ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Wednesday, October 5, 2011
2:56 p.m.

Location
Fiesta Resort – Galleria Ballroom
2100 South Priest Drive
Tempe, Arizona 85282

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

Ray Bladine, Executive Director
Buck Forst, Information Technology Specialist

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

Reported By:
Marty Herder, CCR
Certified Court Reporter #50162
Phoenix, Arizona
October 5, 2011
2:56 p.m.

PROCEDINGS

(Whereupon, the public session commences.)

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

Today is Wednesday, October 5th. And the time is 2:56 p.m.

Let's begin with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Let's begin with roll call.

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.

(No oral response.)

CHAIRPERSON MATHIS: We have a quorum.

Other folks around the room today, our legal
counsel, Joe Kanefield and Mary O'Grady.

Our mapping consultant, Willie Desmond.

We have a court reporter, Marty Herder.

Our chief technology officer, Buck Forst.

And in the back of the room, we have Mr. Ray Bladine our executive director, our public information officer Stu Robinson, and public affairs coordinator -- or outreach coordinator Karen.

And anybody else that I'm missing?

Okay. I think that's it.

Our next item on the agenda after call to order is working on the legislative map, but we -- I understand -- I had hoped that actually the meeting could begin in my absence.

I had a work commitment that I couldn't get out of, so I apologize for the lateness, but I thought the group -- that there would be a quorum where you guys could begin public comment, but unfortunately we didn't have a quorum. So the meeting had to be delayed for the start.

I have a few folks here who would like to speak, so we thought we'd go ahead and just start with public comment now. And unless -- and if you prefer to wave me off and say you'd like to talk at the end of the meeting, that's fine too.

But just I'll go ahead and read names and go from
there. So, let's see, our first speaker is Patrick Kraus, government relations director, City of Chandler, from Maricopa County.

VICE-CHAIR FREEMAN: I think it's Patric.

CHAIRPERSON MATHIS: Oh, sorry.

It's Patric?

PATRIC KRAUS: Yes.

CHAIRPERSON MATHIS: Sorry.

PATRIC KRAUS: Madam Chair, my mayor is on his way, and he -- I just put my submittal in case he couldn't be here. He's like a mile away.

CHAIRPERSON MATHIS: Okay. We'll come back to you.

PATRIC KRAUS: Thank you.

CHAIRPERSON MATHIS: Sara Presler, mayor of the city of Flagstaff.

SARA PRESLER: Good afternoon, Independent Districting Commission, Madam Chair, members of the Commission and to the staff, thank you for the opportunity for the address you related to the legislative district map. We want to emphasize to you on behalf of the city of Flagstaff -- my name is Sara Presler, S-A-R-A, P-R-E-S-L-E-R -- that there were two versions presented at the previous meeting on Monday when we got together. There
was option one and option two.

And we provided the preference for option two over option one on behalf of the municipality.

Last night we had a public meeting where, again, redistricting was on our public agenda before the city council and the entire community and streamed through 65,000 homes, 100,000 homes in the metropolitan area, to which the council unanimously gave the thumbs up that version two is in a better direction for our region than version one for the following reasons.

Number one, compliance with the Voting Rights Act is essential. In particular, Sections 2 and 5 should be at your attention, not only from the Navajo Nation but across the state of Arizona.

Second, compliance with the constitutional requirements is essential. And we cannot compromise on the constitution.

So it's important then that we look at the values placed and look at maps under the lens of the constitution.

Third, competitiveness. It's very important that either party or an Independent have an opportunity to have a fair and meaningful electoral process in our district.

We believe that the citizens are best represented at the end of the day by someone who is elected in the most competitive manner.
Many of you know, but if you don't, municipal elections are nonpartisan elections. You see the best person moves forward, and so I can speak firsthand by sharing with you that competition is a good thing and the ability to have an open dialogue and to be able to be responsive to multiple parties is important.

And, finally, communities of interest. Fellow commissioners and Madam Chair, tomorrow you'll be hearing in particular from chief executive officers and business leaders from the Flagstaff area, as well as Flagstaff Forty and the chamber of commerce and municipality will be back tomorrow to emphasize to you the importance of not regressing in our representation of native populations, the importance of having a map that is competitive. But at the end of the day, an importance to have a map that represents communities of interest. And for, us there have been multi-million dollar significant investments from our municipality and from our business community to try to develop meaningful and intentional economic agenda for our region that will benefit the entire state.

So in a congressional district we gather many communities of like interest. In a legislative district we become more narrow.

So we have opportunity and will continue to consult with the Navajo Nation.
The Hopi Tribe should be here tomorrow we expect. I just want to thank you for your engagement of the public. And on behalf of the all citizens in the city of Flagstaff, we just want to reemphasize to you to focus on the Voting Rights Act, the constitution, competitiveness, and communities of interest.

Thank you for your time.

CHAIRPERSON MATHIS: Thank you.

I would just note to the public anybody who does plan to address us later this week, this is a special situation where we’re doing public comment right now. Public comment will be at the end of the meeting the next few days, so just so you can plan accordingly.

SARA PRESLER: Thank you.


LEONARD GORMAN: Good afternoon, members of the Commission, Madam Chair, people in the audience and listening on the Internet.

I just want to express a few things.

First is the maps that were published on Monday. The options one and two 8As. Navajo Nation has very strong concerns about option one 8A.

Primarily because it does not meet the Voting Rights Act requirement threshold for the current district,
Legislative District 2. And that is a source of our very strong concerns.

Second, Navajo Nation respectfully requests of the Commission to perhaps give the Navajo Nation and the City of Flagstaff the opportunity to come to some resolutions over some concerns as to the option two 8A concerns.

And we have been diligently making an effort to work on perhaps some alternative opportunities to come to some resolution over some of the issues as Navajo has strong concerns about the community of interest over the competitiveness. And we understand and appreciate and respect the City of Flagstaff's concerns with regard to assuring competitiveness, and it will be part of their iteration.

We would like to have an opportunity to come together with the City of Flagstaff, perhaps this evening or early tomorrow morning, and bring back hopefully a map that would be of agreement.

And Navajo Nation wishes to relieve the Arizona Redistricting Commission from wrestling with concerns and issues of the northern part of the state of Arizona.

So we'd like to make that request to, to the Commission, and start with other areas of the map in the state of Arizona and see if it gives us an opportunity to come back in the morning.
Madam Chair, thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Jay Tibshraeny -- forgive my mispronunciation -- mayor, city of Chandler.

JAY TIBSHRAENY: Good afternoon.

CHAIRPERSON MATHIS: And if you could spell your name for the court reporter.

JAY TIBSHRAENY: Yes, my name is Jay Tibshraeny, mayor of Mesa (sic). You know how to spell my first name; right? J-A-Y. An easy name. Tibshraeny is T-I-B, as in boy, S-H-R-A-E-N-Y. I just learned how to spell it recently.

Anyway, thanks for letting me come and testify. I'll try and be brief. And thank you all of you for your work.

I don't know if you all realized what you were getting into. I followed this real close ten years ago when that process occurred, and it's time consuming. I'm sure that the pay is worth it and thank you for doing it.

I was going to testify on the legislative map. Our preference is option two.

It's by far and away our preference is option two in Chandler.

It's more compact for our community. It protects our community and the communities of interest within our
1 community, including our older areas of the city that have
2 large minority populations.

3 Under this option, we are not as diluted by other
4 municipalities as we are in the other option.
5 This will make it more likely that somebody from
6 Chandler has an opportunity at least to be elected, contrary
7 to the other map. And as the fourth largest city in the
8 state of Arizona, that is important to us.
9 So those are my comments on the legislative map.
10 And I know you guys are taking feedback.

11 And then the only comment I would like to make on
12 the congressional map that had been passed and is now
13 receiving input from the citizenry. Given that how that map
14 has turned out, I think that Chandler has a lot more in
15 common with the competitive district, and we're broken up
16 into two now. But I would be very happy if all of Chandler
17 was in the competitive district. I think it's more in line
18 with my community and the way my community interacts in the
19 state.

20 Thank you.

21 CHAIRPERSON MATHIS: Thank you very much.
22 Our next speaker is Arch McGoyle --
23 ARCHIBALD MCGILL: McGill.
24 CHAIRPERSON MATHIS: -- McGill, representing self,
25 from Maricopa.
ARCHIBALD MCGILL: Yes. I'm a resident of Desert Mountain in northern Scottsdale, and I far prefer option two.

It doesn't appear to me that the community of interest in option one is correct. We have much more in common with the surrounding communities of Carefree. We are in Scottsdale. And Cave Creek.

And so I far prefer -- and the people I have talked to at Desert Mountain far prefer option two.

As it relates to the congressional districts, I just don't understand how you have broken that up. I've not had an opportunity to study it in any great depth. But just looking at the squiggles on the map, it just didn't make sense to me, and I would like to understand what the logic is of that.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Oh, can you spell your name for the court reporter?

ARCHIBALD MCGILL: It's -- my real name is Archibald, A-R-C-H-I-B-A-L-D. My last name is McGill, M-C, capital G-I-L-L.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Mohur Sidhwa, representing self, from Tucson.
MOHUR SIDHWA: Although I wasn't here Monday, I was paying attention by Internet.

One of the maps, and I think it may have been option two, I don't know enough about Maricopa County, but I do know my own city, Tucson. And in one of them, the center of Tucson seems to have been split apart into more than one district.

And I don't think that's appropriate, because that's where we have downtown and right next to that is the university.

Right next to that is -- are where the professors live, I think Sam Hughes neighborhood.

And you go north, again you are talking about UMC.

And basically that area is a community of interest from an economic sense. And with regards to the intellectual give and take that is required in a university area, and also with regards to, I guess, education funding, university funding, all that stuff, I really do think that the core of Tucson should not be broken up.

Yes, we do need to find population someplace.

The other problem I had with that particular one, we have two very delightful natural boundaries, as per the constitution. We have a river and we have I-10.

So we seem to have kind of -- part of that one District 10, is what I'm talking about, seems to go north of
river quite a bit into a completely different area.

   A lot of retirees over there.

   And then you have, you know, the university also
down south.

   I just wanted to suggest you look at option one.

   I think that was the McNulty option, I hope. I
don't know my options. Sorry.

   But whatever that option was, but the one where
the university area is part of the center of Tucson, not the
one that goes all the way north of River Road. That one was
kind of frightening.

   Thank you.

   CHAIRPERSON MATHIS: Thank you.

   MOHUR SIDHWA: You'll have to figure out which
option I'm talking about, because I was looking at the two
options.

   CHAIRPERSON MATHIS: Thank you.

   Next speaker is Jim March, second vice chair Pima
County Libertarians.

   JIM MARCH: Sorry about the long trek there.

   Folks, thank you. My name is Jim March. Last
name spelled same as the month.

   I would like to talk to you -- I'd like to help
you, if I can, understand that you've been threatened with
lawsuits a lot.
And I've spoken before that I'm concerned that those lawsuits are creating undue pressure on this Commission.

You need to remember something that I learned a while ago from observing police misconduct cases. There's a strong presumption that what a public official does is legal unless it's proven very strongly otherwise.

So your job is to come up with a set of maps. As long as you don't really seriously screw it up, the presumption is going to be that you did the job that you were given.

You are also created as an independent Commission. That is supposed to mean independent of the normal state's political power structure.

And if you are now currently upsetting the political power structure, guess what, it means you're doing your job right.

We now finally have some e-mails floating around, and they're available on Steve Muratore's website among other places, linking finally officially, if you want to call it that, Fair Trust and David Cantelme who pays the bills and those guys, to the state's power structure.

There's no question.

Russell Pearce, and that whole crowd, behind him from day one, and we, you know, we've finally done that once
and for all.

And I understand that they're upset with you.

Cool. Excellent. Means you're doing it right.

You can't get sued for doing your job.

And if you do your job -- and one last thing is I really do hope that you make the DOJ clearance the first time.

Try hard, guys. Because if you do that, it will put a quash on a lot of the legal pressures you're facing.

So really push that one hard.

Last thing I want to say is I think the idea of taking District 1, the congressional map, and linking it to the border in a tiny little chunk out in right field is a good idea.

Because when people elect a politician to that district, if they want to elect somebody who pays attention to border issues, he'll have that extra little bit of clout he'll want -- he might want for that issue in congress to say, yeah, I'm a border congressman. He'll have that option.

And that's really all that matters, because border issues affect all of Arizona, at least all the way up through Maricopa County.

Because the largest land based drug smuggling corridor in America right now is in Nogales, Tucson, Phoenix
From there drugs go all over the place. But that's the big area mostly affected by border areas, and all of those politicians should care if they serve the people of those areas.

But by producing at least on paper a third district without completely rejiggling the whole south end of the state, I think you've done a pretty good compromise in that area.

So, you know, chin up. Don't worry so much about the pressure, you know.

Get her done.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Susan Leeper, representing self, from Scottsdale.

SUSAN LEEPER: I'd like to start with a quote that was in today's newspaper, Arizona Republic.

This is from Stuart Rothenberg, a national political analyst who publishes the nonpartisan Washington, D.C., based Rothenberg political report.

He says: It is a map with significant partisan implications. It really helps Democrats and screws Republicans. This was just a wholesale redrawing of the state, and I think the Democrats have to feel really good
about that.

That's the way I feel too.

I'm here to discuss the division of Scottsdale into several legislative districts. But before I do that, I first wanted to mention something I heard, that there was another, quote, off-the-record exercise between two commissioners recently to redraw the congressional district maps, again, in violation of the open meetings rule.

I don't know why this is allowed to continue to happen.

Scottsdale is basically a rectangular city situated on a north-south plain and is a well-functioning, cohesive, suburban city with a total population of less than 203,000.

The city council runs as six at large districts because the citizenry favors good governance for all, not catering to special interests who might choose to carve out a district.

I have concerns especially about the strategy to cut Scottsdale in such a way that this carve out cuts into Russell Pearce's current district so that Randy Parraz can run against him in the next cycle.

The population of Scottsdale is made up of almost half transplants from Chicago, New York, Minnesota, and Wisconsin.
These are hardly Republican areas, but people repeatedly testify about Democrats being a minority.

For state legislative purposes, a few streets have been shaved off the southern part and a few off the northwestern part. These areas adjoin areas with commonality of topography and do not snake and ramble.

If population growth is such that a new more streets should be shaved off, keep things limited and compact and keep the core of Scottsdale whole by running the LD border to border from east to west.

Keep the north-south core intact.

The current maps slices and dices Scottsdale with scalpel-like precision, snaking it east-west to include commercial and light industrial areas, different school districts, different police, fire, and sanitation districts.

To date the Commission has held few, if any, hearings in Scottsdale, yet our small city is being butchered.

Why? What are you doing to us?

I feel like Scottsdale is the bad boy in the neighborhood.

One can only conclude that this is gerrymandering to disfranchise the city -- citizens of Scottsdale and stifle our voices.

It's a sad commentary indeed.
CHAIRPERSON MATHIS: Our next speaker is Joshua Offenhartz, maybe.

JOSHUA OFFENHARTZ: You got it right.

CHAIRPERSON MATHIS: Oh, yay, thank you.

Representing self, from Scottsdale.

JOSHUA OFFENHARTZ: Good afternoon, Madam Commissioner, fellow commissioners. Thank you for letting me speak.

I had a map to present. I didn't know if now would be -- last name is O-F-F-E-N-H-A-R-T-Z.

I had a map to present. I gave it to Mr. Desmond. And I've got hard copies. Is that something that I can present to you now?

CHAIRPERSON MATHIS: How long is the presentation?

JOSHUA OFFENHARTZ: Very quick.

CHAIRPERSON MATHIS: Sure. Go ahead.

JOSHUA OFFENHARTZ: So, as I said, my name is Josh Offenhartz. And I'm a resident of Scottsdale and a native Arizonan.

I come before you today to present a legislative map which I believe reflects the stated interests of this Commission and residents of the metro portions of the northeast valley.

This maps works with either option one or option two.
Our role is to get accurate and constitutional requirements for the northeast valley.

Before I begin, and in the spirit of transparency and openness, I would like to tell you a little bit about myself.

I was born downtown in Phoenix at Good Samaritan Hospital and grew up in north Phoenix before moving to Tucson where I attended Sabino High School and the University of Arizona. Bear down, go Wildcats.

Upon graduation I made my way back to Phoenix to begin a master's degree in public administration at Arizona State University, which I completed this summer. It was during my final semester at ASU when I became aware of the Independent Redistricting Commission and the redistricting efforts.

I began attending meetings to gain a firsthand perspective for a paper that I happened to be writing about the unique nature of Arizona's redistricting process nationwide.

