

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Friday, October 7, 2011
9:38 a.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
Richard P. Stertz, Commissioner

Ray Bladine, Executive Director
Buck Forst, Information Technology Specialist
Karen Herrman, Public Outreach Coordinator

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

Reported By:
Marty Herder, CCR
Certified Court Reporter #50162

1 Tempe, Arizona
2 October 7, 2011
3 9:38 a.m.

4
5 P R O C E E D I N G S

6
7 (Whereupon, the public session commenced.)

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

11 The time -- the date is Friday October 7, and the
12 time is 9:38.

13 Let's begin with the Pledge of Allegiance.

14 (Pledge of Allegiance was recited.)

15 CHAIRPERSON MATHIS: Let's start with roll call.

16 Vice-Chair Freeman.

17 VICE-CHAIR FREEMAN: Here.

18 CHAIRPERSON MATHIS: Vice-Chair Herrera.

19 VICE-CHAIR HERRERA: Here.

20 CHAIRPERSON MATHIS: Commissioner McNulty.

21 COMMISSIONER McNULTY: Here.

22 CHAIRPERSON MATHIS: Commissioner Stertz.

23 COMMISSIONER STERTZ: Here.

24 CHAIRPERSON MATHIS: We have a quorum.

25 Other folks around the room, our legal counsel are

1 Joe Kanefield and Mary O'Grady. Our mapping consultant,
2 Willie Desmond.

3 Our staff, Buck Forst, our chief technology
4 officer. Karen Herrman is our public outreach coordinator.
5 Mr. Bladine, who is our executive director, and Kristina
6 Gomez, our deputy executive director, are all here today.

7 Thank you for being here.

8 And the next item, we thought we'd actually first
9 take some public comments, even though public comment comes
10 later. We'll have public comment at the end of the day,
11 too.

12 But I thought we need to go ahead and get some of
13 these out of the way now since they're here.

14 If I could remind everyone to speak directly into
15 the microphone when your name is called, and to spell your
16 last name for the record so that we get an accurate
17 accounting.

18 And I neglected to mention our court reporter,
19 Marty Herder, is here today taking a transcript.

20 Our first speaker is Jim Lane, Mayor from the City
21 of Scottsdale.

22 JIM LANE: Thank you, Chair. And first order of
23 instruction, speak directly into the microphone.

24 But thank you very much.

25 And incidentally, I want to thank the Commission

1 for accepting our invitation to have a hearing in
2 Scottsdale. Looking forward to that. Thank you very much
3 for that. Thank you for all your work.

4 At this point I realize it's been trying and
5 sometimes lengthy, and I understand we got a little bit of a
6 break last night for the game or something, but
7 nevertheless, it was good that you were able to do that.

8 You know, I also want to thank the progress that's
9 been made, at least from what I've seen on option 1 and
10 option 2 on the legislative district as impacts Scottsdale
11 and maintaining community interest, and, of course, our
12 political boundaries and graphic boundaries.

13 But I wanted, if I could, just real quickly, if
14 it's all right with the Chair and Commission, if I could ask
15 that the map for the legislative district options be put up
16 on the overlay of the political boundaries, if that's
17 possible.

18 CHAIRPERSON MATHIS: I think it is. I think
19 Mr. Desmond is pulling it up now.

20 JIM LANE: Very good.

21 I think that the focus will be on, you know, going
22 to have to -- this being option one; is that right?

23 WILLIE DESMOND: Correct.

24 JIM LANE: I -- I would only plead that on the
25 basis of just the continuing keeping Scottsdale together,

1 there's a small section up there to the, what would
2 constitute sort of the northwest portion, which was cut out,
3 and our southern boundary, as areas that we would love to,
4 just from the standpoint of completion, get those within our
5 same district.

6 So that's a pleading on the part of -- if there's
7 a modest adjustment that can be made to that option, we
8 would certainly appreciate that. I think it would be
9 entirely consistent with the goals of the redistricting. So
10 just if you take that and note.

11 And the other is a legis -- I'm sorry, on the
12 congressional option that's on the table, I just want to
13 take a quick look at that, and really, the only element
14 within that is something that has been consistent and
15 certainly feel that it is a community of interest for us,
16 and has been, and that is Fountain Hills, to our immediate
17 east, has always been with us in that. And I would say
18 certainly it fills, too, some of the community interest and
19 also sort of long-standing relationship as far as our
20 interest in Washington, and, of course, a congressional
21 district.

22 I would also ask that some consideration be made
23 for that.

24 I don't know what the trade-off might have to be,
25 but if that can be incorporated, we certainly think that's

1 entirely consistent.

2 There is a portion in the -- in south Scottsdale
3 was cut out. It has been for a number of years. I would
4 like to, you know, bring our people home, so to speak, if
5 it's possible. I certainly would love to have some
6 consideration for that as well.

7 And that's really all I've got to say.

8 And again, I want to thank you all very much for
9 the work you're doing and appreciate the progress. And
10 we're looking forward to seeing you in Scottsdale.

11 CHAIRPERSON MATHIS: Thank you. We look forward
12 to coming.

13 Any questions for the Mayor before he departs?

14 (No oral response.)

15 JIM LANE: Thank you very much.

16 CHAIRPERSON MATHIS: Thank you very much.

17 Our next speaker is Art Jacobs, representing self,
18 from Tempe.

19 ART JACOBS: Good morning. I'm Art Jacobs from
20 Tempe, Arizona.

21 How come I don't see this map on the Internet?

22 How come I don't see that explosion on the Internet?

23 Can someone explain that to me?

24 CHAIRPERSON MATHIS: I don't know the answer to
25 that. Is it on the Internet, Scotty? It's on our website.

1 ART JACOBS: How do you explode it like you did
2 just then? Tell me, if you don't mind. You can tell me
3 later.

4 I just want to tell you that when I look at the
5 maps now that you have up there on the Internet, they all
6 deal with competitive interests. I don't see anything about
7 communities of interest.

8 And my concern is when you start, uh, uh,
9 finagling or moving to get competitive, then you disturb
10 another part of the community.

11 And you need to keep the communities of interest
12 involved.

13 Like if you split Tempe.

14 Now you've done me a disservice.

15 If you want to know how, I'll tell you.

16 I've lost some power. Because there's not as many
17 of us as there use to be.

18 So when you -- when you just strictly look at
19 competitiveness, you're -- you're -- you're -- you're
20 creating the same problem that you're trying to solve.

21 I think it's -- it's a myopic view.

22 You don't see the whole picture. You see what
23 competitiveness is, but you don't see my interest, or
24 someone else's interest in Mesa or Scottsdale, just like the
25 Mayor said.

1 He had this one little place up here he wants
2 taken care of. And that's because that's a community of
3 interest to him.

4 And when you took that out, you harmed Scottsdale.

5 So, I just ask you to reconsider what you're doing
6 here. I have no idea. Because I can't look at the maps
7 like he does. And I want to figure out how to do that.
8 Then I may be able to come back and tell you a little bit
9 more.

10 Thank you for your time.

11 CHAIRPERSON MATHIS: Thank you.

12 ART JACOBS: Can you tell me how to do that
13 quickly in the time I have?

14 RAY BLADINE: I'll be glad to show him how to use
15 what's on the Internet.

16 CHAIRPERSON MATHIS: That would be great. Thanks,
17 Mr. Bladine.

18 Our next speaker is Jim March, 2nd Vice Chair Pima
19 County Libertarians.

20 JIM MARCH: Hi folks. You've got an interesting
21 challenge ahead of you, and one of the things people may
22 start to complain about is what he just said, inadequate
23 access to information.

24 I think there's a couple things that you need to
25 tell the staff to do.

1 There are a lot of weird abbreviations. For
2 example, you'll see something called a comp chart. What is
3 a comp chart?

4 Competition, competitiveness, compensation? Turns
5 out it's competitiveness.

6 But you don't see that. And that's a particular
7 piece of jargon unique to this process.

8 And, unfortunately, your consultants have done a
9 lot of that. You need to tell them to cut that out.

10 Because if there's no information, if there's
11 information being presented in a specialized jargon-filled
12 way the normal public can't keep up with, then a very good
13 case would be made later that there's inadequate public
14 feedback into the process.

15 Now you're heading into a critical period when
16 public feedback from the two draft maps is going to be taken
17 in. And that's the time you really have to have your
18 broadcast of this information rock solid.

19 So you need to tell the consultants no jargon. No
20 specialized abbreviations that are found in no other field.
21 They need to stop that.

22 The other thing on the maps. High resolution,
23 straight PDFs would be highly appreciated. Okay?

24 Granted, people can't edit them, but a lot of
25 people are not interested at this point in editing maps so

1 much as looking at what is being decided, and commenting on
2 that result. On commenting on that basis.

3 So if they can, do very high resolution PDFs.

4 They take a little longer to download, but
5 everybody has the tools to load those and zoom on them and
6 see it on a street-by-street level what's going on.

7 So you can tell the mapping consultants high res
8 PDFs, particularly of the legislative districts, would be
9 highly appreciated.

10 In general, one more example. One that I've
11 harped on before, a map of where the prisons really are.
12 Because I know you're more up to speed on that than you were
13 well over a month ago when you produced a map on the
14 overhead that showed just two stars for prisons in Pinal
15 County.

16 Well, I'm sorry, we know that's not correct.

17 So updated information on where the prisons are,
18 by type, federal, state, private, and federal detention
19 facilities may be handled under another category.

20 So we need that.

21 We need information.

22 If we don't have information that's in a publicly
23 understood language, rather than specialized jargon, then
24 people's ability to provide feedback to this Commission is
25 going to be curtailed, and that's potentially one of the

1 things that can get you in trouble, and I don't want to see
2 that.

3 So your help in that area and your direction to
4 the mapping consultants would be highly appreciated.

5 Thank you.

6 CHAIRPERSON MATHIS: Thank you.

7 I think our mapping consultant heard that, so
8 we'll ensure we make it very clear on our website what a
9 specific file is. Instead of his example comp, it would say
10 competitiveness, if that's what it is.

11 WILLIE DESMOND: Comp is actually the plan
12 components report.

13 CHAIRPERSON MATHIS: So comp is for components?

14 WILLIE DESMOND: The competitiveness report is, I
15 believe, labeled competitiveness.

16 That's probably just something when you open the
17 files, and you look at them, I believe it says in the title,
18 in the file, I think that's just an abbreviation posed on
19 the website.

20 JIM MARCH: Not always.

21 WILLIE DESMOND: All right. We'll work to improve
22 that.

23 CHAIRPERSON MATHIS: Thank you.

24 COMMISSIONER McNULTY: Madam Chair.

25 CHAIRPERSON MATHIS: Yes, Ms. McNulty.

1 COMMISSIONER McNULTY: I think we need to have a
2 separate folder for the congressional what-if files, and a
3 separate folder for the draft congressional maps, so people
4 know right where to go.

5 WILLIE DESMOND: That is, if you look, there is a
6 separate folder for draft map.

7 COMMISSIONER McNULTY: Okay. It's a little
8 confusing to me when I open it up, I went to click when
9 we're talking it out there, and if we could have maps very
10 clear and a sub-folder for congressional and draft map, and
11 maybe a separate sub-folder for prior what-if maps,
12 something like that, so people can know.

13 WILLIE DESMOND: Okay. We can work to make that a
14 little better.

15 CHAIRPERSON MATHIS: Thank you.

16 Our next speaker is Bill Engler, and you'll have
17 to tell us who you're representing and where you're from.

18 BILL ENGLER: Thank you, Madam Chair.

19 I am representing myself this morning, and I live
20 in Anthem. First name is Bill. Engler, E-N-G-L-E-R.

21 Madam Chair, Commissioners, thank you for the
22 opportunity to again speak on competitiveness.

23 I have looked at your congressional map.

24 I applaud you for that effort.

25 I think it's a measure of the good job that you've

1 done by the public outcry from elected officials.

2 When you were appointed, it was per voter
3 initiative that wanted to keep politics out of the process,
4 and I think you've accomplished that.

5 And again, I believe you've done a great job with
6 the congressional districts. I hope they don't change too
7 much.

8 I believe you did address a concern I told you
9 about earlier, that the people in Anthem were not well
10 represented by where it looked on the map before, but now
11 you have us in a congressional district that is mostly
12 Maricopa County. I applaud that.

13 As I said, I live in Anthem.

14 I'm looking at the what-if scenario for option 2
15 on the legislative grid map, and on that particular map you
16 put the portion that I live in at Anthem into Legislative
17 District 15, which is mostly a rural district. Again, does
18 not reflect -- does not reflect the area that I live in.

19 I am an activist in the Democratic party. And
20 where we go for our meetings is all to the south of me.

21 Granted, I live in the northern part of LD 6,
22 which is where I live right now, but putting us up in that
23 area, in that rural area, it's going to make it very
24 difficult for people in northern Maricopa County to go to a
25 legislative district meeting, whether they be Republican or

1 Democrat, because of just that vast area.

2 I think that could be addressed in your later
3 deliberations, where you would still have equal population,
4 equal community of interest, but like I said, I think that
5 the people in my community would be better served by looking
6 south at a legislative district rather than looking north
7 and west.

8 I thank you again for the opportunity, and
9 continue the good work.

10 CHAIRPERSON MATHIS: Thank you.

11 Our next speaker is Eddie Cook from the Town of
12 Gilbert, Councilman.

13 EDDIE COOK: Good morning, Madam Chair and
14 Commissioners. Thank you very much for allowing me the
15 opportunity to speak on behalf of the community of the Town
16 of Gilbert.

17 And thank you for all of your hard work.

18 I know that there's many hours and many, many,
19 probably endless nights where you work very hard to put
20 together the many, many different maps that are out there.

21 Last night at our Town Council meeting we had a
22 resolution that was unanimously voted on.

23 I believe that you may have a copy with you, and
24 what I'd like to do is actually read that resolution and
25 have it put in the records.

1 Again, I'm speaking on behalf of the Mayor and the
2 Council and the community of the Town of Gilbert.

3 This is resolution 3095.

4 A resolution of the Mayor and the Town Council of
5 the Town of Gilbert, Arizona, approving the adopting support
6 for the IRC proposed map Legislative 9, Minority District,
7 option 1, version 8A, and urging the Independent
8 Redistricting Commission to honor the Town of Gilbert's
9 input into the creation of legislative districts.

10 Whereas, the Arizona Constitution requires the
11 creation of a five-member Independent Redistricting
12 Commission to redraw congressional and legislative district
13 boundaries to equalize district populations, following each
14 decennial U.S. census.

15 And whereas, on July 15th, 2011 the Independent
16 Redistricting Commission announced it's desire to seek
17 public input from around the state on redistricting
18 boundaries preferences to A, in the development and prior to
19 the assurance of any Commission maps; and whereas, the
20 Independent Redistricting Commission is currently working on
21 finalizing and adopting a legislative district map, and
22 issued on its website, What-If Legislative 9, Minority
23 District, option 1, version 8A, and What-If Legislative 9,
24 Minority District, option 2, version 8A; and whereas the
25 Town of Gilbert, incorporated in 1920, as a population of

1 approximately 215,000, and represents a thriving and
2 family-oriented community with a unique small town character
3 and engaged citizenry in the southern eastern portion of
4 Maricopa County; and whereas, the Town of Gilbert represents
5 the fastest growing region in the Phoenix metropolitan area;
6 and whereas, the Town of Gilbert believes that in order to
7 best protect the interest of its residents, the Town would
8 like to offer public input to the Independent Redistricting
9 Commission.

10 Now, therefore, be it resolved by the Mayor, John
11 Lewis, and Town Council of the Town of Gilbert, Arizona, as
12 follows:

13 Section One: That the Town of Gilbert supports
14 the IRC proposed map, Legislative 9, Minority District,
15 option 1, version 8A.

16 Section Two: That the members of the Town Council
17 and Town staff are authorized and encouraged to take
18 appropriate actions to urge the Redistricting Commission to
19 adopt IRC proposed map Legislative 9, Minority District,
20 option 1, version 8A.

21 Passed and adopted by the common Council of the
22 Town of Gilbert, Arizona, this 6th day of October, 2011.

23 Signed by Mayor John W. Lewis.

24 Thank you very much.

25 CHAIRPERSON MATHIS: Thank you.

1 Our next speaker is Leonard Gorman, executive
2 director of the Navajo Nation Human Rights Commission.

3 LEONARD GORMAN: Good morning, Madam Chair,
4 members of the Commission and staff.

5 I just want to comment on the mapping and the
6 Navajo Nation's iteration that was part of the discussion
7 yesterday along with the two maps, option 1 and 2A.

8 The first one is that the Navajo Nation has
9 expressed its concerns and recommendations in order for the
10 Arizona Independent Redistricting Commission to satisfy the
11 requirements of The Voting Rights Act. And the Navajo
12 Nation is aware that the IRC is well aware of the need to
13 meet the threshold numbers. And we certainly appreciate
14 that recognition.

15 And it is important for not only the State of
16 Arizona, but also for the, in particular, for Navajo voters
17 to ensure that those numbers are appropriately satisfied,
18 and that in order to have this Commission to satisfy that
19 concern, and be able to pass preclearance the first try, you
20 must include the White Mountain Apache and the San Carlos
21 Apache.

22 The Navajo Nation has made meticulous effort to,
23 if you will, discover alternative avenues, and find ways
24 that you could be able to satisfy that threshold.

25 We ran a map last night that picks up along the

1 same concept that was used to extract the Hopi Nation from
2 the interior part of the Navajo Nation ten years ago for the
3 congressional district.

4 We tried to find the river channel down the west
5 side of the state of Arizona.

6 We couldn't accomplish that.

7 There are a variety of voting census blocks that
8 present odd shapes, and pick up a variety of populations.

9 We didn't find that there was a river channel that
10 we could use in which our representatives and our senator
11 could travel about in a boat to visit with the Colorado
12 River Indian tribe along the Colorado River. It won't
13 happen.

14 As far as the voting age population is concerned,
15 we fall relatively low of the threshold number, and it can't
16 be achievable.

17 So in turn, it goes back to the -- the scenario
18 which was submitted into the record yesterday afternoon,
19 that in order for Navajo Nation to find satisfaction in your
20 proposal to pass the preclearance, you have to include the
21 White Mountain Apache and the San Carlos Apache to achieve
22 that mark.

23 Now, we've also had the opportunity to invest a
24 lot of time and effort from the Navajo Nation to encourage
25 all indigenous nations in the state of Arizona to become

1 more and more aware and participate in your meetings, which
2 is absolutely important to the state of Arizona, and the
3 voting public in the state of Arizona.

4 And we certainly don't talk on behalf of the rest
5 of the indigenous nations, but just for your information, we
6 have made every effort, even to this morning, to encourage
7 all tribal leaders to participate in your discussions and
8 submit maps where necessary, submit letters to this
9 organization, to express their preferences and their
10 recommendations.

11 And again, I'd like to make it known for the
12 record, that no one from any one of the 22 or 21 indigenous
13 nations in the state of Arizona has expressly opposed by
14 letter, verbally, the Navajo Nation's iterations that were
15 originally submitted from the time we entered public
16 hearings.

17 As a matter of fact, there has been encouragement
18 that they act immediately the day after the meeting that you
19 had at Heard Museum, in which in the tribal leaders meeting
20 that indigenous nations need to support one another in this
21 effort.

22 So I just wanted to make that as a part of the
23 record, too.

24 So thank you.

25 CHAIRPERSON MATHIS: Thank you very much.

1 Our next speaker is David Cantelme, representing
2 Fair Trust from Cave Creek.

3 DAVID CANTELME: Good morning, Madam Chair and
4 members of the Commission. I would like to ask indulgence,
5 if I might, and that is that the approved congressional map
6 be brought up, because I have a few comments about it.

7 Willie?

8 CHAIRPERSON MATHIS: And it's an approved draft
9 map.

10 DAVID CANTELME: True. That's true.

11 Just the statewide map is good.

12 Members of the Commission, again, thank you for
13 the opportunity to speak to you and appreciate your
14 willingness always to listen to what I have to say. And I
15 do want to point out, however, there was a mugging in this
16 room on Monday and the victim was competitiveness.

17 There is no way anybody reasonably can say that
18 Congressional District 1 is a competitive district.

19 It is not competitive at registration of
20 nine-and-a-half percent Democrat over Republican.

21 No one can say that honestly.

22 If the standard for competitiveness is that no
23 major party has an advantage over the other, which I've
24 heard the Chairwoman say, I've heard Ms. McNulty say, I've
25 heard others say, you cannot honestly say that a 9.5 percent

1 registration edge to the Democrats over the Republicans is
2 competitive by that standard.

3 The result, members of the Commission, is that you
4 have retrogressed the existing districts that were drafted
5 ten years ago, have three competitive districts. Experience
6 has proven that.

7 The eastern district, the Tucson district, and the
8 East Valley district all have changed hands, and there's no
9 way that anybody can deny that. Those are historical facts.

10 You had three competitive districts. You now have
11 two.

12 And let me explain how that happened,
13 specifically.

14 If you look to northern Pinal County, that should
15 have gone, by all rights, to the east. It has no business
16 going west. It has no connection going west.

17 That makes Congressional District 1 less
18 competitive.

19 Taking the southern part of Gila County, sending
20 it east, and the northern part of Gila County and sending it
21 west, that makes Congressional District 1 less competitive.

22 Splitting Cochise County from the iteration that
23 existed on Friday of last week, makes Congressional District
24 1 less competitive.

25 I have a question that I would like to pose both

1 to those champions of competitiveness on the Commission and
2 to those champions of competitiveness in the audience.

3 Where are your voices at this mugging of
4 competitiveness.

5 Where are your voices decrying retrogression from
6 three competitive districts for ten years, to two
7 competitive districts?

8 There is a riff of hypocrisy in the air.

9 Thank you.

10 CHAIRPERSON MATHIS: Thank you.

11 Our next speaker is -- excuse me -- Rodney Carlson
12 representing self from Scottsdale.

13 RODNEY CARLSON: Thank you, Madam Chair,
14 Commission.

15 My name is Rodney Carlson. It's my first time
16 here. C-A-R-L-S-O-N, my last name.

17 And I am here representing myself, but I've also
18 been contacted by many other individual organizations and
19 groups.

20 I have prior experience in redistricting in the
21 state of Florida and here in Arizona.

22 I would like to address a couple of small issues
23 that could be potentially harming to the Voting Rights Act,
24 Section 2 and Section 5, certification and preclearance. We
25 have to remember that's our number one goal.

1 We try to get that done first and foremost, and
2 try to work out some of the other minor issues that can come
3 up along the line.

4 District 1 as mentioned by the Navajo Nation's
5 representative is a fairly -- it needs a little bit of work
6 to complete its competitiveness. As far as the standard
7 being 20 percent, is a little bit low.

8 As far as looking at it from an independent
9 standpoint, and also from the Voting Rights Act districts
10 interconnection of District 3, District 7, and District 9,
11 you have a little bit of a low point potentially with
12 District 7, in the fact that it might be below the overall
13 total to meet Section 5 clearance there.

14 Potential solution is with the District Number 9,
15 being a little bit up into an area of interest that is not
16 necessarily contiguous for the area, which is in the Cave
17 Creek area.

18 And with that Cave Creek Road area, it's not
19 really a part of the rest of the contiguous district of the
20 whole number five.

21 So there could be a potential for regression.

22 Not doing any accusatory or any comments in that
23 fashion.

24 I understand that this is a very difficult job.

25 I have basically precluded in 1996 with the

1 presidential level approval, that the basis of the way a lot
2 of these commissions are formed help do the 2000 census for
3 Florida, and also had several comments and contacts from
4 Arizona when we were going through the process the first
5 time.

6 And the last important question is, based on the
7 datasets that you're using for competitiveness, and the
8 relationship to what years you have chosen, the 2008 and
9 2010, we all know were very volatile elections. And the
10 years that were brought in, what guidelines were being used
11 for bringing in the 2004 and 2006?

12 2004 had -- I'm not sure as far as state statutes
13 on exactly which set of congressional maps were used.

14 I understand there was a lawsuit at the time and
15 there was a set of elections that was not used under the
16 2000 elections.

17 So that could play a part of your competitiveness
18 issue.

19 And for that, I thank you for your time, and any
20 comments?

21 CHAIRPERSON MATHIS: Thank you.

22 Our next speaker is Shirley Dye, representing
23 self, from northern Arizona.

24 SHIRLEY DYE: I'm not quite ready yet.

25 CHAIRPERSON MATHIS: We'll have public comment in

1 the afternoon as well, so we'll keep yours. And anyone else
2 who spoke, too, if you're here later today and want to
3 address us at the end of the meeting, you're welcome to.

4 This is Wes Harris PC, captain of LD 6, Precinct
5 28.

6 WES HARRIS: Good morning, Madam Chair,
7 Commissioners, staff.

8 Heretofore, I've been talking mainly about what I
9 thought was good for Arizona. Now I'm going to become a
10 little bit more parochial and talk about what's good for me
11 and my district.

12 As noted, I'm currently in LD 6, in precinct 28,
13 which is the Moon Mountain precinct.

14 The two maps that are -- could you bring up
15 District 28 on option two?

16 Then I'd like to see District 30 on option one.

17 Okay. If you go up to the top of District 28,
18 that little square area is cut out in the top. You can hone
19 in on that a little bit below that, that line that you see,
20 horizontal line, the lower one, not the upper one, is
21 actually Coral Gables. That's my street.

22 This particular rendition of a district that drops
23 all the way basically from Coral Gables, with the exception
24 of a little cutout, goes all the way down to I-10.

25 As a function of a community of interest, there is

1 no community of interest with Moon Valley, which is in this
2 area where number 28 is, and the Sunnyslope area and areas
3 to the south.

4 Most everything that we do in Moon Valley is to
5 the north and to the east. More associated with Paradise
6 Valley than Sunnyslope.

7 Now, in addition to that, you cut it off on the
8 east side, which crosses into different school districts.

9 The Paradise Valley School District on the east
10 and Glendale Union High School and Washington Elementary on
11 the west.

12 We are in Glendale and Washington, and have
13 nothing to do with Paradise Valley School District. So a
14 community of interest issue there is a problem with this
15 map.

16 And finally, to the south of that number 28 is a
17 mountain range. In order to get across that mountain range
18 you have two accesses, 7th Street and 19th Avenue.

19 So is it a barrier that heretofore LD 6 runs from
20 that barrier north.

21 Now, you're crossing the barrier. You've got a
22 piece of it on one side and the massive part of it is on the
23 south.

24 If I could pull up 28 -- I'm sorry -- 30 on option
25 one.

1 Thirty on option one doesn't make me terribly
2 happy, but I recognize the fact that we have population
3 shift and there's going to be people, more people to the
4 north of Moon Valley than there were ten years ago.

5 So, hence, District 15 is created, but the
6 dividing line, if you can hone on it a little tighter, so we
7 can look at some streets.

8 The dividing line on the north seems to be Union
9 Hills. That makes sense.

10 If you dropped down to the south, you'll see --
11 back it up a little bit, and you'll see that Commissioner
12 Freeman actually recognized the mountain range on the
13 right-hand side. You see where the line cuts across? Right
14 there. That's the North Mountain Shaw Butte area.

15 And that's Seventh Avenue, which is the dividing
16 line of the school districts.

17 So Paradise Valley would be to the east of that
18 Seventh Avenue line, and Glendale Union High School would be
19 to the west.

20 So from a community of interest point of view,
21 this is a much better rendition of the district than the one
22 that was previously on the map, or on the display, I should
23 say.

24 And I don't know how you did it,
25 Commissioner McNulty, but you managed to take a Republican

1 district and convert it into a Democrat one.

2 So there is a problem with competitiveness.

3 A district that was barely Republican now becomes
4 acutely Democrat, 53 percent Democrat to 46 percent
5 Republican, based on the numbers I see.

