lot of agreement to go into opening the door on all precinct splits across the state. So we will move on.

I -- unless there's anyone else who wanted to address the Commission from the public.

(No oral response.)

CHAIRPERSON MATHIS: Okay. Thank you all for coming and for providing your input to us today.
So we are back to discussion and possible action to approve final congressional districts and also final legislative districts.

WILLIE DESMOND: I did just want to mention one more thing about the legislative districts.

CHAIRPERSON MATHIS: Okay. Mr. Desmond.

WILLIE DESMOND: When you created the tentative final maps, you asked us to analyze an alternate version that had a slight tweak in Scottsdale.

I wanted to mention that we did analyze that.

It's roughly the same, but slightly lower on some of the voting rights measures.

Just to put that on the record, that that was something that we looked at.

The reason it hasn't come up is because no one's asked for it.

CHAIRPERSON MATHIS: For it.

WILLIE DESMOND: Yeah.

CHAIRPERSON MATHIS: Okay. Thank you.

Any comments or questions on that or anything else?

COMMISSIONER McNULTY: Madam Chair, would it be appropriate at this time to move to approve the legislative maps?

CHAIRPERSON MATHIS: It would. I would accept a
COMMISSIONER McNULTY: I would make a motion that we approve the final tentative legislative map with the technical adjustments that Mr. Desmond has prepared and provided to us.

CHAIRPERSON MATHIS: Is there a second?

VICE-CHAIR HERRERA: Madam Chair, I'll second that motion.

CHAIRPERSON MATHIS: Any discussion?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Just a question. Does -- that motion, as I understand it, does not include a directive to submit the maps to the Department of Justice, is my understanding.

Correct?

COMMISSIONER McNULTY: I think that's a separate agenda item.

VICE-CHAIR FREEMAN: Thank you.

CHAIRPERSON MATHIS: And I would just like to ask legal counsel, too, to confirm that it's okay that we proceed on this particular agenda item at this time.

MARY O'GRADY: Madam Chair, yes, it's okay to proceed.

And we saw two -- a two-phase approval process
approving the maps as amended, according to the motion that
Commissioner McNulty proposed, and then later we have an
agenda item for certification to the secretary of state.

CHAIRPERSON MATHIS: Thank you.

Any other discussion?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Will the vote to send the
final map to the Department of Justice, will that take place
at a later meeting or will it take place today?

CHAIRPERSON MATHIS: My understanding is -- well,
that's a good question. I'm not sure.

It's a question for legal counsel.

Ms. O'Grady.

MARY O'GRADY: I'm sorry, I missed --

COMMISSIONER McNULTY: Mr. Herrera was asking
whether we needed a separate vote in order to send the maps
to the Department of Justice, and if so, whether that would
occur at a later meeting.

MARY O'GRADY: That's what we were just conferring
about.

We hadn't included a separate agenda item on the
direction to refer to -- for us to submit to the Department
of Justice, but we all understand that we have to submit to
the department of -- well, we have to --
Commissioner Freeman is shaking his head.

We have to get preclearance under Section 5, which might involve Department of Justice or could involve litigation.

So let me confer with Joe for a moment on that issue, if I may.

But I would recommend that you go ahead and approve the vote on the motion that is on the table, which is for approval of the legislative maps.

CHAIRPERSON MATHIS: The motion on the table is for congressional, isn't it?

COMMISSIONER McNULTY: Legislative.

CHAIRPERSON MATHIS: Legislative.

Okay. She said legislative, so she's right.

Okay.

Okay. Any other discussion?

(No oral response.)

CHAIRPERSON MATHIS: All in favor?

COMMISSIONER McNULTY: Aye.

VICE-CHAIR HERRERA: Madam Chair, before I make my vote, can I make a comment?

CHAIRPERSON MATHIS: You can.

VICE-CHAIR HERRERA: Thank you.

Mr. -- Commissioner Stertz mentioned that the -- you were always the deciding vote in all the votes. And let
me remind the Commission that on December 20th
Commissioner Stertz was the deciding vote on the legislative
map to approve the legislative map.

   It was 3-2. I voted against it, and so did
Freeman.

   So he was the deciding vote, and I don't know if
he changed his vote this time around. But I'm, I am voting
in favor of the map.

   Again, I had some reservations because of not
being able to create an additional competitive district,
especially in 28.

   But as I said before, I think these are -- the
legislative map is a solid map that had the ideas of --
well, and I think it was -- nobody will dispute the fact
that I think it was Commissioner Freeman and
Commissioner McNulty who had put together this map,
together. And I think the -- again, these are solid maps.

   And the reason I'm voting for them, because we've
come so far. I don't want to come back.

   I want to move on with my life and spend time with
my family and go to work. So I will be voting for them when
I previously voted no for this particular map.

   So, my concerns are still there, but, again, these
are maps that will clear the Department of Justice. They're
solid maps, and I am voting for them.
CHAIRPERSON MATHIS: Any other discussion before we continue with the vote?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Just to correct the record again, there is none of Commissioner Freeman in this legislative map.

Penciled out, originally, going way back, Commissioner McNulty and I had different maps. The chair asked that we try to combine them.

And it was even suggested that Commissioner McNulty draft southern Arizona and Commissioner Freeman draft northern Arizona.

All the lines in southern Arizona remained virtually unchanged, with only minor changes to southern Arizona.

In the rest of the state, whatever remained of my input, eventually over time got completely washed away.

There is nothing of Commissioner Freeman in these maps.

And when I say -- and that is supported by the record.

And, you know, the constitution requires the Commission, the commissioners to conduct themselves in an honest way, to uphold public confidence in the process.
And I can accept the commissioner every now and then getting something wrong in the record, misremembering something. But to systematically misrepresent the record just demonstrates to me a complete contempt for the truth.

And that, that is -- there is no compromise in this legislative map. This is the Democratic's map, the Democratic Party map. And the only thing real they're really saying is we could have, we could have made it worse for you Republicans. We could have completely flipped the state to a -- on the legislative side. Already did on the congressional side. We could have flipped it on the legislative side as well.

So I just -- it's sort of tiresome to have to speak it, you know. Originally, or in the first few minutes of this Commission, I let it go. But, as people who have been regular observers know that the last few months I've just had to speak up and put a stop to this rewriting of history, this misrepresentation of the record.