As you have noticed, I liked what I saw, and I continue to attend many of the Valley's meetings and watched others via live stream.

As a young professional interested in Arizona's future, politics, and government, I have no problems to you admitting that I have volunteered, interned, and worked for
both political parties in the state of Arizona.

My goal for public service has always been to make Arizona a better place to live.

I am a product of our state's education system, I have struggled to start a career, and one day I love and hope to begin my family and raise it right here in Arizona.

I don't have a political agenda, just a genuine concern for the state's future and my community's representation for the next ten years.

So now I'll get to my map.

This map is specifically designed for the northeast metro region, and it was based on the six criteria in Prop 106, testimony from the commissioners as yourself, and comments and wishes from the general public which I've observed and heard during my time at the meetings.

I spent considerable time reaching out to anyone and everybody, and I do mean anyone and everyone, that wanted to give input.

This includes but is no way limited to ordinary residents, homeowners, business owners, local school board officials, locally elected officials, and really anyone else that got a hold of my cellphone number and wanted to chat.

As you can see on the map, our main goal here was to keep Scottsdale as whole as possible.

Mayor Lane has come out and spoken about the
north-south access and how that is critical, and likewise keeping the community of interest.

I think that the maps that have been presented so far, I agree with some of the comments, really do disenfranchise Scottsdale voters. It separates them into at least two but up to four different regions. And like everyone has said before, this is a community that has its own interests.

I agree with making two districts that are cut east-west as opposed to north-south, and I would argue that districts that I have as 23 and 24 represent communities of interest.

In the sake of this map, I'd say that it works well with some of the other presentations that you've been given. And, like I said, it does work with options one and options two that you yourselves have worked on.

Considering the fact that neither of these four districts, but specifically 24 and 23, are majority-minority districts, we can kind of disregard, but we didn't have to weigh in the Hispanic population as a factor, although it is nearly 20 percent in both districts.

And on top of all of these lines, which really do keep Scottsdale whole, they are relatively competitive.

I admit that I have the public version of Strategic Telemetry, the mapping software, which doesn't
give me as good of analytics as you have. But based on the
2008 and 2010 numbers for the legislative races, they were
within seven points both years.

Since this Commission has not voted on a
definition, I felt, well, that wouldn't be as competitive as
I'd like to see, it has been in the range that you've
accepted as possible.

What we wanted to do is also go into the northeast
Valley. And the reasons for that were several of the maps
that you have, especially in the Cave Creek, Carefree, north
Phoenix area, break into different school districts. They
separate different communities, specifically -- I'm nervous,
I'm sorry. It's intimidating here.

But there are school districts splits in the north
Phoenix and the Scottsdale areas. In Scottsdale proper, as
the legislative map shows, you would be breaking up that
Scottsdale school district.

You know, those are places where I went to school,
where I've got siblings going to school, and it really --
it's a community.

So I won't take up too much more of your time, but
I hope that if you do, as you move ahead with the
legislative process, that I will give serious to these ideas
and really work to keep Scottsdale and the northeast valley
whole and also with a metro focus.
Rural communities to the north, as has been testified, have different interests, immediately, and then also as we look ahead ten years. And I think that those are important differences that need representation.

Last thought I'll leave you with is something that I've seen and I've observed here. As we move into legislative process and as we think ten years ago, I think it's critically import to disregard Ds and Rs and, you know, really focus on Arizona.

Republicans and Democrats in Scottsdale and in Tucson and in south Tucson and in Yuma and Bisbee, they have different interests.

And if we focus on the letters D and if we focus on the letters R, we're not going to hear the voices of the different interests, whether it's business or border or farming or cattle ranching or metro or rural. So I really hope that you'll keep that in mind as we specifically focus on the legislative maps. Just because it's a D-R split does not mean the Ds and Rs have the same agenda and have the same interests.

And with that, thank you for your time. And I look forward to today's meeting.

CHAIRPERSON MATHIS: Thank you for your input.

The next speaker is Brandon Gavino, representing self, from Phoenix.
BRANDON GAVINO: Thank you. Good afternoon.

G-A-V-I-N-O.

Sorry. I'm not that great of a public speaker.

Basically first I want to just say thank you to the Commission. You guys are doing a real good job.

I know you guys are getting a lot of criticism for doing a lot of different things. You're getting lawsuits from all these people. You know, press releases are flying out saying that, you know, you guys are all partisan, you're not doing what's best for Arizona.

I mean, even though the votes that are coming down look like they're partisan, I'm sure that, you know, you all have some basic agreement there, and it's not, you know, like some people are saying where, you know, Republicans are being completely disfranchised by the Democrats on the Commission or vice versa.

Anyways, I just wanted to come here today because I was following the Monday meeting online, and basically, you know, we started out with a map Monday morning, and it very quickly moved to a very different map, from my community, which is north Phoenix, and I think there's an issue that I'd like to comment to the Commission for.

On Monday a gentleman commented that the Anthem community had more in common with the Cave Creek than being placed in a district that included the northwest valley
communities of Surprise and Sun City.

But I believe the same holds true for my neighborhood, which is the Sonoran Foothills development in north Phoenix.

In the new Monday map, Anthem was moved into District 6, and the Sonoran Foothills neighborhood east of I-17 and south of the Carefree Highway were added to District 8.

I have more interest with the District 6 folks of Tramonto and actually my -- the rest of my neighborhood, which is 1,000 yards south with my community association pool and tennis courts and stuff like that, and it's a completely separate district, District 6. And I'm in District 8.

Basically I think our community is more closely aligned with District 6 because the majority of our association resources and basically the entire rest of our community is in District 6.

We are cut off as a little slice coming out of there.

Our issues in our neighborhood are the same that are a quarter mile north in Tramonto. They're the same as a quarter mile south in, you know, the rest of the Sonoran Foothills neighborhood.

And even the maps, we're in the same city council
district. We're in, you know, we're in the same state legislative district. In the current map you proposed for the state legislature we're also in the same district there.

And I just think that our community, our neighborhood, is better served by being placed in District 6.

I mean, I-17 has been a divider between the northwest valley and the northeast valley since I can remember.

I mean, when you say west valley, usually you're talking about something west of the 17.

But, you know, we're kind of thrown in there with them.

Anyways, I just wanted to thank the Commission for its time in hearing my comments.

I'm sorry if I was fast and it's a little informal, but thank you.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER McNULTY: Madam Chair.

Mr. Gavino, you mentioned Tramonto.

BRANDON GAVINO: Yes.

COMMISSIONER McNULTY: Could you spell that?


COMMISSIONER McNULTY: And is that a neighborhood?

BRANDON GAVINO: Yeah, it's a community that's
just north of Carefree Highway right off the I-17.

COMMISSIONER McNULTY: Okay. Thank you.

BRANDON GAVINO: Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Jesus Rene Lopez, Jr., representing self, from Chandler.

JESUS RENE LOPEZ, JR.: Hello.

I just wanted to express my interest in that I would like the priority to be community of interest over a lot of the other requirements. I know there are a myriad of them.

However, being from Chandler and seeing some of the previous proposed maps, I really do appreciate the Commission's flexibility in retaining most of Chandler with Maricopa and some of the other historical legislative districts.

I have reviewed the maps recently but not knowing where precinct boundaries lie, I cannot comment on them yet, but I can do want to express that communities of interest being my priority.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Kenneth Dowlin, from Maricopa.

KENNETH DOWLIN: Good afternoon. I appreciate the opportunity to address you.
I only have three simple things to say.

Number one is, I appreciate a lot of the work that you have done. But in the previous meeting we're headed in the paper and you're working really hard and I appreciate that on our behalf.

Secondly, I appreciate the opportunity to take the little online instruction on the map drawing. And I will say I got lost right away.

And so I will leave that up to the experts.

But I would like to tell you my experience though as a person coming to Arizona six years ago. We were not involved at all in what was going on in politics until about three years ago, and we met a candidate that we thought we could respect and we could support and get energized. And we worked really hard on the campaign, only to find out that we live in a noncompetitive district.

I do feel that it's very important for us to have competitive districts, because two things happen that I think are behind the scenes.

One of them, after working very hard for the candidate and never having an opportunity to see the other two opponents, because there were two seats, there were three candidates, two from one party and one from the other, and obviously mine was from the other party. I was astonished that I had no opportunity because the two
candidates from the major party didn't bother to come to community meetings and forums, didn't bother to come to the debate, the televised debate.

Didn't bother to tell us that they weren't going to come to the debate.

And it was from very frustrating to find out that I -- unless you're in the inner group, running these noncompetitive districts, there's virtually no way to have any influence to meet them even. I went to the capital building a couple of times hoping I could meet them. But I did not have that opportunity.

I found that very devastating because my entire adult life after voting age has been involved in understanding and communicating and believing that involvement is critical.

And so I was just really -- and our friends and the people, we're just like, wait a minute, this isn't right.

So I appreciate this opportunity and the hard work you're doing to try to make this a better state.

CHAIRPERSON MATHIS: Oh, sorry, sir, do you mind spelling your name for the record?


CHAIRPERSON MATHIS: Thank you.
Our next speaker is Brad Lundahl, from the city of Scottsdale.

BRAD LUNDAHL: Good afternoon, Madam Chair, members of the Commission.

I even made notes to spell my name this time too because I forgot last time. Last name is Lundahl, L-U-N-D-A-H-L. And I'm representing the city of Scottsdale today.

We took a look at the maps, the current legislative district maps, and we noticed that, at least in one district, Legislative District 23, that there was essentially a urban-rural split of this district.

And while we appreciate that Scottsdale was kept to, I think, three districts, I think to satisfy the communities of interest requirement that it would probably be better to drop off some of those rural areas.

One of the areas, I think, even goes into a north piece of Mesa.

Again, that's what we feel might not be a community of interest to Scottsdale residents.

And we feel that for at least two districts there should be core Scottsdale districts.

And we would suggest that instead of being out west of Scottsdale, out in the rural areas, that you instead move the boundaries towards -- or, I'm sorry, out to the
east, I've got everybody lost now, that you move the boundaries more towards the west and in towards Paradise Valley, in towards Phoenix, and more closer to the 51 corridor.

The Scottsdale communities have much more in common with these areas. They look very similar. The demographics are similar. These are some of the few areas where you're driving and can't really tell you're in one community or the other, but you know you're in a community that is similar.

So with that, again, we would ask that, that these be looked at. And if changes could be made, that's what I would request would be, and I'd be happy to answer any questions.

CHAIRPERSON MATHIS: Any questions?

(No oral response.)

CHAIRPERSON MATHIS: Thank you very much.

BRAD LUNDAHL: I did note that the map that was up earlier was more towards what we were thinking.

CHAIRPERSON MATHIS: Okay. Do we know which -- I don't know which map that was.

BRAD LUNDAHL: The map that was just up a minute ago.

CHAIRPERSON MATHIS: Oh, that the gentleman just presented?
BRAD LUNDAHL: Yeah.

CHAIRPERSON MATHIS: Great.

BRAD LUNDAHL: As far as I could tell, that was much closer to what we were thinking.

CHAIRPERSON MATHIS: Perfect.

BRAD LUNDAHL: Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Emily Verdugo, representing self, from Pinal County.

EMILY VERDUGO: Good afternoon, Madam Chair, commissioners. My name is Emily Verdugo, V, as in Victor, E-R-D-U-G-O.

And I have been following the process. I've been attending meetings. And watching via live stream when I can.

But lately I've noticed something disturbing to me.

Some hired attorneys have stood here almost at every meeting to list their objections. And they usually begin with comments like the greatest good for the greatest number of people.

I am not a hired attorney.

I am a citizen of this great state who wants to go on the record to highlight that by creating truly competitive districts, this Commission achieves the greatest
good for the greatest number of people.

The voters adopted this process to empower me, an engaged citizen, to have a voice. Not hired guns representing entrenched special interests.

This attorney represents the Fair Trust. And his entire reason to be before this body is to be a bully, to call out objections, and to disrupt their work so his statements can be used for legal challenges.

The motivation behind this group is to maintain the status quo.

Fair Trust attorneys want to derail your work of balancing multiple interests.

Please understand there is a natural, cultural, economic, and historical link that runs from the rocks of the Grand Canyon to the four corners of this state.

The counties of Apache, Navajo, Coconino, and Yavapai make up roughly 334,000 of the voting age of this district.

This is balanced with the 375,000 voting age population from Pinal, Pima, Graham, Greenlee, Gila, and Cochise.

Pinal County, under this scenario, has the largest concentration of vote age population, the proposed Congressional District 1.

This district is truly competitive.
Voter registration figures need to be evaluated because as the Commission is fixed on competition, this district is at 50/50.

In 2008, President Obama lost this district. This map is not perfect, but it does achieve the greatest good for the greatest amount of people.

Again, thank you for allowing me to speak.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Lynne Breyer, representing self, from Scottsdale.

LYNNE BREYER: Thank you.

My last name is spelled B-R-E-Y-E-R.

It’s been my experience, and I've lived way too long already, that in these kind of situations a Commission such as your own can do one of three things. You can either make everybody equally miserable with your decisions, which means you're probably doing your job. Or you can make everybody equally happy, which means you're doing your job and also creating a miracle. Or you can make one group extremely happy and another group extremely unhappy, in which case you're not doing your job.

And that's what I see happening here.

That you are making one group extremely happy and another group extremely unhappy.

And I was interested in the early comments about
the Rothenberg report because that seems obvious to people outside of the state.

So I think that if you really are interested in doing your job the way the voters intended you to do in Prop 106, that you will reconsider some of these decisions that you've made along the lines of the map.

I'd like to just comment quickly on the congressional map. And I live in both Scottsdale and Pinetop up in the White Mountains.

And the congressional district map one, you have created a map is truly ridiculous.

We have a ridiculous map now that doesn't work. And now you're going to give us another ridiculous map that doesn't work.

And I do not understand why the new map includes urban areas and rural areas, which have absolutely no common interest. And I'd also like to know why this map wraps around and pick ups the casino area of Pinal County, which is -- definitely has no community of interest with the rural areas that make up most of this map.

And you've cut Cochise County in half. And my friends in Cochise County are very annoyed about this, because they have a community of interest that's being split up.

So I would like to ask you to please reconsider
this map.

I understand -- I was here on Monday. I saw it as a ramming this map through without allowing at least all of the commissioners to review this map in detail. And I do not think that is the way the citizens of Arizona expected this to happen.

I'd also like to comment on the legislative map as regards Scottsdale.

We have a community of interest as a city. We have, we have now three different districts which has created all kinds of havoc with residents who don't know what district they're even in because their neighbor one street over is in a completely different district.

We have a community of interest. We have a common government. We have common shopping. We have common everything.

And so to divide the city of Scottsdale up, which is not exactly a huge metropolitan area, into three or more sections makes absolutely no sense from a community of interest standpoint.

We also have the strong community interest with the city of Fountain Hills.

We are in that district now. That has been a competitive district in the past.

My neighborhood, my precinct where I live, is
almost equally one third, one third, one third.
Registration.

So I think that's pretty competitive.

So to break that up into pieces to satisfy some weird unexplained objective makes absolutely no sense to me.

So I would respectfully ask that you keep the city of Scottsdale in one whole piece, and also include Fountain Hills, which the two cities are practically one. They are -- have grown together, and they share everything together.

So thank you very much.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Michael Liburdi from Fair Trust.

MICHAEL LIBURDI: Madam Chair, members of the Commission, good afternoon.


And I'm here to give a few comments. I've heard some today about legal challenges and whatnot.

You know, I agree with them. I think -- I agree with those comments. I think it would be nice if we could come up with consensus maps. I think it would be nice if all stakeholders could get together and come up with compromise maps.
I think it would be nice if Mr. Freeman and Mrs. McNulty could come up with compromise maps that make everybody happy.

You're not going to please everybody 100 percent of the time, but if you could please everybody a little bit, that's something that we could all go home with and be proud of.

But unfortunately, based on what came out of this Commission on Monday, that doesn't seem to be the case.

Fortunately, that is, there's time to correct some of the problems.

I'm not going to go into those.

You've heard some today. You're sure to be hearing about them in the future.

So, again, I strain to see how that congressional district map is anything other than a gerrymander.

There are few good points with Mrs. McNulty's option too.

I do agree with much of what's in here. I agree with much of what's in Mr. Freeman's map.

Something that I don't -- that I fail to comprehend in option two version 8A is how the Commission could justify breaking apart LD 11, which is probably one of the most historically competitive districts that the former IRC drafted.
That district has had split representation for most of the past ten years.