6 I don't know how that could fly, because
7 District 30, as exemplified here, is 58 and 41, in the
8 reverse.

9 So from my parochial point of view, District 30 as
10 laid out by Commissioner Freeman, is much more to the liking
11 of people in Moon Valley.

12 Thank you.

13 CHAIRPERSON MATHIS: Thank you.

14 That was my last Request to Speak form, so we'll
15 move to another item on the agenda.

16 I thought, Commissioners, we should talk about
17 number four, discussion of future meetings and future agenda
18 items.

19 For quite a while now we've been talking about how
20 our second round of public hearings starts Tuesday, October
21 11th. And the idea of those hearings is to take two draft
22 maps out to everyone, to all these venues across the state,
23 and let them comment and tell us what's wrong with the draft
24 maps that we come out with. That's the whole purpose.

25 And then we'll have the opportunity to take all

1 that in and make further adjustments to the map.

2 These are just starting points, and the idea is to
3 hear from all of you and figure out where we went wrong and
4 how to do it better.

5 Again, the idea is wisdom in crowds that's there,
6 and we expect to hear a lot from you, and hopefully will.

7 However, it does require that we have draft maps
8 for you to look at. And right now we only have one.

9 We have a congressional draft map.

10 We don't have a legislative, and we're working
11 hard trying to make that happen by Tuesday.

12 We've talked about it for a couple weeks now, that
13 it would require us holding open weekends, and Monday is a
14 holiday for some, Columbus day. Tomorrow is a religious
15 holiday.

16 It's not an ideal situation.

17 No one wants to meet on a religious holiday or a
18 regular holiday. So I guess I would ask, and I saw an
19 e-mail from Mr. Stertz this morning to Mr. Bladine, asking
20 who specifically asked for this.

21 And Mr. Stertz, to answer that question, I'll say
22 it was I did. It was the Chair. I called for all of you to
23 keep these dates open on your calendars. If there's any way
24 we can actually get a draft map done before Tuesday when we
25 have a hearing scheduled Tuesday night, that would be great.

1 If we could get it done today, I'm all for that and not
2 having to meet on Saturday and Sunday.

3 Obviously, I wouldn't expect anybody who observes
4 that holiday to be coming here and talking to us, and we
5 wouldn't take any action when Commissioners are missing.
6 That's not fair to anyone.

7 So I'm kind of in a jam. And I'm trying to ensure
8 that, you know, we're meeting our constitutional requirement
9 to get this mission accomplished. And the only way I know
10 how to do it is for us to continue to be open to meeting
11 tomorrow and Sunday.

12 However, I would ask each of the Commissioners to
13 express their desires and what their desires and what
14 they're willing to do this weekend, and if we don't have a
15 quorum, we can't meet. So I ask all of you what your
16 thoughts are.

17 COMMISSIONER STERTZ: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Stertz.

19 COMMISSIONER STERTZ: One, I wanted to thank the
20 other Commissioners for your indulgence over the last couple
21 days having hearings in my absence while I was taking care
22 of spending time with my mother, and I appreciate the kind
23 comments and e-mails that I've been receiving about that.

24 Just to let everybody know that she's still --
25 she's still hanging in there.

1 In regard to Saturday, my concern about Saturday's
2 hearing being -- I understood the complexities of the -- of
3 the -- of the box that currently exists of trying to get out
4 to the street with two draft maps on Tuesday.

5 Disenfranchising a group of people from not being
6 able to participate on Yom Kippur, I think is not a minor
7 issue. I think it's a big issue.

8 Anybody that would want to participate would not
9 be able to. I will not be.

10 And I've said prior that I will not be available
11 on Sundays. Sundays are a day of family for me, and I've
12 said that from February going forward.

13 So my suggestion is that I know that in watching
14 bits and pieces of the last two days worth of hearings that
15 I'd like to -- I know that the legal counsel is going to be
16 giving some advice regarding majority-minority districts
17 about what your homework was from the end of last night.

18 I'd like to know where that is, and see if we can
19 get our arms around that as an issue. Because,
20 unfortunately, not being able to participate in two of the
21 meetings that you've got scheduled leading up to Tuesday, is
22 an issue. At least for this Commissioner, and I think for a
23 group of individuals out there.

24 I know a lot of folks say they would love to come
25 but Sundays are their family days as well.

1 And you can't get a higher holiday than Yom
2 Kippur.

3 CHAIRPERSON MATHIS: Okay. So Mr. Stertz is not
4 able to meet this weekend, Saturday, Sunday. Go ahead,
5 Ms. McNulty. Are you ready?

6 COMMISSIONER McNULTY: I am.

7 You know, when I first looked at this process,
8 when I first looked, I looked at the schedule for the last
9 Commission. And I noticed looking at it right now, when
10 they got to the point where we are, they met on October 8th,
11 October 9, October 10, October 11, October 12, October 13,
12 and October 14.

13 And I thought, I hope we don't wind up in that
14 situations. But here we are.

15 And I am available to meet. If legal counsel
16 tells us that we shouldn't, then I understand that.

17 I think, as you said, we wouldn't intend to take
18 any action on Saturday, Yom Kippur.

19 But, if a consensus of the group is that we should
20 meet, I would be able to do it, and I think it's very
21 important that we get the maps done at this point. And as I
22 said to the Commission, last time they were in the same
23 position and they did the same thing and met every single
24 day that week.

25 CHAIRPERSON MATHIS: Thank you.

1 Mr. Freeman and Mr. Herrera.

2 VICE-CHAIR FREEMAN: Madam Chair, I'm not
3 particularly thrilled about it. I will be available
4 tomorrow. It involves some personal family sacrifice on my
5 part, but that's fine.

6 I am not thrilled about meeting on Sunday either.

7 I will admit that I regularly go into my office on
8 Sunday afternoons to work, but it's always my choice. It's
9 not something forced upon me. And I am a little troubled by
10 the fact that we're going to have a regularly scheduled
11 meeting on Sunday. That's just me personally.

12 I understand that from the public's perspective
13 there are current concerns with meeting on Yom Kippur
14 Saturday, and meeting on Sunday as well.

15 But I understand our start time on Sunday is 1:00
16 o'clock.

17 Perhaps I wish it was a little bit later, but I'll
18 be here on Sunday and I'll be here on Saturday.

19 That is, if we need to be here.

20 CHAIRPERSON MATHIS: That's right. It's good to
21 be optimistic.

22 VICE-CHAIR FREEMAN: I don't know if optimism is
23 what I was expressing.

24 CHAIRPERSON MATHIS: I'm hoping if we make great
25 progress today, there's a chance we wouldn't have to, and

1 maybe we would only have to meet on a holiday on Monday.

2 Mr. Herrera.

3 VICE-CHAIR HERRERA: I agree on all the comments
4 of Commissioner Stertz, Freeman, and McNulty.

5 I think we're all making sacrifices. Family day
6 is almost every day. I sometimes don't get home until after
7 the kids get to bed, which is tough. But I think I
8 understood the sacrifices we have to make going in, before
9 committing to this. But it's not easy.

10 As I stated before, I have to coach on Saturday.
11 Can't miss the game. But I will be here either before or
12 after the game.

13 And I will be here on Sunday. May miss the
14 Cardinal game, but I can have someone record it for me, so I
15 will be here both days.

16 CHAIRPERSON MATHIS: Legal counsel, is there any
17 comment from you in terms of meeting on weekends like that.

18 JOSEPH KANEFIELD: Madam Chair, members of the
19 Commission, from a legal standpoint, the statute Title 1,
20 Chapter 3 says that public offices shall not be open, with
21 some exceptions in light of the Commission, on legal
22 holidays. Legal holidays are defined to include Sundays.

23 Saturdays are not defined as a legal holiday.

24 And Yom Kippur, the Jewish holy day, is not
25 defined in the statute as a holiday.

1 So in terms of public offices, your office
2 obviously will be closed, but it doesn't necessarily
3 preclude the Commission from continuing to meet.

4 CHAIRPERSON MATHIS: Okay.

5 Well, with that, it would be great if we could
6 actually accomplish so much today that we wouldn't have to
7 meet at all this weekend.

8 So we'll see what happens, and hopefully make a
9 lot of progress today.

10 So our next item on the agenda is review,
11 discussion and direction to mapping consultant regarding
12 development of the legislative districts draft map based on
13 Constitutional criteria.

14 And we've been working hard to merge two maps
15 together, affectionately known as the McNulty/Freeman
16 version for one map, and try to figure out first of all
17 where the majority-minority districts need to go, since
18 that's for us. In order to comply with the Voting Rights
19 Act we have to do that.

20 And we have been working hard with looking at
21 where those populations are in the state to figure out the
22 most logical way to incorporate them into the map, first,
23 and then we would work around those the rest of the
24 districts. So, I believe Mr. Desmond created a separate
25 version.

1 Maybe if you just pull up there. That would be
2 the first start is to just show the ones that we have put
3 into the map, I guess.

4 And again, what we put in is, of course, subject
5 to change. Nothing is in stone.

6 We're just trying to get place holders in there
7 for districts.

8 And I think, as of our last count, we had three in
9 southern Arizona.

10 Four in Maricopa County for sure, or is it five
11 that we've got.

12 WILLIE DESMOND: It's four in both, and then
13 District 26 in both is the same in both, and that one is, I
14 think, close to being maybe coalition type districts.

15 But I'll defer to legal on this.

16 CHAIRPERSON MATHIS: Okay.

17 WILLIE DESMOND: Right now, this is option one,
18 version 1A, and this -- these are both -- these are not the
19 maps, option one, option two, that are out.

20 These are the merge map that share the districts
21 in southern Arizona. And this one was kind of the work path
22 we were on yesterday, I guess, earlier in the day.

23 It's based off of Commissioner Freeman's four
24 districts. Then I believe they were changed a little bit to
25 just, you know, bolster the HVAP in some of them.

1 I can show you option -- merge 1B, which was kind
2 of the same map, but we went back to minority coalition
3 district, then changed those around to achieve four
4 majority-minority districts in a slightly different
5 configuration.

6 CHAIRPERSON MATHIS: Then we have one in northern
7 Arizona that we haven't completely defined the outlines of,
8 but there is one up there?

9 WILLIE DESMOND: There is one in northern Arizona,
10 District 7, in both, and currently not a majority-minority
11 district.

12 I think the Native American percent is about
13 48 percent, about 40,000 people overpopulated.

14 So we haven't come to any sort of consensus on
15 that one yet, as to how to proceed. I think we're waiting
16 for some, hopefully, some feedback to come from the White
17 Mountain Apache and San Carlo Apache tribe, I believe.

18 COMMISSIONER STERTZ: Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Stertz.

20 COMMISSIONER STERTZ: This is a question for legal
21 counsel.

22 Could I get a clear and concise definition of,
23 there was discussion about three in southern Arizona, four
24 in northern Arizona, going back and forth in some of the
25 testimony that was given.

1 Can you just encapsulate, as easy as you see fit,
2 okay? Into what the parameters that we are working towards
3 that would prevent us from going into retrogression, or
4 going into some, in the direction that Commissioner Herrera
5 was expanding to yesterday, that would consider packing?
6 Both of those two -- both or those two are the brackets that
7 we need to work within.

8 And I'd like for that to be a direction coming
9 from legal counsel, legal team, Dr. King, Mr. Adelson, to
10 say here's what you need. Here's where you need them.
11 Here's the numbers that you need to hit. And work towards
12 that.

13 Because we are -- this thing is never going --
14 this is bouncing all over the place.

15 MARY O'GRADY: Commissioners, I'll take a first
16 shot at that. We did have a long conversation last night
17 with Bruce Adelson. We've been talking a lot, the whole
18 team of mapping consultants as we work through these
19 legislative districts.

20 I think the bottom line is that we should have
21 nine, certainly have nine districts where there's
22 opportunity to elect candidate of choice.

23 And we should, as we've been doing, try and, as
24 Bruce added, try really hard to create a tenth.

25 Because there's some uncertainty, and the analysis

1 is still being completed as to the -- whether there was a
2 benchmark kind of opportunity to elect minority candidates
3 of choice in ten districts.

4 That's the issue that is of his original comments
5 as you'll remember, initially, whether they are of there
6 were nine benchmark districts.

7 Looking at the elections, we're thinking there
8 might be a tenth. We're not persuaded there is yet. And
9 that's the subject of deeper analysis. So the
10 recommendation is make sure there's nine that have an
11 opportunity to elect and try also to look for a tenth.

12 In terms of packing, the issue there as Bruce's
13 comment previously, it's not so much a Section 5 issue
14 because you're not -- if you pack a lot in a particular
15 district that was a minority district, certainly minority
16 community preserves the opportunity to elect.

17 The question then from the voting rights
18 perspective is the dilution issue, a potential Section 2
19 claim.

20 And given our challenges, the issue is whether we
21 can reach our benchmarks as we need to if some districts
22 have more than more minorities than are necessary to
23 preserve the opportunity to elect.

24 Some of the analysis necessarily requires that you
25 have a plan and drill down on that particular plan.

1 But right now the targets are we're looking at the
2 benchmark levels based on the percentages in the current
3 Census, and using that, as target.

4 So if we have six minority Hispanic districts in
5 the current Census, we're preserving six minority Hispanic
6 Census, that if we have a couple coalition districts, we're
7 preserving a couple coalitions districts and matching those
8 up, we're doing what we need to do on that front.

9 The challenge, we complete the Native American
10 district, and on that issue the recommendation is to avoid
11 retrogression.

12 Go ahead, as a place holder at this point in the
13 process, to avoid retrogression, include the Apache
14 reservations in that northern district.

15 And then certainly continues to try get input on
16 that.

17 But that's the way to preserve that Native
18 American district.

19 And so on that part, well, that's the input that
20 we offered.

21 And we can talk more about some of our discussions
22 on the others, but, nine opportunities to elect and look for
23 a tenth if it's possible to do so.

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: As a follow-up to that, is
2 there any, in the opinion that counsel has put together in
3 their discussions in deliberations, in regards to location
4 of where those districts are throughout the state?

5 MARY O'GRADY: Madam Chair, and Commissioners, in
6 terms of the locations, again, statewide standard is they
7 don't have to be in the same locations they use to be
8 necessarily.

9 So if the Commission decided not to create a
10 Native American district, if it's not something we
11 recommend, they then need to create it somewhere else. But
12 our recommendation is create that Native American district.

13 And when we've looked at the options, we haven't
14 seen an option that creates more than three in southern
15 Arizona in terms of Hispanic districts.

16 And then yesterday's, so it looks, just our
17 analysis so far suggests that we need to look at Maricopa
18 County for the additional Hispanic districts, and coalition
19 districts.

20 Although we looked at Pinal, maybe there's some
21 opportunities in Pinal that we haven't developed yet.

22 So we certainly are looking at populations, but
23 the focus has been Maricopa County so far, and the three
24 inside Arizona.

25 COMMISSIONER STERTZ: Okay. And, Madam Chair,

1 again as a follow-up to that, as far as percentages as they
2 currently exist in the districts as are currently outlined,
3 what are the -- what are the minimums as would be required
4 to hold back from retrogression.

5 MARY O'GRADY: Again, that's -- that's the
6 question that really needs analysis of the particular
7 configuration of the district that you have.

8 Because it depends not just on the number, but on
9 the voter behavior in that district.

10 We've been using for quick analytical purposes the
11 Cruz index, which I think is fairly helpful in terms of a
12 recent race with Hispanic candidate versus a non Hispanic
13 candidate to be an indicator of that electoral behavior.

14 So in terms of targets for our Native American
15 district, the benchmark 58.99, and also we've been looking
16 at the current Census establishing a benchmark, and looking
17 back at what DOJ actually cleared for that area, and we have
18 indicated the results as well.

19 District 2. Currently we have the district 58.99
20 percent Native American, and our recommendation is that that
21 be maintained in that vicinity.

22 It was higher than that when it was precleared.

23 A lot of the changes in Maricopa County, the
24 districts are substantially reconfigured, some of the
25 districts. Maybe it's more helpful to go through

1 District 27, which was -- I don't know how helpful that's
2 going to be.

3 LD, legislative district, current legislative
4 district 16 is 56.74 currently, with a significant 15
5 percent, 14 percent African American number.

6 And -- and so most of the options that we've been
7 looking at maintaining roughly that mix.

8 District 13 is currently 68.27.

9 It was actually low in the mid '50s, when it was
10 precleared.

11 So I think somewhere within that range is what
12 we're looking at.

13 The Hispanic coalition map was in the '60s.

14 I don't have that number right in front of me, but
15 I can get that for you real soon. I don't know if Joe has
16 that, but we can get you that number.

17 But that's the range, is 68.27 right now. But it
18 was precleared at a significantly lower range.

19 So we think it probably could be lower than the 68
20 percent.

21 And then District 14 is currently at 64.9.

22 It was, again, substantially lower when it was
23 precleared. And there's been some concerns expressed in
24 testimony in terms of how that was performing as a minority
25 district. And the suggestion was that that, whatever that

1 needs to be maintained or reconfigured, the concern with 14
2 was the extent that included some of the storage areas in
3 central Phoenix that don't have as much minority
4 population --

5 COMMISSIONER STERTZ: Encanto population.

6 MARY O'GRADY: -- yeah, Commissioner Stertz, in 16
7 well.

8 And then there's also some concern expressed in
9 terms of an arm, just how those voters have been performing.
10 And so Willie can -- Mr. Desmond can show more in terms of
11 some of the concerns expressed about preserving that core,
12 the Minority Coalition that really shifts 14 substantially
13 less. And, so it's not just number, its something that
14 stands when we count them.

15 Fifteen in Maricopa County. Commissioner, then
16 there's really where we make that additional
17 majority-minority district, in terms of Hispanic, has been
18 two different versions of that.

19 It's currently District 15, which is not majority
20 Hispanic, but coalition district.

21 And southern Arizona, we have two that are almost
22 majority-minority 49.81.

23 So we have recommended that those levels be
24 preserved.

25 So it's really where you're getting the -- where

1 you're getting the people in the district specifically,
2 analysis of that.

3 COMMISSIONER STERTZ: So just as a recap, we're --
4 we will, even though the minority coalition came up with
5 three districts, three legislative districts in the metro
6 Phoenix area, that were higher by six to 10 percent, your
7 recommendation on those is to actually reduce Hispanic
8 voting population to meet closer to the precleared numbers
9 from the previous go around.

10 MARY O'GRADY: Commissioner Stertz, I'm not saying
11 you have to.

12 I'm saying in terms of what could be precleared,
13 lower numbers may work.

14 Because the concern is the Hispanic coalition --
15 excuse me -- the minority coalition came to us with three
16 districts.

17 I'm hoping we continue to get input from the
18 minority coalition because we have an obligation to.

19 That doesn't get others to our benchmark districts
20 either in the area.

21 So I'm hoping that we can continue to get that
22 input while we try, and expand opportunities for minority
23 voters in other districts.

24 COMMISSIONER STERTZ: Madam Chair, the reason why
25 I'm pursuing this line of questioning is, you are our

1 experts. And we're relying on you to be able to give us
2 counsel of which way to go.

3 And if we've got an opportunity to gain a tenth
4 district, which it appeared at the late hour last night that
5 you were getting close to, I think there was at least some
6 discussion about it, I was watching it online trying to find
7 out where you were going, where there might be an
8 opportunity to.

9 How hard do we pursue that based on the idea that
10 voter turnout may be lower and, therefore, there needs to be
11 a higher percentage. In other words, do we chase that
12 rabbit, or do we recognize the fact that there may be lower
13 turnout in those districts, and, therefore, would require a
14 higher HVAP population, as has been recommended by the
15 minority coalition?

16 MARY O'GRADY: Commissioner, my sense, and maybe
17 Joe can weigh in too, if we focus on the nine that we have
18 framework for and make sure we have nine that work, and look
19 at their opportunities for a tenth, because I'm concerned
20 that if we focus on the tenth, then we don't necessarily
21 ensure that we have nine that work.

22 I'm not saying abandon what the Hispanic coalition
23 said. They expressed concerns about 14's performance.

24 Again, it's not just the number. It's population
25 that you include, as we've discussed. And so my

1 recommendation would be to start and try to make sure you
2 have nine, but you have an awareness of the potential need
3 for a tenth.

4 VICE-CHAIR FREEMAN: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Freeman.

6 VICE-CHAIR FREEMAN: Just further to tackle what
7 we were doing yesterday afternoon.

8 At some point the minority-majority districts from
9 option one that raised that map, we included three districts
10 proposed by the minority coalition, and those lines were
11 moved, and falling out of that was a fourth potential
12 minority coalition district.

13 So we have four in metro Phoenix.

14 Then we worked on a possible coalition district
15 that included parts of Tempe in west Mesa, and from the data
16 it looked like it could be viable.

17 And we also looked at another coalition district
18 that was more in central Phoenix area. Sort of the remnants
19 of the last majority-minority districts.

20 And also looked like from those measures, it might
21 be a viable coalition district.

22 Did counsel look at the districts as we left them
23 yesterday and evaluate our four majority-minority districts
24 that were constructed? Are they viable benchmark districts,
25 and were the two coalition districts likewise viable

1 coalition districts?

2 MARY O'GRADY: Commissioner Freeman, that's a good
3 recap of sort of the path we were going down.

4 We haven't necessarily drilled down completely,
5 but our sense is that the four majority-minority that we
6 left with, appeared viable.

7 The coalition district in Tempe Mesa appeared
8 viable. Perhaps could be improved, and -- in terms its
9 percentages.

10 And I -- I don't know that you were persuaded that
11 the eastern Phoenix, that we really come to a viable
12 alternative in eastern Phoenix yet.

13 So it seemed like when we left, you were at four
14 majority that looked viable.

15 And the one coalition that looked viable probably
16 needed improving.

17 And I don't think we've gotten there yet on the
18 additional coalition.

19 VICE-CHAIR FREEMAN: At least on that tenth
20 district in eastern Phoenix, it was my recollection that
21 using that Cruz index that you are using as a first cut,
22 that the Democratic mine inspector would have won that
23 election in that district by like 58 percent or some number
24 thereabouts.

25 And I thought the sense was that it would be a

1 viable coalition district.

2 MARY O'GRADY: I think the concern was it has the
3 historic area and whether even in a general election a
4 Democratic candidate might win, whether in a primary, the
5 minority candidate could win a Democratic primary there.

6 I think that was the concern in terms of the
7 opportunities for minority candidates with historic areas in
8 the area.

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

11 VICE-CHAIR HERRERA: Ms. O'Grady, yesterday you
12 were talking about a district -- existing district that is
13 experiencing some of the same issues that we might be
14 creating with 14.

15 Could you go over them again? I think it was 25.

16 MARY O'GRADY: Commissioner Herrera.

17 Commissioner Freeman, were you referring to the
18 Tempe Mesa district or the east Phoenix coalition district?

19 VICE-CHAIR FREEMAN: East Phoenix.

20 MARY O'GRADY: Okay. Okay. I just want to make
21 sure we're on the same page.

22 And I don't recall which of the districts that
23 included the --the historic communities in the minority
24 districts are ones that may -- we just need to take a close
25 look at that.

1 And I don't remember at the end of the day, I
2 don't think we have them in any one of the districts
3 yesterday.

4 VICE-CHAIR HERRERA: You're talking about a
5 current district that includes those various areas where
6 they -- where a minority-majority minority area were not
7 able to elect someone consistently. I think that's where
8 the district including Manny Alvarez, that the
9 majority-minority voters were not able to consistently elect
10 someone of their choosing.

11 MARY O'GRADY: I guess in terms of exploring our
12 benchmark district and where the opportunity to elect is
13 presently, Commissioner Herrera is referring to southeastern
14 Arizona, where there had been a minority. And basically 23,
15 24, 25 all experienced the same thing, where they have one
16 of their three legislators was minority.

17 You haven't necessarily concluded that we had to
18 conclude whether the other people elected were the minority
19 candidate of choice.

20 So assuming that the minority candidate of choice
21 of a Hispanic candidate, where the incumbent lost in 2010,
22 and whether those remain viable areas for minority
23 candidates.

24 District 5 is in southeastern Arizona, District 24
25 in southwestern Arizona, also had the same question about

1 District 23 in Pinal County with its growth, whether it
2 would remain a viable benchmark district really where there
3 is an opportunity to elect under the benchmark.

4 That's something that the lawyers are still
5 discussing.

6 Those are districts that did have a history over
7 the decade of electing at least one minority candidate.

8 And so that's why the -- that's why the reason for
9 the ambivalence right now in terms of ten. Let's try hard,
10 look at it, see if we can do it, but not necessarily
11 persuade yet that there is a need for the tenth in terms of
12 satisfying our benchmark obligations.

13 VICE-CHAIR HERRERA: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 VICE-CHAIR HERRERA: Although I do appreciate, I
16 do recognize the importance of trying to look for a tenth
17 majority-minority district, I also recognize that somebody's
18 intent or the possibility of packing as many Hispanic and
19 Democrats in as few districts as possible, therefore not
20 allowing us to create as many competitive districts as we
21 can.

22 That's something I brought up in the past, and
23 I'll continue to do so, because I think creating a tenth
24 majority-minority district for the sake of doing so without
25 it being, and turning it into a, truly a insignificant

1 district because it's -- if it's truly not able to elect
2 someone of their choosing, is, to me, again, it's a major
3 concern, and something I would need to be aware of. So I
4 want to make sure that I keep bringing this up, because
5 that's important.

6 COMMISSIONER STERTZ: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Stertz.

8 COMMISSIONER STERTZ: Again, recommendation from
9 counsel, going down the path of gaining the tenth -- the
10 tenth, I'll call it grid or district, or however we want to
11 phrase it. If we're able to achieve it, is there a
12 recommendation right now that you'd like us to go down,
13 based on your expertise, that would tell us that we are
14 better served bringing -- looking for?

15 Because I believe that we can create a tenth
16 district, that would allow us to go -- that would give us a
17 better opportunity for passing preclearance at first
18 submittal, than saying that we could have gone down the path
19 to find the tenth, but we're going to satisfy ourself with
20 only nine, because that's our minimum benchmark?

21 I'm trying to get the direction of what our
22 consultants and what our experts are telling us.

23 JOSEPH KANEFIELD: Ma'am, Commissioner Stertz,
24 I'll quickly field that one.

25 My opinion, the Commission will increase its odds

1 of preclearance on the first try if we're able to come up
2 with ten districts.

3 Not that nine won't get you preclearance, but it
4 will have to be pretty solidly nine, and we'll have to show
5 -- that we may have to show that we couldn't create -- you
6 couldn't create a tenth.

7 So with that in mind, do -- do your best.

8 COMMISSIONER STERTZ: Madam Chair, one of the
9 reasons I'm pursuing again this line, is that we've had such
10 a large increase of population in this state over the last
11 ten years, and a large percentage of that population is
12 Hispanic population, and so I see why you're making that
13 recommendation.

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Herrera.

16 VICE-CHAIR HERRERA: I appreciate Mr. Sterz's
17 concerns with the Voting Rights Act, I really do, but again,
18 if we are attempting to create as many districts as
19 possible, let's say we get to the ten but in the end we end
20 up creating a few ineffective districts just for the sake of
21 getting to ten, to me, I -- I -- I -- I'm looking at it as
22 just trying to pack as many Democrats into as few districts
23 as possible.

24 That -- that's not going to help anybody, other
25 than Republicans.

1 COMMISSIONER McNULTY: Madam Chair, I just heard
2 Ms. O'Grady and Mr. Kanefield say I think the same thing but
3 in slightly different ways.

4 I think Ms. O'Grady told us that we need nine
5 solid districts and that that should be our primary focus.

6 If there's a tenth district there that works with
7 nine solid districts, then we should do that. I think
8 that's what Mr. Kanefield said.

9 But I think we need to make sure we have nine
10 solid majority-minority or coalition districts as the
11 foundation.

12 If we proceed as looking at the state we see an
13 opportunity to elect in another location, we should work on
14 that, rather than focusing just on a tenth opportunity to
15 the exclusion of making sure that the nine that we have
16 created are very sound, and when they are analyzed more
17 deeply, will hold up.