Which is just a wordy way of saying to not tell the truth about what's been going on.

And that's all I'll say.

CHAIRPERSON MATHIS: Any other discussions?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I will not be, I will not be
supporting this motion.

I -- on December 20th when I voted for the approval of the tentative maps, it was in the attempt to stop the continued contriving of maps that was going to continue to ensue.

So I will not be supporting this.

I think that the -- that all of this as this comes to a close is -- I'm filled with only two words, and that's joy and disgust.

It was -- it's been a joy to serve with my fellow commissioners and will continue to be.

The process that we have gone through has been one that has been -- one that at the beginning was in my hopes of collaboration and it turned into one of not compromise and not collaboration and not working together as a team for the betterment of all of the citizens and the voters of the state of Arizona.

I think that this Commission was masterfully designed to grant one person unfortunately ultimate power to affect the franchise of the people of Arizona.

And I will not be voting on -- for the approval of this map, and nor will I be -- since I will won't make comment on the next map until, until that time.

So, I vote no.

CHAIRPERSON MATHIS: Okay.
So, I don't know if we fully voted yet. Is there any other discussion?

Okay --

VICE-CHAIR HERRERA: Yeah, madam Chair, I'd like to say one item.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: When we started this whole process, I think -- well, let's start from the beginning. When we were debating on approval of the chair, it was pretty contentious and -- because we had a lot of good candidates to choose from, and -- from the independent side. One of them is sitting back there making a pay check.

I'm sure he's pretty happy with it, the fact that he's not sitting here.

And we were going back and forth.

And I remember -- you know, obviously you ended up being the nom -- the person we selected.

And you've -- I don't know if it's been many months now, eight months, nine months, that, you know, you've acted like the Independent that we, that we -- the reason we nominated you because of that, because I think you were pretty Independent.

And there's no given, oh, she's going to vote for the Democrats or she's going to vote for the Republicans.

And you've given me a lot of headaches in the last
eight months, nine months. And I'm being honest, and you probably already know that. And because you were Independent, you give me headaches.

And I've gotten gray hair because of that, and I've gotten angry because of that. But, you know what, that's what you were supposed to do. You were supposed to upset people on this Commission. And if it's anyone on this Commission that is not upset because of your actions, then you didn't do your job.

You upset me a couple times.

You upset -- I'm assuming you upset Freeman a couple times and Stertz and even McNulty. But that was your job.

And if I gave you a hard time ever, I apologize, but that -- it was well deserved, I think, the hard time I gave you. Because, again, you were Independent, and I -- I'm happy with the decision we made. We could have gone either way.

And I am -- you are truly an Independent, and I thank you for it, and I wish you the best.

CHAIRPERSON MATHIS: Thank you.

Any other comments, discussions?

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Mr. -- Ms. McNulty. Sorry.

COMMISSIONER McNULTY: I agree with everything
Mr. Herrera just said. I don't want by my silence, although I tried to remain silence, to suggest that I in any way agree with the record that Mr. Freeman and Mr. Stertz are continuing to make.

I think our record will stand. It speaks for itself.

I regret the comments that they made about lack of truthfulness. I think that's shameful frankly. And I am disappointed by that.

That's all I have to say.

CHAIRPERSON MATHIS: Okay. So any other discussion?

(No oral response.)

CHAIRPERSON MATHIS: So let's start from the beginning.

All in favor?

VICE-CHAIR HERRERA: Aye.

COMMISSIONER McNULTY: Aye.

CHAIRPERSON MATHIS: Aye.

Any opposed?

COMMISSIONER STERTZ: No.

VICE-CHAIR FREEMAN: Nay.

CHAIRPERSON MATHIS: Okay. The motion carries then.

We've approved final legislative districts on a
vote of 3-2, with Commissioners Stertz and Freeman dissenting.

Okay. So I would entertain a motion to approve final congressional districts, if so desired.

COMMISSIONER McNULTY: Madam Chair, I move that we approve the tentative final congressional map with technical adjustments as prepared and described to us by Mr. Desmond.

VICE-CHAIR HERRERA: I second that motion.

CHAIRPERSON MATHIS: Any discussion?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I will not be supporting these maps. I did not support them in their draft form or in their tentative form.

I think that the -- I am disappointed by a variety of things of these maps. And, again, by virtue of the last vote, I think that this will play out. We will find out what happens over the next ten years.

My crystal ball is broken. On -- through two years ago we had, we had five Democrats sitting in congress and three Republicans.

And in 2010 we had five Republicans and three Democrats.

I'm hoping that we see that sort of watermark set where we can see a, a broad range of competent individuals
that are representing us in both legislature and in the, and
in the House of Representatives in Washington.

These maps in certain districts are very similar
and have made great strides in bringing together the Indian
nations, which was something that I think was a great
stride.

I think by bringing those nations together into
one district has been -- will be very beneficial to the
First Nations. And I think that I'll take -- feel that
aspect of it is successful.

At the same time, connecting the intersection of
river and orange grove, I still cannot get the folks in
Tucson to realize that they are part of the district that
aligns itself with the Utah border.

And obviously I did not argue my position strongly
enough. And the enormous amount of testimony that we
received from Oro Valley and Marana wanting to stay
connected to greater Tucson area, which is now
Congressional District 2, fell on deaf ears.

So that being said, I will not be supporting this
motion.

CHAIRPERSON MATHIS: Any other discussion?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: The voters of this state did
not get what they bargained for in this Commission. I think this Commission has been totally gamed before the Commission even was fully impaneled. It has been a result-oriented process all the way through.

I started tracking my time in May, and I was a little conservative with it, and I had about over 850 hours sunk into this Commission.

I think it's been largely a waste of time. We could have cut through a lot of it, a lot of it we could have done a lot sooner rather than go through the motions of having -- of putting on this theater.

The gig was up with selection of legal counsel. That was a result-oriented process. Even been referred to as a rigged process.

It continued with our selection of the mapping consultant.

And, I believe it continued with the production of final maps.