And what it does is it slices and dices LD 11, bringing its southern boundary -- or dividing it into two, bringing its southern border down to Van Buren Street. And it's very difficult to see how, how there could be any community of interest there by dividing it north and south like that, when the -- when that district should be kept very much intact, similar to the way it was.

Of course, changes need to be made, but why tinker with something that hasn't been broken.

Again, another example, proposed LD 15.

Why are we putting Cave Creek, Carefree, Anthem, New River, in with the rural district.

These are growth areas in north Phoenix. They've traditionally been in with Phoenix area legislative districts. They've had good representation.

And that should continue.

It does not make sense to gerrymander them out of Maricopa County.

One final example, proposed LD 11. We've heard a lot of testimony over the past several months that residents of Oro Valley, residents of Saddlebrooke, and residents of a portion of Marana would like to stay in Tucson.

Yet this map proposes putting them with
Casa Grande.

They specifically asked this Commission to keep them out of Pinal County to the -- to as much -- to the extent possible.

So, let's see, let's see if we can come up with a compromise.

There needs to be time to study these maps.

The commissioners have put a lot of time into these maps.

The public needs a chance to digest them. To see what better could be done. Let's come up with something where we could go to the comment period and everybody's happy with and that we can hit the ground running for the next legislative elections.

Because I will, you know, I will say this, and some people aren't going to be happy, but, but there -- you know, legal challenges are not off the table.

We saw it last go-around.

There's a good chance that we could avoid it this go-around.

But if not, so be it.

Thank you very much.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Jeanie McGill, representing self, from Maricopa.
(No oral response.)

CHAIRPERSON MATHIS: I don't see -- okay. Thank you.

So that was my last request to speak form.

The time is 3:47.

Do we want to take a quick break and then start up on the legislative?

So it's 3:47. We'll take a ten minute recess.

(Brief recess taken.)

CHAIRPERSON MATHIS: Recess is over. We'll enter back into public session.

The time is 4:17 p.m.

And thank you all, public, for commenting and giving us your feedback and input.

We appreciate that.

The next item on the agenda is number two.

Review, discussion and direction of mapping consultant regarding the development of a legislative district draft map based on constitutional criteria.

And when we last met on Monday, we had started to go through two different versions of a legislative district map, one that Commissioner Freeman presented and one that Commissioner McNulty presented. And they kind of walked us through how they created each district, which was very helpful.
And I believe -- there's been additional discussion when we last left on Monday that we all agreed we -- our, you know, number one criteria is to comply with the Voting Rights Act, and so we want to ensure that the minority-majority districts are built into the map from the beginning and that those benchmark levels are maintained or -- let's just say maintained.

So we wanted to make sure that we did that on both maps.

And then we also talked about a process for how do we bring these two maps together.

Is there a way to find common ground between the two versions, and start to put that into a single map that we'll all work from.

So that's kind of a recap of where we were, at least as of Monday afternoon.

Have there been any new developments or anything that I missed from Monday?

WILLIE DESMOND: I don't think so.

CHAIRPERSON MATHIS: Okay.

MARY O'GRADY: Madam Chair, if it's helpful, we can talk more about some of the voting rights issues, and maybe kind of go around the state and do that.

CHAIRPERSON MATHIS: That would be helpful.

MARY O'GRADY: And in terms of what you look at on
the screen when we have the conversation, you kind of have
tree choices. You can look at the benchmark districts if
you'd like to. You can look at either of the options we
discussed the other day.

But I'll just go through and talk about the
benchmark -- about some of the benchmark analysis that we've
been discussing with the mapping consultants.

Starting in the northern part of the state, we
have the Native American district that was a majority
Native American voting age population.

Right now the benchmark is at 58.99
Native American voting age population.

At the time of preclearance it was 62 percent.
Also just to comparing in terms of the status of
the benchmark district, it was 35,000 some people
underpopulated.

So the challenge up there is maintaining that
benchmark Native American voting age population of
58.9 percent while making sure that it has enough
population.

And it's not that it's lost population. It just
hasn't grown at the rate of some others in the state.

And the two alternatives that we looked at Monday
took some different approaches, and we've also seen some
proposals from the Navajo Nation in terms of how to maintain
that benchmark.

   My thought on that frankly other than kind of
alert the issue that that should be the target to try to
maintain that benchmark, subject to we are, as we've always
said, doing, you know, more detailed analysis, but the sense
is that we should maintain that benchmark level.

   And it sounds like Flagstaff and the Navajo might
be talking some more about some of that corner of the state,
and we might get some more information at least from their
perspectives tomorrow.

   So we can talk more or just move on to a different
part of the state.

   The next part of the state might highlight in
terms of the voting rights issues, southern Arizona.

   And in terms of the benchmarks in southern
Arizona -- and that's Tucson, and southeastern, southwestern
Arizona. We'll talk about them all together.

   There were two benchmark districts in the Tucson
area. Districts 27 and 29 under the old map.

   Oh, and if it's helpful, in terms of perspective
from the Native American district, again it's old
District 2, new District 7.

   In the Tucson area, there were two urban districts
that were benchmarks, 27 and 29.

   Those are right now at the edge of being --
they're like 49.89 Hispanic voting age population,
49.81 Hispanic voting age population.

So they have -- at the time of preclearance last
time they were both less Hispanic, 53 -- 43 percent and
45 percent voting age Hispanic.

And that's what, when we've looked at these
demographics over the decade, we see a lot of just
increasing -- the Hispanic districts becoming kind of more
Hispanic over the course of the decade. And that's
certainly what happened in 27 and 29.

Also we had two areas that we looked at as a
potential opportunity to elect under the benchmark in
southeastern Arizona.

The district that included parts of Cochise
County. I believe that was 25. And 24 in southwestern
Arizona was parts of Yuma.

Right now, those districts, Yuma is now -- the
District 24 is at 51 percent HVAP, although at the time of
 preclearance it was 41 percent HVAP. So it has had
significant Hispanic growth.

And in the southeastern district, 25, remains
under majority Hispanic voting age population.

As far as the -- so we had two urban districts and
then two rural districts where there was some sort of
opportunity to elect.
Under the alternatives that we -- that were discussed Monday, it took different approaches to southern Arizona. The option two had three majority southern Arizona majority voting age Hispanic southern Arizona districts, and those were, in that map, Districts 2, 3, and 4.

Two -- and this, when I say option two, that was the one that Commissioner McNulty presented.

Two included parts of Tucson and then Santa Cruz County and the border communities in Cochise.

Four included the Tohono O'odham over to parts of Yuma County.

And then three was in the urban area.

And those were -- the Hispanic voting age population in those districts, District 2 was at 61 percent, District 3, 51 percent, and District 4 at 53 percent HVAP.

And then Commissioner Freeman's map had also had two majority or close to it Hispanic voting age populations in southern Arizona, District 2 and District 3, at 54 percent and 49.7 percent.

District 3 is the one that includes Yuma, and District 2 was Tucson proper district.

So our recommendation when we were talking and looking at the alternatives and the populations was perhaps to look at trying to maintain three -- or create three Hispanic voting age population districts in southern
Arizona, which seemed to be based on the options that we were looking at Monday.

        Moving up to Maricopa County -- oh, I guess stopping on the way through Pima County -- Pinal County. Pinal County, District 23 was an opportunity to elect district under the benchmark, but it was not and has never been a majority-minority district.

        At the time of preclearance, it had a Hispanic voting age percentage of 30 percent, and now it's at 28 percent. And that's a district that has had the explosive growth, almost doubled in size or more, in Pinal County.

        And so we're frankly not sure when we look at the map as to whether we're going to be able to preserve the opportunity to elect in that area, but it's worth at least looking at.

        We also caution that in looking at Pinal County minority districts, that that's an area where the prison population can have an effect when you're building these legislative districts at these sites, because they do have significant prison population in that area.

        And the mapping consultant does have a chart with some populations that can help with that analysis. So we'll be watching for that.

        And then moving up to Maricopa County, under
the benchmark, district, the -- 13, 14, and 16 were the majority Hispanic districts in Maricopa County under the benchmark.

And I also note that District 16 has a substantial African American population and a substantial -- being about 15 percent, more substantial than the other areas.

And there's been an opportunity to elect African Americans in that district as well.

So 13, 14, and 16 are the majority Hispanic voting age population districts under the benchmark. Those are the districts that when the Minority Coalition presented a map, those are essentially the districts that they focused, because they presented us with three districts.

Under the benchmarks, the Hispanic voting age population in 13 is 68 percent, in 14, 64.9 percent, and in 16 it's 56.7 percent.

But when you look at the combined minority, they're all around the same when you add everything, everything up.

In terms of other areas where there's an opportunity to elect under the benchmark, 15 was one that is right now a sort of plurality, has 38.46 under the benchmark, and for Hispanic voting age population, and the minority -- majority-minority total is, I believe, about -- I believe it's just over 50 percent majority-minority. I'll
have to check that number.

But that's an area in terms of the benchmark to look at as well.

In terms of what the alternatives did that were presented Monday, Commissioner Freeman's alternative, which was option one, created four majority Hispanic districts in the Maricopa County area. And those were -- let me see if I can get the numbers right. Nineteen, 27, 28, and 29.

And in terms of how they compared to the benchmarks, 19 is sort of old 13, 27 is essentially old 16, 29 let's say is old 14.

And some of this is hard to compare.

We're trying to look at sort of the heart of the district, and Willie may correct that.

And then 28 is old 15, farther to the east.

And -- let me see.

Represent -- or Commissioner McNulty had three majority Hispanic districts.

And those were district -- old District 14, which was District 20 in the McNulty map.

There was some difference in numbering on that point.

And then basically hers corresponded with the Minority Coalition map, primarily, for the most part there.

There are also areas where the people were maybe
close to or within striking distance, it looked like, of an
opportunity to elect in western Maricopa County. And the
McNulty map in the Tempe area, in west Mesa area, and so
those are all areas to look at.

Our suggestion when we were pooling things and
looking at both alternatives was to look at four majority
Hispanic districts in the Maricopa County area to see if
that's a possible -- possibility.

With that, if you had four in Maricopa County,
three in southern Arizona, and then preserve the
Native American, that's eight benchmark -- eight districts
with the opportunity to elect.

We've been talking about nine or ten benchmark
districts.

So, again, as long as there's an opportunity to
elect, it doesn't have to get to that majority HVAP number.

So just look for substantial minority and Hispanic
population, and we'll -- we're doing sort of election
analysis we've used. For example, that mine inspector race
with the Hispanic candidate from 2010 as maybe a shorthand
look and take other shorthand looks to figure out if there's
an opportunity to elect while we look at -- kind of drill
down on it for more detailed analysis.

In terms of the current -- under the current
benchmarks overall, they have six minority-majority HVAP
districts. And both the proposals that we looked at had six
majority HVAP districts.

    They just were in different places.

    One option had one additional one in southern
Arizona, and the other had an additional one in
Maricopa County.

    So there are different ways to put these together
to preserve the opportunity to elect in nine and perhaps ten
legislative districts.

    CHAIRPERSON MATHIS: I hate to ask you this, but
can you repeat on the McNulty map which three were the
majority-minority and then what the old district is? Sorry.

            I have number wo which was the old 14.

    MARY O'GRADY: For Pima County or Maricopa?

    CHAIRPERSON MATHIS: Just in general, I thought.

    MARY O'GRADY: Pima County, two, three, and four
were the majority -- southern Arizona majority voting age
Hispanic districts in the McNulty option two version 8A
proposal.

            And frankly I haven't matched them up to -- or
tried to match them up, because -- to what they're -- what
they might correspond to in the previous maps, I think for
Pima County.

    CHAIRPERSON MATHIS: Okay. Then Maricopa.

    MARY O'GRADY: Maricopa --
CHAIRPERSON MATHIS: You started with 20 and said it's the old 14.

MARY O'GRADY: Twenty, and then I think the other numbers are the same as -- in Commissioner Freeman's alternative. Nineteen is the old --

CHAIRPERSON MATHIS: Go ahead.

COMMISSIONER McNULTY: Nineteen and 27.

MARY O'GRADY: Yeah. And nineteen is the old 13, and 27 is the old 16.

CHAIRPERSON MATHIS: Thank you.

WILLIE DESMOND: Sort of, you know, if we look at just 20 though, I'd like to -- so you can see it's parts of -- so, the red line is Commissioner McNulty's, so you see there's parts of 12, parts of 13, and parts of 14, and a little part of 15 all included in that.

That's, again, because we didn't -- you know, the previous legislative map is not a thing that we've considered at all.

You know, the constitution required that we start with the grid and work from there, so we haven't looked at the old map at all up until this point.

MARY O'GRADY: And, Madam Chair, yeah, on that point, it's clear. Even though that's now how we draw the maps, so we don't start with the old districts. When we do the voting rights analysis, we start with the old districts.
So we thought to kick off that discussion it would be helpful to look at that.

And in talking to Bruce Adelson, also makes it very clear that -- and if you read the old objection letter, that's what they're comparing it to. They're comparing it to the old districts and how you shifted population to create the new districts.

The other thing we thought while looking at this sometimes it is helpful to sort of look at where the Hispanic population is. You know, you can color code that, and you can see where there might be some additional contiguous high Hispanic areas that aren't included in the majority-minority district.

Or you might see some high White non-Hispanic areas that might be removed from some of the minority districts, again, to try to create the opportunities to elect.

CHAIRPERSON MATHIS: Any questions or comments on the voting rights analysis so far?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Counsel, with respect to the Native American voting rights district, we have -- the Commission has a letter from the chairman of the White Mountain Apache tribe asking that his district maintain the
status quo, and I think expression of the wishes of that
tribe, which I would interpret to be to not be included in a
district with the Navajo Nation and the Hopi Nation.

What -- how is that stated, to factor in our
analysis?

MARY O'GRADY: Yes, Madam Chair,
Commissioner Freeman -- Commissioner Freeman's referencing a
memo, a letter from Ronnie Lupe of the White Mountain -- the
chair of the White Mountain Apache tribe, that's dated
July 27th, 2007. And that says, as he indicated, that they
go on record to maintain the status quo to the extent -- to
the maximum extent possible.

The reservation currently falls within three
separate counties, yet we are one people devoted to the
well-being of our tribal members. The present districting
plan has served the tribe well. We have had both Democrats
and Republicans elected to represent us and all have served
us well.

And so that's what they have put in the record.

In terms of how that affects the analysis, we
still have an obligation not to retrogress in terms of
Native American representation. And so if we -- if that
means we need to include the White Mountain Apache, I think
we need to include the White Mountain Apache, but there
might be room for more, you know, input along the way on
that issue.

That's, I think, our view is that we need to maintain the current Native American population in that northern Arizona district.

VICE-CHAIR FREEMAN: And, counsel, to follow up on that, with respect to the growth of native population in the state versus the growth of non-native segment of the population of the state, does that factor -- I mean, does native growth, I believe it was about two percent, while everyone else grew about -- the rest of the state grew about five percent. Is that -- how does that factor into the analysis?

MARY O'GRADY: I invite Joe to chime in if he'd like.

If we -- if because of the population growth, you really just can't get there, you really can't create the majority Native American district, then you're not obligated to.

And there's some -- and you just have to -- that's part of your burden of proof at the Department of Justice.

The issue here is -- would be, however, that we have proposals like the nomination plan that does not retrogress, that does establish -- that does keep that benchmark level.

So I'm not convinced we could meet our burden of
proof on that point, because we -- because of those alternative plans.

JOSEPH KANEFIELD: Madam Chair,
Commissioner Freeman, in the Department of Justice guide to redistricting that they publish before every cycle update, they talk about situations where retrogression may be unavoidable due to population decreases such as you're suggesting.

All we note the guidance from the Department of Justice is that in those circumstances, the submitting jurisdiction seeking preclearance of such plan would bear the burden of demonstrating that a less retrogressive plan cannot reasonably be drawn.

So it's -- it certainly is possible, but of course the burden would be on the Commission to establish that a less retrogressive plan could not have been done.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: In addition to that particular district, I would like to focus on the one in the Yuma area. I think Commissioner McNulty's map has it as 4 and 14, broken up into two.

One of the reasons -- I think this particular version of the legislative map follows very closely the congressional version for that area, and one of the reasons
why we ended up splitting it that way not, only based on public comments, but also that particular area, the northern part of Yuma that's currently broken up into 14 has I'm going to say 63,000 in northern county.

And we broke it up in the congressional district because even out of 710,000 or so, we feel that that particular area creates a racially polarized voting for the south. I mean, there's a distinction between the southern part of Yuma and the northern part of Yuma that I think that splitting them in half makes sense.