18 I think one of the things, as I understand that
19 the minority coalitions said yesterday, was that they did
20 not include some of the minority population in east Phoenix
21 in their three districts because those folks simply do not
22 vote.

23 And so that was a concern that they had was that
24 they spent some time looking yesterday at those areas, and
25 wondering whether they needed to be included in the

1 majority-minority districts, and their reason for not
2 including them was this reduces the effectiveness of the
3 districts because they simply don't vote.

4 I think that's something that would be an
5 observation that would be made by Justice in a deeper
6 analysis, and also something that we should put in the
7 record as a reason that we followed the minority coalition
8 recommendations or built districts around them.

9 COMMISSIONER STERTZ: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Stertz.

11 COMMISSIONER STERTZ: Mr. Desmond, am I correct
12 that we are still looking at '08 and 2010 voter turnout.

13 WILLIE DESMOND: Correct.

14 COMMISSIONER STERTZ: So the '04, '06 data which
15 is all relevant to this analysis, is still unavailable.

16 WILLIE DESMOND: Correct.

17 COMMISSIONER STERTZ: So the data from the
18 minority coalition is based solely on the '08, '10 data? I'm
19 not sure exactly what their data is based on, so I don't
20 know exactly where that is.

21 And I just wanted to make sure that I didn't hear
22 -- please, Commissioner Herrera, correct me if I'm wrong,
23 but I don't think that you said that we want to put
24 competitiveness in front of the Voters' Rights Act.

25 VICE-CHAIR HERRERA: I never said that.

1 COMMISSIONER STERTZ: Because that's what --
2 that's -- it sounded like that's what it was focused on,
3 nine, and don't go after ten, if we -- at the sake of losing
4 a competitive district.

5 VICE-CHAIR HERRERA: That wasn't even close to
6 what I said.

7 COMMISSIONER STERTZ: Could you repeat that, just
8 so I'm clear?

9 VICE-CHAIR HERRERA: Let me repeat it again.
10 Madam Chair, is it okay if I...

11 CHAIRPERSON MATHIS: Go ahead.

12 VICE-CHAIR HERRERA: I think Ms. McNulty --
13 Commissioner McNulty stated it well, and Mary O'Grady was
14 saying that consistently, that we cannot -- we should not
15 try to create ten competitive districts where -- where the
16 possibility of creating ten competitive districts may end
17 up -- we may end up with creating less sound
18 majority-minority districts for the sake of creating one
19 more.

20 I think we are better served by creating nine
21 solidly republic -- conservative -- excuse me --
22 majority-minority districts, and then look for a tenth, if
23 at all possible.

24 But I think that clearing -- during preclearance
25 would make more sense as far as the benchmark, which was a

1 minimum of nine, making them solidly majority-minority
2 districts, and then looking for a tenth. I think that's
3 what I said.

4 COMMISSIONER STERTZ: That was helpful.

5 And then now, now I'm going to ask Mr. Kanefield
6 to repeat what he just said. Because I'm hearing a
7 contradiction of what we're being tasked to do from our,
8 from our experts.

9 JOSEPH KANEFIELD: Madam Chair,
10 Commissioner Stertz, my opinion that the odds of achieving
11 preclearance will be greatly increased if you're able to not
12 just have nine, which we all agree that the Commission needs
13 to do, but if you can come up with a tenth coalition-type
14 district, that has an effective ability to elect candidates
15 of choice. Then that would be, is something that the
16 Department of Justice is certainly going to be looking at.

17 So to the extent that the Commission can achieve
18 that, I think it would increase our chance for preclearance.
19 And that is my recommendation.

20 If you can't achieve it, then the nine. And you
21 draw nine solidly, solid districts, from a Voting Rights
22 standpoint, then that may get us there. But I think it
23 would be an increase if we get it.

24 VICE-CHAIR HERRERA: I think we, we're all saying
25 the same thing.

1 And, Mr. Kanefield, if I'm incorrect, let me know.

2 But you did say we both first have to create nine
3 solidly majority-minority districts, and then look for a
4 tenth.

5 JOSEPH KANEFIELD: Madam Chair, Commissioner
6 Herrera, correct. I think we all agree on that.

7 VICE-CHAIR HERRERA: Pretty clear.

8 COMMISSIONER McNULTY: Madam Chair, I'm not sure
9 we do. I thought we had to create nine majority-minority
10 districts and/or coalition districts, a combination of those
11 two things.

12 JOSEPH KANEFIELD: Madam Chair, Commissioner
13 McNulty, yes, that's correct. I'm sorry. I misspoke.

14 COMMISSIONER McNULTY: And I think where we left
15 off yesterday we had done that, assuming that we moved on to
16 -- assuming that we were able to find a northern Arizona
17 majority-minority district. I think we were in position
18 where we pretty much had nine, and I heard you say this
19 morning that maybe Tempe Mesa district could use a little
20 bit of bolstering, but that we could look at that as we move
21 ahead.

22 So what we're going to do, we need to do as we
23 look around the state, is look for another opportunity to
24 elect an influence district or coalition district.

25 Is that correct?

1 MARY O'GRADY: I think that's right. I think
2 that's right.

3 Yeah, look for a coalition district and then get
4 public comment. I think it's important in this area. 30
5 days will not only get public comment once the map is done,
6 but he'll also be doing more analysis.

7 So this draft may be improved and tinkered with
8 and modified, based on both public comment and deeper
9 analysis as things go on.

10 COMMISSIONER McNULTY: I think that's all really
11 good points. We're going to get a lot of public input once
12 the draft map is created, and I think that 30 days may
13 assist us in an effort to put together another coalition
14 district.

15 VICE-CHAIR FREEMAN: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Freeman.

17 VICE-CHAIR FREEMAN: A couple points.

18 First, there might be different ways of
19 configuring the majority-minority districts, which probably
20 infinite number or combination of ways the voters can be put
21 together.

22 So that creates quite a challenge, I think, for
23 the Commission in examining the number of benchmark
24 districts that can be created.

25 Secondly, the Constitution does not say that the

1 Commission is to create as many competitive districts as
2 possible.

3 It says that, to the extent practicable, the
4 Commission is to favor competitive districts to the extent
5 it doesn't cause significant detriment to the other goals.

6 No provision in the Constitution should be
7 rendered meaningless by what this Commission does.

8 COMMISSIONER McNULTY: Mr. Freeman, I agree with
9 that. However, as I said yesterday, to the extent that we
10 can create viable coalition districts, and preserve
11 opportunities for competitiveness, that's exactly what the
12 Constitution calls for. To put the viable Voting Rights Act
13 districts first, that's obviously our highest priority,
14 because it's federal law.

15 But to the extent there are ways to do that and
16 keep communities of interest, and to create solid districts,
17 and also foster opportunities for citizens to participate in
18 the process by creating competitiveness, then that is
19 exactly what we're supposed to be doing.

20 VICE-CHAIR HERRERA: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Herrera.

22 VICE CHAIR HERRERA: I agree with Mr. Freeman that
23 we need to follow all six criteria.

24 I think all five Commissioners are doing that.

25 So I want to make sure that you agree with me that

1 all five Commissioners are attempting to honor all six
2 criteria as they put together their draft maps.

3 VICE-CHAIR FREEMAN: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Freeman.

5 VICE-CHAIR FREEMAN: I think Commissioner McNulty
6 was addressing a slightly different point, and I was meaning
7 to address something that Commissioner Herrera said.

8 As for what the Commission is doing, obviously, we
9 have a congressional district draft map that was approved by
10 three Commissioners.

11 VICE-CHAIR HERRERA: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Herrera.

13 VICE-CHAIR HERRERA: I don't know what he meant by
14 that comment. He abstained from it. He chose to abstain.

15 I don't know what reasons Mr. Freeman chose to
16 abstain from it. I wish he would have not abstained and
17 really taken a stand one way or the other.

18 But it's a congressional map, again, let me remind
19 everyone that it has four solidly Republican districts, two
20 Democratic districts, because of the Voting Rights Act.

21 Thank God for the Voting Rights Act today. We may
22 not have had none. And we had three what would we consider
23 competitive districts, two leaning Republican slightly, and
24 one leaning Democratic slightly.

25 So that congressional map, as I said it before,

1 favors Republicans, but I voted for it because I wanted to
2 move ahead and hopefully make some changes in -- when we
3 start taking public comment and afterwards.

4 VICE-CHAIR FREEMAN: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Freeman.

6 VICE-CHAIR FREEMAN: I disagree with everything
7 Commissioner Herrera said. And I gave my reasons for my
8 abstention before the vote, and I'll do it again.

9 I abstained because I did not think the Commission
10 had complete information before to evaluate whether the map
11 should be approved as a draft map.

12 Yes, I could have voted no on that basis, but I
13 chose to render an abstention.

14 COMMISSIONER McNULTY: Madam Chair.

15 CHAIRPERSON MATHIS: Ms. McNulty.

16 COMMISSIONER McNULTY: I think we had a lot of
17 information and a lot of time to look at it before we made a
18 decision, but I'd like to talk about something else right
19 now.

20 One of the districts I looked at in my draft map
21 was grid 13 in the west valley, El Mirage, parts of
22 Surprise, Peoria, around Luke.

23 And that area was 32.47 percent Hispanic.

24 I don't know what would be necessary, you know, to
25 create, whether an influence district there would -- would

1 help move us toward the tenth opportunity that you're
2 looking for, but I just would like to direct, you know,
3 maybe legal counsel's attention to that area as a
4 possibility, and suggest that we think about that as we move
5 through the day today.

6 MARY O'GRADY: Commissioner McNulty, I agree.
7 Just in terms of looking at the standard percentages and the
8 framework we left the end of the day with, that would be an
9 area to look at.

10 I don't know if you want to start doing that kind
11 of thing now or how you would like to proceed from there.

12 COMMISSIONER McNULTY: Did you have any thoughts
13 last night at looking at that, you and Mr. Desmond, how you
14 might move that area in the direction that --

15 MARY O'GRADY: We didn't work on that area
16 together. We had looked around some more with east Phoenix
17 and Mesa, trying to improve the coalition district.

18 And just -- but -- but we can do so, if you'd
19 like, to try and improve, however you want to proceed.

20 COMMISSIONER McNULTY: Is that something you would
21 be interested in looking at, Madam Chair?

22 CHAIRPERSON MATHIS: Sure, I would.
23 Would anyone else?

24 VICE-CHAIR HERRERA: Sure.

25 VICE-CHAIR FREEMAN: Might as well.

1 CHAIRPERSON MATHIS: Might as well. So...

2 COMMISSIONER STERTZ: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Stertz.

4 COMMISSIONER STERTZ: This is a real quick one.

5 My overall goal out of this is to, and I think
6 that -- that the Commission is, is that we don't use the --
7 I'm hoping that Commissioner Herrera agrees with me here,
8 because this is one that he absolutely should.

9 That we don't create majority-minority districts
10 that cause to the detriment of any of the other
11 constitutional criteria, as we've got, as we are working
12 around.

13 In other words, I don't want to play games with
14 the majority-minority district layouts, so that we can
15 magically create some competitive districts around them.

16 I'll put it in real layman's terms.

17 I want these things to be square.

18 I want the communities of interest within the
19 majority-minority districts to have relevance to each other
20 that -- that where communities of interest are not broken
21 up.

22 We do not have geographic barriers that are
23 broken.

24 We keep our communities together, our cities
25 together within and about the design of these

1 majority-minority districts, Madam Chair.

2 COMMISSIONER McNULTY: Madam Chair, I think that's
3 what we are charged with doing, is merging all the criteria
4 together. Neighborhoods don't necessarily follow municipal
5 boundaries. Some of these neighborhoods wrap around
6 municipalities and cross municipal boundaries.

7 Those things aren't actually exclusive.

8 One of the problems with this process is that
9 we're looking at a map with colors on it that doesn't show
10 us, you know, how people live their lives, and where, you
11 know, the neighborhood grocer is and all that sort of stuff.
12 And we'll learn more about that as we go through the public
13 comment process.

14 I think a lot of us have some pretty good
15 understanding of many parts of the state that we've tried to
16 bring to bear here, and we've heard a lot of comment
17 already.

18 But, to the extent that we create a district that
19 doesn't necessarily follow municipal lines, but may follow
20 concentrations of Hispanic population, that's another way.
21 That may be just another way of saying that we're holding
22 together a Latino community that isn't necessarily
23 coincident with any municipal lines.

24 There are different ways of looking at it.

25 And I understand what you're saying. But that's

1 my perspective.

2 WILLIE DESMOND: I guess, looking at the last set
3 of maps, I think there is essentially some districts are
4 looking a little funky, so they can get to the highest
5 number. We look at the old 14 and 15, we'll work as
6 absolutely as best we can to make sure the majority-minority
7 districts are compact and contiguous, but since the
8 population needs to be brought together sometimes, it's a
9 difficult objective to achieve in constructing these
10 districts. Again, we're continually working to improve all
11 the criteria of the Constitution in drawing all these
12 districts.

13 COMMISSIONER STERTZ: Thank you.

14 WILLIE DESMOND: So, Commissioner McNulty, correct
15 me if I'm wrong, you were talking -- this is the map that we
16 worked on last yesterday.

17 And I think you were talking about district 20
18 here or District 13?

19 COMMISSIONER McNULTY: I'm talking about
20 District 13 on option two, version 8A.

21 I'm not sure what that is on.

22 If you're talking about grid numbers.

23 WILLIE DESMOND: Option 13, the one issue is that
24 I believe that takes -- some of that seems to overlap with
25 District 29, which we constructed yesterday, which becomes

1 one of the majority-minority districts.

2 COMMISSIONER McNULTY: I think the purpose of this
3 exercise is to look at the area.

4 So let's do that.

5 WILLIE DESMOND: I would say that we would
6 probably be best off starting with District 20 and explore
7 some of the areas that District 13 brings together.

8 COMMISSIONER McNULTY: Why don't you go to El
9 Mirage.

10 WILLIE DESMOND: Okay. El Mirage is this dark
11 brown area right here.

12 COMMISSIONER McNULTY: I think we may want to have
13 the HVAP overlay.

14 WILLIE DESMOND: Just as a point of review,
15 District 31 and District 29 and District 19, down at the
16 bottom, are majority-minority districts right now.

17 District 20 is very under-populated. It needs
18 about 150,000 people.

19 So you can try to grow that in a way that seems to
20 pick up some of the high Hispanic areas.

21 COMMISSIONER McNULTY: Does that make sense, Ms.
22 O'Grady?

23 MARY O'GRADY: I think -- yes, I think that makes
24 sense in terms of exploring that.

25 COMMISSIONER McNULTY: We want to go around Sun

1 City and don't want to split Sun City. Those are different
2 voters.

3 And we might want to look at parts of Surprise and
4 El Mirage.

5 WILLIE DESMOND: Okay. Just starting with adding
6 District 20.

7 COMMISSIONER McNULTY: I don't know the answer to
8 this.

9 If it looked like an area that created an
10 opportunity for at least an additional district, or, so,
11 (comma)

12 WILLIE DESMOND: That would add about 106 people.
13 It might make sense for it to go into -- further
14 into district -- this unassigned area.

15 Again, this large chunk here is unassigned. Kind
16 of grow it that way.

17 COMMISSIONER McNULTY: Okay.

18 WILLIE DESMOND: Now it's 11,000 people over-
19 populated, so remove some of the Surprise areas. I mean the
20 Sun City. If there's 11,000 people there.

21 All right. Then District 20 is about -- about
22 where it needs to be population-wise.

23 It is 26.43 percent HVAP. 62.68 percent
24 non-Hispanic white.

25 COMMISSIONER McNULTY: Obviously, that doesn't

1 work.

2 WILLIE DESMOND: Yeah, just looking at it.

3 COMMISSIONER McNULTY: Are there any portions of
4 Buckeye that we should be looking at?

5 WILLIE DESMOND: I mean, we could try taking this
6 district further -- further east. We'd probably have to
7 pick up Litchfield Park in these areas, or else we'd have to
8 change District 4, which is a majority-minority district.

9 The other option, I guess, would be to try to have
10 it, if it loses some of its -- start with El Mirage and go
11 further in and take some of this area.

12 It's possible that we could get higher that way.

13 COMMISSIONER McNULTY: Give it a try.

14 Ms. O'Grady.

15 MARY O'GRADY: Also note that Gila River, I think,
16 under this, is not presently in a majority-minority
17 district, so that might be another population to consider.

18 And District 4 is also one of the southern Arizona
19 districts. And one of the other southern Arizona district
20 is rather high at 61 percent.

21 As long as we don't split the Tohono O'odham as
22 part of these, and it comes up so far, there might be a way
23 of taking District 4 to southern Arizona.

24 COMMISSIONER McNULTY: Okay.

25 WILLIE DESMOND: The other option would be, I

1 believe, that some of this area right here is areas that the
2 Hispanic coalition or the minority coalition had warned
3 against underperforming areas. But it's possible that
4 adding some of that HVAP into increasing the four that we've
5 already created, allow us maybe to take a little out of them
6 towards the north.

7 District 20 right now is 8500 people
8 underpopulated.

9 It's 30.15 percent HVAP. 59.36 percent
10 non-Hispanic white.

11 Let me apply the mine inspector and see if we're
12 getting close now. It's 45.15 percent.

13 COMMISSIONER McNULTY: Which district is that?

14 WILLIE DESMOND: District 20, yeah.

15 COMMISSIONER McNULTY: I just, my perspective
16 would be not to adjust the four that we -- the minority
17 coalition, unless Ms. O'Grady and Mr. Kanefield recommend
18 that we do. Because I think we want -- although we want the
19 minority coalition to be supportive of what we're doing, and
20 I don't want to get -- I don't want to get those within
21 range of being violating any benchmark issues.

22 MARY O'GRADY: Yes. Two points.

23 One, 31 right now is at 49.55 or something.

24 So if there was a way of picking something up,
25 perhaps there's a -- to adjust that Hispanic population just

1 a tad to get that up to 50 percent level.

2 And on that east Phoenix population, since it's
3 hard to, one, the coalition district could use some
4 improving. And we know that -- we understand, based on the
5 testimony, that those are marginal performers.

6 But that is a high Hispanic area, and right now
7 the coalition area is -- what was the HVAP again?

8 WILLIE DESMOND: District 26?

9 MARY O'GRADY: Yeah.

10 WILLIE DESMOND: District 26 is 30.33.

11 MARY O'GRADY: And if by minority?

12 WILLIE DESMOND: By minority is about 45.0 -- or
13 44.

14 COMMISSIONER McNULTY: I think it's pretty solid
15 the way it's configured now. And it's. . .

16 MARY O'GRADY: Just a thought, that that would
17 increase the HVAP in that area.

18 WILLIE DESMOND: It -- it seems like it's a
19 solidly -- like they would have the ability to elect their
20 choice in the general. Just might have some problems with
21 the primary election, so. . .

22 I guess the other thing we explored yesterday was
23 this unassigned area. Maybe we're looking to see if there's
24 something we could do there.

25 We can also explore that right away.

1 COMMISSIONER STERTZ: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Stertz.

3 COMMISSIONER STERTZ: Just to catch me up. I
4 apologize to the rest of the Commission and to everyone
5 else.

6 The minority, the districts that Richard Miranda
7 brought in his numbering, are different than how they're
8 currently numbered?

9 WILLIE DESMOND: Correct.

10 COMMISSIONER STERTZ: How are they currently
11 numbered? And are -- are -- what -- and are those districts
12 as they were -- they were delivered?

13 WILLIE DESMOND: The districts they had asked for
14 -- let me change the color a little bit.

15 I'll just take the overlay off and you can see.

16 These green districts, if you can read the green
17 numbers, are how they were delivered.

18 COMMISSIONER STERTZ: Which is 13, 14, and 16?

19 WILLIE DESMOND: 13, 14, 16.

20 I guess 16 -- I guess 13 most closely approximates
21 our District 19, although there is some differences there.

22 Their District 14 is kind of -- kind of in between
23 our District 29 and 31.

24 This core area here that we've heard a lot about
25 being in District 31, the western part of that will be in

1 District 29.

2 That leaves their District 16 probably most
3 closely approximates with our District 27.

4 So, they have the three. Those areas are all --
5 are all included in our four districts. I guess there's
6 been some shuffling and that area has grown in order to get
7 a fourth, if that makes sense.

8 COMMISSIONER STERTZ: It does. Thank you. I
9 appreciate that.

10 WILLIE DESMOND: So again, one thing we had looked
11 at was -- this was towards the end of the day, was this
12 unassigned area, to see if it's possible to -- it just
13 allows me -- I'll tell you the HVAP of that whole area.

14 That area is 31.46 percent Hispanic, 54.72 percent
15 non-Hispanic white. It's 150,000 people. So need to get
16 60,000 people.

17 That was the, I guess, the place at the end of the
18 day that we were exploring a tenth, using some of that
19 unassigned population to create a tenth.

20 The other thing that that would help us to
21 accomplish, and legal counsel can correct me here if I'm
22 wrong, there was some discussion, and then I recall Mr.
23 Adelson referencing parts of old majority-minority districts
24 or old coalition districts that would not be included in our
25 districts.

1 And I believe District 15 -- sorry.

2 Old District 15 is currently -- parts of it are in
3 an unassigned area that -- that -- that would make it either
4 with -- with this District 27, to have the people that live
5 there have the ability to elect.

6 I don't know exactly what our burden is to
7 maintain areas. I know part of it is we have nine and other
8 considerations.

9 MARY O'GRADY: Our burden of proof is to establish
10 our benchmark districts, and then they'll compare them to
11 previous districts, and we just have to explain the changes
12 we made.

13 If we have an explanation, we'll be fine. We just
14 need to explain it.

15 COMMISSIONER McNULTY: How much of that overlaps
16 with the low voter turnout area that the minority coalition
17 was concerned about?

18 WILLIE DESMOND: Of old 15 or 16? I think this --
19 if I take the current districts and just show those, I think
20 this kind of long arm that comes off of 14, was one area
21 that they had concerns among the Hispanic coalition
22 submitted their districts.

23 I can turn this shading off.

24 You can see that their District 14 preserves this
25 core area we've talked about from old 14, but then it shifts

1 it completely west and leaves this eastern arm out.

2 COMMISSIONER McNULTY: So the balance is, those
3 folks were in a majority-minority district. Now they
4 aren't. If we pull them into 27 we run the risk of
5 degrading 27, because we have a risk from the majority-
6 minority coalition that those aren't effective voters. If
7 we leave them out, then we need to explain why we left them
8 out. Is that kind of where we are with that?

9 MARY O'GRADY: And we have to explain why not --
10 why they're not in 27 and why they're not in -- yeah, why
11 they're not in -- either in a majority-minority or an
12 opportunity to elect district.

13 COMMISSIONER McNULTY: And the reason would be
14 because the turnout is so low.

15 I can tell by the expression on your face that
16 that doesn't work.

17 MARY O'GRADY: Well, the turnout may not be low in
18 the other Hispanic minority areas, but it's still a reason.
19 A -- you know, often be higher than they might otherwise
20 need to be.

21 COMMISSIONER McNULTY: We talked last night about
22 the opportunity of pulling those down into 27 and adjusting
23 everything west. It might give us another opportunity in
24 the area that we were just looking at in El mirage,
25 Surprise.

1 WILLIE DESMOND: Yes, and I just want to
2 emphasize, the part of 14, that arm, is now in 27. It's a
3 part that was in 15.

4 It still does have a higher Hispanic population.
5 I may have misspoken earlier.

6 So it's this part of 15 that we're talking, the
7 arm of 14 is now brought down into 27.

8 Although the minority coalition did not include
9 that in they're proposed district, as -- as we added the
10 fourth, that was one area that was -- that was added to the
11 four for us.

12 Sorry if -- I know the multiple sets of lines
13 doesn't make it easy on anyone.

14 COMMISSIONER McNULTY: Well, does it make -- do we
15 want to work through this here now, or do we want --

16 Ms. O'Grady, do I get the sense that you think
17 that is a wise approach to bring those areas down into 27?
18 No?

19 MARY O'GRADY: I'm not specifically advocating
20 that recommendation. I think 27 is historically has been an
21 opportunity to elect African American candidates and
22 Hispanic candidates and pay attention -- so even though
23 there's -- I think it's worth paying attention to those
24 numbers as well.

25 The other thing, like I mentioned, is whether, if

1 we're viewing 26 as an opportunity to elect district,
2 looking at how it affects that as an opportunity to elect
3 district.

4 But I understand the concern there, that that's a
5 marginal opportunity to elect district, and if they're
6 pulling in marginal voters, whether that's going to help it
7 or not really, in reality.

8 Those are I think the two options with that
9 observation.

10 COMMISSIONER McNULTY: What would -- would you
11 just put Guadalupe in 26 and tell me what that does.

12 WILLIE DESMOND: Moving that to District 26
13 changes the HVAP from 30.33 to 31.02.

14 And District 26 is about 6700 people over-
15 populated.

16 So if you remove some -- some white population it
17 will go up a little more.

18 COMMISSIONER McNULTY: So are you -- we can't see
19 what it does unless we make the adjustment, right?

20 WILLIE DESMOND: Yeah. I will -- actually, we
21 should also look at that mine inspector index.

22 So it's currently at 55.11.

23 So we remove people from District 26.

24 COMMISSIONER McNULTY: There a couple places you
25 can do that, it appears.

1 WILLIE DESMOND: Yeah, there are places. The
2 south and to the north.

3 COMMISSIONER McNULTY: I would do it on the north
4 in one of those, yes.

5 WILLIE DESMOND: 5900 people -- okay.

6 District 26 is now 31.45 percent HVAP, and the
7 mine inspector race, Democrat received 55.2 percent of the
8 vote.

9 COMMISSIONER McNULTY: What's the non-Hispanic
10 white population.

11 WILLIE DESMOND: Non-Hispanic white population in
12 the district is 53.75 percent.

13 COMMISSIONER McNULTY: And what was it before?

14 WILLIE DESMOND: I believe it was 54.5 percent.

15 COMMISSIONER McNULTY: A slight improvement.

16 WILLIE DESMOND: Then it is also possible, maybe
17 pulling a little bit more of Mesa or some of this area of
18 the old 15 that we talked about, and improve it to get maybe
19 closer to a true coalition district, not just an option
20 ability to elect. If you like.

21 COMMISSIONER McNULTY: Let's do that later.
22 Before we get sidetracked.

23 WILLIE DESMOND: Are there other areas that we
24 want to look at right away?

25 COMMISSIONER McNULTY: Well, I'm a little --

1 WILLIE DESMOND: Should I do that change with --
2 with Guadalupe and --

3 COMMISSIONER McNULTY: Okay.

4 WILLIE DESMOND: Okay.

5 COMMISSIONER McNULTY: I suggest maybe we work on
6 some other things.

7 I think what Ms. O'Grady and Mr. Kanefield have
8 said is that we need to have nine solid districts and if we
9 can create a tenth we should do that.

10 But should we spend all day trying to decree a
11 tenth building all our other -- without working on our other
12 things? Or should we --

13 What I'm hearing is that it doesn't make sense to
14 take those low turnout voters and make that the focus of the
15 district, or -- or even build them into the existing
16 minority-majority districts.

17 MARY O'GRADY: I'm not advising -- well, again,
18 I'm not saying don't put them in a majority-minority
19 district. Just be sensitive to, you know, the handicapped
20 American. If we can preserve the opportunity for both to
21 elect, the new southeast -- southeast part of south Phoenix,
22 that would be good.

23 I know in this configuration you've also had
24 testimony from Guadalupe that they'd like to stay in that
25 district, which I think we need to consider.

1 And then whether -- and then another option is
2 whether they would -- what impact they have on the coalition
3 district, and whether they would improve it even in a
4 marginal way, or whether they wouldn't improve it because
5 the voter would be heavier.