I expected that the Commission would work together, my belief, and we would apply the constitutional criteria in an objective, fair way that instructions would be an given to the mapping consultant to take our grid map, which was developed after a series of coin flips, so we introduced an element of arbitrariness into the initial grid map.
But then as the constitution requires, those grid lines would be adjusted by applying the six constitutional goals to the map.

And I believed we would do that in an objective, fair way, applying the criteria one after another, having the mapping consultant produce maps, show us options of how, how, how those -- applying those criteria would affect the grid map and we would proceed forward, that the Commission would then probably have to deliberate and identify communities of interest in this state, have a discussion to determine whether we can, we would recognize that community of interest, where a particular change to a map or a line would disrespect that community of interest.

And I believe the Commission would also deliberate after preparing a, a sort of baseline map that shows -- that showed the public how the first five constitutional goals could be met, then to determine whether we could further tweak that map to create competitive or more competitive districts, statewide, not in any particular areas of the state, but statewide, to be fair to all voters in the state, without causing a significant detriment to the others goals.

That never happened. It never occurred. Never applied the criteria in that fashion, although I attempted to do so in developing the maps I developed, which went nowhere eventually.
We never created a baseline map to determine how the first five goals could be, could be achieved.

We never really deliberated on communities of interest around the state, except in perhaps in an ad hoc fashion or after the fact, after the map had been created, going back and backfilling the record with a discussion on of, well, that actually respects a community of interest.

And these constitutional goals were applied, if they were applied, they were applied differently in different parts of the state.

In one part of the state it was, you know, we can assemble communities of interest however we want, no matter how different their interests may be, as long as a thousand points of light, as long as we don't split them, it's okay.

But in another part of state is -- it was, no, we haven't split these communities of interest, but they just don't fit with another part of the state, so we're not going to put them with part of the state.

So it was a different criteria being applied arbitrarily in different parts of the state.

So that -- and I believe what ultimately occurred is that there were maps already out there, Democratic maps, that were essentially just drawn by the Democrats, not registered Democrats on this Commission, and then we just went through this process to appear to be listening to the
public, to appear to be making responsive changes to the
map, perhaps even to be clever, needed changes were sort of
built in to the initial draft maps.

Because that sure seemed -- I know when we went
through the second round of public comments and I was
listening to the public, I could pretty much check off,
this, this change is being -- is an obvious change. It will
be adopted. It's being proposed by a Democrat. It will be
done. And it was done.

And we initially got -- ended up with two
Democratic maps.

Just, I know -- I don't know whether we'll do the
separate vote today on the submittal to the Department of
Justice, or the U.S. District Court of the District of
Columbia. But, assuming that that does occur, I have
corns here and might as well voice them.

Last week the Commission had three hearings. The
hearing on Monday was -- began at 5:00 o'clock in the
evening. And it was a hearing, as I talked about last week,
and I won't belabor it, where I had less actual notice of
hearing than the public had, constructive notice.

So I could not attend.

And it was the first, aside from the week that my
son was born in December, it was the first hearing that I
missed. But I was able to watch most of it online from
various locations.

So I had the same sort of vantage point the public had.

And here's what transpired last Monday.

Last Monday the Commission had a presentation by Dr. King, who's a Harvard professor that the Commission retained to perform a racially polarized voting analysis.

He made his presentation. He presented his data.

And the takeaway from it, that I got, was, well, your districts, congressionally and legislative, look pretty good, but it would behoove the Commission to further analyze ways the map can be configured to make sure we can demonstrate to the Department of Justice that there's no better way really to construct these districts.

And after that presentation, Mr. Kanefield, who was in attendance with his consultant, Mr. Adelson, who was the DOJ lawyer ten years ago who wrote the objection letter to Arizona, he asked that the Commission go into executive session to obtain legal advice on the maps.

And then the Commission went into a three plus hour executive session.

And I couldn't -- I was not on the phone. I was just -- I had my laptop with me, or my phone, and was trying to observe and there was nothing for me to observe.

Well, what happened after that three plus hour
executive session is the Commission came back, as it has done in the past, as is its habit and practice, it goes into these long executive session, comes out, and then there's a result.

And what happens is there's no deliberation, no discussion. And the result was that Commissioner McNulty recommended that certain changes be made to the legislative map, be explored with the mapping consultant.

So I guess what the public could infer from that is there were concerns raised as to the legislative map, or maybe both legislative and congressional. I don't know. While the Commission never pursued those changes, at the hearing on Tuesday evening, which I was able to phone into, those proposed changes were dropped.

So there's -- and I guess if I was a member of the public, I would wonder why. Why? And is it because the deal has already been done with the Obama administration? Is it because of Department of Justice is going to give Arizona a pass --

VICE-CHAIR HERRERA: Madam Chair --

CHAIRPERSON MATHIS: Wait a second --

VICE-CHAIR HERRERA: -- you talk about theater and --

CHAIRPERSON MATHIS: -- stop --

VICE-CHAIR HERRERA: -- and, and this, this is
exactly what you're doing.

CHAIRPERSON MATHIS: Mr. Herrera, please stop and let Mr. Freeman finish.

VICE-CHAIR FREEMAN: Excuse me.

Is, is -- you know, are they going to give Arizona a pass because basically Arizona's got the Democratic dream maps that are going to be enacted.

And I wondered, if the Commission is going to be about doing things open, in the public, then, you know, I'm not going to support that maps be submitted to the Department of Justice. I would rather have the Commission instruct counsel to submit the maps to a board of competent jurisdiction, the U.S. District Court, the District of Columbia.

That's one of the options under the law that we have. And it's an option that has been out there. The Commission has discussed numerous times in its history, and I believe it was part of the Power Point presentation that Strategic Telemetry presented and offered to the public during our public comment hearings that that was an option.

You can either submit to Department of Justice or submit it to the D.C. court.

And, in doing it that way, I think it would be a more public, open process, evidence could be marshaled, submitted, arguments could be made, a decision could be
requested on an expedited basis. And it would all be out there in the open so there would be no question that Arizona is not getting the sort of pass on compliance with the Voting Rights Act.

So I would not support the congressional map. And when and if we get to a motion on submittal for voting rights compliance considerations, I'm not going to support that the maps be submitted to the Department of Justice.

CHAIRPERSON MATHIS: Thank you.