The people at southern part of Yuma, Somerton, Gadsden, San Luis, have the ability to elect someone of their choosing. And including the northern population, which is around 63,000, would really prevent them from doing that.

So I think I want to be careful when you start lumping them together. And like Commissioner -- Chairwoman Mathis, I want to pass preclearance on the first try.

And I think Commissioner McNulty is correct in the way she has them out, split them in half. And I think we need to look at that and take that into consideration.

Again, if you want to pass preclearance, I mean, that's a -- to me that's one of the areas that I do want to look at in making sure that we do not combine.
CHAIRPERSON MATHIS: Any other comments?

COMMISSIONER McNULTY: I do think those are some fairly substantial conceptual differences between the two approaches.

I don't know if we want to go around and talk about those individually or talk about them generally.

CHAIRPERSON MATHIS: Well, it gets to that whole process question of how -- what's the best way to build a map that brings in elements of both of these, and what's -- you know, and I think the only way to do it is to grind it out in a meeting and talk about it, each one.

But it sounds like we don't have all the input yet for the northeast corner for the Navajo Nation, so I am wondering though if we could, you know, start to address some other parts of the state.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Are we planning to focusing on majority-minority districts first?

CHAIRPERSON MATHIS: I think that would make some sense, given it's kind of the number one thing that we need to comply with with federal requirements, so... .

VICE-CHAIR HERRERA: And, Madam Chair, although there are -- the information, there still is information that they'd be able to be providing to us, this is the
Navajo Nation and the city of Flag, I still think that their comments are pretty clear, that they did not want to be included in the same district in the legislative map.

So that, to me, I think we need to honor that and keep them in separate legislative districts, as Commissioner McNulty's map does.

CHAIRPERSON MATHIS: You mean Flagstaff and the Navajo Nation.

VICE-CHAIR HERRERA: That is correct.

And then putting the tribes together that share -- have a shared interest, combining them, and trying to raise that voting strength to as close as 60 percent as possible.

I think we can do that. I think -- I understand that the population didn't grow much in that area, but I still think we can include as many of the Native American populations in that one district to increase the -- that particular district to the population requirements and make up the voting, the rest of the population, with areas that won't prevent the Native American people from electing someone of their choice.

COMMISSIONER McNULTY: My perspective on that is that, as I understand it, the Navajo Nation and Flagstaff are talking about particulars of how the boundary would work perhaps between the legislative districts that would encompass Flagstaff and the Navajo Nation. So let's set
that aside.

But I do think it's important not to retrogress and to honor the request to put the tribes together in one district.

They have -- Mr. Gorman talked about that a little bit when he was here last time, and we heard quite a bit about it at the Heard Museum.

The individual tribes have particular concerns, but they also have huge overriding issues that they share in common, things like maintaining their cultural identity, protecting their religious beliefs and practices, dealing with health issues, dealing with educating their children, and maybe more than anything else relevant to the whole issue of state legislative districts protecting their sovereignty.

And I think that the whole issue of retrogressing below the benchmark is critical to all those things to ensuring that they maintain the ability to elect the representative of their choice who can represent the tribe -- be a strong voice for them at the legislature.

So it would be my -- it's my perspective that we should follow the framework that has the Navajo, the Hopi, the San Carlos, and the White Mountain Apache together in a legislative district.

VICE-CHAIR HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I do believe that option two does a better job of reflecting the current interests of the Navajo Nation and the American Indian tribes in that area. So at least, I think, we can build around that with option two and see how we can come to an agreement that, that we need to respect the Voting Rights Act and respect the wishes of the Native American tribes by building -- constructing a district that will meet the constitutional requirements.

I think there's really no way around it. I mean, we can make -- I understand the population didn't grow as much, but, again, I think our attorney Joe Kanefield said it clearly, so did Mary O'Grady, that we have the burden to prove that we're not retrogressing that area. So I think it would be easier and wiser if we build a district that meets that requirement.

CHAIRPERSON MATHIS: Mr. Freeman, do you have any thoughts on if we...

VICE-CHAIR FREEMAN: Sorry.

CHAIRPERSON MATHIS: Go ahead.

VICE-CHAIR FREEMAN: The district reflected in option one reflected my understanding and the wishes of the White Mountain Apache Tribe, to keep their district relatively intact, to also include the Yavapai Apaches.
living in Camp Verde, so that district includes.

It also reflects the public comment that I took in from our public comment hearing at the Hon Dah resort outside of Pinetop where we had a lot of members of the public discuss their peak communities of interest, their desire to stay separate from Flagstaff and distinct from them.

Their desire to state linked with the White Mountain Apache and San Carlos Apache tribes.

That was the basis for the formulation of the district in option one.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I would agree with Mr. Freeman's comments if Flagstaff is included with the Navajo Nation.

But if Flagstaff is included in its own district, I think the wishes of those tribes, the White Mountain Apache, the San Carlo Apache, that those interests would be met if Flagstaff is not included in that same district but they are included in with the Navajos and Hopis.

So their interest would be met if we do what Commissioner McNulty was proposing, by not including the city of Flagstaff, which would dilute the voting power of the Native Americans if they are included, so...
I think that that particular option two version four of that district, I think it comes closest to meeting those requirements.

CHAIRPERSON MATHIS: Maybe we should start down in the southeast corner instead of the northeast corner.

COMMISSIONER McNULTY: I'd be happy to talk about southern Arizona a little bit also.

CHAIRPERSON MATHIS: It might make some sense until we get -- we receive these formal proposals. I know we did get the White Mountain Apache letter. And it would be good to also get the Navajo input before carving that corner of the state up.

So, yeah, let's jump down to number one, at least, on these draft maps.

I mean, sorry, they're really what-if scenarios. They're not even a draft map.

We've got Cochise whole in Mr. Freeman's map.

Mostly whole in Ms. McNulty's.

And it looks like they both kind of split Santa Cruz in a similar manner, at least along the border.

Or, no, they don't.

Yours, this is the county line, I guess.

So the McNulty map it's whole; is that right?

COMMISSIONER McNULTY: Santa Cruz County would be whole, and it would be in District 2.
CHAIRPERSON MATHIS: And it goes into Cochise along the border.

WILLIE DESMOND: Is there a map you want me to put up, either option one or option two, to show you --

CHAIRPERSON MATHIS: Maybe you should have both.

WILLIE DESMOND: I mean, I can --

CHAIRPERSON MATHIS: Or between, or is that even possible?

WILLIE DESMOND: Well, it is, like right now we have the current district up, and then the -- I guess the red line would be option two, Commissioner McNulty's map, and the blue line would be option -- option one, Commissioner Freeman's map.

It might be easier though if we get rid of the current and just put one of those at the bottom and one at the top. I don't know how you want to decide, if you want to flip a coin, how you want to do it, which one should be the base.

COMMISSIONER McNULTY: I think it's easier to go back and forth.

I found it really tough to --

VICE-CHAIR HERRERA: Madam Chair, option one as the base and we can go back and forth that way.

WILLIE DESMOND: Yeah. I'll put option one as the base.
And I'll add option two as a layer to it, so we'll have the outline at least.

And let me know if there's a color that works particularly well for you. I think red seems to stand out pretty well.

Blue sometimes. It's all going to get washed up.

So going to southern Arizona, if you want to start in Pima and Cochise and some of those areas?

CHAIRPERSON MATHIS: Yeah, along one.

WILLIE DESMOND: I know this is tough.

So the black line is Commissioner Freeman's option one map.

District 1, you can see is Cochise, Santa Cruz County, and part of Pima. And that's District No. 1 is -- this red line is option two, Commissioner McNulty's map. And there's a red two, so you can see two is the southern part of Cochise County, Santa Cruz, and some other parts of Pima County.

I can turn them off individually if that helps or shave them or something.

COMMISSIONER McNULTY: You can't just put one map and then the other map?

WILLIE DESMOND: Sure.

This is, this is option one.

Commissioner Freeman's.
That's the, that's the base. And I can also again turn this on like the other one.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Can we have one of the commissioners just talk about their -- if it's option one we're looking at first, if Commissioner Freeman can talk about how he came up with this decision and just talk a little bit about that particular area. And then we can have Commissioner McNulty talk about that same area in her map. If that makes sense.

CHAIRPERSON MATHIS: I think it does.

Would you guys be open to that?

VICE-CHAIR FREEMAN: Sure.

The district that I put together, which was option -- District 1 and option one, includes all of Cochise County, keeping that county whole. That is a constitutional criteria, respect for county lines. It keeps all of Santa Cruz County whole. Again constitutional criteria, respect for county lines.

It also respects public comment that the Commission took, which I recall hearing public comment and reading public comment about the ties between Santa Cruz County and Cochise County, and they're both rural counties and have some commonality.

Putting those two counties together does not make
a whole legislative district however. So a logical place to obtain more population in my view was to travel up the transportation corridor, I-19, and include those communities that run along I-19 up to, up to the Tohono O'odham Nation that sits a little short that. And that gave me the necessary population.

The little spur that goes up I-19, to the west of it it's relatively lightly population or unpopulated areas, I believe. And so I was able to take some territory over there to make that spur have a little element of compactness to it.

Overall the district is fairly compact except for that part that extends up the I-19 corridor.

And I think, you know, in addition to compactness criteria, I think there's also -- I think those communities along the I-19, you know, share a common community of interest, they're related to each other, they fit together, which was another rationale for supporting grabbing population there.

CHAIRPERSON MATHIS: I was looking at just the compactness measures, because we have both that and competitiveness on the two different versions.

Okay. Go ahead, Ms. McNulty, do you want to talk about your one.

COMMISSIONER McNULTY: The one is constructed here
it includes most of Cochise County and the Rincon Valley, Vail, Corona De Tucson, the very far southeast part of Tucson, which is increasingly connected to the Benson area on the Sierra Vista area.

It includes southern portions of Graham County, which have historic and economic ties with Cochise County. Those valleys run north-south.

There's a lot of shared ranching activity, agricultural activity.

You know, kind of extension, county extension sort of activity that ties those areas together.

The border communities of Bisbee and Douglas are with District 2. And the reason that I did that was for -- really for majority-minority purposes.

So the big differences between the option one approach and the option two approach, with regard to Cochise County, is that it includes what I think are some closely related communities in the non-reservation portions of Graham County.

It includes the far eastern, very far eastern parts of the Tucson metro area that are increasingly tied to some of the communities in Cochise County, the growing areas of Benson, St. David, and Sierra Vista.

And it -- and we heard a lot of public comment about that recently.
And it also excludes, and I think from my perspective this might be the most important part, the Hispanic community in Santa Cruz County and Nogales. That's a border town. It has a much larger Hispanic -- you know, Mexican sister city right across the border with it.

And if Santa Cruz County is joined with Cochise County in one district, the HVAP of that district is 34.78 percent.

So the effect of doing that, I think, is -- the result of that is that the Hispanic community in Nogales in those southern areas of the Santa Cruz Valley will not be able to elect a candidate of their choice.

So I handled it a little differently. The District 2 on the option two map keeps Santa Cruz County whole, and then follows the Santa Cruz County River -- I mean the Santa Cruz River, north into south Tucson.

And that does a couple things.

It is similar to the way the district was drawn 20 years ago.

It creates a majority-minority district that is grounded in Tucson in kind of an economic corridor that runs south of there that shares -- there's a lot of our tourism, a lot of artistic kinds of endeavors there.

A lot of environmental issues and shared common
concerns. And that, as I said, the minority-majority component of it.

A couple, couple other points. Green Valley, which is fairly different from Sahuarita -- what's similar but different, the composition of Green Valley from a voting perspective is different. Sahuarita is a much more mixed community. It's much more Hispanic.

Green Valley is -- really it should be up with Saddlebrooke, if it could be, but it can't. It's where it is.

So, so on two, in part because Ms. O'Grady when she first looked at -- when I first, you know, kind of showed her the outline of this was concerned about whether it would work as a voting rights district, I put Green Valley with some of the more similar communities in Cochise County to kind of bulk up the majority-minority -- the strength of this as a majority-minority district.

And the last thing I'll say is that the Bisbee, Douglas, the -- you know, the really awful looking thing along the border, the idea there, even though it looks very terrible, is that those communities do have a fair bit in common.

And I thought it might -- if we did take this approach, it might be worth getting public comment from
folks about, you know, what they thought about that, whether they would like to be in the district with Nogales or whether they would prefer to be in the district with Cochise County.

CHAIRPERSON MATHIS: Yeah, that's -- that Cochise area is interesting. Because on our congressional district map, we had public comment, people coming in and saying they like the river district version of the congressional district map better than the everything bagel version one. Because in that one Cochise was whole.

And then we ultimately ended up, in order to deal with the voting rights issue in CD District 2, we had to go into Cochise County to get population there. So it ended up splitting Cochise.

So it's a conundrum, and it's -- I'm sure going there and going down to Sierra Vista for a hearing, we'll get a lot better sense of what to do.

And I guess in the two versions, the only thing for sure is Santa Cruz is whole in both of your versions. So I guess we agree on that.

But in order to figure out what -- which way to go, whether we break up Cochise or keep it whole. . .

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I think obviously a part of
the analysis is how many benchmark districts we need in southern Arizona.

And that's what this one is trying to achieve. I mean, and I understand that.

There are some concerns I have about the look of the district, whether we've gone too far. But I think in creating these benchmark districts, at least it's my understanding, and counsel will disabuse me of this understanding if I'm incorrect, but we can't take a blind eye to the other constitutional criteria trying to put these together.

And then the other factor is on my version I did not split Graham County. This one does. And I understand the rationale for it, to grab more population. And I just wanted to mention that, that I wanted to try to keep Graham, Greenlee, and Gila County together. We heard a lot about those, the three Gs, eastern Arizona counties, and how they worked together.

And so option one in those three counties are kept whole and together.

COMMISSIONER McNULTY: I understand it. I think the HVAP in this district two is, as it's configured, would be 61.41 percent.

So, you know, I don't -- I'd have to kind of redo it and look at the numbers, but I don't think having Douglas
and Bisbee in that district are necessarily essential to making it an effective majority-minority district.

    So, you know, if the consensus was that we'd rather have a clean line than give the folks in Bisbee and Douglas the opportunity to comment on it, looking as it does, there may be a way to do that.

    CHAIRPERSON MATHIS: And then in terms of creating sort of a merged map, so to speak, should we just start with a new version, a new template, that puts our ideas together into one? Or what's the best way to do that?

    WILLIE DESMOND: I would think that it makes sense for the first -- to merge the maps, it would make sense to start drawing these voting rights districts first and kind of work around there. So if we can come to agreement on these nine districts or eight districts that are benchmark, and then kind of grow it from there.

    But I'll leave it to Mary to suggest.

    One thing I -- I think it would -- our, you know, at least preliminary analysis has indicated that at least part of Santa Cruz probably needs to go into a voting rights district, because there is a sizable Hispanic population there.

    So that's maybe one parameter to kind of look at.

    I don't know if Mary or Joe have others.

    But we've been trying to really break down these
numbers the last couple days, so they might have something
to offer also.

I need to plug in my computer. Excuse me.

CHAIRPERSON MATHIS: We're open to any
suggestions.

JOSEPH KANEFIELD: Madam Chair, the only thing I
want to offer at this time is just to follow up on something
that Commissioner Freeman mentioned about -- we do have to
create these ability to elect districts, but I agree with
Commissioner Freeman that we mustn't disregard the other
constitutional criteria.

Obviously we have to create the districts so as to
obtain voting rights preclearance, but we don't also want to
inadvertently create gerrymander districts that exposes the
Commission to a Section 2 violation of the Voting Rights
Act.

So I would urge the commissioners to keep that in
mind.

I'm not suggesting that the district as presented
would do that.

But we do -- there is something to be said about
the look of these districts. And if there's a way to create
these majority-minority districts without -- and also
respect the other criteria, then I would urge the Commission
to consider that so that we don't inadvertently expose the
Commission to a Section 2 violation.

CHAIRPERSON MATHIS: So given that, it would seem that, for southern Arizona, Mr. Freeman's one is probably better, although maybe some of Santa Cruz has to come out. I don't know. But Ms. McNulty's Yuma, the way Yuma is dealt with, may be better from a minority -- from a Voting Rights Act.

It's not?

MARY O'GRADY: Well, Madam Chair, as we started in our opening comments, we all agreed that there -- you should have three majority-minority -- attempts to do three majority-minority districts in southern Arizona.

And so that would be one concern.

The District 1 -- if you use Cochise County as it is in -- well, so along those lines, the District 2 from Commissioner McNulty's, the problem with that district is whether the Cochise County arm is too ugly, I guess. If it could be more compact.