6 COMMISSIONER McNULTY: My issue is that it doesn't
7 make sense from a community standpoint.

8 It's this long narrow, you know, kind of band that
9 goes with the area south of it, so how many people is that,
10 in that little --

11 MARY O'GRADY: Would it help to know the streets,
12 what we're looking at specifically?

13 COMMISSIONER STERTZ: Yes, please.

14 WILLIE DESMOND: So this area of population is
15 about 34,000 people.

16 It has an HVAP of 60.1 percent.

17 And then just to give you an idea of its voter
18 turnout, that area voted 66 percent for the Democratic
19 candidate mine inspector race.

20 But I couldn't say -- but it was -- it was --

21 COMMISSIONER McNULTY: That doesn't tell us what
22 the turnout was.

23 WILLIE DESMOND: The turnout for Democrat was 2700
24 votes. So there were 2700 votes for mine inspector
25 candidate out of 34,000 total people, 23,000 18 plus. And

1 about 14,000 HVAP.

2 COMMISSIONER McNULTY: So how does that compare to
3 the state average, do we know?

4 WILLIE DESMOND: I don't -- I don't know what the
5 state average, but my guess would be that, just doing --
6 it's about 14,000 HVAP, and about, I think, 2700 votes. I'm
7 assuming that's probably a fairly low turnout percentage.

8 COMMISSIONER McNULTY: Thank you, sir.

9 COMMISSIONER STERTZ: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Stertz.

11 COMMISSIONER STERTZ: Mr. Desmond, what's the
12 registration?

13 WILLIE DESMOND: Registration in that area is, um,
14 it has about 39 -- well, 4000 registered Democrats, about
15 1900 registered Republicans.

16 COMMISSIONER STERTZ: So a population of --

17 WILLIE DESMOND: A population of, I think -- a
18 population of 34,000. Voting age population of 23,000.

19 COMMISSIONER STERTZ: Voting age population of
20 23,000, we've got how many registered?

21 WILLIE DESMOND: I think 5900.

22 COMMISSIONER STERTZ: And of those 5900, how many
23 voted?

24 COMMISSIONER McNULTY: 2300, I think he said.

25 WILLIE DESMOND: Let me check.

1 In 2010, at least in the mine inspector race,
2 there was a total vote there of about 4100 votes.

3 COMMISSIONER STERTZ: So 4100 out of 5900 voted?

4 WILLIE DESMOND: Yes.

5 COMMISSIONER STERTZ: If you're not registered you
6 can't vote, so as a percentage of registration, it's --
7 we're at 70, 75 percent?

8 WILLIE DESMOND: Correct.

9 COMMISSIONER McNULTY: In a percentage of 18 plus
10 population, it's much lower.

11 Is there any way for you to look at the rest of
12 that district and see if there's comparable population that
13 could be -- we moved this down into 27 that you have
14 highlighted. Then we moved --

15 See if there's any comparably, you know, low voter
16 turnout comp -- comp -- population, like Ms. O'Grady said,
17 that could be moved, you know, so that we -- do we take it
18 in, but we don't in the process of doing that degrade the
19 districts that the Arizona minority coalition has created in
20 terms of voter effectiveness.

21 I know that's a tedious exercise.

22 WILLIE DESMOND: You're saying take it into 20 --

23 COMMISSIONER McNULTY: Take it into 27 but look
24 for a comparable.

25 WILLIE DESMOND: So move another low performing

1 area.

2 COMMISSIONER McNULTY: Yeah, yeah, move 27 into 19
3 or the other unassigned area or 31 or . . .

4 WILLIE DESMOND: Okay. Get --

5 COMMISSIONER STERTZ: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Stertz.

7 COMMISSIONER STERTZ: Are we going to be going by
8 a precinct-to-precinct analysis of registration and turnout
9 against population, as a -- as a sub -- as a subset analysis
10 component?

11 WILLIE DESMOND: We have started looking at
12 reports just yesterday listing all of the precincts, all the
13 VTDS as a point of analysis in that district.

14 That's something that Mr. Adelson has asked for.

15 I haven't given that to the Commission.

16 Yesterday's reports for one of these plans I think
17 was 2400 lines long, so if I were to print it, it would be
18 100 pages for each -- for each of you for each map.

19 And then I guess also addressing some of the
20 public's concerns from this morning, I think part of the
21 reason that some of what's gone on the website, has been
22 confusing just because we have been presenting you with a
23 very large amount of analysis that I don't think was
24 necessarily public record last time, nothing that you have
25 gotten hasn't gone to the public.

1 So if you would like to see that, that's fine, we
2 can make it available. I would say you'd probably want it
3 electronically.

4 I don't know if you. . .

5 COMMISSIONER STERTZ: Well, my -- my -- the reason
6 for my path of questioning here again is twofold.

7 One, if we're going to determine that this small
8 -- this small area in this small component is going to be
9 hyper-analyzed with analytical data down to this to make
10 this decision level, we need to be looking at that. That
11 has ripple effects throughout the entire state and entire
12 analysis.

13 And I don't want to get caught up in a specific
14 area, a specific block, because I look at a 75 percent voter
15 turnout, based on registration, as being a very high level
16 or comparable mine inspector 2010, that actually would have
17 exceeded the average for Maricopa County in that -- in that
18 -- in that same time frame for a mining inspector in that
19 period, based on registration.

20 If folks aren't registered in an area, we need to
21 start looking at registration across the board then, and
22 voter turnout on the precinct level, if we're going to
23 hyper-analyze right now for this particular piece.

24 I think we're going down a path that might be a
25 little myopic at this time, at this juncture, without having

1 either the 2004 or 2006 data in front of us, as well as a
2 lot of other data analysis.

3 So I caution the rest of the Commissioners to go
4 down this specific a path based on this specific of analysis
5 at this time.

6 COMMISSIONER McNULTY: All we're trying to do is
7 make a voting rights district here. It's kind of a
8 different issue from the 2004, 2006 data.

9 We're just trying to build something that the
10 Justice Department will look at and won't say we reduced the
11 effectiveness of opportunity to elect. That's all. So. . .

12 MARY O'GRADY: I don't know if it's helpful or
13 not, and it's not directly on that point, but if there's a
14 general sense that maybe that high Hispanic area should be
15 included in the minority district, so if you want to move on
16 to some other issues. You could block that off and we could
17 spend some more time looking at that particular issue while
18 you move on to some other areas.

19 COMMISSIONER McNULTY: I think that makes a lot of
20 sense. Rather than doing this right now, we can look at
21 that issue and see if there's a way to just swing everything
22 around, and if that gives us more opportunity in that El
23 Mirage area that we were looking at because we moved
24 everything in that way, that makes sense.

25 COMMISSIONER STERTZ: Madam Chair, I'm also

1 looking at, as we're looking at coalition building,
2 coalition districts. We've got, we've got District 4, which
3 is a majority-minority district that's going all the way up
4 from the border all the way up to Maricopa County and going
5 into Tucson and going to Yuma.

6 We've got 12, which is a -- has got some native
7 land population opportunity.

8 We've got -- so we've got three -- or two that has
9 got -- it's also a majority-minority, where we've got some
10 opportunity for making some adjustment for being -- for
11 again seeing what we can capture in various parts of the
12 state by making some adjustments.

13 So, I think what I -- is there anything that was
14 agreed upon? Is there anything so far that's been agreed
15 upon by the Commission in my absence in the last couple
16 days?

17 Do we know that District 6, or whatever the one on
18 the upper north east corner is, is that one done?

19 WILLIE DESMOND: No, it's not.

20 COMMISSIONER STERTZ: I'm sorry. I've been trying
21 to work -- if we're going to get to the finish line, Madam
22 Chair, I think we're going to have to find one that's sort
23 of done and then say, okay, well, that one's done. That's
24 the percentage that we've got. That takes one thing off the
25 list.

1 MARY O'GRADY: Madam Chair, if you'd like to make
2 some progress in that area to avoid retrogression of the
3 Apache Nation as a place holder, we add the Apache tribes to
4 that district. We have to include them in that district.

5 WILLIE DESMOND: I don't know if this is the
6 appropriate time to say this, but arguing with Bruce, I
7 think you made it clear that a lot of the analysis on these
8 voting rights districts can't be completed on the fly, and
9 it's something that to look at on the whole. So I just
10 think that a mindset of the 30-day counter period of the
11 draft map, there is a potential that the voting rights
12 district will have to change after the 30 days. So everyone
13 should keep that in mind, too.

14 COMMISSIONER STERTZ: So I think, Madam Chair, and
15 what Mr. Desmond, legal counsel, what you might be
16 recommending is that let's get close. Let's get our numbers
17 so that they match it. Let's attempt to get our tenth.
18 Let's fill in the rest of the blanks, and let's publish it
19 as a draft. Let's not -- let's meet all the six criteria of
20 the Constitution, still competitive analysis, so we know
21 what we're going forward with, and let's get it out to the
22 public.

23 Because there's so much analysis from the Voters
24 Rights Act that needs to be done by legal counsel and by
25 that side of the room, that we can't be doing this on the

1 fly.

2 WILLIE DESMOND: So maybe, I guess the two
3 options, moving forward then, kind of take a step back from
4 the additional one in Maricopa, would be to, I guess, try to
5 work towards a more set in stone, set in southern Arizona.
6 Bruce did express yesterday some -- some concern that we
7 need to look more in Pinal County, I guess.

8 So there is the potential that District 4, which
9 is a southern district, could pick up parts of the Indian
10 reservation, like the Gila River and stuff.

11 There's some areas there that have elected
12 Hispanic candidates in the last decade, and if we do shift
13 four in any way, the southern, that might make it easier for
14 those of you in 13 or 20, whatever we're talking about for
15 the further west, to grab more of the population there.

16 I guess the -- if we can get one thing just set,
17 then you can start building from there, and, you know, don't
18 have to worry about adjusting that later and then affecting
19 everything else you've been working on.

20 We're willing to proceed any way you want. That's
21 kind of where we stand.

22 CHAIRPERSON MATHIS: One thing I thought of, and
23 this may be extremely unpopular with everyone, but you can
24 shout down your criticisms of me at this suggestion, but
25 what we did, is we looked at southern Arizona, and ended at

1 the two versions that were created for ledge maps and chose
2 Ms. McNulty's version of southern Arizona for the, you know,
3 the three majority-minority districts.

4 Then we chose in the Maricopa County area
5 Mr. Freeman's four majority-minority districts.

6 What I'm wondering is, since they built maps
7 around those majority-minority districts, filling in their
8 versions, Ms. McNulty's for southern Arizona, and Mr.
9 Freeman's for Maricopa County, putting in the northeast
10 corner that the Navajo Nation submitted to us yesterday, and
11 seeing what that does.

12 Now where does that take us? Obviously, there's
13 multiple things that still have to be done on
14 majority-minority districts.

15 But since we know there are huge ripple effects
16 associated with anything we do, it seems like since they
17 each built districts around those majority-minority
18 districts, and we put those in as place holders, why not try
19 that and see what happens map-wise dealing with it by region
20 like that.

21 COMMISSIONER STERTZ: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Stertz.

23 COMMISSIONER STERTZ: If I'm hearing you correct,
24 are you suggesting that Mr. Desmond take the version two
25 and/or option one and option two, whatever they're called,

1 and drop in the minority-majority districts and blank out
2 the rest of the map?

3 CHAIRPERSON MATHIS: Well, we -- we actually did
4 do that. We created -- when we were creating the merged map
5 idea, that's how we started.

6 But what I'm saying now is, since we have -- we
7 did decide that McNulty's southern Arizona, Mr. Freeman's
8 Maricopa area, for majority-minority districts, would go
9 into this map, why not let them fill in the rest for those
10 regions, since they built districts around those themselves
11 on their maps.

12 Obviously, there's going to be some huge
13 adjustment that we'll have to work on with Pinal County,
14 since that's where the two intersect. And putting in what
15 the Navajo Nation suggested yesterday and seeing where that
16 gets us.

17 And then working more holistically on the map and
18 making adjustments as necessary to accomplish all the
19 criteria.

20 WILLIE DESMOND: One thing, Commissioner Freeman's
21 four districts in Maricopa are not the four districts we
22 have right now. so. . .

23 VICE-CHAIR FREEMAN: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Freeman.

25 VICE-CHAIR FREEMAN: That's correct. My districts

1 were erased at some point in the afternoon as we built --
2 new districts were built in there, as Commissioner Herrera's
3 probably going to say, he didn't agree to any line anywhere.

4 The other thing is that when we go ahead and
5 create that Native American district in the northeast, it
6 causes a ripple effect in the northern part of the map,
7 northern part of my map. And also I think if we're going
8 with the four majority-minority districts in Phoenix, as
9 changed, that's going to have a ripple effect on the
10 districts in the Phoenix area on my map.

11 It gets to be kind of a complicated problem.

12 I don't know if it's as simple as pushing a
13 thought that's a good idea, the thought process.

14 But I don't know if we can just take -- split the
15 state in half and stick two maps in there and see if they
16 can fit together.

17 I don't know if it's really going to be feasible
18 for us to do that.

19 VICE-CHAIR HERRERA: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Herrera.

21 VICE-CHAIR HERRERA: I believe one of the reasons
22 we started changing the districts that Mr. Freeman came up
23 with were because of some of the issues we had with those
24 districts, including the issues of major concerns that the
25 Arizona Hispanic coalition had, and the issues they

1 addressed with -- publicly, and also with our legal team.
2 So I think that's the reason why we ended up changing them,
3 if I'm correct.

4 VICE-CHAIR FREEMAN: Actually, Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Freeman.

6 VICE-CHAIR FREEMAN: That's not what I recall.

7 I know representative Miranda has come on behalf
8 of his minority coalition and presented maps of three
9 minority-majority districts that they would like in Phoenix.

10 We eventually put those back in to the map.

11 And then it was Commissioner McNulty, then, that
12 made the changes to those lines and created the 4th
13 District.

14 And then this morning we were looking at, and
15 yesterday afternoon, looking at some opportunities to create
16 coalition districts.

17 So that's where I think we're at now.

18 COMMISSIONER McNULTY: I think where we wound up
19 yesterday is we had nine solid majority-minority districts
20 or coalition districts.

21 And I think it would be important to -- I think
22 it's important to take advantage of that and use those, and
23 build around those. I don't think it works to -- it doesn't
24 work, from my perspective, to have one map in the south part
25 of the state and one map in the middle of the state and one

1 map in the north part of the state.

2 I think we need to work through these issues.

3 And I think Ms. O'Grady's notion of starting with
4 solid majority-minority coalition districts to satisfy the
5 Voting Rights Act is important. I think actually it's
6 essential.

7 And then from there, to build districts to the
8 extent that we can -- we can all agree upon.

9 COMMISSIONER STERTZ: So, Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Stertz.

11 COMMISSIONER STERTZ: I'm not sure what the
12 opinion of the rest of the Commissioners are about what
13 Richard Miranda and the group he put together for the
14 districts.

15 I felt very -- the fact that it's the three
16 representatives of those three districts that drew the three
17 map sets that came forward, I think that's sort of what the
18 idea about proposition 106 was. It was supposed to throw it
19 back to the citizens to draw.

20 So I -- I respect them. I respect their work
21 product that they brought forward, but I really want to be
22 able to take sort of a clean look at the -- at these,
23 instead of going back to the lines they had.

24 I think what I'm hearing is that Commissioners
25 Freeman -- Mr. Freeman took a look at it and

1 Commissioner McNulty, and the team yesterday made some --
2 some of those adjustments off of those.

3 I like the idea of continuing to move that ball
4 down the field.

5 I really want to take a hard look at two and four,
6 and 12 and see how those work together.

7 I think that we cannot, other than -- other than
8 equal population, I think we can't discount all of the other
9 aspects of our constitutional mandate in trying to create
10 our majority-minority districts. We can't.

11 I think there are some issues of communities of
12 interest that are breached in those -- some of those areas.

13 There's some good pieces to them, but there's some
14 areas that need some work.

15 But we're also at the lunch hour. We may be able
16 to do some of this work product over lunch, because I would
17 like to have Mr. Desmond load this map on my system so I can
18 be doing some work.

19 CHAIRPERSON MATHIS: Okay. Do we want to have
20 lunch now?

21 The time is noon. We can take an hour break.

22 Okay, let's take an hour recess. It's 11:58.

23 Thanks.

24 (Lunch recess taken.)

25 CHAIRPERSON MATHIS: Recess is over. The meeting

1 will continue. The time is 1:29.

2 And we have a few folks -- I have a couple Request
3 to Speak forms that I thought we'd address now, before we
4 get back into more of the legislative grid map adjustments
5 based on constitutional criteria.

6 And I will go ahead and start with the former
7 Mayor of Phoenix from 1969 to 1974, John Driggs is here.

8 JOHN DRIGGS: Thank you, Madam Chair, for this
9 opportunity.

10 I first want to commend the Commission for your
11 special service. A real tough job. And when you do this as
12 volunteers, it is classic.

13 First of all, I would like, just based on some
14 pure personal experience when I was Mayor, to ask you to
15 review your draft, your congressional draft of number nine,
16 Congressional District Number 9. And I want to specially
17 address Ahwatukee.

18 Ahwatukee is a major significant part of Phoenix,
19 around the point of the mountain, South Mountain. It didn't
20 even exist. There was nothing there but desert and jack
21 rabbits when I went into office in 1970.

22 Midway -- those were two-year terms in those days.
23 And, incidentally, I was -- I know something about
24 partisanship, but I also know something about non
25 partisanship, because, you know, the City of Phoenix, as is

1 every other city in Arizona except Tucson, elections are
2 traditionally, they are nonpartisan.

3 But you see how much that has changed even in
4 Phoenix over the last 40 years, given the current male
5 candidate, or process.

6 But a lawyer came into my office and said he was
7 representing Presley Development Company, that wanted to
8 build a community south of South Mountain. And they could
9 not build it without City of Phoenix water. And would we
10 give them water.

11 I went right in, met with the deputy city manager
12 at that time, Marvin Andrews, who later became one of
13 Phoenix's best city managers. And we looked at a map on the
14 wall and we agreed that if we did not give Presley
15 Development Company City of Phoenix water to build their
16 community, which they wanted to call Ahwatukee, that we
17 would literally be cut off at the pass if we ever wanted to
18 annex south.

19 So that's how Ahwatukee began in the 70s.

20 They built their first houses.

21 We let Presley Development Company build for
22 several years under county code, so they could get started.
23 But I enacted a promise from Presley to, at the appropriate
24 time, agree to annexation. Because we thought that at any
25 moment Tempe could jump that big barrier of Route 10.

1 They didn't do it, and we annexed Ahwatukee.

2 So if there ever, you know, if there ever was a
3 Justice Department review of your process, there's just one
4 piece of District 9 that is a classic case of where you
5 might -- might be hard to explain why it is in -- in nine
6 the way it is, and not very much related to Phoenix.

7 So I just throw that out, and please ask you, just
8 review CD 9 with Ahwatukee in mind.

9 Well, the other interest I have, I have lived in
10 District 11. You're in that process now.

11 I lived there for well over 50 years.

12 And before that I lived in the area just south of
13 District 11 and central Phoenix for the first 34 years of my
14 life.

15 And I know that district well. I know that it is
16 quite well balanced now. For three consecutive legislative
17 terms it's had equal legislative representation in the
18 house. And in recent elections I believe that Governor
19 Napolitano won every single precinct in 2006, and Terry
20 Goddard for Attorneys General's Office lost only one
21 precinct. So it's quite well balanced the way it is,
22 District 11.

23 So I would suggest that just based on personal
24 experience, and I know this -- this whole notion of
25 community of interest is really difficult, but -- but when

1 you take the -- this whole area, and I know it well, because
2 not only because I live there, but it the Phoenix Mountain
3 Preserve is right in the middle of it, and that was -- I
4 paid a lot of attention to that because that was my primary
5 project during my term as Mayor, to get the Phoenix Mountain
6 Preserve.

7 Well, on a legislative front then, it's obvious
8 that I would hope you would consider version one for that,
9 just based on my experience both as a citizen and as a
10 Mayor.

11 And I want to thank you again for the opportunity,
12 Madam Chair, for this perhaps out-of-order procedure, to
13 give me a moment.

14 And it's been a privilege to address the
15 Commission.

16 Thank you very much.

17 CHAIRPERSON MATHIS: Thank you.

18 I have a couple other --

19 JOHN DRIGGS: Can I say just one thing?

20 CHAIRPERSON MATHIS: Sure.

21 JOHN DRIGGS: You've really got a great executive
22 director.

23 CHAIRPERSON MATHIS: I know that.

24 JOHN DRIGGS: I've known --

25 RAY BLADINE: I should have stayed away.

1 THE WITNESS: I've known Ray Bladine since we both
2 labored together at City Hall.

3 RAY BLADINE: He still tells me what to do.

4 CHAIRPERSON MATHIS: I have some more Request to
5 Speak forms from people, and if you aren't ready to speak to
6 us now, there'll be public comment at the end, too. But I
7 thought I would give you all the opportunity now.

8 Pete Bengtson, representing self, from Pima.

9 PETE BENGTON: My name is Peter Bengtson,
10 B-E-N-G-T-S-O-N.

11 I'm from Pima County.

12 I want to give you a little -- try to again give
13 you a little different view on competitive districts.

14 Most people argue in the simplistic way that
15 either the Republican view is good and the Democrats are
16 bad, or vice versa.

17 Now, I've been working with the Sierra Club
18 conservation organization for 40 years, and the past 15
19 years doing political work.

20 We have our own political action committee.

21 So my view is that candidates and legislators that
22 are for environment -- environmental protection are good and
23 those that aren't are bad.

24 So I would like to urge you to vote for
25 competitive districts. It turns out that I've supported

1 Republicans in the past when they were working for the
2 environment. But lately that doesn't seem to work out this
3 way.

4 The recent 2011 Sierra Club environmental report
5 card, has a number -- quite a few people getting A pluses,
6 A's, but they all are Democrats.

7 Competitive districts will allow Democrats and
8 people that are likely to protect the environment a better
9 chance of winning.

10 But I think the Republican party has kind of moved
11 away from environmental protection.

12 Competitive districts may allow more moderate
13 Republicans a chance to get elected. They will have to get
14 through the Republican primary, but then they'll need more
15 than just Republicans to win in the general. So if there
16 is -- if there are moderate Republicans, I think they have a
17 better chance to get through a competitive district. So a
18 competitive district will certainly help the Democrats, but
19 it may help the kind of Republicans that I'd like to see get
20 elected.

21 Thank you.

22 CHAIRPERSON MATHIS: Thank you.

23 Shirley Dye from northern Arizona.

24 SHIRLEY DYE: Thank you for allowing me to --
25 since I wasn't ready earlier, to speak before we proceeded

1 much further.

2 And I want you to know that I am speaking for
3 myself, from my heart, based on what I have learned over the
4 last number of years, say, three years, three or four years
5 since I became politically active. And that nobody has put
6 me up to that. What I'm going to say, because it's not
7 going to be politically correct, so you can hold your ears
8 if you don't want to hear it.

9 First off, there was a Supreme Court case,
10 Bartlett versus Strickland in 2009. The case was decided by
11 the United States Supreme Court on March 9th, 2009. In a
12 plurality decision, the court held that a minority group
13 must constitute a numerical majority of the voting age
14 population in an area before Section 2 of the Voting Rights
15 Act would require the creation of a legislative district to
16 present -- to prevent dilution of that groups' votes later
17 on.

18 The decision struck down a North Carolina
19 redistricting plan that attempted to preserve the minority
20 voting power in a state legislative district that was
21 39 percent black.

22 Justice Kennedy delivered the decision and was
23 joined by Justice Alito, Roberts -- and Roberts. Justice
24 Thomas filed a concurring opinion and was joined by Justice
25 Scalia and Justice Souter. Justice Souter filed a

1 dissenting opinion, and was joined by Justice Stephen Burg
2 and Breyer. Justices Ginsburg and Breyer also filed
3 separate dissenting opinions.

4 So, also, Bruce Adelson has been Gila County's
5 Department of Justice attorney.

6 So we have had many -- I was on the -- I was a
7 citizen, you know, following it. And we had some excellent
8 maps that adhere to the requests of -- we had a 52 percent,
9 51 percent majority-minority combined Hispanic and Native
10 American group.

11 The Tonto Apache tribe wanted to become part of
12 the San Carlos Apache, so that we could shift the districts
13 this way, and the San Carlos Apache and the Tonto Apache
14 said that they really had nothing in common, and that they
15 really didn't need the Hispanics, that they could do fine
16 with the 44 percent minority-majority.

17 And the supervisor of District 3, where they were
18 shifting, and we thought, well, we can just shift the few
19 Hispanics that were down in the south part of the county
20 over to their community of interest in District 2, where it
21 built up that Hispanic majority-minority up to about 26 or
22 30 percent.

23 Bruce Adelson, in all the writings that he wrote,
24 said they need to put more Hispanics in that district. And
25 everybody was happy, except Bruce Adelson.

1 We had some excellent, excellent maps. And he
2 told us that they were illegal, because you could not break
3 up a 50-percent mixed majority-minority district.

4 And we only have three districts to work with.

5 Later I found out from other attorneys from the
6 Department of Justice that that was not true at all. That
7 Bruce Adelson didn't have it exactly all right.

8 So, meanwhile, we got a -- one that we compromised
9 on.

10 On another note, and again I'm speaking for
11 myself, Arizona is under attack on all fronts right now.
12 The conservatives are under attack, for one thing, because
13 of Russell Pierce and Prop 1070.

14 And by the way, Randy Perrin was originally from
15 California, where he did a lot of damage. And he relocated
16 here specifically to rile up the Hispanics and to promote
17 the recall of Russell Pierce. And that's fairly well
18 documented.

19 Another thing is the conservatives reaction to
20 fast and furious.

21 Also, our giving back of funding, \$850,000 grant
22 that was given to -- up in the White Mountain area, Show
23 Low, Heber. I don't know exactly what city it was, but
24 because of the ICLEI, the International Council of Local
25 Environmental Issues Requirements, they decided that they

1 did not want to have that money, and they gave it back to
2 the federal government.

3 The federal government was very, very upset.

4 Also, our attempt in the Legislature to get health
5 care comp back where we could get health care companies to
6 be able to go across state lines was, you know, it was
7 passed, but then it was axed by Jan Brewer, for, I don't
8 know what reason. Maybe she didn't understand it enough or
9 whatever.

10 But my theory is, that the push for a Native
11 American district is being pushed by the federal government.

12 Remember Van Jones and give them the money and
13 give them the land. That was -- he was talking then about
14 the Native Americans.

15 The Native Americans do not have a clue about
16 working people and business people who work hard and pay
17 taxes, so that the Native Americans can get their welfare or
18 reparations, as Van Jones would call it.

19 See, I told you I'm not being politically correct.

20 And remember the, um -- well, now I lost my place
21 here. Hang on just a second.

22 A friend of mine from Flagstaff told me that there
23 currently LD four representative, which is up in the Navajo
24 Nation, of which Flagstaff is currently a member, decided
25 they wanted their own health care clinic. So without

1 considering Flagstaff or talking to them, they just raised
2 the taxes 16 percent in Flagstaff so the Native Americans
3 could get their clinic.

4 Now, I want you to know, I love -- I grew up and
5 went to high school in Pasadena, California. And had black
6 friends. I had Hispanic friends. I had a Guatemalan lady
7 in my house for a years with her four kids, taking care of
8 my mother. I paid her under the table.

9 I didn't realize it at first, but she was an
10 illegal alien, and I loved that woman and I loved her kids.
11 The kids called me grandma, and carried on relationships
12 since then.

13 I love Native Americans. I helped the Tonto
14 Apache tribe get into the district they want to do.

15 I am not prejudice.

16 I am not a racist.

17 I love people on the individual basis.

18 But there are -- there are progressive actions set
19 in motion that are trying to cause class warfare, and I
20 believe that some of you people are part of this.