Any other discussion?

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: In response I'll say -- I need to say a few things.

First, I disagree with everything Mr. Freeman just said.

Second, I think the record will demonstrate that what he just said is incorrect.

Third, we made every effort to collaborate and compromise.

Fourth, we hired the best legal counsel that applied to us based on their credentials, based on their interviews. And I think they've demonstrated the wisdom in our choice.

Fifth, we hired the best mapping consultant that
applied to us. We hired them based on their credentials, based on their application, based on their interviews. And I think that they have more than demonstrated their worth and the wisdom of that choice.

We have worked -- we have spent hundreds and hundreds of hours on this Commission.

The two Republican commissioners have had enormous impact on the work that we have done.

I understand that they're dissatisfied with the result, although looking at the maps and the way the districts are, looking at the registration in the districts and the voting performance in the districts, both on the congressional and legislative side, although I do understand that they feel the need to make their record, and -- I don't understand how the Republicans in this state could feel that the maps that we have drawn are anything but fair.

As I said a few minutes ago, I regret some of the characterizations of the motivations of the work of the members of this Commission on our work.

I think those are wholly incorrect, wholly inappropriate.

I understand getting carried away with the mission, and I think that's where we are here.

I don't want to debate that, but I do feel given the very vigorous efforts that my fellow Republicans -- my
fellow commissioners on the Republican side of the aisle are putting into making a record today that I at least have to make the comment that I find fault with just about every statement that was just made, and I believe that our record as a commission will support that.

CHAIRPERSON MATHIS: Thank you.

Any other comments?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Yeah, I have a lot of respect for the people on the Commission, and I've never, you know, never insulted anybody personally, although we have been -- I think three of us commissioners have been insulted personally.

Commissioner Stertz is an awesome attorney (sic), and I am shocked that he believes in these rumors that we have -- Freeman. Sorry. Lost my mind.

I believe some of these rumors that we have an in with the Obama administration, I so wish it were true.

I said this all along. I so wish it were true.

And coming from an attorney like Freeman, it just -- I'm shocked that he thinks those things. He's a bright guy, smart guy, and, you know, he put that on the record. I don't know why, but he did.

And if we do have an in with the Obama
administration and Eric Holder, I -- then we have nothing to
worry about.

I mean, seriously, we'll be precleared, let's
start the party now.

But I think we're all -- these five people here
are pretty smart that we know that's not true.

And, I agree with Commissioner McNulty. I'm
saddened by some of the comments that were made in public
and on the record, but I'm looking forward to voting and
pushing this through.

And I have few other questions for our attorney --
our attorneys. The last time the Commission voted, did they
make a separate vote for sending -- for approving the map
and then a separate vote for sending the maps to the
Department of Justice?

CHAIRPERSON MATHIS: Mr. Kanefield.

JOSEPH KANEFIELD: Madam Chair,
Commissioner Herrera, we looked back at the transcripts from
the November meetings in 2001 when the Commission passed the
final maps, and there was not a separate motion, nor was
there a separate agenda item directing counsel to submit the
maps to the Department of Justice for preclearance.

VICE-CHAIR HERRERA: Madam Chair, the, the -- what
I see on the agenda, I don't see any different than, you
know, approving the maps.
All along we were approving the maps to send them to the Department of Justice for final approval.

I don't think -- and I know Freeman is shaking his head, but he will shake head to anything pretty much we're going to say today.

So I think we should vote on it.

And then, again, we have a Republican attorney, a Democratic attorney, and that's what we heard for to give us advice.

And I agree with him. So let's move forward.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: If I was mistaken, maybe someone can point out to me in the record where the Commission already made the decision that the maps would be sent to the Department of Justice.

COMMISSIONER McNULTY: Madam Chair, Mr. Freeman, I think it's been implicit in all the direction we've given to counsel for, if not the last month, perhaps the last three months.

Madam Chair, I believe I already made a motion; is that right?

CHAIRPERSON MATHIS: Yes.

COMMISSIONER McNULTY: Okay. Thank you.

CHAIRPERSON MATHIS: And it's been seconded, and
we were in discussion.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: May I ask a question of legal counsel?

CHAIRPERSON MATHIS: Please.

COMMISSIONER STERTZ: In the -- in the adopted Proposition 106, the constitutional language, how is it, how is it referred to as, as it refers to Department of Justice or another authoritative body? What is the exact language?

COMMISSIONER McNULTY: Madam Chair, is this discussion pertinent to the existing motion that's on the table?

COMMISSIONER STERTZ: No, and, Madam Chair, the question can wait until it comes to the agendized item. It has just been in discussion already by Commissioner Herrera, who brought it up, and Commissioner Freeman, who brought it up, yet -- so I wanted to ask the question of where, where it was placed. If it needs to be discussed in the other agenda item, I'll be asking that question then.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER STERTZ: Give legal counsel the opportunity to look it up.

CHAIRPERSON MATHIS: Any other discussion on the
motion at hand? That's to approve the tentative final congressional districts with the technical adjustments as discussed.

(No oral response.)

CHAIRPERSON MATHIS: Okay. All in favor?

VICE-CHAIR HERRERA: Aye.

COMMISSIONER McNULTY: Aye.

CHAIRPERSON MATHIS: Aye.

Any opposed?

COMMISSIONER STERTZ: No.

VICE-CHAIR FREEMAN: Nay.

CHAIRPERSON MATHIS: Okay. We have approved the tentative final map for congressional districts with technical adjustments.

And we have Freeman and Stertz dissenting.

So now I guess -- I don't know if we can talk about that other issue that came up or not as part of this next item, which is discussion and possible action to certify the legislative and/or congressional districts to the secretary of state.

Is this an appropriate time when we can talk about when -- where these maps are going to go from here, whether to DOJ or U.S. District Court?

JOSEPH KANEFIELD: Madam Chair, I think this would fall under the topic of legal advice. I think it's
appropriate to talk about it.

CHAIRPERSON MATHIS: Appropriate?

JOSEPH KANEFIELD: Appropriate.

CHAIRPERSON MATHIS: Not inappropriate. Okay. Yeah, I -- this came up a long time ago. I remember Mr. Freeman suggesting that -- bringing this up, I think it was the state of Louisiana that had decided to go the dual path and actually submit to both U.S. District Court and DOJ as kind of a hedging strategy, I guess.