It certainly has community of interest issues, because you're linking border towns. So I don't think that -- I don't think the -- there -- I think it can -- I think it's defensible, but I do think it can be -- this just is working at census tracts as a first cut. It can either be smoothed off or cut off.

And it's at 61 percent now.
If we went with the Commissioner Freeman approach, the challenge would be creating that -- how do you create that third majority-minority district in southern Arizona. So that's the challenge if you go with the.

CHAIRPERSON MATHIS: Yeah, but can't, on the Freeman map, the Yuma split be incorporated the way it is on the McNulty map to get that third district in some way? Or no.

WILLIE DESMOND: That's already one of them. So they both have the Yuma district --

CHAIRPERSON MATHIS: And it's one. Okay.

WILLIE DESMOND: That's one of the majority-minority districts.

CHAIRPERSON MATHIS: So even though --

WILLIE DESMOND: They both have a Tucson district. And then the third one we think probably has to come from Santa Cruz and some other Hispanic area, whether it goes east into Cochise and grabs some of the border town or farther up into Pima to get some of the Hispanic population in Tucson.

But it seems, again, we haven't explored every possibility. And we haven't been drawing maps. We've just been kind of analyzing population tables for this, and looking at the different drafts that we've already gone through on the last map, that those are probably the three
places that are open to be majority-minority districts.

So both of them share, share the Yuma district and
the Tucson district, but that's probably -- and I guess
Commissioner McNulty was able to get the third one with how
she treats Santa Cruz here. So that that would -- in her
map, that's the third down here.

So . . .

MARY O'GRADY: Yeah, it is at 61 percent, so
it could probably be lower just based on what the
opportunity to elect numbers have been in the past in
southern Arizona.

COMMISSIONER McNULTY: Mr. Desmond, can you look
at what happens if we remove Bisbee and Douglas to the --
and we'd need to make up the population.

WILLIE DESMOND: Sure.

COMMISSIONER McNULTY: Think about how to do that.

WILLIE DESMOND: I'm going to create a new plan,
so I'm going to leave this one just where it is.

It will be one second while I get this.

COMMISSIONER McNULTY: Mr. Kanefield, I don't --
just to be clear, I don't think you were saying that a
compactness problem necessarily causes a Section 2 lawsuit,
were you?

I mean, I think this is just a -- you know, it was
a draft, and it's a rough looking line. But in every other
respect it meets the constitutional criteria.

JOSEPH KANEFIELD: Madam Chair,
Commissioner McNulty, yes, I wasn't suggesting that the map
violated any of the other provisions.

COMMISSIONER McNULTY: Thank you.

JOSEPH KANEFIELD: I should clarify, Ms. O'Grady
pointed out that the Shaw v. Reno issue I raised with the
look of the map was an actually equal protection violation,
not necessarily a Section 2.

But it is still a claim, a viable claim that the
Commission has to consider. It's an actionable claim
against the map that the district is drawn in such a way
that it would present a claim under Shaw v. Reno.

WILLIE DESMOND: So if you were to remove all of
district -- all of Cochise County from District 2, the
current number is 61.41.

Changes -- the HVAP number drops to 60.8.

Although the district is 30,000 people
underpopulated.

So when you go to add more people, you're probably
going to get more Anglo, and that will probably drop a
little bit further.

COMMISSIONER McNULTY: So we'd have to work on
that, but it looks like it will work either way in terms of
being a performing Voting Rights Act district.
WILLIE DESMOND: If it's -- yeah, if it's a priority to not split that part of Cochise County, there's probably ways of working it, but we have to look into that more.

That's something thing we can do, however you guys want to do.

You can -- I don't know if you want to start working -- it would be good to start, I guess, theorizing how we are going to work on a merged map.

Maybe it's something where we start -- we go back to the original grid map, overlay the two layers, and kind of work district by district, starting with the voting rights districts, something like that.

COMMISSIONER McNULTY: You know, I just don't see that working here. I really don't. Because every single thing that you change changes everything else.

I think, you know, we have to, we have to make some decisions about what we want to accomplish.

And I don't think we can do that by putting lines on top of other lines and trying to split the baby.

I just think we need to, you know, decide what is in the best -- what is in the best interest of the state, and try and put that together based that way.

I just don't think we can do it by taking two completely conceptually different districts and put them on
top of one another and trying to divide them in half.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I completely understand trying to keep counties whole and not creating areas that look a little odd like number two does, District 2 in the option two version 8A, Commissioner McNulty's.

But I think she explained it well, the reason why she did that. I think communities of interest and the Voting Rights Act, which is, I think, one of the first things we need to meet, is a great rationale for creating a majority-minority district that looks like number two.

So I would be in favor of keeping it the way it is, and, and allowing the people in that area an opportunity to comment once we -- once we've put a draft map out there on the legislative side to see what they think about this particular area.

Again, the Voting Rights Act is crucial. And I think creating that particular district the way it does, the way it is, I think Commissioner McNulty laid it out pretty well why she did what she did.

COMMISSIONER McNULTY: One of the things I'm concerned about is, you know, the whole southern Arizona area. One of the big differences between Mr. Freeman's map and mine -- and the way I did this map is that there are
only four districts in Tucson that are really centered in Tucson.

Mr. Freeman's map.

And it moves the center of gravity up a couple of the districts to Maricopa County.

And I don't think that's a good thing for southern Arizona.

So I guess to the extent that everything ties into everything else, I think there are -- there is a way to make up the population for this district in Tucson. But once we start doing that, you know, then we start moving the central Tucson district up into the other central Tucson district, and then we start either, you know, jeopardizing the second majority-minority district or then we have to start moving 9 up into 11.

And I am sure there are ways to work that all out. But, but it also may make some sense before we embark on that, you know, to think about whether this could be made to look better and whether, you know, people should be given an opportunity to comment on it.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Can Mr. Desmond bring back the original way that Mr. Commissioner McNulty had the District 2?
Because I think it follows the natural boundary, which is the Santa Cruz River.

Is that correct? Is that the --

COMMISSIONER McNULTY: Not over, not over here.

This is really just -- those are census tracts around -- trying to take in Bisbee and Douglas.

And I know it's not very well done. I just kind of made a rough cut at it.

I'm sure there's a way to do it more neatly.

Well, I'm not sure, but there might be.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I know there's a -- in fact there's a big mountain there separating sort of Santa Cruz County from Sierra Vista in those parts.

And as to the -- Commission McNulty's comments about how I made out Tucson, I did it -- I don't think the Constitution empowers us to make policy decisions as to where the center of gravity of political power is going to be in the state.

It doesn't speak to that. I did not consider that when I was laying out my districts.

I simply tried to apply the six constitutional criteria and fit the districts together the way I thought were sensible for Tucson.
I'm sorry that Commissioner Stertz isn't here with us today. I know this hasn't been mentioned yet today. He's from Tucson. And I would value his input as well.

I know that he had a family emergency involving his mother, who is hospitalized. And I know he wishes he could be here with us today, but he's unable to.

CHAIRPERSON MATHIS: I was just thinking along those lines. We have two commissioners from Maricopa County, and I know you're both natives. We have two from southern Arizona.

And I am wondering if one way to tackle this might be to have you two work together in the Maricopa County area and figure out what points you agree on. And same for Commissioner McNulty and Commissioner Stertz. And they can talk about the areas that they think about for southern Arizona, and maybe we figure out where the common ground is there.

We're waiting on the northeast corner to hear some more input from some communities of interest up there.

What do you all think of that idea, that we have a Republican and a Democrat each working on two different parts.

COMMISSIONER McNULTY: I think we need to work on the maps as a whole. And I -- you know, I'd like to think we're going to have common ground on some of these
things.

But I -- we've come at them pretty differently in these two different maps.

I don't think we're going to get there on many of the issues.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I agree with Commissioner McNulty.

In with the Voting Rights Act and then the majority-minority districts, with that I'm not willing to compromise.

We need to meet the requirements in order to pass preclearance. And there's not a lot of compromise on that. I mean, you don't have a lot of choices. I really do see that there -- there is a difference, but I think the -- we need to approach this with the intent of passing preclearance on the first try.

And I don't see a lot of compromise on this. There has to be one way, and that's meeting the Voting Rights Act.

MARY O'GRADY: Madam Chair, and to the extent that you were trying to create subcommittees, those would be subcommittees would be subject to the open meeting law and all the notice required --
CHAIRPERSON MATHIS: Sure. No, I meant that.

VICE-CHAIR HERRERA: I would like to hang out with Commissioner Freeman.

CHAIRPERSON MATHIS: Well, can we work on the majority-minority districts then?

I'm -- I don't know where else to go from here.

COMMISSIONER McNULTY: Well, maybe we could -- I'd be happy to talk about the other two majority-minority districts in southern Arizona.

So one of them is two. And then the other -- the second one is three.

And this includes downtown Tucson, the University of Arizona, and then these neighborhoods in southwest Tucson, Drexel Heights, Valencia West, Tucson Estates, and the Pascua Yaqui reservation.

I think the east boundary is Campbell.

And the HVAP improves from the current LD 27 from 49.9 percent to about 51.16 percent.

I think it would be a performing majority-minority district, and I think it makes sense in terms of the communities that it includes.

MARY O'GRADY: And then Commissioner Freeman had a parallel -- I mean, not parallel, but he also had an urban Tucson majority-minority district in his map.

It was District 2.
It makes sense to see the different areas that they take in.

WILLIE DESMOND: This is District 2 from Commissioner Freeman's map, which doesn't have much overlap with Commissioner McNulty's District 3, but does have a fair amount of overlap with her District 2.

COMMISSIONER McNULTY: Could you put HVAP on, please?

WILLIE DESMOND: Sure.

So the darker green areas are obviously higher Hispanic voting age population percentage.

Let me just confirm that.

Yes.

COMMISSIONER McNULTY: One thing that concerns about me about this configuration is that we have two completely different kinds of areas within this district.

We have Hispanic -- you know, we're kind of dividing a Hispanic community on the west side, and then we've got the base, and then we've got much less Hispanic areas on the east side that probably have higher turnout than these very different Hispanic areas in south Tucson.

I think we're also splitting downtown.

WILLIE DESMOND: I think at least initially it does look like this would be a -- the Democratic number here is pretty strong. It seems like some of those areas are
fairly Democratic in this one.

I think we were talking with Bruce that's something that we need to maybe consider a little bit, because if they live with like-minded individuals.

Is that correct, Mary and Joe?

COMMISSIONER McNULTY: I think the question is whether they can elect the candidate of their choice.

And I think right now that area is represented by Danielle Patterson and Matt Heinz. The senator is Linda Lopez.

MARY O'GRADY: And we're not getting into specific incumbents but in terms of --

COMMISSIONER McNULTY: I'm not talking about where they live. I'm talking about the fact that the two state legislators are not Hispanic.

So the question is, you know, are -- is DOJ going to be concerned with the high Hispanic but low turnout on the side of the district and the very low Hispanic but higher turnout on the other side of the district and the base in the middle? Is this really an opportunity to elect a candidate of choice.

So that was my concern when I looked at that district.

Plus the fact that it looks like it splits downtown Tucson.
So that the other southern Arizona majority-minority district I think would be four.

WILLIE DESMOND: Your four.

Commissioner Freeman's three. Yes.

COMMISSIONER McNULTY: Okay.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: When is -- when would we be able to do the polarized voting analysis?

WILLIE DESMOND: I believe it's happening kind of on an ongoing basis, but it's something you do once you have a map almost.

I believe counsel wants to expand on that.

I believe he's going on to give us, you know, the numbers that we think we're going to need to meet, but it's kind of something you do once the map has been completed almost.

VICE-CHAIR HERRERA: Okay. The reason -- Madam Chair, the reason I ask is I'd love to see that particular analysis on option one, the way that Commissioner Freeman drew out the District 3.

As I said, that is a concern of mine, and that's why I agree with the split between north and south Yuma.

Because we -- from my interest I want to make, I want to make clear, I want to get approved in preclearance.
And that's why I'm urging that we do the split.

COMMISSIONER McNULTY: Mr. Desmond, can you do the previous analysis on north Yuma versus south Yuma County.

WILLIE DESMOND: The what analysis?

COMMISSIONER McNULTY: The state mine inspector analysis.

Just take everything north of Yuma, in north Yuma County.

Or looked at another way, everything that isn't --

WILLIE DESMOND: I can shape the map by mine inspector results. Would that help?

COMMISSIONER McNULTY: It would be easier if you could just run that.

WILLIE DESMOND: Um, okay.

All right. So I guess the best way to probably do that would be to -- so using your -- the split from the Hispanic Coalition --

COMMISSIONER McNULTY: Using that split, yes.

WILLIE DESMOND: All right.

So I would probably do then is make two new districts. And then just give you the percentage for each. That's what I'll do to try to, try to. . .

CHAIRPERSON MATHIS: I have a question for legal counsel. Put you guys on the spot.

From a voting rights analysis perspective, was one
version of the map of the two -- of the two versions we have in front of us better in terms of meeting those requirements than the other, or are they the same?

MARY O'GRADY: Well, as the southern Arizona, again, our recommendation is that they have three majority Hispanic VAP. And the McNulty version has that.

The current version of the Freeman option does not have that.

So I would say right now the McNulty structure is preferred from a voting rights standpoint.

I don't say the same in Maricopa County, but in terms of southern Arizona, I would say the McNulty approach gets us to the three that we were looking at.

WILLIE DESMOND: So, looking at this, then the northern part of Yuma County had a vote of 26.96 percent Democratic in that mine inspector's race.

COMMISSIONER McNULTY: Can you do the same thing southern -- 26 point --

WILLIE DESMOND: .96.

COMMISSIONER McNULTY: Do we have the HVAP in that northern?

WILLIE DESMOND: I just did.

26.96.

HVAP of 25.48.

VICE-CHAIR HERRERA: .48.
WILLIE DESMOND: .48.

VICE-CHAIR HERRERA: Thank you.

WILLIE DESMOND: The southern part has an HVAP of 67.61.

And in mine inspector's race, a Democrat received 54.34 percent of the vote.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Would it be possible if Willie -- if it doesn't -- if we could -- for that particular race, so the way District 14 is laid out, what would the average be of that particular race statewide? Meaning, does District 4 have less than, than -- so, if you -- if he -- in the end, that the percentage was the Republican ended up getting 60 percent of the vote, the Democrat, you know, 39, 40 percent of the vote, is this particular district 14 below the average? Does that make sense?

Because if he lost -- I guess what I'm saying is if he would have lost worse in that particular district the way it's set out than the average, then to me that's a concern.

If you're able to do that.

WILLIE DESMOND: I guess I'm a little confused as to what you're asking.
VICE-CHAIR HERRERA: You know what, never mind.
I don't even know what I'm asking.

COMMISSIONER McNULTY: I think he did. 26.94.

VICE-CHAIR FREEMAN: I have a question.

How many people live in that northern part that
you just carved out?

WILLIE DESMOND: In the southern part is
132,900 -- 493.

In the northern part, it's 63,258.

So two thirds in the southern part, one third in
the northern part.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: But I think that the, that
the -- the way that that northern part of Yuma votes is
probably a stronger voting population. They go to the polls
more often. They're a consistent vote. So even though
they're a lesser population, they tend to be what we call
pretty good voters.

MARY O'GRADY: And just in terms of the HVAP
comparison, and although these districts include a lot of
different pieces of current districts, the current
southeastern Arizona -- or excuse me, southwestern Arizona
district, LD 24 has a HVAP of 51.37. That's where Yuma is
now. And then under these proposals, District 3, in the
Freeman option, is at 49.97 HVAP. So it's a little lower. Although, again, they include pieces of different, different old districts.

And in the McNulty option, District 4 is at 53.65. So it's a little higher if you just look at the -- compare it to 24 in terms of southwestern Arizona.

CHAIRPERSON MATHIS: Well, given that we need three majority-minority districts in southern Arizona, and the McNulty proposal has that, Mr. Freeman, do you -- is there another way you see of getting a third one into your map that we should try? Or do you -- are you -- do you like any aspects of what Ms. McNulty has done that we could incorporate and all agree to utilize?

VICE-CHAIR FREEMAN: There might be, but I don't think I'm going to be able to sit here right now on the fly and draw a new district.

If the goal is to vote on the LDs by Friday, I don't know if I'm going to be able to do that.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: And I understand Commissioner Freeman's response.

But I want to remind everyone that this is going to be a draft map.

And we do, we do have to come up with a draft map
before we start the second round of hearings.

So what I would like to move as quickly as possible.