21 Also, you just heard a gentleman talk about
22 environmentalists.

23 Up in our area we have had a heck of a time
24 getting our four forest initiatives under way so that we
25 could clear the forest of all the underbrush, and we were

1 blocked and blocked at every turn by the environmentalists,
2 and therefore, thus the wall of fire.

3 Now we're fighting and fighting and fighting to be
4 able to get that timber that's been burned harvested,
5 because in another year it won't be worth anything. And
6 right now it has some great value.

7 But it's never going to regrow from the stump.

8 If we have -- if Native Americans do not
9 resolution copper, even though we will -- the copper mine
10 will be digging down underneath their sacred burial land and
11 will not harm it, they are fighting us on that.

12 If we have a Congressional district with Native
13 Americans in charge that probably don't necessarily
14 represent all of their tribal members, and the federal
15 government is in there telling them what to do, every bit of
16 progress that we have made on the four forest restoration,
17 getting Resolution Copper Mine going so we can get more jobs
18 for rural Arizona, our tax base, which is very -- like I
19 mentioned before, there's very little tax base in rural
20 Arizona, because so much of it is owned by BLM and the
21 Forest Service.

22 It is very likely that Dr. Paul Goldfarb would
23 not have a chance to be re-elected the way you're doing
24 that.

25 And there's already a Tucson Native American

1 candidate being groomed by Raul Grijalva, who just got
2 recently kicked off of the Natural Resources Committee in
3 Congress, who had been fighting us and fighting us and
4 helping to prevent us from getting our four forest
5 restoration.

6 Then there's the pipeline, the 14 miles of
7 pipeline from Blue Ridge, that has been -- it was supposed
8 to be a year environmental assessment.

9 It's been two-and-a-half years now. And, finally,
10 we're just getting a break through so that we can put in our
11 pipeline and have our water that was granted to us five, six
12 years ago, that they've been working on for 30 years to get,
13 so that we could have water for our community in Payson.

14 There's the sale of the federal property -- the
15 Forest Service property that was supposed to be sold to our
16 town ten years ago. And we're trying to get it and trying
17 to get it and regulation after regulation is stopping us.

18 And now the Redistricting Commissioners are trying
19 to break our existing legislative District 5 into three
20 separate legislative districts.

21 Everything we have worked for to bring the south
22 part of Gila County and the north part of Gila County
23 together is going to be for naught.

24 So you're letting people from Flagstaff and people
25 from the federal government, and, you know, other places,

1 dictate, and not listening to the people of rural
2 northeastern Arizona.

3 Like I said, I have absolutely nothing against the
4 Navajo or the Apache or the Hopi. I'm just thinking that
5 this is a setup. And where does it say in the Voting
6 Rights Act -- does it say that you can have a coalition of
7 two different mixed minorities, two different language
8 groups, and two different cultures, that you can make --
9 take 30 percent or 36 percent minority, and say that you
10 can't make that a majority-minority district, but then you
11 can take other minority-majority and put them together and
12 then forever and ever they are bound together in a majority-
13 minority coalition.

14 You know, what can I say? I think it's called
15 social engineering.

16 And it's not an American thing. It's a
17 progressive thing.

18 And I guess until I think of something else,
19 that's all. Thank you for hearing me out.

20 Like I say, it really hurts me to have to get up
21 and have to say this.

22 I was sick yesterday afternoon when I walked out
23 of this place, because of the social engineering that's
24 going on here.

25 And I hope this makes the L.A. Times and the

1 Arizona whatever. You know, I watched my beloved California
2 that I grew up in all my life, north of Los Angeles, I
3 watched it go down the tubes and it crushed me when I left
4 there, because I worked for a contractor, a sewer and
5 private sewage disposal system contractor for 15 years
6 before we moved over here six years ago. During that 15
7 years I watched the regulations get tougher, tougher,
8 tougher, worse and worse and worse. The public counter
9 people at the downtown City of Los Angeles and Pasadena, get
10 tougher and tougher to work with, take longer and longer
11 time.

12 I helped them, the City of Los Angeles, write up
13 their 1994 and 2004 Memorandum of General Distribution on
14 private sewage disposal systems, and I knew what their rules
15 were. And yet every time I would go to pull a permit, some
16 union guy that nobody could fire, that person after person
17 after person tried to fire, and they couldn't get rid of him
18 because he was in unions.

19 So I'm dumping on you, but I'm telling you it's
20 out of my hurt and out of my pain and out of my watching my
21 beloved country and my beloved home state, California, and
22 now my beloved Arizona, go down the tubes.

23 Thank you.

24 CHAIRPERSON MATHIS: Michael Mandell, attorney
25 representing Coconino County.

1 MICHAEL MANDEL: Thank you, Commissioners. Thanks
2 for the opportunity to speak to you today.

3 On behalf of Coconino County, the Board would like
4 to thank you for all of the hard work you're doing as part
5 of this process.

6 The Board is doing its own redistricting, so it
7 understands, obviously, on a more micro scale, of what
8 you're having to deal with.

9 What the Board would like to provide the
10 Commission today, is that it supports option 8A, option two,
11 as that map relates to northern Arizona, with a small
12 change.

13 And that would also apply to the map that was
14 presented yesterday by the Navajo Nation.

15 In any map that the Commission adopts, the Board
16 would request that two areas which are known as the
17 Timberline Fernwood area, as well as the Doney Park area, be
18 included in the same legislative district as the City of
19 Flagstaff.

20 And I have maps and some information that I'll
21 provide the Commission so you can actually see exactly where
22 those areas are.

23 I'm going to give you some background. Last year
24 Coconino County was dealing with the Schultz fire which
25 burned more than 15,000 acres on the San Francisco peaks.

1 Since last year the county has been dealing with
2 major flooding that has occurred because of that fire.

3 These areas have been dealing with one flood after
4 another flood after another, and are going to be dealing
5 with that for years to come.

6 The Board strongly believes that legislative
7 district, which includes Flagstaff, must also include this
8 entire Schultz fire flood area, which does include the Doney
9 Park and Timberline Fernwood areas.

10 The current option to split Timberline Fernwood
11 from Doney Park and the City of Flagstaff.

12 The Board is happy to work with the Commission on
13 this change, but does feel strongly that due to the issues
14 that it faces in this area, splitting this area from the
15 City of Flagstaff of Doney Park is detrimental to the future
16 management of that area.

17 And the Board believes that the Schultz flood
18 area, and the City of Flagstaff, are communities of
19 interest, and we respectfully request that the Commission
20 treat us as such.

21 And so with that, I have a map here today, and I
22 don't know how you want me to hand it out. Want me to give
23 it to staff?

24 CHAIRPERSON MATHIS: Yeah, that would be -- you
25 can pass it out to us. We can distribute it.

1 MICHAEL MANDEL: I have plenty of copies. You can
2 give it to your staff as well.

3 As part of that, we had discussions with the City
4 of Flagstaff and they're supportive of putting that area in
5 with the City of Flagstaff as well.

6 We are going to be having discussions with the
7 Navajo Nation to make sure that they don't have an objection
8 to it as well.

9 But we think we'll be able to do that. It's not a
10 very large area in the basin of San Francisco Peaks. Its
11 pretty close to where the lines are now, so it shouldn't
12 require a major change. And it's not a vastly large
13 population that will change any of the population deviations
14 either. So we think it's a pretty simple adjustment and
15 would request that it be made.

16 Thank you very much.

17 CHAIRPERSON MATHIS: Any questions?

18 VICE-CHAIR HERRERA: Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Herrera.

20 VICE-CHAIR HERRERA: Mr. Mandell, you talked about
21 the Schultz area.

22 Can you give us some -- a little more background
23 on the other two areas, the Doney Park, and I think you said
24 Fernwood?

25 Is that the -- Coconino County would have a common

1 with those areas and give me some more detail why they
2 should be included.

3 MICHAEL MANDELL: Madam Chairman, Commissioner
4 Herrera, and the rest of the members, basically it's all one
5 area.

6 One of the parts that I included was the 2001
7 planning area map that was created by the -- by Coconino
8 County, which outlines the Fernwood Doney Park area as one
9 planning area that Coconino County had been working on for a
10 long time.

11 This is all contained within the Schultz flood --
12 well, the flood area that is a result of the Schultz fire.

13 It's all a community right next to each other.

14 That's right there.

15 And Coconino County would just like to make sure
16 that it's in Flagstaff, from a management standpoint, to
17 make sure that the appropriate resources are provided to
18 that flood area to make sure that the people who are having
19 to deal with that can properly do so.

20 CHAIRPERSON MATHIS: Any other questions?

21 VICE-CHAIR FREEMAN: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Freeman.

23 VICE-CHAIR FREEMAN: Mr. Mandell, the
24 San Francisco Peaks, which district would they fall in, the
25 district with Flagstaff or District 7?

1 MICHAEL MANDELL: Madam Chair, Commissioner
2 Freeman, the actual peaks themselves, I think that the
3 Navajo Nation has requested that they -- because they are a
4 tribal site, that the peaks themselves be part of whatever
5 district the Navajo Nation is within.

6 The Board does not have an objection to the peaks
7 being part of the Navajo Nation.

8 It's trying to make sure that this area that's
9 below the peaks, that's having to deal with a lot of the
10 flooding and, certainly, if there's a area of the peaks
11 where this flooding is occurring, if that could also be
12 included without causing an issue to the tribal lands -- to
13 the sacredness of the tribal lands of the Navajo Nation,
14 would like to be included in there. It's trying to strike a
15 balance between those two issues.

16 But certainly the peaks themselves, at the top of
17 the peak, or near that area, can certainly go in with the
18 Navajo Nation.

19 VICE-CHAIR FREEMAN: Thank you.

20 CHAIRPERSON MATHIS: Any other questions?

21 (No oral response.)

22 MICHAEL MANDELL: Thank you.

23 CHAIRPERSON MATHIS: Thank you.

24 Our next speaker is Linda Kavanagh representing
25 self from Fountain Hills.

1 LINDA KAVANGH: Good afternoon. My name is Linda
2 Kavanagh. I live at **(ADDRESS STRICKEN)** in Fountain Hills.

3 VICE-CHAIR HERRERA: Madam Chair.

4 CHAIRPERSON MATHIS: I'm sorry?

5 VICE-CHAIR HERRERA: I'd like to say, if
6 Ms. Kavanagh is related to a current elected official, let's
7 strike -- if that's the case, let's strike the address from
8 the record.

9 I don't know for a fact --

10 CHAIRPERSON MATHIS: I don't know.

11 CHAIRPERSON MATHIS: Legal counsel?

12 MARY O'GRADY: If there's some concern in the back
13 of the room frankly on that issue, if there's a relation to
14 a elected.

15 LINDA KAVANGH: I'm here representing myself, my
16 own views, my own point of view, and no one else's.

17 Do I not have a right to express my own point of
18 view regardless of who I'm related to?

19 CHAIRPERSON MATHIS: You do. The point is, I
20 think, that we need to, if you're related to a current
21 elected official, that we need to not know where you live,
22 and so that information would be stricken.

23 It's okay to know your town, but not your street
24 address or anything like that.

25 MARY O'GRADY: We need to strike that part from

1 the record.

2 COURT REPORTER: Clarification. Remove it from
3 the record?

4 MARY O'GRADY: Yes, I think we should. And
5 yesterday we talked about how, for citizens we were
6 generally -- at some point decided not to get street-related
7 information just in terms of privacy considerations also.
8 But if there is a concern, if it's also the residence of an
9 elected official, should be stricken from the record.

10 THE REPORTER: Thank you.

11 LINDA KAVANGH: Can I go on?

12 CHAIRPERSON MATHIS: Yes.

13 LINDA KAVANGH: As a resident of Fountain Hills
14 since 1993, I am deeply disturbed by the congressional
15 district map that the Commission approved that rips Fountain
16 Hills from its East Valley roots and places it in an
17 extremely gerrymandered and predominantly rural
18 congressional district.

19 Placing Fountain Hills in a district with Colorado
20 City and Yuma, not only violates, but also desecrates the
21 standards the Commission is sworn to follow.

22 Where is the respect for shape and geographic
23 features.

24 The district bears the shape of an ink blot,
25 reminiscent of the gerrymandered districts in the old deep

1 south.

2 What happened to compact districts?

3 If our Congressman or Congresswoman lives in
4 Colorado City, he or she will have to drive 400 miles to
5 reach us.

6 In addition, placing Fountain Hills, a suburban
7 community partially relying on tourism, into a district that
8 is almost exclusively rural, guarantees that even if we
9 someday get to see our Congressman or Congresswoman, he or
10 she will probably not be able to advocate for our wants and
11 needs.

12 Somehow in your zeal to create competitive
13 districts and to protect minority districts, you lost track
14 of what this really is all about.

15 You're supposed to be creating districts to elect
16 members to the United States House of Representatives.

17 How can these men and women represent us if they
18 do not know who we are?

19 Fountain Hills deserves better.

20 Thank you.

21 CHAIRPERSON MATHIS: Thank you.

22 Our next speaker is Dee Pfeiffer, representing
23 self, from Pima County.

24 DEE PFEIFFER: Dee Pfeiffer, Vail, Arizona.

25 I'd like to give a ditto to the lady that just

1 spoke as well, regarding communities of interest.

2 I get so tired of hearing about competitive
3 districts and encourage someone on the Board to keep
4 revisiting the guidelines that you must follow.

5 Number four on your guidelines says respect for
6 communities of interest.

7 Last on the list is competitive districts, and
8 that's only if there's no detriment to the numbers one
9 through five, only.

10 The population should be responsible to make their
11 own districts competitive by becoming involved, putting up
12 good candidates, that represent their lifestyle and morals.
13 Not you.

14 I can't believe the level of minutiae you are
15 going to, which I heard of today for the first time, that
16 you're going through to see the population, the ethnicity,
17 and then who's actually voting and those that choose not to
18 participate.

19 You know, we don't know, you don't know who voted
20 in 2008. Maybe they voted for the first time.

21 Or in 2010 maybe voted for the very first time.

22 And you'll have people voting for the very first
23 time in 2012, 2014, 2016, 2018, 2020.

24 You cannot sit here, or you should not sit here
25 and try to determine who's not voting and put them in a

1 different district like they don't matter. If they're
2 population, they matter. Put them in the right district.
3 And, hopefully, a community of interest.

4 The approved congressional maps show clear
5 gerrymandering when you look at the districts, especially
6 Districts 2 and 4.

7 That's the one that you just approved.

8 No representation or representative can cover,
9 travel, and listen to their constituency when it's that
10 spread out. Blatant disrespect for the guidelines given and
11 the people who misguidedly voted for Prop 106 in the first
12 place.

13 That's a clear indication on that map that was
14 just approved.

15 Lastly, the maps provided to the public to view
16 are very, I want to say they suck.

17 But they're very confusing. And if you're not
18 doing this full time, to go from different levels to
19 different levels is very confusing. The coloring, the many
20 different types of lines, the lack of location of the
21 cities, clearly make it very difficult to analyze, and for
22 us who are trying to participate in this process.

23 It's just very hard to correctly comprehend what's
24 going on. And sometimes late at night after work you try to
25 do it and you throw up your hands going whatever.

1 So I hope that you'll consider it and the mapping
2 company, which I know we're paying lots and lots and lots of
3 money for, I would like to see something more easily for us
4 people out in the field to be able to comprehend.

5 Thank you very much.

6 CHAIRPERSON MATHIS: Our next speaker is Shirl
7 LaMonna, representing self, from Oro Valley.

8 SHIRL LaMONNA: Shirl, S-H-I-R-L, L-A-M-O-N-N-A.

9 And I just have a few brief comments based on some
10 of the things that I've heard here today.

11 First, I'd like to agree with Mr. Freeman's
12 comments relative to following all the criteria that are
13 required by the constitution.

14 It was good for you to refocus us on that.

15 Because it does seem to me that the focus still
16 does appear to be on competitive districts, even though as
17 Ms. Pfeiffer just said, that falls last on the list of
18 criteria.

19 And even though I love being in your state, we
20 should not be considering building competitive districts in
21 favor of Democrats and their environmental issues when this
22 state needs jobs and we need to change the direction this
23 country is going in.

24 In terms of the congressional district map, I
25 heard the comment today that it didn't make sense to have a

1 long narrow legislative district.

2 So then I'm not sure why it makes sense to have a
3 long congressional district that encompasses the entire
4 eastern side of the state.

5 And I am not sure what happened to the criteria
6 for compactness. CD-1 doesn't look like it will serve the
7 best interest of anyone in that district.

8 And lastly, I'll agree with Mr. Stertz that you do
9 need to include additional voting data years.

10 Using only 2008 and 2010 is insufficient for the
11 redistricting process. Both years were anomalies in terms
12 of elections.

13 There was a huge voter turnout in 2008. People
14 who never voted before came out, and people who voted also
15 crossed over a good bit.

16 So, because of that, the information is going to
17 skew the results of your analysis. And I believe also that
18 using 2004 and six would give a better representation for
19 your analyses.

20 Thank you.

21 CHAIRPERSON MATHIS: Thank you.

22 Our next speaker is Marilyn Lafoe, representing
23 self, from Chandler.

24 MARILYN LAFOE: Thank you.

25 Lafoe, L-A-F as in Frank -O-E, from Chandler.

1 Good afternoon Commissioners.

2 I would like to address the issue of communities
3 of interest, and particularly as it relates to competitive
4 districts and other requirements of this Commission
5 assignment.

6 Our country is founded on a principal of majority
7 vote, keeping in mind rights of the minorities. The Voting
8 Rights Act assures the minorities have a voice.

9 This commission is spending a significant amount
10 of time carefully considering those rights and using
11 objective data to measure them.

12 Likewise, other redistricting requirements, equal
13 populations, geographics, compact and contiguous districts,
14 respect for geographic features, city, town, and county
15 boundaries, and undivided census tracts, all are supposed to
16 be supported by objective data.

17 There's no question that census tracts shall not
18 be divided. That measurement of that is easily demonstrated
19 with data.

20 The two remaining requirements, communities of
21 interest and competitive districts, however, depend on
22 public input, and the weight given these requirements seems
23 to me to be entirely subjective.

24 We can say that we received more input one way or
25 another on one issue, but that is not objective measurable

1 data.

2 It depends on volunteer opinions rather than a
3 canvass or a vote.

4 The wording for competitive districts is that they
5 should be favored where to do so would create no significant
6 detriment to the other goals, is the only requirement listed
7 which has that caveat attached.

8 The other requirements are required and this one
9 is favored. And only if the other requirements are met.

10 In no way can this be conceived as the most
11 important requirement, as some would suggest.

12 It seems to me that communities of interest are
13 self-organizing volunteering entities formed from the bottom
14 up by a free people with similar interests.

15 They are, in my view, more commonly than dictated
16 associations from the top down, and allow like-minded people
17 to form strong communities.

18 It seems the point of view being emphasized by
19 this Commission, competitive districts is the least required
20 of the stated objectives.

21 I urge you to consider communities of interest a
22 stronger requirement than competitive districts in the
23 redistricting of Arizona.

24 Thank you.

25 Can I add these to your comments?

1 CHAIRPERSON MATHIS: Sure.

2 Thank you.

3 CHAIRPERSON MATHIS: Our next speaker is Shirley
4 McAllister, representing self and LD 9 from Sun City.

5 SHIRLEY McALLISTER: Shirley, S-H-I-R-L-E-Y,
6 M-C-A-L-L-I-S-T-E-R.

7 I'm Shirley McAllister. I'm here representing
8 myself primarily. I live in District 9 and CD 2 in the West
9 Valley. I live in Sun City. And as a person who has not
10 lived in a competitive district since I moved to Arizona 17
11 years ago, I want to speak in favor of having as many
12 competitive districts as we possibly can.

13 I have a lot of sympathy for the comments from the
14 people from Fountain Hills.

15 I certainly know what it's like to live in a
16 district where your representative does not listen to you,
17 does not talk to you, does not have open meetings, does not
18 make any effort to learn what your issues are.

19 And so if they think Fountain Hills will be left
20 out, then they have my sympathy.

21 I've lived there for 17 years, so I know what it's
22 like.

23 My primary comments today, I wanted to be directed
24 to the process, rather than the finished product of this
25 committee.

1 I've been impressed with the patients and the
2 openness with which the Commission has listened to our
3 comments.

4 You have listened and you have acted upon them.
5 If anyone who has sat here, and I've been here a brief
6 period for several days, anyone who's been here for any
7 period of time knows that your comments have been taken into
8 account, that the public comments have been taken into
9 account when the lines are drawn.

10 I watched as the lines have been adjusted. I
11 think the mapping consultant and the other staff have been
12 very supportive in doing what the Commission has asked them
13 to try.

14 I want to thank you for your diligence.

15 I appreciate the effort that you're putting into
16 this.

17 In my opinion, you are leading the charge of the
18 Commission to draw new lines. The district primarily must
19 be equal in size, and you have worked hard to accomplish
20 that. And that's why some of the districts are so large.

21 There's not enough people in those areas to reach
22 the number that must be there.

23 We have to comply with the Voting Acts Right, and
24 Arizona wouldn't be under that kind of pressure if it hadn't
25 been for bad acts during previous years.

1 We need to avoid that in the future.

2 The communities of interest, contiguous and
3 compactness are important issues, too, and we've heard many
4 communities of interest speak to that matter.

5 But, I think that competitiveness is just as
6 important as the other criteria, other than the quality and
7 the Voting Rights Act which we are -- we definitely must
8 comply with.

9 The competitiveness was confirmed by a court suit
10 after 2002. In 2000 when we didn't arrive at competitive
11 districts. And I appreciate the effort you're making to
12 incorporate more competitive districts this time around.

13 Thank you very much.

14 CHAIRPERSON MATHIS: Thank you.

15 Our next speaker is Laurel Copple representing
16 self from Scottsdale.

17 LAUREN COPPLE: Thank you. I too appreciate all
18 of the work all of you have done in trying to hear
19 everyone's point of view on this work.

20 I know it's got to be a thankless job.

21 I'd like to address what the speakers before this
22 last person were saying about competitiveness coming last.

23 And I -- I just really want to go on record as I
24 think I understand that even though in language
25 competitiveness falls last into all the criteria, it should

1 get equal weight according to the 2009 Supreme Court ruling.

2 It's your job to draw fair districts. The current
3 congressional map being considered has four strong
4 Republican districts, two Democratic, and three competitive.

5 I don't see that as entirely fair.

6 I'd like to go on record as requesting you to do
7 everything you can to allow Arizona -- Arizona voters to
8 have a more fairly drawn map, which will include the voice
9 of all of the voters in our state.

10 It's roughly one third, one third, one third,
11 Republicans, Democrats, and Independents.

12 I don't see the current map as reflecting those
13 voter registrations.

14 Thank you.

15 CHAIRPERSON MATHIS: Thank you.

16 That was my last Request to Speak form, so, our
17 next item on the agenda is the one we were working on before
18 break, and that's adjusting the legislative draft map
19 according to constitutional criteria.

20 CHAIRPERSON MATHIS: Sorry, one more speaker,
21 Mohur Sidhwa.

22 MOHUR SIDHWA: I gave you my form. I'm not sure
23 exactly where it disappeared.

24 Gosh, I would like to respond to some of the
25 people that have spoken but best not to.

1 But it brings to mind competitiveness, that if
2 people of different types are in the same district, it may
3 force them to interact with each other and not be worried
4 and scared about each other. They may see each other as
5 fellow humans.

6 Interesting.

7 I spoke, I think a few days back, about being a
8 little horrified at a map of southern Arizona, Pima County
9 area, particularly the area that I live, central Tucson.

10 I looked at the data again, and I think what
11 worried me was it looked very different from what it did,
12 but that's what they're doing to everybody. And that's
13 okay, we can live with that. But these maps have not become
14 very competitive in Pima County.

15 And I think today reminded me why I've been
16 harping on competition so much.

17 We really have to get along without demonizing
18 each other.

19 When one is tempted to, we should not.

20 I would still like to see the university area
21 somehow made whole, if it's possible. Because I do know
22 that other criteria are important, and I do want to stress
23 again what the lady from the League of Women Voters had
24 said.

25 That when they set out to draw these districts,

1 the title of the thing was called fair and competitive
2 districts, not fair and community of interest districts.

3 She made quite a point of that. Nonetheless, part
4 of our values as America is competition, in every way shape,
5 or form. It brings out the best in us.

6 Let's keep aiming for competitive districts
7 everywhere, and whereas I did like the map, I suppose that
8 was one -- I mean A, option 2-A, whatever, because it looks
9 so much like my district that I'm currently in, and yet when
10 I looked at the metric, okay, it's not competitive. I mean,
11 so this one is more competitive.

12 I'm going to -- I have a suggestion. Perhaps you
13 may or may not take me up on this.

14 If any other Commissioner has made a map, let's
15 kind of at least give them a cursory examination to see if
16 we can get more competitive districts without packing with
17 people.

18 One of the things I was concerned with today, from
19 both sides the aisle, you do not have to pay too much
20 attention to the incumbents. If they had wanted incumbents
21 to do the maps, they would have put incumbents in charge of
22 the maps.

23 So here I'm speaking, I'm addressing both sides of
24 the aisle.

25 Just look at the criteria, and don't let

1 incumbents bully you one way or the other.

2 Thank you.

3 CHAIRPERSON MATHIS: Thank you.

4 I think that concludes public comment.

5 I don't see anyone else, so we'll go back to
6 agenda item two, and go back to the legislative grid map,
7 and make the adjustments to that.

8 We've -- I received a letter, I don't know if it
9 was distributed to all the Commissioners. It does relate to
10 the legislative map. This is from Senator Gallardo, and I
11 don't know how that gets entered into our decision making
12 today, if it can. It came through via e-mail. I don't know
13 if everyone got that.

14 I guess I ask legal counsel how they would suggest
15 that it be brought into it, since it is directly related to
16 this legislative map.

17 MARY O'GRADY: Commissioner, Madam Chair, yes,
18 there was a letter received from Senator Gallardo. The
19 staff distributed it, about the legislative maps. So that
20 as all constituent communications, citizen communications,
21 whether they're at hearing or in writing they get
22 distributed to all of the Commissioners so they're aware of
23 the input.

24 Just because this has been an item of discussion,
25 if you like us to summarize the letter, just so to let folks

1 know, it does concern District 14, and he identifies --
2 recommends that communities between 43rd Avenue and 19th
3 Avenue, Thomas Road and Camelback, remain in what was
4 identified as District 20, in version 8A, option two, and
5 this letter generally supports that framework for the
6 minority districts.

7 And that it describes some of the issues with the,
8 with Legislative District 14 as to whether it -- how
9 effective it is as a minority district.

10 On the one concern, he says in his letter that:
11 It's unfortunate that over the past ten years numerous
12 Latino candidates from the Carl Hayden Isaac community have
13 attempted to get elected to the State Legislature and have
14 not been successful.

15 I'm not sure specifically what they're referring
16 to as far as LD 14 is concerned. I'm aware that they have
17 had one out of their three representatives is a minority
18 candidate.

19 And I am aware that one minority candidate lost a
20 primary to an -- to the incumbent, but I'm not aware of the
21 other races. There is -- but that -- that's the concern
22 that he expresses in that area, that core stay together in
23 14.

24 In some of the -- and then Mr. Desmond can maybe
25 review where this is now in the maps, if it's useful.

1 CHAIRPERSON MATHIS: Yeah, I think it would be.

2 WILLIE DESMOND: I think it's this area.

3 I'll check.

4 So this is 19th Avenue on the right-hand side,
5 43rd Avenue on the left-hand side. Camelback on top and
6 Thomas on the bottom. That's the district I'm discussing
7 here.

8 As you can see, that is mostly in District 14.

9 I turn off District 14 and you see where it is in
10 the plan we're working with right now. It's in District 31.
11 Which again, is one of our majority-minority districts that
12 has an HVAP of 49.55 and a non-Hispanic white percentage of
13 46.8 percent.