I'm not sure how that went for them. But it seems like DOJ's involved either way. That's, I thought, my understanding. But I would love to hear other commissioner's thoughts or legal counsel as to their recommendations and thoughts on this.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: This issue actually came up at the interview process of the mapping consultants. That's how far this goes back. So it's been in play.

I'd, I'd -- I don't -- I'd hate to -- I think the word that Commissioner McNulty used was implicit.

As that that was implicitly or that there has been a formulated implication that is, that is giving the assumption of adoption that this was going to be the process.
There has been no formal adoption of the process or a submittal.

The DOJ has been used because the consultant hired by this Commission, Bruce Adelson, was an ex-Department of Justice individual.

So we were using that as the basis for -- a lot of the discussion was DOJ criteria, but I don't think that there was ever a -- it was never, to use your phrase, implicitly determined that this was going to be a singular application of the Department of Justice, or the D.C. District Courts, or both, any time during the course.

Unless this was a hearing that and a motion that I somehow missed.

I don't believe that I -- we find that anywhere in the record.

And I have got a -- so I'd hate to give the public the impression that there -- that this was an implicit decision that was, that was part of our, our deliberations that we were only designing this based on Department of Justice application.

So, therefore, that leads me to the question is that, that, where do we -- where does it lie in our -- in the language, in our constitutional language, about where the application needs to, needs to be submitted?

JOSEPH KANEFIELD: I'm sorry, Madam Chair,
Commission Stertz, were you asking where in the constitution is the language?

COMMISSIONER STERTZ: I'm trying to determine if there is -- what is the legal authority that is -- that binds us or gives us implicit direction to submit this solely to the Department of Justice.

JOSEPH KANEFIELD: Madam Chair, Commissioner Stertz, there isn't.

COMMISSIONER STERTZ: Okay.

JOSEPH KANEFIELD: The constitutional requirement is that the maps comply with the Voting Rights Act. And within the Voting Rights Act, Section 5 preclearance requirement can be done either through the administrative process by submitting the maps to the Department of Justice or by filing a declaratory judgment action with the district court, federal district court, in the district of Columbia.

COMMISSIONER STERTZ: Very good.

So, Madam Chair, there, again, so the discussion dates back all the way through -- in fact, I recall having a question that I, that I put to Mr. Kanefield when we were going through the application process and how he responded to it in regards to that.

I also recall the discussion taking place during the interview process with Strategic Telemetry.
So I am -- I personally like the concept of, of, of -- if there is a method -- mechanism of dealing with this both in the courts and through the DOJ, I would be more than happy to hear somebody tell me the reason why that wouldn't make sense.

But I'd like to have some deliberations made about that at the Commission level this morning.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: We have worked with Mr. Adelson at great length to understand the preclearance process at the Department of Justice. So when I say that it was implicit that we were taking that direction, that's what I mean.

It's undeniable that we've worked very hard to understand the Department of Justice guidance and to ensure that the maps that we drew complied with that and, to the greatest extent possible, make a clear and compelling case that they satisfy the Voting Rights Act.

Mr. Freeman has said here this morning that he would prefer to go to the U.S. District Court for the District of Columbia. That's because he's concerned that the Obama administration may have a predilection to approve our maps.

I find that ridiculous.
However, I also find it a compelling reason that I want to go to the Department of Justice rather than the U.S. District Court. If there are commissioners on this Commission that want to use a court proceeding to continue an effort to derail the work of the Commission and to prevent the maps from taking effect, then I am opposed to that.

I am in favor of going to the Department of Justice because that's -- that's -- that's a process that we've worked hard to satisfy.

In the comments here today, I hear a motion -- I hear a motivation that's not in the best interest of the work that we've done or the citizens of the state of Arizona for going to the U.S. District Court.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: You know, my concern has always been, from the time this process started, making sure that we try to save the taxpayers as much money as possible and not to save spend it unwisely. And I would suspect that going to the courts would be more expensive than going with the Department of Justice. And, again, I don't want to waste the taxpayers money. And if it's less expensive to go with DOJ, I say we go to DOJ.

And not only that, but also the comments that
Commissioner McNulty made, I think they were right on, I agree with her 100 percent.

So if you can answer that question for me, that would be great.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I'm, I'm a bit, a bit perplexed at Commissioners McNulty and Herrera who spent an enormous amount of taxpayer money in the legal process for -- and in the courts during the course of this process to now say that the courts would not be the path of -- to go down.

So.  So, listen, the -- Madam Chair, the question, I guess, is really for you.

What do you, what do you prefer to do? Do you prefer to send it to DOJ or to the courts or both?

And so that we can move past this debate so that we don't keep going in circles.

Because it's going to be your decision.

CHAIRPERSON MATHIS: Ms. McNulty, do you have something?

COMMISSIONER McNULTY: I don't think we have a motion on the table, do we?

CHAIRPERSON MATHIS: No.
I would like to hear though from legal counsel just on those two paths and your thoughts.

MARY O'GRADY: Madam Chair, we have been operating on the assumption for several months that we would be just going to DOJ, and so that's when talking about the preclearance process and the time frame for submission and how we would request expedited consideration.

In terms of the cost, yes, it would raise -- increase cost if we also go the litigation route.

Other states have gone down that path, but that is litigation for a three judge panel in the District of Columbia, so there would be increased costs involved.

And probably take longer than, you know, the 60-day time frame, because you are in a judicial proceeding at that point.

So it's not a path that, you know, that we as the lawyers have advised that the Commission go down.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Just to address what I think might be another misstatement on the record.

I recounted my experience on Monday, when I viewed the Commission's hearing as a member of the public. And my statement was that I think it would not be, it would be not be unreasonable for a member of the public to have some
concern about what is transpiring with respect to compliance
with the Voting Rights Act.

We already -- we have a Commission that is
populated with five unelected and largely unaccountable
people who do this -- who engage in this redistricting.

We've all -- we've determined that the -- we now
have a court order saying the open meeting laws don't apply
to this Commission.

That there's been allegations of behind closed
doors deals, deals that weren't made in public,
prearrangements on commissioners, outside of the public
view.