As I said, there's really not compromising on these voting rights districts. We need to respect that constitutional requirement.

And I think, I think our attorneys are pretty clear that, that we need to have three in the southern part of Arizona, and I think Commissioner McNulty's map did that, so I think we should move forward and adopt them as part of a draft and then move forward with the ones in Maricopa County.

CHAIRPERSON MATHIS: Well, maybe what we can do is create a new map that we're starting to build together, and for now we'll include the version that Ms. McNulty has, because it does have the three majority-minority districts in southern Arizona that we need.

And then if Mr. Freeman has -- when -- that's some homework that, I guess, he has where if he wants to draw a third one into his, then we can then look at how those break out later.

But I think for now, since this one has the three, that we need to move forward and try it out.

MARY O'GRADY: And, again, for clarification, it's a statewide goal, but we considered the three in southern
Arizona, again, looking at the options in terms of how to get to that statewide goal. And if the people can have two and get there another way, but we just weren't seeing it. When we were looking at the options, it looked like we would need to have three in southern Arizona.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: And just for the record, I have a different interpretation of what a draft map means. And I'm not going to belabor the point. I expressed my opinion on Monday. And I just -- if anyone is curious, they can look at that transcript.

CHAIRPERSON MATHIS: Okay.

So would that work for people, to build a new map that we'll try out as, you know, something that we've all worked on together to try to achieve?

And it doesn't mean anyone has agreed to this being final or anything. It's strictly trying to figure out a way to move forward.

And we have one version that has three majority-minority districts in southern Arizona and one that doesn't.

And since we need three, we, for now, just to try it out, I think it's worth pursuing what Ms. McNulty has in the bottom in southern Arizona, which on her map --
numbers?

COMMISSIONER McNULTY: One, two, three.

CHAIRPERSON MATHIS: Yeah. Oh, yours are one, two, three. Okay.

It's four --

COMMISSIONER McNULTY: One, two, four. Sorry.

VICE-CHAIR HERRERA: Two, three, four.

COMMISSIONER McNULTY: Oh, that's right two, three, four.

One is Cochise County.

CHAIRPERSON MATHIS: Oh, okay, up in Pima.

So those are the three majority-minority districts in southern Arizona that we'll try out.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I like your idea of creating a clean map with incorporating those three, two, three, and four, on the option two, and a clean map and starting with those three.

And start working -- then we work to the Maricopa County area and see what we can come up with agreement on those, on the majority-minority districts there.

And I am assuming we'll have to wait until we hear back from the Native American tribes and the City of Flagstaff on the eastern rural majority-minority districts.
MARY O'GRADY: And, Madam Chair, in terms of things to look at in terms of improving that map, I think we talked about we need -- dealing with the arm in Cochise County.

CHAIRPERSON MATHIS: Right.

MARY O'GRADY: The 61 percent may be higher than is necessary in southern Arizona. In terms of an opportunity to elect district.

And so those are some of the things that we were looking at.

Just on voting rights criteria. There are certainly other things on other criteria.

CHAIRPERSON MATHIS: I'm curious. Well, it may be too hard to figure this out right now, but on McNulty's number two, what happens to HVAP when you remove that arm and just leave -- I know you have to get population from somewhere, but taking out that -- those border communities in Cochise.

COMMISSIONER McNULTY: I think it just went down a point; is that right? Sixty -- went down to 60.8.

WILLIE DESMOND: It went doubt down a point, and then there's always a potential that when we balance population it will drop another, another -- maybe another point or two.

COMMISSIONER McNULTY: So we had what, about
30,000 people that we need to make up somewhere else in a way that doesn't reduce the HVAP low.

WILLIE DESMOND: That gets where -- where the HVAP needs to be is something that we have to look at further.

I believe the current benchmark down there are right around 49.8 percent.

So 60 percent is probably too high, so we're probably safe bringing it down a little bit, a little bit more.

But, again, I think it's going to be helpful going forward -- for the congressional we've been looking at HVAP solely, but with these we're going to need to also look at ability to elect.

So we are going to have to look at some other numbers in concert with the HVAP also.

So, there's places where the HVAP might be, you know, 55, 60 percent, and the ability to elect is less in districts with, you know, 48 percent, just depending on, I guess, the citizenship numbers, and also the -- just the turnout patterns of those areas.

So, there's more moving pieces going forward using legislative map, and it can be even more complicated.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I think what concerns me
about the messing with the current look of District 2, we start taking out those areas that are part of Cochise and you're going to have to start grabbing, what, 30,000 people somewhere else.

And, again, that may lower the HVAP or may not. They may lower the voting strength of that particular majority-minority district.

So I'm a little -- let's be cautious when we start doing that.

MARY O'GRADY: And the other option is smoothing that area out again.

CHAIRPERSON MATHIS: Okay. Should we look at the majority-minority districts in Maricopa County, and both maps, we talked about that again, the two versions that we have, how many are each created in Maricopa County.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Just for clarification, is Mr. Desmond currently creating a map that uses the three majority-minority districts on option two in southern Arizona border?

CHAIRPERSON MATHIS: Yes, that's my take.

Does that work, Mr. Desmond, or no?

He's wiping his forehead, which --

WILLIE DESMOND: I'm just trying to think, like,
how it's going to work.

So you have a couple of options.

It's easy for me to put those into a new map, those districts.

The question then becomes is the districts that fill in around there, what do I use? You have options of using lines that are from one of the two maps or using the grid lines.

The second question then becomes are those lines then adjusted by me to meet equal population or are they left out of balance and that's something that we do as a group in session.

I would prefer to leave them out of balance so that that can be something that you guys all work through.

CHAIRPERSON MATHIS: Right.

WILLIE DESMOND: Maybe we do go back to the grid lines, except give me the discretion to adjust those not to split tribal lands or something along those lines.

CHAIRPERSON MATHIS: I'm wondering can you populate a new map with just the nine majority-minority districts based on what we're telling you now, and so there will be islands essentially in the map.

And you're not building the whole map around it yet. You're just putting in the majority-minority districts as we're discussing them now?
Is that possible? Or...

MARY O'GRADY: It's my recommendation we do, at least as a first cut, do what Mr. Desmond recommended in terms of the -- adjusting the grid map for the voting rights districts, and then leaving the remainder of the grid, the original grid, going back to the original map for the remainder, and then the Commission as a whole taking it from there.

Then we can discuss it more but that would be my recommendation.

COMMISSIONER McNULTY: But, Ms. O'Grady, he wouldn't have to go to the trouble of adjusting population in the other grids. He would just build them in from the grid.

Okay.

CHAIRPERSON MATHIS: Everybody good with that?

VICE-CHAIR FREEMAN: I'm not exactly sure what's going on, but carry on.

WILLIE DESMOND: Just to make sure that I get it then, so it's clear.

What we'll do is we're talking just for the purposes of southern Arizona, I will take the three majority-minority districts from Commissioner McNulty's map, overlay those onto, I guess, the initial grid map.

I won't, I won't adjust the result -- you know,
the districts that are cut off there. I won't change their population. So there will be some that are probably dramatically underpopulated and there will probably be some unassigned areas also.

And then as a group we can adjust those later.

I think we're going to go through the same process in Maricopa.

Either taking districts wholly, all the districts out of one of the two maps, or maybe a combination of the two, the two maps. If we like some districts in Maricopa from one map and some districts from another map, putting those in there too.

So at least then we have -- I guess the way we talked about it, the way we think it might make sense to proceed, is if you have the majority-minority districts figured out. Any changes to the map would have to not affect the complexion of those districts. So you can change those lines going forward, but you would need to keep the HVAP ability to elect numbers where they are.

So that's kind of the next -- that's how we merge the maps and go to a single point going forward.

Is that clear?

VICE-CHAIR HERRERA: Madam Chair.

WILLIE DESMOND: Is that correct?

CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: That's how -- my understanding.

CHAIRPERSON MATHIS: Is it good for you, Mr. Freeman?

VICE-CHAIR FREEMAN: Yes.

VICE-CHAIR HERRERA: And, Madam Chair, just to clarify, we're not creating a draft map. We're creating essentially a third map.

CHAIRPERSON MATHIS: Right.

VICE-CHAIR HERRERA: So we have still Freeman's, McNulty's, and then this third map that has no name.

CHAIRPERSON MATHIS: Right. It's the merged map, so to speak.

WILLIE DESMOND: Is there a food you want to pick to name it after?

CHAIRPERSON MATHIS: Oh, no.

WILLIE DESMOND: A breakfast treat?

CHAIRPERSON MATHIS: Depends on what it looks like.

COMMISSIONER McNULTY: Madam Chair, just for the record, that's how I worked on this map. You remember we sat here in the session using the grid, and that's how I made these districts.

I moved the lines from the grid.

So I don't have a problem with doing it again, but
that is what I did to create the districts in the first place.

CHAIRPERSON MATHIS: Well, and I assume that Mr. Freeman did the same thing and worked from a grid map initially.

So I'm curious, if they both generated two versions from the grid map, does that mean the third version is from the grid map or not?

WILLIE DESMOND: We'd like to make -- well, those districts are from the grid map and we'd like to make sure, I guess, that the other lines are all from the grid map too so that when we adjust, we're adjusting the grid.

CHAIRPERSON MATHIS: Okay.

WILLIE DESMOND: Should we go to Maricopa then, if that's all clear?

CHAIRPERSON MATHIS: Yeah. Yeah, everyone's clear.

WILLIE DESMOND: Okay.

Mr. Herrera.

VICE-CHAIR HERRERA: Will you be able to add those three districts on the southern part of Arizona now, or do you need time to do that?

WILLIE DESMOND: I could do it now.

I would kind of say we maybe should figure out the next part of Maricopa and we can do it all at once.
I could even do that then right now as we're going forward, or do it tonight and see where we stand once we look at the next set kind of.

CHAIRPERSON MATHIS: I want to check on our court reporter.

How are you doing?

THE REPORTER: Tired.

CHAIRPERSON MATHIS: Tired.

It's 5:51. So should we take a short break?

Let's take a ten-minute break, and we'll come back into session shortly.

(Brief recess taken.)

CHAIRPERSON MATHIS: Okay. We'll enter back into public session.

Recess is over. The time is 6:19 p.m.

And we are in the midst of discussing agenda item two, making adjustments to the legislative grid map going over the two different versions we have in front of us.

We just talked about southern Arizona.

And we're working on the majority-minority districts that need to be incorporated into the map and looking at what the two versions we have in front of us have in that regard.

And it looks like both the maps, moving to Maricopa County now, both have four majority-minority
districts, which I think is the number.

They don't. Okay.

WILLIE DESMOND: They don't.

CHAIRPERSON MATHIS: Tell us. Tell us what they have.

MARY O'GRADY: Commissioner Freeman's has four.

Commissioner McNulty's has three.

CHAIRPERSON MATHIS: So it's the opposite of --

MARY O'GRADY: They have the same total but different places.

VICE-CHAIR HERRERA: What I would like to know, which of the two versions has -- comes closest to the Arizona Hispanic Coalition map.

WILLIE DESMOND: You mean the Minority Coalition?

VICE-CHAIR HERRERA: I'm sorry, the Minority Coalition.

WILLIE DESMOND: I will -- I think I can show you. This is going to be a little difficult. I'm going to zoom in, so just bear with me for one second.

All right. I guess the only way this is going to work is looking at them one at a time.

So I will just start with the black line here is Commissioner McNulty's district.

The green line is the Minority Coalition. It's the same line.
And then Commissioner Freeman has, I think, largely the same line, just a few little areas that are slightly different down here.

So from District 27 is nearly universal agreement between the three.

CHAIRPERSON MATHIS: Yay.

WILLIE DESMOND: Just these little areas.

CHAIRPERSON MATHIS: That's great.

WILLIE DESMOND: Okay. Twenty-seven I think was the easiest one.

It looks like the purpose of this,

Commissioner McNulty followed the Minority Coalition exactly, so.

And Commissioner Freeman in District 18 -- make this a little.

So district -- or District 19, I'm sorry, both of them, there's some slight difference down here.

Up here in Avondale.

Maricopa.

And going over right here.

I don't want to speak totally for Commissioner Freeman, but I believe he had me try to build a Minority Coalition district lines at an earlier time before they were submitted. I think they changed a little bit, and I didn't have the actual file at that point, so.
VICE-CHAIR FREEMAN: Madam Chair, that -- that's as I recall too.

And I think if the lines differ at this point -- you know, I did -- over the weekend I was doing lots of iterations on population balancing. And every time you move a district to refine a population imbalance, you end up changing all the other districts. So it's a process.

Perhaps where those lines end, where I ended with those lines, might be a product of -- I think are a product of population balancing.

But there was -- I saw an opportunity to create four minority-majority districts in the Phoenix area. So the next district is going to differ from the Hispanic Coalition's submission.

WILLIE DESMOND: Yeah, so then District 20 is, I guess, different than commissioner. . .

Twenty-nine is right here. And that's slightly different than District 20, in that it takes this area out of Phoenix and goes up farther into Glendale here.

So that's -- and then -- Mary, what's the --

UNIDENTIFIED AUDIENCE MEMBER: Do you have option are one or two on the screen, please?

WILLIE DESMOND: All right. So I'll remove layers to make it click.

So the black line is option two.
The thick, thick red line is option one. And this green line is the Minority Coalition. So option one kind of gets washed out here because it's behind the green line, by and large. And make that a little -- take care of everybody's. It's just kind of hard to see all these at once.

VICE-CHAIR HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: Quick question for Mr. Desmond.
Mr. Desmond, how many currently, in the current maps, how many majority Latino districts are there in Maricopa County?
WILLIE DESMOND: Mary and Joe, I think, can answer those.
MARY O'GRADY: Currently District 13, 14, and 16, so currently there are three majority Latino districts in Maricopa County.
VICE-CHAIR HERRERA: Thank you.
MARY O'GRADY: And then there's one other that's a majority combined minority with a plurality, District 15.
VICE-CHAIR HERRERA: Thank you.
COMMISSIONER McNULTY: Madam Chair.
Ms. O'Grady, after -- one of the things I looked
at was adjusting 29 with the other majority-minority
districts.

And I think there's a way to move the boundaries
south on -- the north boundaries south and the south
boundaries south without compromising the other three
majority-minority districts, but in a way that increases the
HVAP in 29 so that it also would be a fourth
majority-minority district.

MARY O'GRADY: And 29 is sort of an old 14, more
or less, and some other, at 50 -- and it's at 64 percent in
your plan.

Right?

COMMISSIONER McNULTY: I have to look at the --
MARY O'GRADY: Oh, I'm sorry, 32 percent, for 29.
COMMISSIONER McNULTY: With those changes, I think
it would bring it to over 50 percent.

WILLIE DESMOND: I think that's very possible.

I'm looking at Commissioner Freeman's. I think
that's kind of what's happening there a little bit.

COMMISSIONER McNULTY: Maybe if you could look at
that tonight, I'd appreciate it.

If you just move the north boundary south to about
Dunlap and move the south boundary to Van Buren, between
43rd Avenue and 19th Avenue.

WILLIE DESMOND: So the north boundary south to
Dunlap, and the south boundary.

COMMISSIONER McNULTY: South to Van Buren, between 43rd and 19th Avenue, it looked like.

WILLIE DESMOND: Between which?

COMMISSIONER McNULTY: 19th Avenue and 43rd Avenue.

WILLIE DESMOND: Okay.

That's something that I can look at, although we might want to do that as a group tomorrow we have -- instead of me showing you what would happen, you guys can all have what happens tonight.

COMMISSIONER McNULTY: That will be fine.

Because I kind of had some ideas about how to make the adjustments in the other districts that might work too, but I didn't get a chance to finish them.

WILLIE DESMOND: All right.

COMMISSIONER McNULTY: So we could work through that tomorrow.

CHAIRPERSON MATHIS: How many minority-majority districts did the Hispanic Coalition submit? What's the correct --

WILLIE DESMOND: They submitted three.

CHAIRPERSON MATHIS: Let's show those green lines again.

WILLIE DESMOND: And those, again, we can give you
the percentages there of the HVAP.

So District 16 here is 54, and that's this -- let me label the districts.

We have this is basic black.

District 16 is the new 27.

That is 54.79 percent HVAP, but also it's 15 percent non-Hispanic African American.

So the non-Hispanic White percentage is -- is lower.

VICE-CHAIR HERRERA: 23.09?

WILLIE DESMOND: Yeah. And that's the same thing here.

Then District 13, which is our 19 on their map, is 67.1 percent Hispanic population and 6.7 percent non-Hispanic Blacks, so about 73 percent of those two.