14 I think the 2010 mine inspector the minority
15 candidate received 55.32 percent of the vote in that
16 particular district.

17 One thing we should pay attention to, I believe,
18 is this is the district that was probably most affected with
19 the proposed Hispanic coalition district, probably the most
20 affected by us creating a fourth district. So -- so we may
21 have to figure out how this area is used going forward.

22 COMMISSIONER McNULTY: I think we would need more
23 to understand this better before we start rearranging
24 everything based on this letter.

25 That's what we were talking about earlier, is you

1 all need to give this -- analyze it more closely.

2 We need a map that we can analyze more closely,
3 and I don't think sitting here moving HVAP around makes
4 sense to me.

5 MARY O'GRADY: That's fine, if you would like us
6 to continue studying.

7 I don't know that he was -- I don't know if he was
8 commenting obviously on the maps before we made these
9 changes. And so. . .

10 COMMISSIONER McNULTY: And that's another reason
11 that I think it makes sense to study it rather than for us
12 just to react without all the benefit of full knowledge of
13 what we're doing.

14 You told us we need nine solid ones. We're
15 looking at what appear to be nine solid ones.

16 Before we start breaking those apart without
17 analysis, I think we need to turn it over to you to do that.

18 CHAIRPERSON MATHIS: So where do we go from here?

19 VICE-CHAIR FREEMAN: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Freeman.

21 VICE-CHAIR FREEMAN: Does someone have a laser
22 pointer?

23 Mr. Desmond, could you put up the HVAP layer
24 again. Maybe zoom in on 27, 19, 29 and 31.

25 I thought where we left off, we were going to look

1 at whether the Hispanic population in this area of the
2 unassigned could be added to 27. That would over populate
3 27.

4 Twenty-seven would be the shed population, it
5 could shed wherever appropriate to keep the HVAP number in
6 the right range, to 19.

7 Nineteen would then be slightly over populated.
8 It could shed wherever was appropriate to keep the HVAP in
9 the right area.

10 Perhaps it could shed populations to 31, which is
11 a district that I thought maybe needed some bolstering.

12 I don't know if you wanted to go through that
13 exercise.

14 COMMISSIONER McNULTY: I thought that's where we
15 were, too. I think that makes some sense.

16 WILLIE DESMOND: Okay.

17 All right. So I guess just any population to 27.

18 That would add 30,857 people.

19 District 27 now has an HVAP of 56.27.

20 And again would be over-populated by about 31,000
21 people.

22 COMMISSIONER McNULTY: One thing I want to be
23 sensitive to in 27, is preserving the opportunity to elect
24 for the African-American community.

25 WILLIE DESMOND: Okay.

1 That number is now 13.77.

2 COMMISSIONER McNULTY: What was it before?

3 WILLIE DESMOND: I believe it was 15.

4 COMMISSIONER McNULTY: So as we shed population we
5 want to do it in a way that rebalances that, if we can, I
6 would think.

7 WILLIE DESMOND: It was 15.02.

8 So now, 19 grabs some, or 31, which could dip
9 right down.

10 How would you prefer we proceed?

11 VICE-CHAIR FREEMAN: Maybe first shot just balance
12 it with 31.

13 WILLIE DESMOND: Thirty-one needs to take about
14 31,000 from District 27, given that population.

15 That's roughly it.

16 You see 31 would look a little bizarre.

17 We can start with that and see what we can do and
18 undo it right away.

19 COMMISSIONER McNULTY: Mr. Desmond, what's that?
20 There's one, one little patch of HVAP kind of on the south.

21 See the unassigned area, that corner there.

22 WILLIE DESMOND: Here?

23 Where?

24 VICE-CHAIR FREEMAN: Southwest corner.

25 WILLIE DESMOND: I don't know. We can grab that

1 also.

2 WILLIE DESMOND: Just as you -- I'll do that once
3 I get there, so you can know what happened to that change.

4 District 31 is over-populated by about 32,000
5 people, but the Hispanic population is up to 51.94
6 percentage -- percent.

7 District 27 now has an HVAP of 54.49, and an
8 African-American percentage of 14.1.

9 It might be -- I don't know if that would be the
10 way you want to go. It might make more sense for 19 to come
11 down and take some of this area right here, since 19 is
12 currently at almost 60 percent HVAP.

13 MARY O'GRADY: I was going to add on that point.

14 If you compare it to a benchmark district, what is
15 now 27 was over-populated, and it lost some population in
16 this process, to what is now District 19.

17 So to some extent you might be putting back stuff
18 that used to be there already in some of these changes.

19 And that's what we'll look at when we look closer.

20 WILLIE DESMOND: Just moving to this area right
21 here, now District 27 has an HVAP of 58.94, and an
22 African-American percentage of 13.52.

23 COMMISSIONER McNULTY: That's going in the wrong
24 direction.

25 WILLIE DESMOND: Yeah.

1 Let's undue that, then, and it will be helpful to
2 see where the African-American vote -- African-American
3 population is distributed.

4 This isn't the same scale, so a dark area here
5 doesn't represent the same level of -- of -- as it did in
6 the Hispanic scale. I just want you to be aware of that.

7 But you tend to see this distribution, this corner
8 is heavier African-American.

9 District 19 -- or District 27, is going to shed an
10 area. It might need to be in the south to preserve the
11 African-American percentage, or in the north. But again,
12 that's the area just picked up.

13 COMMISSIONER McNULTY: What about the northwest
14 area there?

15 WILLIE DESMOND: Right here?

16 COMMISSIONER McNULTY: Yeah.

17 WILLIE DESMOND: I think that's kind of what we
18 tried when we did that first grab and it didn't lower it to
19 like 14 percent.

20 Because these aren't very densely populated, you
21 do have to go. . .

22 That's about the right number of people, but
23 probably wouldn't work.

24 COMMISSIONER McNULTY: You can't go south, south
25 of South Mountain. That wouldn't work. So you need to

1 figure out another way to do it.

2 The other option is this area, north of the
3 unincorporated, could potentially go down to District 26.
4 District 31 could make up, you know, the .45 percent east
5 and just get to that 50 percent threshold as a nice to have,
6 by, you know, just kind of juggling some population among
7 the four districts.

8 VICE-CHAIR FREEMAN: I'm sorry. What layer are
9 you talking about now? Is this African-American?

10 WILLIE DESMOND: This is African-American.

11 VICE-CHAIR FREEMAN: The Papago Park area that's
12 unassigned.

13 WILLIE DESMOND: Right here?

14 VICE-CHAIR FREEMAN: Yeah.

15 WILLIE DESMOND: Yes.

16 VICE-CHAIR FREEMAN: Could that go into 27?

17 WILLIE DESMOND: That would -- yeah. Let's do
18 that. So that adds about 20,000 to District 27.

19 District 27 is over-populated by about 51,600.

20 So now if we just pull, I guess, the rest, we can
21 see what happens to the African-American percentage.

22 That change pulling down an assigned area right
23 there, roughly, the African-American percentage up to --
24 actually dropped to 13.6.

25 Let me just double check and make sure.

1 Before that it was 13.7.

2 So adding this area actually brings it down.

3 Let me try to adjust this one.

4 COMMISSIONER McNULTY: It's going to go down by
5 virtue of having more population. 31 percent isn't very
6 much.

7 WILLIE DESMOND: This one -- well, let me select
8 this census block.

9 I don't know why.

10 Is it all right if I just quickly restart
11 Maptitude and see if that fixes the problem?

12 So adding that 10,000 people, 13.83 percent
13 African-American. And the district is about 41,000 people
14 over- populated. So adding to District 19. . .

15 COMMISSIONER McNULTY: Do we have to add to
16 District 19, or could we move some of the less Hispanic
17 neighborhoods in the northwest into that unassigned area, so
18 that we have -- at some point Mr. Freeman has a District 24
19 on his map. I'm not sure if that's it, but, you know, that
20 could fit right in there.

21 And then there would be a central Phoenix district
22 of some kind, if we moved some of that non Hispanic
23 population into the unassigned area.

24 WILLIE DESMOND: We could do that, if we just
25 brought these areas in the north back in. You --

1 COMMISSIONER McNULTY: Do you know what I mean? I
2 mean, 19 and 20 -- what is that? 29 and 31, are they out of
3 population balance?

4 WILLIE DESMOND: Everything is balanced except for
5 District 27 because we added there.

6 COMMISSIONER McNULTY: So what if we added that
7 area in and moved some of the non Hispanic areas out into
8 the unassigned area? I mean, some of that central Phoenix
9 area.

10 WILLIE DESMOND: Like right here?

11 COMMISSIONER McNULTY: Yeah. Without going into
12 19.

13 Then we could look at Mr. Freeman's District 24,
14 which -- is that it right there?

15 VICE-CHAIR FREEMAN: No.

16 COMMISSIONER McNULTY: Me neither.

17 But that's -- it's kind of close to that.

18 VICE-CHAIR FREEMAN: It kind of looks like it, but
19 I think you would take -- oh, wait. It shifts a little bit
20 to the left.

21 COMMISSIONER McNULTY: But if we move some of
22 those other non Hispanic areas into the unassigned area,
23 then maybe we have an opportunity.

24 WILLIE DESMOND: Aren't -- just, tell me if I'm in
25 the right area. I'm going to zoom in --

1 COMMISSIONER McNULTY: You're the one that knows.
2 You have all the details.

3 WILLIE DESMOND: I'm just wondering, trying to
4 grab where you're talking about. Like right here?

5 COMMISSIONER McNULTY: I think so.

6 WILLIE DESMOND: There's the unassigned area and
7 here's District 27.

8 You want to bring those down?

9 COMMISSIONER McNULTY: Yeah, that area east of
10 there.

11 WILLIE DESMOND: The problem is, if you take that,
12 that's only 17 people in this area right here.

13 So, when you take it, it takes a large chunk of
14 area.

15 COMMISSIONER McNULTY: Well, I don't think you
16 need to take that one, do you?

17 WILLIE DESMOND: No, no. I thought you --

18 COMMISSIONER McNULTY: Just the non Hispanic
19 areas.

20 WILLIE DESMOND: This again is shaded
21 African-American. So I have to go back to Hispanic.

22 COMMISSIONER McNULTY: Oh, okay. We obviously
23 want to take the non African-American areas. We don't want
24 to move African-Americans out of the majority-minority
25 district.

1 I think go right, east.

2 WILLIE DESMOND: Up here?

3 COMMISSIONER McNULTY: What's up in there.

4 WILLIE DESMOND: The only reason a avoided doing
5 that is that's the area we just put into this district.

6 I don't know if that was -- that's about 30,000
7 people, about what we needed.

8 Let's just take a look at that.

9 District 27 is now 54.29 percent Hispanic. And
10 has African-American percentage of 15.02, which is right
11 where we started, in a different categorization.

12 Now the unassigned area, let me change the --

13 COMMISSIONER McNULTY: What about the green area
14 that's below 24 that's in a little box there.

15 WILLIE DESMOND: Add that to 27?

16 COMMISSIONER McNULTY: What is that?

17 VICE-CHAIR FREEMAN: I think that's Papago Park in
18 that area.

19 COMMISSIONER McNULTY: I'm just wondering why it's
20 green? Does anyone live there?

21 WILLIE DESMOND: It's 44th Street --

22 COMMISSIONER McNULTY: What is the shading?
23 That's what I'm asking.

24 WILLIE DESMOND: African-American.

25 VICE-CHAIR FREEMAN: What's the population.

1 That same area or -- I think it's assigned
2 somewhere else.

3 VICE-CHAIR FREEMAN: I've had that happen myself.

4 WILLIE DESMOND: Excluding roughly 2300 people
5 that live there, population is about 9300. It has a HVAP of
6 36.48. African-American percentage of 12.3. And
7 non-Hispanic white percentage of 42.4.

8 COMMISSIONER McNULTY: So it's a minority area?

9 WILLIE DESMOND: Correct.

10 COMMISSIONER McNULTY: So let's put it in 27 and
11 see what happens.

12 WILLIE DESMOND: I want to close this one more
13 time and see if that -- I don't know.

14 That's now in 27.

15 Twenty-seven, I'm putting the shading back to
16 HVAP.

17 Now, I need to remove from 27 about 12,000 more
18 people to get it back to the population.

19 Is there a place I should do that from, in the
20 central area again, or?

21 COMMISSIONER McNULTY: Is there any way you can
22 shade for non-Hispanic white population, so that we can see
23 the minority populations, because it's kin of --

24 WILLIE DESMOND: Yeah.

25 COMMISSIONER McNULTY: We're working at cross

1 purposes here. This is really a coalition district and
2 we're trying to protect all of the minority population in a
3 strong district.

4 WILLIE DESMOND: So different shades of blue are
5 more Anglo areas. The darker the blue the more.

6 COMMISSIONER McNULTY: The darker the blue the
7 more Anglo.

8 WILLIE DESMOND: Yeah. So the lighter shade right
9 here is 20, 20 to 40.

10 This color right here is 40 to 60.

11 60 to 80, this shade.

12 Here, and the darkest blue is 80 plus white.

13 COMMISSIONER McNULTY: Doesn't it suggest that
14 that little keyhole in the middle should come out?

15 WILLIE DESMOND: Well, we just, this area right
16 here?

17 COMMISSIONER McNULTY: Uh-hmm.

18 WILLIE DESMOND: We just took that from 27 in
19 order to keep the African-American percentage high in that
20 district.

21 So that area is very, very Hispanic, but it's not.

22 COMMISSIONER McNULTY: Shouldn't it be part of 27,
23 if it's very, very Hispanic.

24 WILLIE DESMOND: Well, it was originally.

25 Then we wanted to grab this area to the north.

1 And then we needed to move population that would
2 keep the balance of Hispanic and African-Americans, so we
3 had to remove areas that were not heavily African-American,
4 so that's why it got removed.

5 COMMISSIONER McNULTY: I understand why we did it,
6 but shouldn't it be part of 27?

7 WILLIE DESMOND: Probably.

8 COMMISSIONER McNULTY: Okay, let's do that.

9 WILLIE DESMOND: Okay.

10 That will add about 9,000 people back in.

11 COMMISSIONER McNULTY: So that dark blue should go
12 north?

13 VICE-CHAIR FREEMAN: Just outside of the inside
14 area.

15 COMMISSIONER McNULTY: Yes. Yep.

16 WILLIE DESMOND: Okay.

17 Okay. So now District 27 is about 15,000 people
18 over-populated still. So it needs to shed some population.

19 Is there a --

20 COMMISSIONER McNULTY: So remove some more blue
21 and put it into an unassigned area and/or 24.

22 WILLIE DESMOND: Okay, zoom in and tell me what
23 side to start in. Would you like me to start here or here?

24 I'll add this to 24.

25 VICE-CHAIR FREEMAN: Darkest blue and move to

1 lighter shades of blue.

2 WILLIE DESMOND: Okay. District 27 is now under-
3 populated by about 700 people. It has a HVAP of 56.22.

4 An African-American percentage of 14.7.

5 COMMISSIONER McNULTY: What's the total
6 non-Hispanic white?

7 WILLIE DESMOND: In that district it's 21.98.

8 COMMISSIONER McNULTY: Are we okay, Ms. O'Grady?
9 Okay enough for further analysis? With the caveat that
10 nothing is ever okay in this universe.

11 MARY O'GRADY: We have a high combined minority
12 population, but you have some, you have that coalition
13 aspect line to it, so it indicates for further analysis.

14 COMMISSIONER McNULTY: So the white is the
15 minority, and the blue is the white.

16 So where are we on 31.

17 I think there's a little piece of white on the
18 corner there.

19 If we pulled that into 31, would that help us with
20 our 49.55 percent issue?

21 WILLIE DESMOND: I also grabbed this area right
22 here, if that's all right.

23 It's got about 6700 people. 49.46. So that
24 brought it down a little bit.

25 Let's see if we lose some of these areas, if that

1 helps. This will take a bit under-populated, within a
2 comfortable range though.

3 District 31 has an HVAP of 50.42.

4 COMMISSIONER McNULTY: Score.

5 How many people are in that unassigned area?

6 WILLIE DESMOND: 101,000.

7 COMMISSIONER McNULTY: Okay. It's low.

8 WILLIE DESMOND: Sorry, it's more than 130.

9 COMMISSIONER McNULTY: So we're close to a
10 district there.

11 WILLIE DESMOND: And that has a HVAP of 21.9
12 percent.

13 COMMISSIONER McNULTY: Well, that's not going to
14 be a minority district.

15 VICE-CHAIR FREEMAN: What do we do with our
16 numbers in District 20.

17 WILLIE DESMOND: District 20 is -- it's about
18 correctly populated. HVAP of 29.94.

19 I think District 20 is the remnants of us trying
20 to explore something earlier today.

21 COMMISSIONER McNULTY: Are you thinking going
22 north, Mr. Freeman, and picking up population.

23 VICE-CHAIR FREEMAN: When we were balancing out
24 31, and then we wanted to get the HVAP above 50 in 31.

25 I guess there's no two ways about it.

1 I was wondering if we would just be able to boost
2 the HVAP in 20, in so doing.

3 But I don't know if that's possible.

4 COMMISSIONER McNULTY: Is that one that wrapped
5 all the way around? We had that over at El Mirage.

6 VICE-CHAIR FREEMAN: Yes.

7 WILLIE DESMOND: It does have El Mirage on the
8 western border.

9 COMMISSIONER McNULTY: But we didn't find anything
10 else over there that we could put into it.

11 WILLIE DESMOND: Not right now. I think there was
12 discussion about how far four comes up, but nothing yet.

13 Potentially we could come down this area.

14 You can see this area.

15 But we haven't fully explored that yet.

16 Okay.

17 COMMISSIONER McNULTY: That is a pretty
18 interesting map when you look at it, whether you shade it
19 that way, I mean, we really -- we are in the right place,
20 and we seem to be creating -- I mean, we're doing all you
21 can do there.

22 I think that map should be in our preclearance
23 packet.

24 VICE-CHAIR FREEMAN: What I'm wondering is how
25 many different ways you can do it.

1 There's probably a lot of them, and it would
2 probably take a lot of time to develop different
3 configurations and see how those populations can be put
4 together.

5 Some of it looks good, some of it looks a little
6 funny.

7 COMMISSIONER McNULTY: Now, does your 24 just pop
8 right in there?

9 VICE-CHAIR FREEMAN: Well, it might.

10 My 24 had an eastern boundary running along the
11 Paradise Valley Scottsdale boundary, basically along the
12 boundary of Phoenix and Scottsdale.

13 But you've got it up there. Right.

14 It includes Paradise Valley, the greater Arcadia
15 area, which I sort of define as the Scottsdale School
16 District that comes into Phoenix and feeds into Arcadia High
17 School, and also includes the Biltmore area and North
18 Central Phoenix. You get Camelback Mountain and the
19 preserve areas all included in there.

20 That's just a district I drew in because that's an
21 area where I spent a good more portion of my life, and I
22 know it pretty well. And P.V. and the Arcadia area, it's a
23 community of interest.

24 I think we've heard public comment on that to that
25 effect as well, so I think the district that was up there

1 previously when we were constructing a majority-minority
2 district, had a district that was similar to my 24, but
3 shifted it into Scottsdale.

4 So I don't know now if we take what's left, and
5 then construct a new 24, maybe you end up with something
6 similar to what I had drawn.

7 COMMISSIONER McNULTY: It looks like Paradise
8 Valley is in 24, right?

9 That looks like Scottsdale is east of it.

10 WILLIE DESMOND: I don't think your 24 fits
11 outside of this district -- it works with the current
12 districts, except for two discrepancies.

13 Let me show you those.

14 The first being this small little area right here.

15 VICE-CHAIR FREEMAN: Right, which we needed to put
16 -- why is that there? You put that in 31.

17 WILLIE DESMOND: We put that in 31.

18 The other area would be that this part that comes
19 up, then creates unassigned pocket there, that needs either
20 a link to another area, or it needs to go into 24.

21 VICE-CHAIR FREEMAN: What will that do to the
22 population of 24? What would the population be?

23 WILLIE DESMOND: Oh. Um, is it okay if I just
24 accept your 24 then, and we'll do it like that?

25 VICE-CHAIR FREEMAN: Let's see how it works.

1 COMMISSIONER McNULTY: Let's do it and see what
2 happens.

3 WILLIE DESMOND: We're going to call it, for
4 purposes of looking at it, District 31 -- or District 32.

5 COMMISSIONER McNULTY: We can't call it 24 since
6 you have 24 there.

7 WILLIE DESMOND: We can.
8 The problem is that --

9 COMMISSIONER McNULTY: Okay. Never mind.

10 WILLIE DESMOND: I can. I just have to unassign
11 all this 24. Then 24 will be really big and then will
12 represent...

13 VICE-CHAIR FREEMAN: It's like a two-step process.

14 WILLIE DESMOND: Yeah. If I add 24A, potentially
15 if you add the letter to the district name, it just screws
16 things up down the road. It's like a bug in Maptitude.
17 District 32 is right here.

18 If I add the unassigned areas to it I'll see how
19 many people that will add.

20 That adds about 74,000 people, so it's a highly
21 populated area.

22 I can tell you where 74,000 people would come out
23 of 24, if you had a direction you wanted to look at, or, I
24 mean, I don't think -- no. The other option is, of course,
25 trying to link that area to this area across here.

1 VICE-CHAIR FREEMAN: What's left of 24?

2 WILLIE DESMOND: Excuse me?

3 VICE-CHAIR FREEMAN: Is this a remnant of District
4 24.

5 WILLIE DESMOND: That is a remnant, yes.

6 So that area is what, 95,000 people?

7 VICE-CHAIR FREEMAN: What if we -- what's the
8 population if we called that the Paradise Valley Phoenix
9 border.

10 The problem with that is, if you live in Paradise
11 Valley, you either go to Arcadia or Biltmore area or go to
12 north Phoenix. This area of Scottsdale, you don't go over
13 there. Scottsdale Road is kind of the divider.

14 What population is there, so we can inspect that
15 municipal line.

16 Maybe that's where we can lose some population.

17 WILLIE DESMOND: I just came straight across the
18 top. That's about 31,000 people.

19 If you kept going across the top, you get to
20 74,000 about there.

21 VICE-CHAIR FREEMAN: That kind of wrecks the whole
22 district.

23 WILLIE DESMOND: If that's the case, I mean. . .

24 COMMISSIONER McNULTY: Can we look at the
25 competition of that unassigned area in the southwest corner

1 there?

2 WILLIE DESMOND: 74,000 people. It has an HVAP of
3 21 percent.

4 COMMISSIONER McNULTY: Okay.

5 WILLIE DESMOND: Non-Hispanic white 69, almost 70
6 percent.

7 COMMISSIONER McNULTY: Is that --

8 VICE-CHAIR FREEMAN: And our majority-minority
9 districts are balanced population-wise, correct?

10 WILLIE DESMOND: Yes.

11 COMMISSIONER McNULTY: Can we make sort of a
12 narrower north south district there that's in central
13 Phoenix and still preserve?

14 WILLIE DESMOND: Something like this?

15 COMMISSIONER McNULTY: Yeah.

16 Thirty is not protected. That's not majority-
17 minority, right?

18 WILLIE DESMOND: No.

19 COMMISSIONER McNULTY: Is it a whole district? Is
20 it fully populated?

21 WILLIE DESMOND: I don't think so.

22 I think it needs about 90,000 people.

23 COMMISSIONER McNULTY: Oh, okay.

24 WILLIE DESMOND: I wouldn't count either district
25 besides the majority-minority being close to population,

1 so. . .

2 COMMISSIONER McNULTY: I'm sorry?

3 WILLIE DESMOND: I wouldn't count on any of the
4 surrounding districts to be anywhere near completed.

5 They were all -- you know, they're all from the
6 grid. They've all been sliced and diced.

7 It will be lost population.

8 COMMISSIONER McNULTY: Is there any way that we
9 can connect those areas?

10 I know it's not, given that what we're trying to
11 do is build all these majority-minority and coalition
12 districts into the center of Phoenix, the corridor that runs
13 through central Phoenix and connects those areas might make
14 some sense.

15 I'm kind of asking Mr. Freeman more than anything
16 else.

17 VICE-CHAIR FREEMAN: I'd have to think about it,
18 because, obviously, constructing the benchmark districts
19 it's intruding upon the other districts I've drawn. So I
20 would have to think about the communities of interest.

21 For example, I know in this area, I think this is
22 probably, I'm guessing here, Sunnyslope and North Mountain.

23 And originally I think I had that connected with
24 the preserve and Camelback Mountain, and that made sense to
25 me.

1 But, I mean, it's -- I guess it's a worthwhile
2 experiment at this point.

3 MARY O'GRADY: It might help to know the street
4 boundaries to make sure that when we're thinking of it, that
5 we know where we are on the map.

6 VICE-CHAIR FREEMAN: Yeah, maybe. What are the
7 streets -- what's the street boundaries to divide 31.

8 WILLIE DESMOND: I think it's 19th Avenue.

9 COMMISSIONER McNULTY: On which side?

10 WILLIE DESMOND: That's the eastern boundary of
11 31.

12 COMMISSIONER McNULTY: So that makes a lot of
13 sense as a boundary, where it is.

14 WILLIE DESMOND: So. . .

15 CHAIRPERSON MATHIS: Is 24, the way it is there,
16 just leftovers, too?

17 WILLIE DESMOND: Twenty-four is leftovers.

18 CHAIRPERSON MATHIS: So the other idea is to link
19 that to that, right? Link 24 to that other area below 32?

20 WILLIE DESMOND: Yeah.

21 COMMISSIONER McNULTY: Yeah.

22 VICE-CHAIR FREEMAN: Then we're going to have to
23 recalculate 27 a little bit.

24 WILLIE DESMOND: I can tell you how many people,
25 if you just want to go straight across right there.

1 VICE-CHAIR FREEMAN: I don't think this is a full
2 district. So that means going up into Scottsdale more,
3 or. . .

4 WILLIE DESMOND: So that right there is about
5 26,000 people.

6 If we do that, what we've essentially done is
7 reverse engineer everything that we just did.

8 We know it's possible to balance 27 using this,
9 because we came from there. So. . .

10 VICE-CHAIR FREEMAN: How many people are in this
11 unassigned area?

12 WILLIE DESMOND: 74,000.

13 WILLIE DESMOND: We're allowed some deviation, but
14 I think that's too much for a new district.

15 VICE-CHAIR FREEMAN: Paradise Valley is about
16 12,000, I want to say.

17 WILLIE DESMOND: I think so. Let me check.

18 Paradise Valley is, yeah, about 12,800.

19 VICE-CHAIR FREEMAN: We're in a position now where
20 nothing really makes sense to me as I look at it. It
21 requires some contemplation to see what needs to give to
22 make sensible districts out of this area that's left over
23 from the gray show of our benchmark districts.

24 CHAIRPERSON MATHIS: What's in 24 right now? How
25 many? Twenty-four is 95 -- 96,000 people.

1 So it needs about 117,000.

2 COMMISSIONER McNULTY: That's south Scottsdale?

3 WILLIE DESMOND: Yes.

4 COMMISSIONER McNULTY: I know you just did it.
5 You said it was reversed.

6 Remind me what that population is north in 27.

7 WILLIE DESMOND: When we looked at, I think it was
8 about 27,000 people.

9 COMMISSIONER McNULTY: What is that northern line
10 on 24? What road? Where are we?

11 Mr. Freeman may have the pointer on it.

12 VICE-CHAIR FREEMAN: That maybe is Indian Bend.

13 WILLIE DESMOND: It's going to take a second to
14 think.

15 I actually clicked select all.

16 Before I can cancel, I have to --

17 VICE-CHAIR FREEMAN: Maybe it's Doubletree.

18 COMMISSIONER McNULTY: Could you put the streets
19 up after you're done so we can sort of walk through where we
20 are.