There's been allegations that districts were drawn
with laser-like precision to cut incumbents in and out of
districts.

I mean, all those things don't reflect well upon
the Commission in terms of the public perception.

I think public perception is important and we
should be concerned about it. Holding the confidence of the
public is in the best interest of this Commission.

So that is why -- that was the rationale I put
forward for supporting a submittal to the U.S. District
Court in the District of Columbia.

COMMISSIONER McNULTY: Madam Chair, just to
clarify the record, the constitutional open meeting
There have not been allegations of closed door deals. There has been one insinuation that was made by Commissioners Freeman and Stertz.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: You know, I agree, Commissioner Freeman's going to keep throwing the kitchen sink at us. I think he's part of making public record. And he's not succeeding.

So what I want to do is let's, let's move forward with the vote.

I mean, we have our, our legal counsel recommending the path we should take. And that's the path that I thought we were going to take from the beginning, because I thought that that's what we were trying to do, meet the voter requirements act.

And I am -- if Commissioner McNulty would like to make a motion, if that's what is needed, let's move forward.

CHAIRPERSON MATHIS: Is a motion needed on this, legal counsel, to proceed?

MARY O'GRADY: As Mr. Kanefield noted, last time the Commission just put certification on and never had a vote to submit it for preclearance.

It's our obligation to get it precleared or get it
approved through Section 5 for them to be implemented.

So we have, and according to the discussions of
the Commission so far, been I'm assuming that we would get
it certified to the secretary of state and then we would get
the submission in along the lines of the time frame that we
discussed at the meeting last week, working on it now within
the next couple weeks.

If we were seeking authorization to file a
lawsuit, we would have had that as a specific agenda item.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: If there's not going to be a
motion to the affirmative to move it through to -- for
application to the DOJ, you think that that's important to
get on the record, that, that there might be a split on the
Commission of the approach?

Because if there is, then I would -- then I think
that a motion might be considered for application to both
the DOJ and to the D.C. District Courts.

And if that motion then failed, at least it would
be put on the record.

COMMISSIONER McNULTY: Madam Chair, I think it is
on the record. I think it has been put on the record.

CHAIRPERSON MATHIS: Okay. Okay. So this agenda
item is discussion of possible action to certify the
legislative and/or congressional districts to the secretary of state.

Any additional discussion on this matter?

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I move that the Commission certify the legislative districts as described in the document labeled final legislative districts and plan components report, short format, that Mr. Desmond provided to us today to the secretary of state and let the chair send a letter to the secretary of state informing him of the commissioners' decision and of the new district boundaries.

VICE-CHAIR HERRERA: I second that motion.

CHAIRPERSON MATHIS: Any discussion?

(No oral response.)

CHAIRPERSON MATHIS: All in favor?

VICE-CHAIR HERRERA: Aye.

COMMISSIONER McNULTY: Aye.

CHAIRPERSON MATHIS: Aye.

Any opposed?

COMMISSIONER STERTZ: No.

VICE-CHAIR FREEMAN: Nay.

CHAIRPERSON MATHIS: Okay. Then we have agreed to certify the legislative districts and, and the plan component report, short format, as we've been distributed
today.

And we have two dissenting, Freeman and Stertz.

COMMISSIONER McNULTY: Madam Chair, I move that the Commission certify the congressional districts as described in the document labeled final congressional districts plan components report, short format, to the secretary of state, and that the chair send a letter to the secretary of state informing him of the Commission's decision and of the new district boundaries.

VICE-CHAIR HERRERA: Second that motion.

CHAIRPERSON MATHIS: Any discussion?

(No oral response.)

CHAIRPERSON MATHIS: All in favor?

VICE-CHAIR HERRERA: Aye.

COMMISSIONER McNULTY: Aye.

CHAIRPERSON MATHIS: Aye.

Any opposed?

COMMISSIONER STERTZ: No.

VICE-CHAIR FREEMAN: Nay.

CHAIRPERSON MATHIS: Okay. We have agreed then to certified the congressional districts according to the plan components report, short format, as distributed today, and a letter will go to the secretary of state informing him of this decision, on both legislative and congressional.

And we have two dissenting on the congressional as
Okay. With that, we have the executive director report with Mr. Ray Bladine.

RAY BLADINE: Madam Chair, the first thing that I thought I would bring to your attention was last time you asked for statistics on the meetings that we had and input. And Kristina and Buck and Kristi have all -- and Lisa have all worked to pull that together.

So I'd like to just give a minute and let Kristina lead this part of the report.

KRISTINA GOMEZ: Madam Chair, Commission members, first of all, I'd like to report on our new conference line. As you remember on December 16th is when we first found out that our original conference line had been canceled.

So right now we do have a new conference per writer CenturyLink Conferencing as our official conferencing service provider. This was initiated by the Arizona Strategic Enterprise Technology, which is part of the state of Arizona.

And I'd like to thank Mr. Kanefield for allowing us to use his conference line the past few weeks.

So thank you so much for that.


In your folders you will see a table which has a
lavender header. That is a document that reflects meeting
dates, meeting places, sign-ins, request to speak, public
input, and mapping -- and maps submitted.

The total number of individuals who signed in to
one of our meetings is 1,831.

Total number request to speak is 808.
Total number public input, 290.
And total number of maps submitted is 78.

CHAIRPERSON MATHIS: Can you speak more directly
into the microphone?

Thank you.

KRISTINA GOMEZ: Sorry. This information is
comprised of the Commission meetings/business meetings and
all of our public hearings.

Can you hear me now?

Thank you.

Public meeting hours and minutes.

Total public meeting hours, and this is the table
with the green header, total public meeting hours, 298 hours
and 10 minutes.

Total breaks, 46 hours and 45 minutes.

Total executive session hours, 43 hours and
50 minutes.

Total public hours minus breaks, 249 hours and
46 minutes.
Now, this information does not include the meetings -- the meetings from January 9th, 2012, and the meeting on January 10th, 2012.

We did include a recent meeting this past Friday on January 13th.

Next, is the total number of written public comment that is our input.

As of Sunday, January 8th, we had a total of 7,300 written public comments that have been submitted to the Commission.