And then District 14, the top one, is 64.5 percent non-Hispanic -- or Hispanic. And about 6 percent non-Hispanic African American.

COMMISSIONER McNULTY: Would you say that again?

WILLIE DESMOND: So I'll just give you the Hispanic number and then I'll give you the average number --

COMMISSIONER McNULTY: Just for the last district, the --

WILLIE DESMOND: Oh, the last district is 64.4 percent -- 64.47 percent Hispanic, and 5.91 percent
African American.

VICE-CHAIR HERRERA: Madam Chair.

WILLIE DESMOND: And that's voting age.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Now, are you, Mr. Desmond, giving us the HVAP for the Coalition maps, what they're requesting, or is that the benchmark?

WILLIE DESMOND: That's, that's what they're requesting.

VICE-CHAIR HERRERA: Can you, just for the record, can you tell me which of the two versions come closest to meeting those requirements?

WILLIE DESMOND: Well, the -- Commissioner McNulty's map is those districts exactly.

And the benchmark in those districts, Mary had looked at both what it was currently and what it was when it was precleared.

Do you have those numbers?

MARY O'GRADY: If you'd like those numbers, for 13, currently it's 68.27 HVAP but it's become much more Hispanic. When it was precleared, it was 55 percent.

From 14, now it's 64.9. And when it was precleared, it was 58.

Sixteen has grown more than the other districts.
It's a little less Hispanic, but still it has a lot of -- it has a significant other minority population. It's currently 56.7. And it was, at the time of preclearance, 59.

WILLIE DESMOND: These numbers are fairly close to the current benchmark, but --

MARY O'GRADY: They're close to the benchmark, higher than what they were precleared at.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Ms. O'Grady, you're talking option two; correct?

MARY O'GRADY: I'm just talking about the benchmark.

Right?

VICE-CHAIR HERRERA: Right.

WILLIE DESMOND: Do we want to look at Commissioner Freeman's for majority-minority districts.

CHAIRPERSON MATHIS: Yeah, we do.

WILLIE DESMOND: Which is option number I guess --

MARY O'GRADY: I believe it's 28.

WILLIE DESMOND: So that is this district right here.

District 28.

And so, again, the red dotted line is Commissioner Freeman's line in the black. The heavier line
is Commissioner McNulty's.

CHAIRPERSON MATHIS: And, Commissioner McNulty, did you create a fourth in Maricopa County or no?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: I just want to ask.

COMMISSIONER McNULTY: Yes, I just haven't finished it. I'll have to finish it tonight.

But in 29, moving the boundaries a little bit south in both ways, I think that works -- that becomes a -- an effective -- would become an effective majority-minority district.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Can I see the fourth majority-minority district that Commissioner Freeman created without that overlay? I'm having a difficult time --

WILLIE DESMOND: This one.

VICE-CHAIR HERRERA: Okay.

Can you -- can either -- could you just tell me what the areas are? Can you go into some detail?

WILLIE DESMOND: Sure.

So that's the census block that's being shaded by population.

Going into, I guess, the streets.

VICE-CHAIR HERRERA: Please.

WILLIE DESMOND: So it runs -- it follows
District 27, and it goes right along highway -- looks like 60, 89, 10.

VICE-CHAIR FREEMAN: Van Buren.

WILLIE DESMOND: Is that Van Buren?

I think it's Highway 60 right there.

Is that Van Buren?

VICE-CHAIR FREEMAN: Yes.

WILLIE DESMOND: And then it goes -- that's pretty much its southern border, east to west.

It goes north here, and it comes up against District 19 over at -- that's 35th Avenue.

It runs north on 35th Avenue until it hits Thomas Road.

Then it goes west until it hits 43rd Avenue.

It follows 43rd Avenue north until it hits Camelback.

Follows Camelback east until it hits 35th Avenue again.

Follows 35th Avenue north until it hits Northern Avenue.

Follows that east until it hits 19th Avenue.

Follows that south down to...

VICE-CHAIR FREEMAN: I think it's a canal.

WILLIE DESMOND: I think so too.

VICE-CHAIR FREEMAN: The Grand Canal.
WILLIE DESMOND: Yeah, Grand Canal Road.
Follows Grand Canal over until it hits 51.
And goes south on 51 until it hits Thomas Road again.
Follows Thomas Road to 48th -- I think that's 48th Street.
Yeah.
South just a little bit to Oak Street.
And then Oak Street over -- and it kind of runs along the border of Scottsdale and Tempe then. Again, until it hits 60, which is Van Buren.

VICE-CHAIR HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: What concerns me about this particular district is I think it incorporates the historic areas, some historic areas, if I'm correct. And if that's the case, if you're combining highly Hispanic areas with historic areas and trying to combine them into a majority-minority district, you'll run into the problem where you have an area within that district that votes often. And that will be the historic area.

And you will have the majority-minority area that is not as reliable. They don't vote as often.

So you may have a situation where the minority group in that area isn't, isn't able to elect a candidate of
their choice.

So I think you may run into that problem with that district.

WILLIE DESMOND: I think looking at this district, and looking at -- I don't have the data table loaded up here. If we switch to Commissioner Freeman's, maybe, the base, I think it does have a fairly strong Democratic number in District No. 28, and that is based off of election results.

So in District 28, the Republican in index two is 34 percent, so it is a strong Democratic district, which probably means that it would have a majority -- or ability to elect there.

COMMISSIONER McNULTY: I don't think that's the issue though.

I think the issue is in the primary. The issue is whether the -- I don't know this area, but I do know if it's anything like my own neighborhood, you know, the very high turnout White historic areas can easily dominate the lower turnout minority areas, and then you have a situation where in the primary they, you know, they don't get -- they're unable to elect their candidate.

I have a question about where this is in relation to the existing LD 14.

It looks a little like the existing LD 14 that DOJ
had issues with last time.

   Maybe it's just the configuration.

WILLIE DESMOND: I can, I can put on the existing layer.

MARY O'GRADY: And as background there, existing 14 obviously was precleared.

   But early on in the preclearance process last time, District 14 and 13 were two of the districts that DOJ initially expressed concern about.

   They had gone from -- at that point they -- District 14 was 50 percent and 13 was 51 percent.

   And they were created by dividing, by splitting a -- the benchmark, old benchmark, that had been a 65 percent minority.

   And so the Commission went back and bumped it up to -- it was ultimately precleared.

   And 14, which was a level of 58 percent in 14, and 55 percent in 13.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: And let me make it clear that I -- that it was great that Commissioner Freeman was able to create a fourth majority-minority district. So I think that's something we should strive to do if at all possible.

   But what I don't want to do is dilute that...
majority-minority district and not give them the ability to
elect someone of their choice by combining it with a
population that may overwhelm the majority-minority district
in terms of voting strength, and not -- and basically
preventing the majority-minority district from electing a
candidate of their choice in the primary and also in the
general election.

COMMISSIONER McNULTY: So, okay, so 14 is --
WILLIE DESMOND: Is this district.

It follows -- goes south here, and then the long
skinny part.

COMMISSIONER McNULTY: Okay. And those are the
White neighborhoods that were at issue in the -- when
Justice looked at that.

WILLIE DESMOND: When I turn on the census block,
you can see the racial makeup of the district.

MARY O'GRADY: And I'm not sure exactly what the
district looked like when DOJ had the concerns. We know
what it looks like when it was precleared.

We would have to go back and look at what it
looked like when they objected.

But there's been lots of changes obviously in that
area too.

WILLIE DESMOND: And this shading, again, is the
current population.
COMMISSIONER McNULTY: So what is 28 now?

WILLIE DESMOND: So if I turn off -- 28 looks like it's a combination of 14 and 15.

If I turn that off, you can see 28 is this area. If I turn it back on -- maybe it'll be helpful if I turn the label off here.

So District 28. Districts 14 and 15. Is that --

COMMISSIONER McNULTY: Yeah, that's what I was looking for.

Because that's kind of the issue, all the -- and then the middle of the district is not Hispanic at all, it looks like.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Is there any way you can bring up the current map, legislative map?

I think that particular -- that fourth competitive, fourth majority-minority district that Mr. Freeman was able to create, is very similar to 14.

WILLIE DESMOND: Yeah, this is the --

COMMISSIONER McNULTY: I think that's what he just showed.

VICE-CHAIR HERRERA: And they're not able to elect -- I don't think that -- and I could be wrong, but I
don't think they have been able to elect a candidate of their choice.

Is that correct?

MARY O'GRADY: They have elected minority candidates from there.

Not all minority candidates.

And we haven't checked to see whether the non-minority candidates were the candidate of choice of the minority community, but they have elected one Hispanic candidate consistently.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Ms. O'Grady, when you say one, when you say one Hispanic candidate, do you know in a span of how long?

MARY O'GRADY: I didn't bring my list of -- that list with me today. But I think fairly consistently there has been one Hispanic candidate elected from 14.

COMMISSIONER McNULTY: Well, so it looks like we have agreement on three of these, at least.

I'd be a little concerned about -- I'd like to understand what else is going on in Phoenix and what we're going to be able to accomplish, and see what configuration of the fourth majority-minority district would complement other objectives.
WILLIE DESMOND: And we, again I want to emphasize too, there is the fourth majority-minority, but we also think there should be a fifth with an opportunity to elect based off of the analysis.

Whether that's a plurality or a coalition, there needs to be another one on top of that.

And maybe a sixth, depending.

COMMISSIONER McNULTY: There were a couple possibilities in the map that I had prepared.

One is the Tempe, west Mesa area, and the other is -- let's see. I can't remember what the grid number is.

MARY O'GRADY: I believe it was 13 in far western Maricopa County, was an area where in both maps --

COMMISSIONER McNULTY: Around El Mirage and Surprise.

MARY O'GRADY: Thirteen and 29.

WILLIE DESMOND: Or 14?

Surprise is in 14.

Thirteen is parts of Glendale.

At least -- oh, yours goes up into El Mirage.

So, I'm going to turn off -- so 13 in your map is parts of Avondale --

COMMISSIONER McNULTY: It's in the west valley, yeah.

WILLIE DESMOND: Yeah.
COMMISSIONER McNULTY: It was 32.47 percent Hispanic.

WILLIE DESMOND: At this point I guess the question is how, how do we proceed from here.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: As I said before, we really can't compromise on the Voting Rights Act. So what I would like to do is adopt the Minority Coalition, those three -- excuse me, I wasn't using the microphone.

The three majority-minority districts in Maricopa County that was proposed by the Hispanic Coalition, and start working on a fourth, possibly fifth majority-minority district.

And what I'd like to do, create the fourth majority district using population west of 19th Avenue. I think there's a strong Latino population in that area, in a nice concentration, and also possibly a fifth using Tempe and east Mesa, as we did in the congressional map.

We can create a fourth and fifth majority-minority district using those two areas of population.

WILLIE DESMOND: And, that's fine.

It might be the case though that we're going to have to take from some of the Minority Coalition districts in order to get that fourth and fifth, because they are
awfully high.

VICE-CHAIR HERRERA:  Madam Chair.

CHAIRPERSON MATHIS:  Mr. Herrera.

VICE-CHAIR HERRERA:  I would -- I personally would
be okay with that as long as we try to keep the minority
coalition up as close to what they want as possible.

And if we can do that, maybe lower the HVAP
slightly on the ones that we need to, but, again, not
straying too far from the Minority Coalition map.

CHAIRPERSON MATHIS:  Would you all be comfortable
doing that?

I know your lines match that, Ms. McNulty, and
essentially Mr. Freeman's, because we're very close to
those.

COMMISSIONER McNULTY:  Madam Chair, in order to
adjust 29 to be -- to work as an effective majority-minority
district, it would be necessary to take some population from
the other three.  And I had worked on some ideas about how
to do that, but hadn't finished it, but I do think that
that's possible.

So they would also, they would all be
self-contained.  The changes would be self-contained.

CHAIRPERSON MATHIS:  Mr. Freeman.

VICE-CHAIR FREEMAN:  I think we demonstrated that
four can be created in this area of the Valley.
I mean, it may need some tweaking and fine tuning to make sure that they would pass muster.

I think on, speaking of option one, on District 19, the HVAP is -- which is, which is essentially the district proposed by the Hispanic Coalition, the HVAP is pretty high. I think it's 66 percent. And perhaps the population can be borrowed from that and put into District 13 on the map, which could form the basis of a coalition district.

That district includes sort of western Maricopa County, includes Buckeye and Goodyear and parts of Avondale.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Again, I would be in favor of the district that Mr. Freeman had created if it did not dilute Latino voting strength by creating those historic areas.

Again, if it did not do that, I would be in fair favor of that particular -- again, when you add the -- that White population of the historic areas, it does dilute the voting strength, so -- and we need to be aware of that.

CHAIRPERSON MATHIS: Do we know that for a fact that it's diluting the voting strength in that district?

MARY O'GRADY: No.

Not sitting here.
And I guess when I look at it, it seems that one of our other sort of plurality opportunity to elect, although they never elected all, they only elected one Latino candidate, although they elected in multiple elections, the opportunity to elect district was probably in that eastern Phoenix area, where I think Commissioner Freeman was attempting, in terms of rough approximation, was attempting to build a minority district.

CHAIRPERSON MATHIS: So I guess the other --

MARY O'GRADY: In addition to the Anglo areas that may be of concern to Commissioner Herrera, the other issue is what happening to these Hispanic voters who were in old 25, and if they're not in a minority district where are they.

When I look at the -- are they in a minority district where their vote is -- where they do have an opportunity to elect, or are they being taken out of a district where they have an opportunity to elect.

CHAIRPERSON MATHIS: Yeah, well, since we're just creating and trying things out, why don't we try what Mr. Freeman suggested, which essentially follows the Minority Coalition's lines, with an additional fourth district added on.

And we'll see, you know, how we can possibly create others, and, also how this works.
We're -- we don't have perfect information, as we know.

Until more analysis gets done on how these are drawn, we don't -- we're kind of going in the dark.

So we just have to try things and see how they fit together.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I would be in agreement with that, but I still want to, you know, state my grievance orally for the issues that I have with that particular district.

And I think I would also compare that particular district, which I think is 28 in Mr. Freeman's map, to the -- when the Navajo, Hopi were combined with the city of Flagstaff, we had sort of the same dynamic. You had overwhelming population, by Native American, but you had a, the city of Flagstaff that has a strong voting base, so they would dilute the Native American population.

And I see the same dynamic possibly happening in 28.

So, again, I want to raise my -- some of the concerns, but I would agree with you, again, that this is something that we're working on. I would agree to put it in with the map that Mr. Desmond is creating for us.
CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Madam Chair, just the thought that in terms of another coalition district, it might -- there might be an opportunity in rural Pinal County also, so I don't think any of us have the energy to do that tonight, but when we move on from the four majority-minority districts in Phoenix and think about coalition districts, that might be another place that we want to at least consider.

WILLIE DESMOND: We have looked at that.

Mr. Freeman is close to a coalition district with his 11, I guess, which is the -- I think it's 51 percent White.

So it's close.

The one thing we do want to make there is we did the prison report on that area. It was 18,000 people were in prison. So almost a tenth of the district is in prison. So that while there is a large minority population, it's likely a sizable chunk of that is incarcerated.

COMMISSIONER McNULTY: That doesn't work.

WILLIE DESMOND: That's something to keep in mind, whenever we're looking at the Pinal County districts. Especially if we wanted to make one of them a majority-minority, we have to be very careful about the prison population.
VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Yeah, I just want to thank Mr. Desmond for keeping that in mind. I know that's an issue that I think most of the commissioners are aware and also the public I think is concerned about that, so I appreciate you raising that issue.

WILLIE DESMOND: And that's something that Joe and Mary initially flagged.

VICE-CHAIR HERRERA: Well, thank you. Let me thank the -- our legal counsel as well.

CHAIRPERSON MATHIS: Okay. So did you -- you'll be adopting those three from -- well, actually four from Mr. Freeman, because the three are essentially the same as the submission from the Minority Coalition.

WILLIE DESMOND: And I don't know how you -- how everybody wants to -- I don't know how you guys want to proceed right now. I think it would be doable if I were to have a little time, to like draw up a map that would have those seven districts that we've kind of agreed to at least use as a merging point, ready to go right now.

You know, in maybe 20 minutes, half an hour.

And then you guys could -- we could either continue working tonight to try to find a fifth one in Maricopa, or -- I could hopefully send you on your way with
that, or I could probably e-mail that to you guys later this evening.

But however, however you want to proceed.

Mary has something to say also.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I would like to do that. If Mr. Desmond needs about 30 minutes -- you think 30 minutes would be enough?

WILLIE DESMOND: I think so.