21 COMMISSIONER STERTZ: I believe it's Cactus,
22 Mr. Freeman.

23 VICE-CHAIR FREEMAN: Don't think it's Cactus. I
24 don't think so. I don't think Paradise Valley is that far
25 north.

1 Getting closer.

2 VICE-CHAIR FREEMAN: This line separates 24 from
3 23, but I thought the question was this split at Scottsdale.

4 COMMISSIONER McNULTY: Yes, that was my question.

5 WILLIE DESMOND: Sorry about that.

6 And then I'm just going to add one more layer.

7 So which line again? If you could show me where
8 it is again.

9 VICE-CHAIR FREEMAN: I'm not sure exactly. I
10 think Commissioner McNulty had a question on where
11 Scottsdale was split.

12 WILLIE DESMOND: This line?

13 McCormick Parkway. So just north of Indian Bend.

14 And that's a split that reflects the grid map,
15 nothing else.

16 COMMISSIONER McNULTY: Would you put the streets
17 on, and just walk around where we are.

18 WILLIE DESMOND: Okay. Which? Where would you
19 like to look now? I'll zoom in.

20 COMMISSIONER McNULTY: The unassigned areas south
21 of 32.

22 WILLIE DESMOND: The unassigned area, it looks
23 like its northern boundary is Grand Canal.

24 Obviously, its western boundary is 19th Avenue,
25 which we talked about.

1 Its southern boundary is -- I'm not sure. I'm not
2 sure what street that is.

3 I don't think it actually is a street. I think
4 it's just census, census tract or census block.

5 But kind of south of Jackson Street. It goes up
6 at 16th Street, over at Roosevelt, and back down kind of
7 around -- I don't know if you want me to follow you around
8 all these.

9 I think that's just kind of the way the census
10 tracts or census blocks were grabbing.

11 But Roosevelt, down at 51, over at Van Buren
12 again. Up at 28th, over again at Roosevelt, up at 24th
13 Street. Over a little bit at Oak, down on Grand Canal.
14 Along 22nd Street over on Oak. Up on 28th Street. Then it
15 goes over on Thomas a little and hits 51 until it hits Grand
16 Canal.

17 MARY O'GRADY: Madam Chair, before we're done with
18 the whole draft, at least, it seemed like that might be an
19 area to look at closer in terms of some of the
20 neighborhoods, since we did a block-by-block level
21 selecting, if that's something that we can do before we
22 leave, because since we're not on major streets in some of
23 those areas.

24 CHAIRPERSON MATHIS: Should we take a 15-minute
25 break?

1 The time is 3:29, and we'll come back in 15
2 minutes. Thank you.

3 (Brief recess taken.)

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

6 The recess is over. The time is 4:00 p.m.

7 We are still on agenda item two, working on
8 adjustments to the legislative grid map based upon
9 constitutional criteria.

10 And we are working hard on the Maricopa County
11 area.

12 WILLIE DESMOND: Correct.

13 CHAIRPERSON MATHIS: Anyone have any thoughts over
14 the break.

15 VICE-CHAIR FREEMAN: I'm wondering, I don't know
16 if it's a problem for me because I've spent so much of my
17 life in that area of Phoenix or an asset.

18 Maybe we should move to another part of the map
19 and see if we can build some other districts there. That
20 would allow me to think more about the East Valley area.

21 CHAIRPERSON MATHIS: We can do that.

22 Other Commissioners, did you guys have
23 preferences?

24 That includes you.

25 COMMISSIONER McNULTY: Me, too?

1 COMMISSIONER McNULTY: Yes. I know you're not a
2 guy, but. . .

3 Does it make sense to go northeast Phoenix?

4 VICE-CHAIR FREEMAN: I would suggest that we go
5 ahead and adopt District 7. We haven't heard from the
6 Navajo.

7 COMMISSIONER McNULTY: Okay.

8 VICE-CHAIR FREEMAN: Let's put that one in as a
9 place holder, if we haven't done that already. We haven't
10 heard from the Apache tribes and we might not, so that would
11 seem to be an important factor. I think that would help us
12 build the rest of the map if we put that one in for now.

13 COMMISSIONER McNULTY: Okay, agreed.

14 WILLIE DESMOND: So I use the Navajo submitted
15 district?

16 First of all, I'll assign old District 7.

17 With these large selections it takes a while to
18 grab a census block.

19 COMMISSIONER McNULTY: It's a quarter of the
20 state.

21 WILLIE DESMOND: This is a good reason to turn the
22 computer back on.

23 It takes a little time.

24 (Brief pause.)

25 It seems to be taking a while. If there's

1 something else you guys want to discuss in the meantime, I
2 can be working on it here. I don't know. I don't want to
3 be too much of a bottleneck.

4 CHAIRPERSON MATHIS: So where else should we focus
5 first? We could focus on rural counties and try to build
6 those in, or Tucson. Whatever you all think.

7 VICE-CHAIR FREEMAN: Does it make sense to look at
8 Tucson?

9 COMMISSIONER McNULTY: Sure.

10 WILLIE DESMOND: Okay, I will just cancel this in
11 and at the next break I will work into that. Before the
12 next break, if we need to work within that area, I might
13 bump up against it, then we'll deal with that then.

14 Okay.

15 Looking down at Tucson. Any questions about how
16 we currently have it?

17 If you want, I can start with showing you just the
18 unassigned areas that are down here. Those areas that are
19 now red are currently unassigned in our plan, and also it
20 looks like District 10 may be pretty small, 90,000 people.

21 But as far as the voting rights districts go,
22 Districts 2, 3, and 4, that are complete, that we've been
23 working on.

24 So District 2 includes all Santa Cruz County, and
25 then goes over to top the border areas of, I think it's

1 Douglas and Bisbee.

2 Then reaches north along its west boundary the
3 Tohono O'odham Nation.

4 Takes a lot of that land. Goes around Green
5 Valley and Elephant Head, picks up Sahuarita. Goes into
6 Tucson and takes up Summit and south Tucson.

7 Has an HVAP of 61.41 percent.

8 And non-Hispanic white percentage of 31.69.

9 District 3 comprises another sizable chunk, I
10 guess, of west Tucson, Drexel Heights, Tucson Estates and
11 some unincorporated area here.

12 District 3 has an HVAP of 51.16 percent.

13 The non-Hispanic white percentage of 38.79.

14 District 4 is the final majority-minority district
15 in southern Arizona.

16 It includes the two main pieces of the Tohono
17 O'odham Reservation, Three Points, and continues west along
18 the border, picking up parts of San Luis and parts of Yuma
19 that are Hispanic. I believe it follows the same line as
20 the congressional district plan, grabbing this population
21 and splitting Yuma kind of south of the I-8, then goes up at
22 Maricopa County line, picks up the southern portions of
23 Buckeye and Goodyear, then comes back to the county line
24 until it hits the Tohono O'odham tribe again.

25 It has a HVAP of 53.65 percent. It is 35.64

1 percent non-Hispanic white.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: Mr. Desmond, what is the
5 Native-American population in that district.

6 WILLIE DESMOND: In District Number 4, the Native-
7 American population is 5.24 percent.

8 VICE-CHAIR HERRERA: Thank you.

9 CHAIRPERSON MATHIS: I have a question. Are the
10 rest of the districts in the Tucson area the ones that
11 Ms. McNulty drew in her version?

12 WILLIE DESMOND: No, they're taken directly from
13 the grid.

14 CHAIRPERSON MATHIS: Oh. Great.

15 WILLIE DESMOND: Are there questions or are there
16 changes you want to see to one of them? Is legal
17 comfortable with the status as majority-minority, whether
18 they need to be strengthened, or anything like that?

19 MARY O'GRADY: Madam Chair, Commissioners, the
20 issue we raised the other day was District 2 at 61 percent
21 voting for that area. That's higher than is needed. And
22 then we -- what concerns, then we have had some compactness
23 issues in terms of the arm that reaches into Cochise, but
24 the voting rights issue is whether that's more than is
25 necessary.

1 WILLIE DESMOND: Okay. Is there something anyone
2 would like to see?

3 CHAIRPERSON MATHIS: And what happens when you
4 move the part that goes into Cochise, do we know?

5 WILLIE DESMOND: We can look at that.

6 And so if you were to remove from District 2 the
7 arm that goes to Bisbee and Douglas, you would subtract
8 about 30,000 people from that district.

9 I can tell you what that would do to the HVAP.

10 CHAIRPERSON MATHIS: Yeah.

11 WILLIE DESMOND: Then District Number 2 would have
12 the HVAP of 60.8. That would go either up or down depending
13 on how you, again, pick up the 30,000 people you just lost.

14 We can look at that right away, if that's helpful.
15 We can go up this unassigned area.

16 I'm not sure if these areas are heavily Anglo or
17 purposefully kept out in order to make sure there was an
18 opportunity to elect.

19 Another area that could grow would be in Tucson
20 somewhere.

21 VICE-CHAIR HERRERA: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: Mr. Desmond, can you tell me
24 the HVAP in that area of Cochise that is currently part of
25 District Number 2?

1 WILLIE DESMOND: Yes, there the HVAP was 23.96
2 percent -- no. That was a misstatement there.

3 So that is 14,000 voting age Hispanics that live
4 there, out of approximately -- well, let me just tell you.

5 So that chunk has a HVAP of 55 percent even.
6 Non-Hispanic white percentage of 32.17.

7 VICE-CHAIR HERRERA: A high HVAP.

8 What is the HVAP for one again without including
9 that piece, Cochise?

10 WILLIE DESMOND: Just the other part?

11 VICE-CHAIR HERRERA: Correct.

12 I suspect it will be pretty low.

13 WILLIE DESMOND: District 1, which does have this
14 area and this area, but only has 168,000 people, has an HVAP
15 of 17 percent.

16 VICE-CHAIR HERRERA: Okay.

17 And I -- I, although that arm is a little weird, I
18 think there was a reason for that.

19 I mean, it is a high Hispanic population included
20 in District 2 would give them the ability to elect some
21 other candidate of their choice.

22 So I -- I think that I'd do that away although
23 obviously not compact, but again I would -- I would like to
24 see if we can use something else as opposed to moving them
25 out of there.

1 WILLIE DESMOND: Okay.

2 CHAIRPERSON MATHIS: I think Ms. O'Grady suggested
3 even making squaring it off in some way.

4 WILLIE DESMOND: I could look at that. You know,
5 if you -- if you -- I think the reason for its shape is just
6 from the census tracts coming across the bottom.

7 So using census blocks, I'm sure we could improve
8 it somewhat.

9 I will zoom in and show you the census blocks.

10 MARY O'GRADY: Madam Chair, Commissioners, in
11 terms of the legal issue from the voting rights perspective,
12 it works fine.

13 The compactness issue is more, and in this area is
14 more of a state constitutional criteria, but then it's one
15 of those things where you're choosing, you have to choose
16 between working a whole census tract developing state
17 constitutional criteria. So we just have to choose which,
18 how you want to proceed.

19 WILLIE DESMOND: So is that something that you
20 wanted to look at right now? Or, that's something I could
21 do separately.

22 Probably better to do it here so that at the end
23 of the day I'll have the most up-to-date plan going forward.

24 But, it is a, as Mary said, it's two different
25 criteria that are directly in conflict.

1 It's up to you.

2 VICE-CHAIR FREEMAN: Perhaps something to keep in
3 mind, to look for when we look for coalition districts in
4 parts of the state, this is what we're doing, the
5 performance of a majority-minority district, I think, would
6 have to be consistent with how we look at coalition
7 districts. If it takes an arm like this, create this
8 district, we should be consistent and look for creative ways
9 to create coalition districts elsewhere.

10 VICE-CHAIR HERRERA: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Herrera.

12 VICE-CHAIR HERRERA: This question would be
13 directed to our legal counsel.

14 How would an area that is, as, as
15 Commissioner McNulty created, a voting rights district,
16 highly Latino, and protecting that, and that's by designing,
17 that's why the design for that district looks that way,
18 compare to a possible coalition district and venturing,
19 pretty much making it look as ugly as that one, how do they
20 compare? I hope I'm making sense in my question.

21 Is, if -- is either counsel with me?

22 MARY O'GRADY: Commissioners -- and Joe can
23 supplement, if he'd like -- two points. I mean, it such,
24 kind of an abstract thing, comparing something we haven't
25 seen to something we have before us.

1 So you need to look at what the specifics are that
2 are going on in that particular situation.

3 But here the other thing I note is, this
4 population comes from an area that had been included in
5 District 25. That was one of our sort of marginal coalition
6 districts previously, you know, one of those areas where
7 they had elected one Latino over the past decade. And so to
8 the extent that this population was in that district, this
9 is kind of like we dealt with in east Phoenix, where they
10 have an opportunity to elect.

11 So there's some connection. So that's part of
12 what else is going on here.

13 VICE-CHAIR HERRERA: Madam Chair, I may agree with
14 that. And I would also state that because we did that to
15 this and with the -- with Ms. O'Grady's explanation, that
16 that particular, you know, that arm extending doesn't really
17 apply to all of them.

18 I think that each district that we're trying to
19 create should meet the Voting Rights Act should be taken
20 individually, and see the history of those areas, how they
21 were designed before, before we make -- before we paint a
22 broad brush that because we did something to this we can do
23 it anywhere we want in performing either coalition or
24 majority-minority districts.

25 VICE-CHAIR FREEMAN: But I think we saw earlier

1 that we had areas in Phoenix that were formerly part of a
2 benchmark district that could have been assembled in a
3 creative way to form a coalition district.

4 So I'm just saying, if you're going to apply the
5 rules, set a standard in one part of the state, you should
6 apply them everywhere in the state.

7 COMMISSIONER STERTZ: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Stertz.

9 COMMISSIONER STERTZ: Mr. Desmond, what's the HVAP
10 population in the snake of the side of Cochise County that
11 you have there?

12 COMMISSIONER McNULTY: He said it was 14,000
13 people with HVAP of about 62.5 percent.

14 COMMISSIONER STERTZ: And what's --

15 WILLIE DESMOND: I think it's 30,000 people.

16 COMMISSIONER McNULTY: 30,000 people, but the
17 Hispanic population was less than that.

18 WILLIE DESMOND: What was your --

19 COMMISSIONER STERTZ: I'm sorry. I was
20 interrupted.

21 Could you tell me the population in that district,
22 please, that little area.

23 WILLIE DESMOND: It's 29,886 people.

24 COMMISSIONER STERTZ: And of that the Hispanic
25 population is what age?

1 WILLIE DESMOND: 13,937.

2 The total voting age population is 21,440.

3 COMMISSIONER STERTZ: Okay.

4 WILLIE DESMOND: So that's 65 percent exactly.

5 COMMISSIONER STERTZ: 65 percent.

6 And of the 13,937, using the mine inspector's
7 analysis, how many voted?

8 WILLIE DESMOND: I can't say -- I can tell you of
9 the 21,440 how many voted.

10 COMMISSIONER STERTZ: Okay.

11 WILLIE DESMOND: It was 6,994 -- no. Yeah, 6,994
12 votes cast in the mine inspector's race in 2010.

13 The minority candidate received 68.24 percent of
14 the vote.

15 COMMISSIONER STERTZ: In regards to District 2,
16 there are a variety of different ways we're going to be able
17 to create a district that's going to meet the majority-
18 minority requirements without having that sort of spur
19 coming off into Cochise County.

20 Cochise County has already told us that they would
21 like to remain whole.

22 Santa Cruz County, so, Madam Chair, what's your
23 pleasure? Is it the -- are we looking to sort of justify
24 what we've got designed, or to look at other opportunities
25 for meeting the Voting Rights Act requirements for southern

1 Arizona?

2 CHAIRPERSON MATHIS: Well, I think when
3 Ms. McNulty presented her version of the map, she didn't
4 argue with the fact that, you know, it's not a pretty
5 picture in Cochise. And maybe the best thing to do is let
6 the people of Cochise tell us, hey, we really don't like it
7 or we really do like it.

8 And I don't think -- to kind of put the ball in
9 their court, and let them tell us what they would like to
10 see there.

11 And we kind of agreed that we would adopt the --
12 those, not permanently, but as place holders, the
13 majority-minority districts as Ms. McNulty's map had them in
14 southern Arizona.

15 And that's what we're seeing here.

16 So it might make sense to look at this area
17 holistically, and see how she built her districts around
18 what she drew for the majority-minority, and then look at
19 Mr. Freeman's, too, for southern Arizona, those -- the ones
20 he built around his.

21 And maybe see, you know, if there's any agreement
22 we can make.

23 Unless there needs to be adjustments on these
24 majority-minority districts as they were drawn initially.
25 And that's legal counsel.

1 MARY O'GRADY: Madam Chair, again, they work as --
2 on a prima facie, they work as majority-minority.

3 The only concern expressed is this may be higher
4 than it needs to be, but that doesn't mean it's not an
5 effective minority district. It just means that it might be
6 some area that might be low. So it's fine. It works.

7 VICE-CHAIR HERRERA: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Herrera.

9 VICE-CHAIR HERRERA: When we were reviewing these
10 two different maps, especially the southern area, I think
11 Ms. O'Grady was asked -- Ms. O'Grady or somebody did, that,
12 which one in her opinion was closest to what would be, as
13 far as the Department of Justice and the Voting Rights Act
14 was looking for. And she stated that the three
15 majority-minority districts that Commissioner McNulty had
16 drawn up would meet the requirement better as they were
17 currently drawn.

18 That's what we decided to go with, with those
19 three.

20 COMMISSIONER McNULTY: Madam Chair, can I talk
21 about the Tucson districts that I organized with this?

22 CHAIRPERSON MATHIS: Sure. Okay.

23 Then we can look at Mr. Freeman's Tucson.

24 COMMISSIONER McNULTY: We can always come back to
25 that.

1 I wasn't completely wedded to that Bisbee Douglas
2 idea, I just thought it made sense to give people an
3 opportunity to comment on it.

4 I think there's a way to do it without that.

5 We also may get some comment, you know, from
6 others in the area, that they want to move in a way that
7 makes sense to have those areas, because, you know, we may
8 have some dilution once we get into public comment area. So
9 it kind of works both ways.

10 The two metropolitan Tucson districts would
11 include central Tucson, and then up through northeast Tucson
12 and Tanque Verde area, downtown central Tucson, U of A,
13 midtown, northeast midtown, and then up into the Tanque
14 Verde Sabino Canyon area.

15 And then north of that the Catalina Foothills
16 area.

17 The entire Casa Seville business area, which is
18 tied very closely to Catalina Foothills, the Flowing Wells
19 area, and then kind of northwest central Tucson.

20 CHAIRPERSON MATHIS: Sorry. Do you mind if I
21 interrupt you?

22 MARY O'GRADY: Not at all.

23 CHAIRPERSON MATHIS: Can you put her version on so
24 we can see it.

25 COMMISSIONER STERTZ: Are we reviewing non

1 majority-minority districts now?

2 CHAIRPERSON MATHIS: Right.

3 The districts that were -- that she built around
4 those majority-minority districts.

5 COMMISSIONER STERTZ: Okay.

6 And again, there's no -- am I correct -- again,
7 pardon my absence for two days of hearings, but am I correct
8 that, Mrs. O'Grady, that you recommended that these maps of
9 these three map designs in southern Arizona be the maps that
10 we adopt?

11 MARY O'GRADY: Madam Chair.

12 No. It was just the starting point.

13 We had two maps that we were looking at, and one
14 had two majority-minority districts in southern Arizona.
15 The other had three. So we started with the one that had
16 three.

17 COMMISSIONER STERTZ: But the three maps, were
18 they based on design or were they based on just a
19 quantitative analysis?

20 COMMISSIONER McNULTY: They were based on a lot of
21 design.

22 COMMISSIONER STERTZ: I'm sorry. Are you
23 Mrs. O'Grady?

24 Mrs. O'Grady, were they based on design or were
25 they based on quantitative analysis?

1 I'm sorry. I'm just trying to get a --

2 MARY O'GRADY: A little of both. Looking at the
3 numbers, we're looking at the surface voting rights analysis
4 subject to deeper review.

5 But we looked at the fact that one had three
6 majority-minority districts, the other did not.

7 And we looked at the numbers in those
8 majority-minority districts to see if they were -- how they
9 compared to the current benchmark levels.

10 And the areas that were covered and whether they
11 picked up the areas that, you know, where people had an
12 opportunity to elect currently, whether they included areas
13 that might have a diluted effect on the minority vote.

14 And so, based on those kinds of things, it seemed
15 like a reasonable thing, but we weren't making
16 modifications. We were just looking at this one has two and
17 this one has three and looking generally at the three.

18 VICE-CHAIR HERRERA: Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Herrera.

20 VICE-CHAIR HERRERA: The conversation we were
21 having when we decided -- when Ms. O'Grady had made the
22 recommendation, and you thought -- I think you had asked all
23 of us if we were okay with at least going forward with those
24 three, not necessarily adopting them as the legislative
25 draft map, but I don't think there was any dissention or

1 disagreement with looking at those as in putting together
2 those minority districts for now.

3 I don't think Commissioner Freeman had -- was that
4 opposed to it. I don't think he said anything. In fact, he
5 might have seen them different, and I think the record will
6 probably prove that I'm -- that I'm correct.

7 The issue that he had, that he had a strong issue
8 with was in the central Arizona area -- excuse me, central
9 Phoenix area, where he's a little more -- took a stand in
10 terms of what he wanted there.

11 But, in just southern Arizona, I think there was a
12 consensus that nobody disagreed that we should move forward
13 with the three that Commissioner McNulty recommended.

14 VICE-CHAIR FREEMAN: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Freeman.

16 VICE-CHAIR FREEMAN: I'll speak for myself.

17 As I recall, recommendation of counsel was that
18 three minority districts be created in southern Arizona.

19 My map had two, not three.

20 That's not to say my map couldn't possibly have
21 been further massaged to create three, but in terms of going
22 forward and as place holder, we put the three from option
23 two, 8A, into this map that we're working on.

24 Not that these are fixed lines, because no one has
25 agreed to any lines. But that's, that's how we got from

1 there to here.

2 CHAIRPERSON MATHIS: That's my recollection as
3 well. And the term place holder was the operative term.

4 VICE-CHAIR HERRERA: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Herrera.

6 VICE-CHAIR HERRERA: I don't mean to speak on
7 behalf of Mr. Freeman, but I think that was the line, I
8 think he basically said the same thing. I never meant to
9 say that was just a place holder. And we all, I think there
10 was no disagreement on that. It was pretty simple. We move
11 forward.

12 Once we -- once we agreed to that we moved forward
13 working in the central Phoenix area, and that became a
14 little more contentious.

15 VICE-CHAIR FREEMAN: You said it a little
16 differently, which is why I wanted to make sure I spoke for
17 myself.

18 VICE-CHAIR HERRERA: I love it when you speak for
19 yourself.

20 CHAIRPERSON MATHIS: Thank you.

21 So let's look at what Ms. McNulty drew around,
22 since that -- so those three majority-minority districts
23 that we put in as place holders, obviously she was able to
24 build something around that. So we can look at her version
25 and also how Mr. Freeman felt regarding central Tucson.

1 COMMISSIONER McNULTY: I think you might want to
2 enlarge Districts 9 and 10 a little bit, and maybe move the
3 whole -- shift everything down.

4 So District ten, put the pointer on that. That
5 was central Tucson down to the base, up to River Road on the
6 northeast side, and the northeast part of metropolitan
7 Tucson, which is shown on there as Tanque Verde.

8 Essentially, that's essentially metropolitan
9 Tucson.

10 And then north of that and a little bit west of
11 that, is the Catalina Foothills, down to River Road. It
12 includes the entire incorporated area of the Catalina
13 Foothills.

14 It includes the entirety of the problem. Casas
15 Adobes switches to an unincorporated area, that's tied
16 closely to the Catalina Foothills.

17 And then northeast, or northwest Tucson.

18 So it divides, you know, that -- it does several
19 things.

20 The Hispanic areas, that are very densely Hispanic
21 areas, are in the majority-minority districts to the west,
22 Number 3, and to the south, Number 2.

23 University is together with central Tucson,
24 midtown Tucson, east Tucson, and northeast Tucson.

25 The Catalina Foothills are together with Casas

1 Adobes's, and northwest Tucson south of that.

2 There's no clear demarcation between central
3 Tucson, the light blue area, and the light blue area that
4 trends northeast of that.

5 But Tucson is large enough that it needs to be in
6 more than one district.

7 That line doesn't really have to be there. It
8 could be any number of places, but I think it -- it hangs
9 the, you know, integrity of various components of Tucson,
10 and also puts the far northwest metropolitan area in a
11 district together.

12 We've heard a lot about that Oro Valley,
13 Saddlebrooke, Catalina and Marana. The majority of those
14 communities, Oro Valley in whole, Saddlebrooke in whole,
15 Catalina in whole, would be in a district with some of the
16 rapidly growing communities along the I-10 corridor.

17 I think there's a line there that's south of
18 Marana.

19 But Marana is a small, sprawling, growing town. A
20 lot like much of -- many of the communities on the outskirts
21 of Tucson.

22 And it's, you know, it's one of those places where
23 you don't know whether you're in Tucson or Marana unless you
24 know whether your in Tucson or Marana.

25 So the idea is to put the highly Hispanic areas

1 into District 3.

2 To create a majority-minority district that also,
3 in District 2, along the Santa Cruz river, which also serves
4 the purpose of creating a district for those communities of
5 interest, which include, you know, Tubac, Tumacacori,
6 Sahuarita, their arts communities, they share economic
7 interests, tourism interests, and then to have two districts
8 that include central Tucson, including the vast majority of
9 the main metropolitan Tucson population and northeast Tucson
10 and the Catalina Foothills and Casas Adobes, and northwest
11 Tucson.

12 No, it's northwest central Tucson.

13 CHAIRPERSON MATHIS: Any questions on that?

14 COMMISSIONER McNULTY: I have one more thing that
15 I would say about that.

16 The far east -- I don't know. If you would zoom
17 in, please, Mr. Desmond, on Rincon Valley, Vail, Corona Del
18 Tucson area.

19 Those areas are in this -- in this version with
20 Cochise County. We've heard testimony and it is, in fact,
21 the case that there are increasing, you know, ties between
22 those areas and Benson, which is a fast growing area just
23 north of -- not just north, but north of Sierra Vista.

24 So that that I-10 corridor that you're seeing
25 there, that -- that kind of borders Vail and Corona Del

1 Tucson. There's a lot of, there are a lot of folks who work
2 in one area down in Benson, who work, who live in Benson and
3 work in the city. Even some who live in Sierra Vista work
4 in the city.

5 People who work in the Corona Del Tucson areas and
6 work further south, there's an increasing nexus among those
7 areas. That made sense and we actually heard testimony
8 about that.

9 CHAIRPERSON MATHIS: Thank you.

10 Any comments or questions?

11 COMMISSIONER STERTZ: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Stertz.

13 COMMISSIONER STERTZ: There are -- again, I'm
14 going to go back just so that I've got real clarity about
15 this, that the direction of the Chair was that we were going
16 to use these minority-majority designs as place holders that
17 were crafted based on quantitative analysis that met with
18 the majority-minority recommendations by legal counsel; is
19 that correct?

20 CHAIRPERSON MATHIS: I believe so. And I am sure
21 Ms. McNulty probably factored in other criteria and took the
22 design of her three districts in looking at all the
23 constitutional criteria, but, yeah, for these place holders,
24 it was just trying to get majority-minority districts in.

25 COMMISSIONER STERTZ: And then designing some fill

1 in districts that had some sense of design around those as
2 they were created.

3 CHAIRPERSON MATHIS: What we're looking at right
4 now, is she designed a whole map, as did Mr. Freeman, and
5 all we were doing was, in order to create a merge map,
6 putting the majority-minority districts in first, trying to
7 make sure they were taken care of.

8 And now what we're doing is looking at Tucson
9 metro to see what Ms. McNulty did and what Mr. Freeman did
10 in those areas and seeing what works, how they built them.