At the request of Commissioner Herrera, as of Friday, January 13th, we had 117 written public comments from minority groups or individuals.

The -- we are currently working with our PIO, Stu Robinson, on creating a press release which will reflect all of these statistics on the Commission's continued outreach activities and public participation, so we hope to get that to you and have that posted on the website very soon here.

Also, just on a side note, binders, you will be receiving one more binder. Sorry.

This binder was mailed on January 13th. This is number, this is binder No. 18.

And this also includes a media binder for the month of December.

And also currently the outreach, the community
outreach representatives are continuing to work on the submission with legal counsel, with guidance from legal counsel. So that's what staff is doing in the office right now.

And Buck will present next on website statistics.

But if I may, Madam Chair, I'd like to thank staff for all of their help, and Anna Garcia, Lisa Schmelling, Kristi Olson, Shane Shields, Ilene Wilson, Buck Forst, Kenya -- I'm sorry, I don't have her last name. Kenya, she is our recent -- I'm sorry, she was just hired recently. She's from the temp service.

I'd just like to thank staff for their hard work, for their support. I'm sure you all saw this morning how they all just chipped in and helped to set up for this meeting.

But they are the ones that have helped create the binders, kept track of every single map, public comment, either by phone, by e-mail, fax. They're the ones who put everything together. And I believe that we have not missed one individual in this state who has submitted information to this Commission.

We practically used -- we had gloves on when we were dealing with public comment. That's how serious we took it.

So I'd like to thank staff so much for their help.
I would also like to thank legal counsel and their team for their continued support.

They've made it so easy for us. They've answered our questions. They continue to support us. They're always there for us. So thank you kindly.

Especially with the submission production, they're helping us a lot on that.

The mapping consultant, I can't thank Andrew Drechsler, Willie Desmond, Ken Strasma for their continued help. We speak to them on a regular basis. We are all on the same page going through public comment, meetings. It's just been a wonderful experience working with them as well.

And I also like to thank Marty for his support and for joining our team when I thought -- I didn't know if we would have somebody on a regular basis helping us.

I'd also like to thank Ray for hiring me.

RAY BLADINE: You're welcome.

KRISTINA GOMEZ: Thank you so much for taking a chance on me and bringing me along on this wonderful adventure.

And I would like to thank all of my big bosses here, Mr. Freeman, Mr. Stertz, Ms. Mathis, Ms. McNulty, and Mr. Herrera.

And thank you so much for first of all for even interviewing me. That was a wonderful experience. And I
was thought if I can get through this, I can get through anything in life.

CHAIRPERSON MATHIS: And you did.

KRISTINA GOMEZ: So thank you all for allowing my boss to hire me, so I -- this has been a wonderful experience.

And I know you all have had people who have come up here and said thank you so much for doing a thankless job, but really thank you so much for volunteering and for taking the time away from your families and your regular jobs, for taking on such an enormous task for the entire state, and for being so courageous throughout this entire process. Thank you.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Before you leave the podium, I'm not going to speak on behalf of the rest of the Commission, but, but I think that when I say this I will be. You guys have done a spectacular job.

And I applaud you.

I know that you're paid and we're the unpaid volunteers, but we volunteered for this task, and we sort of knew what we were getting ourselves into when we began.

But what's been burdened by and fallen onto your
shoulders, you guys have been a big shield for a lot of the slings and arrows that have been shot at members of the Commission. And you've deflected them, diffracted them, and taken a bunch of them, and been able to withhold -- hold your heads up high. So I want to applaud each and every one of you for all of your tenacity and hard work.

KIRSTINA GOMEZ: Thank you so much.

COMMISSIONER STERTZ: But one thing that I would also like you to add to this list of hours is that this doesn't include either the round one or round two public hearings.

And the round one and round two public hearing were 61 cities and thousands of pieces of additional public testimony and hundreds of more public hearing hours that aren't included in this.

I think Commissioner McNulty put it so fondly when you said had said we spent 25,000 miles on public vehicles, and including our vehicles we made a trip to the moon. I found that very, very fun.

So that would be, if you are going to be putting together a press release, those 61 outreach meetings that took place were really extraordinarily strong because we made outreaches to all four corners of the state.

And some meetings were attended by one of us, none of us, and all of us.
So I think that would be important for the public to have that knowledge as well.

And to my fellow commissioners, even though there's been a sense of a level of discourse at sometimes, it's been a pleasure serving with you on this Commission. And I look forward to the remaining nine years, one month, three days, and four hours left that we'll be doing this again. And to legal counsel as well.

And to the iron man, Marty Herder, who I still brag about, that went through a marathon in Scottsdale, at a time when the public was at a -- it was at a very fevered pitch, and we were able to get through 100 percent of the folks that wanted to speak, and he unrelentingly without break went from beginning to end.

And, Marty, you're a good man, Charlie Brown.

Thank you.

KRISTINA GOMEZ: Thank you.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Thank you.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I'm going to pull a Commissioner Herrera here and just say I agree with everything Commissioner Stertz just said.

CHAIRPERSON MATHIS: Any comments from anyone
VICE-CHAIR HERRERA: Madam Chair, other than the fact that this -- our staff has set pretty high bar for the next staff that gets hired on, I think we did an amazing job of outreaching and getting as many people to participate in these hearings and also in the public meetings.

So, again, we set the bar high. And I think we -- that was our intention.

And I am happy with staff that we hired, extremely happy.

And like Commissioner Stertz, I'm -- there's no regret working with the Commission at all and the things that I've done.

And, yeah, we've had our discourse, but I think at the end of the day, we'll, you know, say we're going to agree to disagree and see what happens.

And, again, I don't have a crystal ball, as well as Commissioner Stertz, and I'm looking forward to the elections, the next five elections under this map. And I think they'll be competitive ones.

So, thank you.

Did I forget to thank anybody?

I think that -- oh, Steve.

And the man upstairs.

Thank you.
CHAIRPERSON MATHIS: Okay. Any other comments on this?

KRISTINA GOMEZ: Next we'll have Buck Forst reporting on our website.

CHAIRPERSON MATHIS: Great.

Thank you, Ms. Gomez.

BUCK FORST: I'll be quick --

THE REPORTER: Can you speak into the mic, please?