VICE-CHAIR HERRERA: Take a quick break -- I'm actually hungry. And I don't want to eat the paper in front of me. So we could take a 30-minute break and come back and have the map that Mr. Desmond is presenting to us. I would be in favor of that.

COMMISSIONER McNULTY: I'm tired. I'd like to take a 12-hour break.

VICE-CHAIR FREEMAN: I would like to eat too, in my house.

CHAIRPERSON MATHIS: Okay. Well, it's 7:00 o'clock, so . . .

COMMISSIONER McNULTY: Let's make that a 14 and a half hour break, to correct myself.

VICE-CHAIR HERRERA: Madam Chair, just one quick thing.
I think -- and this is just my -- from my side. I missed football practice because of this, and I want to make sure that we are able to get as much done as possible tonight.

And I understand that we're all tired and hungry and we prefer to go home, but if we can get as much done tonight and not have to meet Saturday and/or Sunday, that to me -- that would be -- I think that would be ideal as opposed to going home and with a possibility of having to meet again further tomorrow and Friday and then Saturday and Sunday.

But that's -- again, I understand we're all tired and hungry, but I would be willing to do that.

CHAIRPERSON MATHIS: Okay. Other thoughts on that?

COMMISSIONER McNULTY: Request to sleep.

Yeah, I don't think -- you know, what I can do tonight, what I have left tonight is, is not enough to assure you that we wouldn't have to meet Saturday or Sunday, I don't think.

I'm beat.

CHAIRPERSON MATHIS: Okay. Do we want to go -- I definitely -- I don't think having Mr. Desmond work for a half hour and us coming back is an option.

So it's either we do a little bit more now and
then adjourn for the evening, or we adjourn now. But I
don't want to do a break and come back.

COMMISSIONER McNULTY: Do we have public comment?

CHAIRPERSON MATHIS: Yes, we have three.

Four, sorry. Four.

If they're here.

WILLIE DESMOND: I think there's an executive
director's report too.

CHAIRPERSON MATHIS: Yeah, is Ray here?

Oh, okay.

Mr. Freeman.

VICE-CHAIR FREEMAN: I would just suggest maybe we
do the executive director report and take some public
comment and adjourn for the evening.

CHAIRPERSON MATHIS: Mr. Bladine.

RAY BLADINE: I just have a couple things I wanted
to bring to your attention.

We have made arrangements for backup locations for
Saturday, Sunday, Monday.

Saturday, Sunday would be at the Sheraton Phoenix
Airport Hotel, which is actually in Tempe, just down the
street.

And we had that as a tentative, and I guess I'm
asking a start time at 9:30 on Saturday, perhaps
1:00 o'clock on Sunday.
And then Monday we would be in Tucson. And we also have Four Points Sheraton University Park, 1900 East Speedway, located for Tucson on Monday.

So if you're all -- unless there's something different, we'll go ahead and tie those dates down.

And if you don't need them, we'll cancel them, but at least we'll have them posted for action. I guess for Saturday we have to post tomorrow before 9:30.

So I'll get a generic posting for discussion and mapping.

The second thing is the second round of public hearings, and I hate to bring these up because they make me tired looking at them, so I've got to think they make you tired too. Kristina I think late today sent you out a revised second round. It's pretty much what she sent you I think the day before yesterday, but we got more specific facilities tied down.

The main thing that we wanted to ask you to do, if you can, is to please let us know what meetings you can cover so we make sure that we don't set meetings that we won't have a commissioner able to attend.

And I think those are really the -- unless Kristina wants to add something, I think that's really it.

She made good progress today with the staff to tie down locations.
I think she maybe has, looking at her list, five or six that aren't confirmed, so we're doing pretty well on that.

CHAIRPERSON MATHIS: Good.

RAY BLADINE: Any questions?

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I don't have any questions other than thanking Ms. Gomez for all the work she's done on securing those locations and getting as many of the second round public hearings scheduled. So, I know it's a lot of work, so thank you.

CHAIRPERSON MATHIS: And on those future meeting dates, they sound -- the times and places all sound good. I think we need to schedule for Saturday, Sunday, Monday.

RAY BLADINE: We'll do.

Thank you very much.

CHAIRPERSON MATHIS: Any other questions or comments from anyone? Okay.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I do have a question for Mr. Desmond.

The -- those -- the three -- actually the four majority-minority districts in Maricopa County that we're basing it on Mr. Freeman's map, what I want to know is it
possible to use the Minority Coalition's exact maps and
still use that Legislative District 28 that Mr. Freeman
created?

So the exact same map that the Coalition provided
us with Legislative 28 that Mr. Freeman created. Is that,
is that a possibility?

WILLIE DESMOND: I don't, I don't think to use the
exact.

We were just discussing -- discussing one thing
that we -- so I believe it is District 28 on this map, 29.

Twenty-nine on Commissioner Freeman's map is
slightly different than the majority -- or the Minority
Coalition's.

And it has -- the other ones are also slightly
different, but more closely follow their numbers.

District 29 might need to be bolstered a little
bit, in Commissioner Freeman's, in order to get it a little
closer to the benchmark.

But I think part of that, that -- the conflict
between -- the reason that his is a little lower is because
part of it does go to 28 to make that another
majority-minority.

So there is a chance that we're going to have to
reshuffle these a little bit, but I don't think it's
possible to take the three majority -- the three Minority
Coalition districts and also have 28 be a minority -- or a majority-minority district.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I would prefer to do that, to be as -- to get a -- those three majority-minority districts as close to the Minority Coalition's map as possible, and then create -- using that in creating Commissioner Freeman's Legislative 28 majority-minority district. I think that would make more sense.

As I said, I want to honor the request. And, again, there's really not much compromise on these majority-minority districts.

I would like to see if it's a possibility.

CHAIRPERSON MATHIS: Mr. Freeman, would you be open to that?

VICE-CHAIR FREEMAN: No.

CHAIRPERSON MATHIS: Okay. Then we'll go with Mr. Freeman's as they're drawn for now and we'll see how that works in the map.

WILLIE DESMOND: Okay.

CHAIRPERSON MATHIS: So is there anything else on the legislative that we need to talk about for Mr. Desmond? Do you guys have any comments for us that you think we need to be thinking about or considering.
WILLIE DESMOND: I guess my question would be, assuming I have this map done -- are you likely to load this map and start working with it tonight, or is it something that needs to be done for tomorrow morning? Just -- that's a selfish question. Because there's a baseball game that I want --

CHAIRPERSON MATHIS: That's what I thought.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: If we're leaving because we're tired, then I suspect that we probably don't want to look at maps tonight.

WILLIE DESMOND: Well, I have no problem looking at maps tonight. I'm just wondering if this is something that you guys need in the next hour or if it's something that I can get you later tonight.

COMMISSIONER McNULTY: I don't need it in the next hour.

VICE-CHAIR HERRERA: I don't need it in the next hour.

CHAIRPERSON MATHIS: You don't?

Okay.

So we don't need it in the next hour.

WILLIE DESMOND: Okay. Well, then I'll have it, I'll have it for tomorrow morning. We'll have a map that
will have the original grid lines, except for seven
districts that are majority-minority districts.

CHAIRPERSON MATHIS: Uh-hmm.

WILLIE DESMOND: And so there will be parts that
are unassigned and parts that are underpopulated. We can
work on adjusting those, the rest of that, tomorrow, and,
again, finding a fifth district in Maricopa that's either a
plurality coalition or a strong ability to elect.

CHAIRPERSON MATHIS: Sounds good.

WILLIE DESMOND: Probably the first priority.

And then from there, you can go over all the other
lines.

CHAIRPERSON MATHIS: Okay.

Ms. McNulty.

COMMISSIONER McNULTY: Do you have tickets to the
baseball game?

WILLIE DESMOND: I have a ticket, yes.

COMMISSIONER McNULTY: We need to let Mr. Desmond
go.

WILLIE DESMOND: It's all right, it's all right.

COMMISSIONER McNULTY: No, it's not.

WILLIE DESMOND: It shouldn't be a consideration.

COMMISSIONER McNULTY: It's not all right. You
need to go.

CHAIRPERSON MATHIS: Anything from legal counsel
on that?

MARY O'GRADY: No.

CHAIRPERSON MATHIS: Okay.

Okay. Then, let's check the agenda --

COMMISSIONER McNULTY: Madam Chair, do we need Mr. Desmond here for public comments?

CHAIRPERSON MATHIS: I don't think so.

Although -- you know, I don't think anybody is wanting to present a map.

Let me just. . .

WILLIE DESMOND: All right. I'll just check.

Buck, are they -- are we allowed to leave our stuff here for the night? Are we in the same room?

BUCK FORST: Yes.

WILLIE DESMOND: Okay. Have a good night. Thank you.

CHAIRPERSON MATHIS: So our next -- is there anything on the attorney general inquiry?

(No oral response.)

CHAIRPERSON MATHIS: Okay. So agenda item six we have covered.

And that leaves us with just a few more public comment, and then we'll adjourn.

So my first one is Richard Tracy from Mesa.

(No oral response.)
CHAIRPERSON MATHIS: We think he left.

Shirley Dye, representing self, from northern Arizona.

SHIRLEY DYE: Commissioners, Shirley DYE. From Payson.

And I am in obvious support of version -- option number one of version 8A.

The reason being twofold.

Let me start out discussing option number two.

Option number two splits Gila County into District 6, District 12, and District 7.

And that's too reminiscent of the three supervisory districts we have just completed where we were -- have been working very, very hard to tie the northern part of the county and the southern part of the county together as a unit. Over the years there's been some hurt feelings, and we finally worked through all that.

And to see our county and Legislative District 5, as we have known it, split into three and even four different districts, is really a horrifying thought.

We've built relationships.

The rural Arizona of the District 5 of option number one. It does -- I know you were supposed to start from scratch. However, this does -- the Graham, the Greenlee, the Navajos, the Apaches, and Gila County, is
very, very well balanced with your ethnic minorities.

We have Hispanics. We have Native Americans. We have Whites. We have some others. We even have some Koreans and Chinese, especially up in the Gila County area and in the White Mountains areas.

And we have very, very similar communities of interest, very, very similar economic issues, tourist issues, and all that.

As far as the rest of the map goes, going back to option number two, it looks very, very gerrymandered to me.

I do agree, and I'm just really sorry we haven't gotten some more of our San Carlos Apache to these meetings, but because the Navajo says the White Mountain -- the San Carlo Apaches want to be with them doesn't necessarily make it so.

And just because Mr. Titla has come here, and to the Pinetop meeting, and said it is so does not make it overall so.

So keep that in mind.

In working with the -- we just did our redistricting. We've been working a lot with the San Carlos Apache, and the Tonto Apache, which is right up by Payson, in working with our redistricting, so we have been talking to them.

The fact that -- I've been networking. I went to
the Flagstaff public meeting before, I went to the Pinetop public meeting, and I went to the Prescott public meeting. I went to all three of them, and I listened really well. And I have lots of people out there that I do network with, and I have heard and you had -- Friday you had a gal down here, Joy, who was talking about that the majority of Flagstaff people don't necessarily agree with what your Flagstaff Forty people have been telling you. And there are a lot of other people that do want Flagstaff to be separated out from the Navajo Nation that they have been with over the last ten years. So, I agree that option number one, placing Coconino and Yavapai in the same district, makes a very, very balanced district. Politically, if you are looking at competitiveness, more so than the item -- the option number two, which really runs -- number six kind of gerrymandered through there. And so, so those are the issues that I am obviously most concerned with.

On the other hand, the Voting Right Act -- Rights Act does not guarantee that you can elect a more -- majority -- minority candidate. It just says you have the right -- your right to elect cannot be diluted. And so diluting memorial -- diluting minority rights in different areas I can see. But taking on and
trying to create new districts when there's not
necessarily -- they don't already necessarily exist, or
they're way spread out and you're trying to capture these
people to make them a minority district, that to me doesn't
seem altogether right.

So -- let's see, what else was I going to say.

I would like to see what would happen if you took
the Yuma sector, the blue and the green there, and maybe had
two vertical districts.

I know maybe geographically that wouldn't work.

But I would like to see the line up so that you
can have more border representation with legislative
districts.

So if you could try to do 14 and 4 vertically
instead of horizontally, so that there is -- and see how
you could -- I wish, I wish, I wish your gentleman had not,
um, left, because I very much would have liked to see from
option number two, you know, where you take their area here
and keep this county area together, and this here area here
and just see how you could do that so you would have more
representation on border issues.

I also think this area of Cochise down here where
you picked up Bisbee and Douglas, I think that's
gerrymandering.

And trying to take away from the Cochise County as
a whole county, I really like the whole county -- counties concept, and I think that that's why I prefer option one way better than option two.

But if you're looking at the southwest corner of the state there, I'd like to see the two vertical districts instead of horizontal. See how that could look.

I think that's it.

I'll let you know tomorrow if I have something different to say.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Kelly Townsend, Greater Phoenix Tea Party, from Gilbert.

KELLY TOWNSEND: You need me to spell my name?

T-O-W-N-S-E-N-D. Kelly Townsend.

And I am here to talk some more about Gilbert tonight. First I wanted to thank you guys. It looks like it's Congressional District 5 that's in this proposed map.

Thank you very much for keeping Gilbert intact. And with that, it looks like it went up Mesa Drive, like we had talked about, so that's fantastic. Thank you.

VICE-CHAIR HERRERA: Madam Chair, just to clarify. Are you referring to which map? The --

KELLY TOWNSEND: Well, unless I missed something, because we've been kind of dealing with another issue, but
the Commission approved congressional draft map.

VICE-CHAIR HERRERA: Thank you.

KELLY TOWNSEND: Okay. All right.

And then now concerning legislative districts, right now apparently Legislative District 22, which has been primarily all of Gilbert, Gold Canyon, some of Apache Junction -- I don't think -- yeah, a portion of Mesa.

But as you guys know, Gilbert was one of the fastest growing towns in the country, if not -- I think it was the fastest growing town. And so now I think it's actually the population is too large to be contained into one legislative district, which my understanding is 213,000.

And so the town residents number approximately 208,000, which leaves a 5,000 difference, and I know we have to have at least that in our county islands.

So we understand that Gilbert's going to have to be split.

The question is where.

And just looking at a couple maps, one -- I can't tell the streets, but it looks like Gilbert's split directly in two, north and south.

Commissioner Freeman's map, however, keeps, keeps Gilbert as a community of interest, but then it was brought up that it's possible that there's three school districts in there. They split three school districts.
So I just wanted to make some recommendations, if you look at that. I know you're not to that area yet.

But when you get to that area, to give you a little geographic information about that, the 202 was recently completed down there, and Power Ranch is south of the 202, south of Germann if I'm correct.

So if you're going to look at the south border of what this district would look like, Germann Road would be one of the options. Geographically the 202 would be an obvious, but we've had a lot of residents say we want it to go down at least to Germann, which isn't much more south than the 202.

And the other thing is where is, is the Higley School District. And I can get that information to you guys from the next meeting. But what was brought up was there's Gilbert Unified School District and then there's Higley School District, which I do believe Higley is also south of the 202 and from Higley east and south of the 202.

So I'll find that out and get that to you as well. And then the natural boundaries are Power Road to the east is dividing Mesa and Gilbert.

Baseline to the north, over to Gilbert Road, going down on the west side.

And Gilbert Road kind of does its own little gerrymandering for the town anyway.
So, but most -- what we need to look at the most is that southern boundary, what would make the most sense. And I am also -- I'm working really hard to get the county islands. Do you guys have that with the county islands population is?

You have that already?

Okay. So you don't need to have that.

So I'm sure that your mapping guy can figure that out, but we would just -- what the residents are asking for is somewhere Germann and south to be in another.

And the other point I wanted to make too about that, is that community, the Power Ranch community, just naturally goes into Queen Creek. They're very agricultural. It's very hard to tell the difference between the two.

So, I think that's it for now.

But I just wanted to thank you again, and then to try and ask you again to keep Gilbert as a community of interest together in one legislative district.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Linda Milhaven, vice mayor, city of Scottsdale.

(No oral response.)

CHAIRPERSON MATHIS: She left. Okay.

So that's the end of public comment.
Out of request to speak forms.

Thank you all for your, your -- for coming out tonight and for your comment.

That leaves one item left on the agenda, and that's adjournment. So I'll declare this item -- this meeting adjourned.

The time is 7:20 p.m.

Thank you.

(Whereupon, the meeting adjourned.)

* * * * *
STATE OF ARIZONA  ) ss.
COUNTY OF MARICOPA  )

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 150 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 11th day of October, 2011.

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