(Applause.)

BUCK FORST: I had that one coming.

BUCK FORST: So, you know, I just want to show some website statistics.

These are -- this is just the state of Arizona. As you can see that during the past month we've pretty much reached every possible corner of the state of Arizona, in terms of people visiting our website.

Back up a little bit here. You can see that we've actually hit quite a few states are visiting our website in the last month. Actually pretty impressive.

And one of the other statistics I would like to show for the streaming statistics, we've got 1.2 terabytes of stream we've sent over just in 2011 alone. The average view per stream is 36 minutes.

And then like Mr. Bladine said, we had 28,000 miles driven in 2011. I can account for 4400 of
those in October alone.

On the e-mail newsletter, the most popular ZIP codes we have signed up for our ZIP are available online, 85006 that's 26 percent of the total, that's somewhere in the I-10 and 101 right there.

And these will all be available online, by the close of business Tuesday.

So, that's it.

Thank you very much. I appreciate everybody.

Have a great year -- ten years.

CHAIRPERSON MATHIS: Where are you going?

BUCK FORST: I don't know yet. I'm taking a break.

CHAIRPERSON MATHIS: Mr. Bladine.

RAY BLADINE: I will be quick too. Since Kristina did such a great job of thanking the people that needed to, I won't go back over that.

I'll first just hit a few things. That as you all know, we have a report due to JLBC on Friday. We're working on that. I'll meet tomorrow again on a potential budget for fiscal year '13, so that will be coming up.

Kristina talked about the staff assistance to pull together the submission.

And we, of course, will be working on that.

I have one final project that I also need to get
out for Commissioner Freeman, and I'll do that in terms of
an information request that he made sometime ago, and I have
been derelict in not responding it to quicker. And I'll
make sure that all of you are informed, and we'll work that,
we'll work that out.

I guess finally I'll do my thank-you by saying
some suggested a cake. We have cupcakes. So we can all go
eat cake to celebrate.

I also think it's appropriate to thank everyone's
family.

All of us have put stresses and strains on our
family. The most obvious one we all know about is Laura
Freeman who is managing to -- trying to have a baby and had
a husband who kept running away. And I am glad to see we'll
get to meet them all here later.

But I know that from the driver of the chair, and
all of us, our of our spouses have really -- I can't keep up
with that.

I'm just going to quit.

Last thing is I've heard the comment about you
leave this with joy, and I guess at this point it's joy that
it's over, and I'll go back to retiring as soon as I feel I
can.

But the second part is I hope that when you all
hired me, I said my goal would be to try to make this as
easy for you as possible.

This sure hasn't been easy for any of us, but I hope I didn't make it worse, that I helped get through what we all went through. It was a tough road.

I doubled support, as Kristina said. We were just blessed to get a staff that fell into place and worked extremely well.

Our biggest problem is going to be saying goodbye to each other over the next several months as we close out and move people on. But it's certainly been my privilege to work with all of you.

I told the chair a few weeks ago, and I thought -- I think she thought I was nuts, but if I were asked to do it again, yes, I would.

So, thank you all for your courtesies to me and the staff.

And we will be around, and we'll try to finish this up the best we can. And it's been quite a trip. Thank you very much.

And I would answer questions if someone wishes to ask any, but the cupcakes might be better.

CHAIRPERSON MATHIS: Any questions for Mr. Bladine?

(No oral response.)

CHAIRPERSON MATHIS: Okay.
And we have no plans, there are no current plans for future meetings.

Is that correct?

RAY BLADINE: No, Madam Chair, no, there are not any current plans, so . . .

CHAIRPERSON MATHIS: And if we need them, I'm sure legal counsel will let us know.

RAY BLADINE: I figure when we have a need, we'll contact all of you and let you know what it is and then try to schedule. But maybe we'll give you a break from that exercise for a while.

CHAIRPERSON MATHIS: Okay.

I don't want to talk too much because I'll get too emotional about it.

I already am.

So I echo everything each of my fellow commissioners said, and everything Kristina said and everything Ray said.

I'm extremely proud of all of you.

RAY BLADINE: Thank you.

CHAIRPERSON MATHIS: And thanks for getting us through this. I think the mold was broken after Ray came into the world.

And everyone on that staff is, as I said on December 20th when we approved tentative final maps, which
was really exciting, that they're all extremely nice people, and that includes our -- the team we've put together, the legal counsel, the mapping consultants. Everyone who's helped this Commission has been extremely kind to the public, to us, to everyone. It's been -- that's probably the thing I'm most proud of.

So thank you.

RAY BLADINE: Thank you.

CHAIRPERSON MATHIS: And I also want to thank the public that came to all these meetings, because without you, we couldn't do this.

And that was the key to everything, is hearing your input and being able to understand what communities of interest meant to you, and all the other constitutional criteria. And you gave us great guidance, and we appreciate that. That was very important.

And so thank you for coming to those hearings, for coming to these meetings, all of it, and for participating online.

And I think with that those are my only comments.

So thank you very much, everyone.

I don't think we have anything else on the agenda.

Is there anything from legal counsel that we need?

(No oral response.)

CHAIRPERSON MATHIS: Okay.
And I want to also thank the iron man, as I'm making eye contact with him now. He's just been amazing.

You know, we went through a few court reporters, I have to admit, this Commission, early on. I don't think they liked us very much.

I don't know why they wouldn't like us, but they didn't. And so we're grateful that there was one that did like us and stayed with us. We really appreciate it, and thanks to Michelle too and your team who helped us early on. We appreciate it.

So with that, let's see the time. Cupcakes away. It's 11:26 in the morning, and this meeting is adjourned.

Thank you.

(Applause.)

(Whereupon, the meeting adjourned.)

* * * * *
BE IT KNOWN that the foregoing proceeding was taken before me, Marty Herder, a Certified Court Reporter, CCR No. 50162, State of Arizona; that the foregoing 96 pages constitute a true and accurate transcript of all proceedings had upon the taking of said meeting, all done to the best of my skill and ability.

DATED at Chandler, Arizona, this 23rd day of January, 2012.

________________________________________
C. Martin Herder, CCR
Certified Court Reporter
Certificate No. 50162