11 And if anybody has additional comments on that,
12 they're welcome to make them.

13 That's my take.

14 COMMISSIONER STERTZ: Do you have something?

15 COMMISSIONER McNULTY: No, I think you know. I
16 explained several times how I went what about it.

17 I did it here in the room. You know, I put these
18 together based on the way the communities in Tucson, both
19 minority and non minority.

20 So it was put together taking all of those things
21 into account, and it kind of results in a cozy simple, that
22 I think makes a fair amount of sense.

23 COMMISSIONER STERTZ: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Stertz.

25 COMMISSIONER STERTZ: A couple things that came

1 glaring when I looked at -- went through this map and what
2 the numbers were. Some of the changes of -- of geography
3 that have been interrupted that hadn't been interrupted
4 before historically.

5 And also that the -- the very large increase of
6 sort of capturing of Republican voters, and sort of a --
7 some natural relationships that hadn't existed before.

8 For example, there's a 66 percent Republican voter
9 advantage in LD 1. Whoever currently in LD 1 will probably
10 never have to place a placard on the street.

11 At the same time, I feel horrible for the very
12 large Hispanic group of people that are living in Douglas
13 that probably won't get the appropriate amount of
14 representation. And I am wondering if we might want to have
15 consideration for that.

16 When we look at District 10, actually combining
17 some areas that historically haven't -- that have been
18 together, but we've gone a little further out, the river,
19 River Road has -- has been historically a pretty good
20 divider between the Catalina Foothills and the center of
21 town.

22 We've actually scooped around, picked up a -- a
23 population on the east side and then went around and picked
24 up the Catalina Foothills, and then gravitated back into the
25 Empire School District, which actually causes District 10 to

1 have a 20 percent Democrat advantage, and that would be the
2 first time in history that the Catalina Foothills will have
3 a huge Democrat advantage.

4 So I'm -- these are sort of designed around the
5 majority-minority districts, which I'm trying to get my arms
6 around that, so. . .

7 COMMISSIONER McNULTY: Mr. Stertz, actually, I
8 think it's Tucson, that's the way -- that's -- that is
9 Tucson. Living in Tucson.

10 And the fact is that the District 10 becomes much
11 -- becomes less Democratic. It actually becomes a
12 competitive district rather than a Democratic district. And
13 we heard testimony from people saying they wanted a
14 competitive district there. They're not a permanently
15 Democratic district.

16 And District 9, which has been a Republican
17 district, become's more competitive.

18 So they both become more competitive. Central
19 Tucson less Democratic. The Catalina Foothills less
20 Republican.

21 COMMISSIONER STERTZ: And district -- sorry, I did
22 get my numbers inverted, 9 and 10, when I was reaching
23 around.

24 And District 9 is actually a 13.7 percent voter
25 registration advantage for Democrats.

1 So it -- again, we're using the competitiveness
2 analysis that is -- is got -- is short on -- short on depth
3 of data.

4 So we're looking at that as our -- I'm purely
5 looking at registration data.

6 COMMISSIONER McNULTY: Which, as we've
7 established, I think is not the best measure of
8 competitiveness.

9 COMMISSIONER STERTZ: But it's a pretty good
10 teller.

11 VICE-CHAIR HERRERA: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Herrera.

13 VICE-CHAIR HERRERA: Can I have Mr. Stertz -- hear
14 what he says about voter registration. I missed that part?

15 CHAIRPERSON MATHIS: Mr. Stertz, if you would be
16 willing to repeat about voter registration.

17 COMMISSIONER STERTZ: The numbers that I got are
18 correct. District 9 voter registration for -- there's a
19 13.7 percent advantage Democrat over Republicans in District
20 9, but a 66.7 percent voter registration advantage in
21 District 1, Republican over Democrat.

22 VICE-CHAIR HERRERA: Madam Chair.

23 THE WITNESS: Mr. Herrera.

24 VICE-CHAIR HERRERA: Let me just give you a quick
25 example of why you can't base -- voter registration isn't a

1 true way to measure competitiveness. And I'll use
2 District 1 in the congressional map as an example.

3 The current congressional map has a, I think
4 that's a 15,000 Democratic advantage over Republicans.

5 And it is based on voter registration alone --

6 COMMISSIONER STERTZ: As currently exists.

7 VICE-CHAIR HERRERA: -- let me finish.

8 As it currently exists.

9 And that, you -- you can argue that that should
10 win -- you can argue that is the most competitive district
11 that we have in the -- in the congressional map.

12 And I think Mr. Cantelme was arguing that the
13 opposite, that the new map now has 9,000 advantage,
14 therefore, it's not a competitive map.

15 And again, I mean, these people who know the map,
16 who know that voter registration it doesn't necessarily mean
17 because you have 50,000 Democrats they will always vote for
18 Democrats, especially, especially in the rural areas where
19 you have Democrats that tend to be a little more
20 conservative. They tend to be voting, they do vote across
21 party lines, and then voting for Demorcrats. So again -- or
22 for Republicans.

23 So again, you cannot use voter registration
24 solely.

25 It can be part of a mix of things that you look

1 at, but if you start looking at voter registration and
2 wanting to compare that and using it to compare for
3 competitiveness, you're not -- it's not going to be a
4 complete picture. It's going to be very incomplete.

5 I'm just giving you an example of why you
6 shouldn't use voter registration that way.

7 CHAIRPERSON MATHIS: Okay. Any other comments on
8 this?

9 Mr. Freeman, did you want to put your map in metro
10 Tucson; does that make sense?

11 I realize it's a little different.

12 VICE-CHAIR FREEMAN: Right. I can walk through it
13 real quickly.

14 Basically, Tucson is split up into three parts,
15 north central Tucson, south Tucson, and it's just like
16 Commissioner McNulty's map, there's this fringe area that's
17 a fourth district, but essentially three pieces.

18 Tanque Verde and Catalina Foothills, and most of
19 Casas Adobes in one district and linked with communities
20 that I believe are similar community of interest, which
21 would be more rural areas of eastern Pinal County, include
22 the Rincon Valley and Vail.

23 Which, when we construct that majority-minority
24 district from the south coming up into south Tucson, that
25 kind of puts a kink in how these districts happen.

1 The divider here, we had this line, the north
2 boundary of District 10 is River, which I think is a natural
3 boundary.

4 This southern boundary of 10 is, I believe,
5 22nd Street, which I think is a good place to split north
6 central Tucson from south Tucson.

7 But, 2 is a minority district.

8 Nine has the makings of a coalition district, but
9 it's not there. I want to say it's like 32 percent HVAP in
10 that district.

11 Nine also reaches down and picks up Three Points,
12 which I think is different than Commissioner McNulty's map,
13 which puts that community in District 3, I believe, which
14 is, again, the district -- so there's some differences
15 there.

16 Marana is kept together in District 9.

17 This district is contained wholly within Pima
18 County.

19 Oro Valley and Saddlebrooke are connected to Pinal
20 County, and actually, I debated flipping that and -- because
21 I know I heard comments about put Marana's growing into
22 Pinal County. We're growing there.

23 There's two ways I think you can approach Pinal
24 County.

25 This is the approach I took for this particular

1 version of the map.

2 CHAIRPERSON MATHIS: Yeah, that may be another one
3 where we're just going to have to hear from the public draft
4 map to know how that should be dealt with. Because as we
5 know, there are multiple approaches.

6 So you both have kept Casas Adobes and Catalina
7 Foothills together.

8 The difference on Mr. Freeman's, he has Tanque
9 Verde on there and Ms. McNulty's, she had Tanque Verde
10 attached to metro Tucson.

11 VICE-CHAIR FREEMAN: For population graph, I had
12 to split Casas Adobes a little bit. Not a lot of population
13 there. A slight split, but you're correct.

14 CHAIRPERSON MATHIS: And then scroll down a little
15 bit, Willie, please.

16 And I think yours, Ms. McNulty, followed I-10, if
17 those lines essentially on the right went to the edge to
18 I-10, right? As opposed to curve, not touching I-10,
19 because it looks like Mr. Freeman's crosses I-10 from the
20 west of that district.

21 COMMISSIONER McNULTY: I think District 3 comes
22 east of I-10.

23 CHAIRPERSON MATHIS: Yours?

24 COMMISSIONER McNULTY: Yes.

25 VICE-CHAIR FREEMAN: My line on 10 didn't cross

1 the I-10. I think it generally -- I wanted to say it
2 followed Oracle, but I'm not sure as I look at it now.

3 COMMISSIONER McNULTY: I would point out on the
4 competitive district reports on our two versions,
5 Mr. Freeman's and mine, I don't have the complete report for
6 Mr. Freeman's. I just have the three pages, but District 9
7 is 46.57 percent Republican average on this measure in
8 District 9.

9 I'm sorry?

10 WILLIE DESMOND: I think that's a packet from
11 yesterday that had the wrong data table.

12 COMMISSIONER McNULTY: Do you have the right data
13 table?

14 WILLIE DESMOND: I do.

15 COMMISSIONER McNULTY: Would you like to read it
16 to us so we know what it is.

17 WILLIE DESMOND: Sure. I didn't want to, um,
18 which? The next -- the one from the --

19 COMMISSIONER McNULTY: Well, let me just compare
20 them. Index 2 on each of the -- on each of the maps.

21 WILLIE DESMOND: Index 2 in Commissioner Freeman's
22 District 9 is 45.5.

23 Index 2 in Commissioner McNulty's District 9 is
24 47.1.

25 COMMISSIONER McNULTY: Does that mean it's more

1 Republican on mine?

2 WILLIE DESMOND: Yes.

3 COMMISSIONER McNULTY: Okay.

4 WILLIE DESMOND: You want to look at ten also?

5 COMMISSIONER McNULTY: Yes, please.

6 WILLIE DESMOND: 10 in Commissioner Freeman's was
7 37.6.

8 Ten on yours was 47.5.

9 COMMISSIONER McNULTY: So both of the districts I
10 drew are more Republican.

11 WILLIE DESMOND: Correct.

12 COMMISSIONER McNULTY: Is that right? I must have
13 done something terribly wrong.

14 As I said, I was trying to make two truly
15 competitive, close to competitive districts.

16 I think that's what people in Tucson want, and I
17 think that works.

18 VICE-CHAIR FREEMAN: The question in -- when I was
19 handed another copy of these, option one and option two, and
20 what competitiveness data is put in this table, I'm only
21 seeing -- am I seeing all three measures?

22 WILLIE DESMOND: No. For the purposes of the
23 handout, I believe they just get -- get original data table
24 that we've been giving, that has the population breakdowns,
25 the, you know, it's just labeled competitiveness, but that's

1 like essentially index one. That's why the competitiveness
2 report, that's part of the long package and also the
3 compactness report.

4 The competitiveness report that has index two and
5 index three is available online for both the plans, along
6 with the plan components, the plan split report, and all
7 those things, and was included in your original packet. If
8 you've -- I know there's been a lot of shuffling. I can
9 print you up or make you a copy of the whole packet if you
10 want.

11 VICE-CHAIR FREEMAN: Thank you, because I'm going
12 to need another copy of that.

13 But for clarity sake, what the public then is
14 getting when it comes to these hearings is only getting the
15 first index for competitive, which is simply the 2008, 2010
16 election returns?

17 WILLIE DESMOND: Correct.

18 VICE-CHAIR FREEMAN: The numbers have been
19 crunched in a certain way using a certain formula.

20 WILLIE DESMOND: That is just an average of the
21 two-way percentages.

22 So it does not -- it does not factor into equal
23 weighting for 2008, 2010.

24 VICE-CHAIR FREEMAN: Weighting, the weight of the
25 individual races, they are weighted in a certain way,

1 though, that was my understanding as well.

2 WILLIE DESMOND: The individual races are all
3 given equal weight, so that if there was some drop off on a
4 lower -- lower ballot race, and that the electoral vote for
5 that was lower, even though it's the same election, same
6 balance, equal.

7 VICE-CHAIR FREEMAN: So it's normalized, then, so
8 they're all --

9 WILLIE DESMOND: Mine inspector given the same
10 weight as president or senator or governor.

11 VICE-CHAIR FREEMAN: Gotcha.

12 WILLIE DESMOND: I think as a note, when we do
13 prepare information packets for the draft map in the second
14 round of public hearings, I think that's something we'll
15 definitely address to give them all those measures.

16 VICE-CHAIR FREEMAN: There's some blank space on
17 this page on the columns.

18 WILLIE DESMOND: The reason that hasn't been done
19 is, until just this week, because it was available on the
20 fly, the competitiveness reports were something we were
21 generating outside of Maptitude in a program to run those
22 that we have written.

23 Those have been programmed into my version of
24 Maptitude.

25 The initial data table is something that's in

1 Maptitude and I grab out of there, but that's the reason.

2 It's just a product of the progression of giving
3 more competitiveness measures to the Commission as times
4 progressed.

5 COMMISSIONER McNULTY: Madam Chair, I understand
6 we're going to get the 2004, 2006 data.

7 We've talked about that a lot.

8 But, I want to make the point, as several people
9 have, that that data is old, a lot of things have changed.

10 It is not necessarily as valuable as the 2008,
11 2010 data, which is more recent. And which represented two
12 watershed elections, 2008 for Democrats and 2010 for
13 Republicans.

14 VICE-CHAIR FREEMAN: Madam Chair, so we can all
15 say what we said before, I think 2008, 2010 were both
16 watershed years, but in Arizona, both for Republicans --
17 which is why I think they're outlier years, I'm interested
18 in seeing the 2004, 2006 numbers so we have more robust data
19 sets, so we can more fully assess competitiveness when -- in
20 terms of looking at election results.

21 I also think we should also look at party
22 registration. Party registration reflects how people --
23 which party individual beliefs they associate with, and I
24 think that is also a valid measure of competitiveness. I
25 think Mr. Strasma, when he gave the presentation, said there

1 was a correlation between competitiveness and registration,
2 and if one of the goals is to not allow one party or the
3 other to have an unfair advantage, I think that's something
4 that should be factored in as well.

5 So I would favor all these measures of
6 competitiveness being displayed on our data tables, and, so
7 they're provided to the public.

8 VICE-CHAIR HERRERA: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Herrera.

10 VICE-CHAIR HERRERA: Yeah, I agree with
11 Mr. Freeman that we should look at all the criteria. We
12 should weight them accordingly.

13 I think there's plenty of public testimony talking
14 about the differences not in Arizona alone from 2004 and
15 2006. A lot has changed in Arizona since then.

16 I still recommend at least looking at it and using
17 it, but again, weighing them for relevancy, so they -- I
18 don't think that -- I don't think that the 2008, 2010, 2004,
19 2006 election results should weigh evenly.

20 I think we, as a Commission, should decide how
21 they should be weighed.

22 Again, a lot has changed in Arizona, and I think
23 Commissioner Freeman would agree, and I think both --
24 there's a huge amount of the people coming out in 2008 that
25 never voted before. And they voted. The Democrats did very

1 well nationwide.

2 In Arizona I think they won four, maybe five of
3 the Congressional seats, U.S. House of Representatives, and
4 the Republicans had three.

5 So that's -- that's pretty telling of 2008 being a
6 really good year for Democrats.

7 CHAIRPERSON MATHIS: Okay.

8 VICE-CHAIR FREEMAN: I was just referring to the
9 comments that I made previously in response to that
10 statement by Mr. Herrera.

11 WILLIE DESMOND: I can give a little update on
12 what you're looking for for 2004, 2006.

13 CHAIRPERSON MATHIS: Well, that would be helpful.
14 Thank you.

15 WILLIE DESMOND: I talked to Ken today at lunch,
16 in our office, and Andrew and John have been calling every
17 day still trying to track down a few more maps of the old
18 precincts that have changed.

19 Brad and Ken have been going through for the last
20 couple days very, very extensively, and trying to start --
21 not start, but to continue going after this, and kind of got
22 jumped up the priority list, and going through.

23 And I just want to emphasize that we're trying to
24 be as deliberate and careful as possible to avoid anything
25 that would have incorrect data. And this work has been

1 done. We were given a file that looked good, but we did
2 find thousands of census blocks where people are listed in
3 the wrong congressional district, and there's a question to
4 all those results.

5 So we're trying to be very deliberate to make sure
6 that this is a resource that the Commission has, the public
7 has, everybody has, going forward, so we're all comparing
8 apples to apples and we don't have to pull anything back and
9 fix anything that needs to be fixed.

10 And we certainly don't want to send anything to
11 the Department of Justice that has an obvious problem with
12 it that we just didn't catch the first time. So, again, I
13 apologize that it's taking so long. Initially, we only
14 planned on using it for the voting rights analysis. We are
15 trying to speed it up so it is available for this process of
16 building a draft map, but it is a very tedious and long
17 process.

18 CHAIRPERSON MATHIS: It is, and you gave a great
19 presentation on what your guys said to do for '08, '10 to
20 solve the scrambled precinct issue, and that was in public
21 meeting. And the same thing now has to be done for the '04
22 and '06 data.

23 WILLIE DESMOND: It's actually worse with '04 and
24 '06 because the precincts no longer exist.

25 We're having a hard time verifying where the lines

1 used to be.

2 CHAIRPERSON MATHIS: And that involves talking to
3 the individual counties, or --

4 WILLIE DESMOND: Right. Trying to get old shape
5 file maps of what the precincts used to look like.

6 They have changed in 2004 and 2006, different
7 precincts. Nothing is apples to apples.

8 CHAIRPERSON MATHIS: Well, we appreciate your
9 efforts, but, then, you'll love this, but any estimate on
10 when we might get that data?

11 WILLIE DESMOND: Ken was not willing to provide
12 that today.

13 CHAIRPERSON MATHIS: Okay.

14 It's pretty clear that we're not going to have all
15 the competitiveness data that we need and want in time for
16 draft maps to be generated, so that's what's great about the
17 fact that they're draft maps. Because until we get all that
18 data we can't do a full competitiveness analysis on those
19 maps, so we just have to go with the best we can, and then
20 over the course of the next month, we definitely have that
21 data and can do a more thorough analysis on both the draft
22 maps.

23 Should we look at also Pinal County, since these
24 are both Mr. Freeman and Ms. McNulty's versions, just
25 because they obviously -- the knee bone is connected to the

1 leg bone, and see how they address those?

2 WILLIE DESMOND: Sure.

3 Would you like to start with McNulty?

4 CHAIRPERSON MATHIS: Either one. Well, is
5 Freeman's up?

6 WILLIE DESMOND: Freeman's up.

7 COMMISSIONER McNULTY: Yeah. Let's start with
8 Mr. Freeman's.

9 CHAIRPERSON MATHIS: Do you mind walking us
10 through it?

11 VICE-CHAIR FREEMAN: Sure. As I mentioned
12 earlier, I kept Oro Valley, Saddlebrooke whole, and
13 connected it with eastern Pinal County, which it's more
14 Morenci and these mining towns here. And it just goes up,
15 follows the county line, Pima County, Pinal County line
16 here, and the line dividing Pinal County and Graham County
17 here, follows the tribe boundary here. And it leaves the
18 mining towns of Hayden, Winkleman, Dudleyville, Kearny, and
19 Superior, together with Globe, in my old District 5, which
20 has now been thoroughly viscerated.

21 So as originally drafted, it connected it with
22 San Tan Valley, Gold Canyon, and Apache Junction, forming
23 this eastern Pinal County district. Western Pinal County
24 was what's left, basically, and it keeps my line of
25 Florence, Coolidge, Casa Grande together and whole with

1 Eloy.

2 I mean, all those communities as tightly bound
3 together, and connected with tribal areas to the north, the
4 southern boundary being the county line.

5 CHAIRPERSON MATHIS: And so I know we can thank
6 you, and we'll look at Ms. McNulty's verse, too.

7 I know hers is different, with how it treats the
8 Marana area, especially.

9 COMMISSIONER McNULTY: What are the two numbers of
10 those districts, Mr. Freeman? One is 8 and one is --

11 WILLIE DESMOND: The eastern one is 8, the western
12 one is 11.

13 COMMISSIONER McNULTY: Okay.

14 Let me just walk through.

15 At one point I had made some notes about the ways
16 in which our two versions were the same and the ways in
17 which they were different, but so much going on that in the
18 space of 24 hours I'm trying to remember what you did 24
19 hours ago.

20 CHAIRPERSON MATHIS: There's a lot of writing
21 tablets, too.

22 COMMISSIONER McNULTY: Yes, a lot of those too.

23 I think in the version that I did, there were 11
24 and 12, and I know one difference was I think I had kept
25 Marana whole in one district, in 11, and then I had -- I had

1 included the northwestern Arizona areas of Tucson,
2 Saddlebrooke, Catalina, Oro Valley, and Marana all together.

3 And then Swan northwest along the I-10 corridor,
4 and included Red Rock.

5 Let me open this on my computer. It's esker.

6 Because I can't see what Willie has there.

7 VICE-CHAIR FREEMAN: What are we looking at here?

8 WILLIE DESMOND: Commissioner McNulty's
9 District 11.

10 I can list it for you if you want me to tell you.

11 COMMISSIONER McNULTY: Could you just follow along
12 and point out each of the census places.

13 WILLIE DESMOND: Sure. It follows -- it does
14 follow I-10, makes a little thing here to take in all of Red
15 Rock, goes up --

16 COMMISSIONER McNULTY: You mean it splits Eloy?

17 WILLIE DESMOND: Splits Eloy.

18 COMMISSIONER McNULTY: Trying to keep Casa Grande
19 whole.

20 WILLIE DESMOND: Runs south of Ak-Chin and Gila
21 River and county line and above the Tohono O'odham.

22 COMMISSIONER McNULTY: So that, again, was to keep
23 those northwest communities together, Saddlebrooke, Oro
24 Valley, Catalina, and to tie them to Casa Grande where we've
25 -- where there's been a lot of discussion about the economic

1 synergies in those areas.

2 And then in 12, to keep more of the copper
3 corridor together, San Miguel, Mammoth, and those
4 communities that have traditionally, you know, been more
5 based on copper economy.

6 So we had talked about whether there's any
7 opportunity for an influence district or coalition district
8 there.

9 At one time when the copper industry and that area
10 was really booming, there were a lot more. There was a lot
11 more Hispanic population than there is now.

12 Now, even with the Resolution Copper Mine and the
13 prospect of that up in Superior, it's looking like that's
14 going to be a more high technology operation.

15 The whole, you know, way copper mining has changed
16 dramatically, that even if that comes online it doesn't
17 necessarily mean that there's going to be, you know, the
18 kind of Hispanic population there that there was in years
19 past in open pit mining.

20 So that 12 does also include Apache Junction, Gold
21 Canyon, and Queen Valley, and Superior, where Resolution
22 would be.

23 At one point there was a development, you know, a
24 planned area, planned area development that would come from
25 Apache Junction west into that Superior area.

1 I think with the recession, that's on hold.

2 But over time, particularly if Resolution goes
3 online, there's going to be a lot of development in that
4 area. So, again, I think that makes a certain amount of
5 sense for them to be together in a legislative district.

6 It looks like Florence is split and that might be
7 something that we need to address.

8 WILLIE DESMOND: Yeah, there is just a little bit
9 of Florence that's split.

10 VICE-CHAIR FREEMAN: What did you want to do? Do
11 we want to go back to Tucson? I mean, should we look at
12 that area and work our way north?

13 CHAIRPERSON MATHIS: I think that would make
14 sense, because we put in the southern Arizona place holder.
15 If we could finish Tucson and then kind of the Pinal
16 corridor, that would be great.

17 I don't know if we can try to build those together
18 now, or if one of you is willing to concede certain
19 districts the way they were drawn by the other one, or, what
20 would you guys like to do? What would work?

21 I guess, again, with the caveat that this is a
22 place holder just to try things out, to get a full map
23 populated.

24 We aren't saying that these are the lines.

25 We're just trying to get all the pieces into the

1 merged map.

2 COMMISSIONER McNULTY: I -- I would propose to
3 include the Tucson areas from my map, and to include the
4 areas north of that from Mr. Freeman's map.

5 CHAIRPERSON MATHIS: Include what?

6 COMMISSIONER McNULTY: To include the I-10, the
7 Pinal County areas. Does that help?

8 VICE-CHAIR FREEMAN: I don't know if that's going
9 to work, because, I mean, I can look at it, but it's not
10 something that I'll be able to figure out right now.

11 Obviously, if we're -- if we've got in the three
12 majority-minority districts in southern Arizona as a place
13 holder from option two, that kind of built in an advantage
14 for all the other districts drawn in southern Arizona
15 reflected in option two by option one districts don't fit.

16 I suppose they could be made to fit, but they
17 don't fit.

18 But of what I see is, in Pinal County area, we run
19 a -- I'll have to look at it, because I kept a copper
20 corridor with Gila County. And -- and --

21 COMMISSIONER McNULTY: Right.

22 VICE-CHAIR FREEMAN: It won't work now, because we
23 have that other District 7 place holder, which is
24 substantially different than -- it almost sort of links my
25 District 7 with my old District 5, if we're following.

1 I like the way I have Tucson configured.

2 But, it would take a substantial re-work down to
3 make it work with those three majority-minority districts.

4 I like the way Pinal County was. Nothing is
5 perfect, but I do like the fact that District 11 kept a lot
6 of those communities in central Pinal County together, but,
7 because of the way the map looks in other parts of the
8 state, it's going to take some adjustments.

9 CHAIRPERSON MATHIS: No question, all of it we're
10 going to bump up against issues trying to fit it in. But I
11 guess to the extent possible, is it -- or would we be able
12 to do something like that, where Mr. Freeman's Pinal is put
13 into the map on top of what Ms. McNulty drew in southern
14 Arizona? And deal with those intersects.

15 COMMISSIONER McNULTY: One, I have one of the
16 comparison sheets I did between District 8 that Mr. Freeman
17 drew and the District 11 that I drew. And the District 11
18 that I drew includes Red Rock, Eloy, Arizona City, Casa
19 Grande, Saddlebrooke, Catalina, Oro Valley.

20 Mr. Freeman's includes Apache Junction, San Tan
21 Valley, Queen Valley, Oracle, San Miguel, Saddlebrooke,
22 Catalina, Oro Valley.

23 So there's overlap and there are differences. And
24 I guess what I was proposing was to use the version that he
25 prepared with an interfacing with the Tucson boundaries that

1 I had drawn to take in the core of Tucson.

2 WILLIE DESMOND: The one thing I would just say is
3 that, you know, things like the Gila River Reservation, we
4 talked about leaving those into coalition districts or
5 something like that.

6 It -- I want to caution against having a bunch of
7 things that are likely to change, they all need to work
8 together.

9 It's like we should try to set something first,
10 either adopt the three majority districts, and then start
11 building off of there.

12 But if those are likely to change, then it will
13 affect the districts we're trying to build in right now, and
14 that will affect --

15 We can do what you just described, but if other
16 things are going to change, it's likely to undue that, too.

17 COMMISSIONER McNULTY: That's part of the process.

18 VICE-CHAIR FREEMAN: We've put them in there as
19 place holders. I don't think we can ever say they're not
20 going to change.

21 We might need to make some population adjustments
22 as we iterate the map.

23 WILLIE DESMOND: Just so I understand, the three
24 in southern Arizona are going to stay likely?

25 COMMISSIONER McNULTY: We've already put those in

1 as place holders.

2 What we're talking about is putting the two
3 central Tucson districts as place holders and then
4 Mr. Freeman's District 8.

5 WILLIE DESMOND: Okay. That seems doable.

6 So. . .

7 CHAIRPERSON MATHIS: Yea. That's shocking.
8 Can we try that?

9 WILLIE DESMOND: Sure.

10 Okay. So we'll start with the two Tucson
11 districts.

12 CHAIRPERSON MATHIS: Marty, you okay?

13 COURT REPORTER: As long as we get a score.

14 STEVE MURATORE: 3 to 2.

15 COURT REPORTER: Thank you.

16 Thank you for asking.

17 COMMISSIONER McNULTY: What inning?

18 STEVE MURATORE: Top of the 9th.

19 CHAIRPERSON MATHIS: Top of the 9th. Who's
20 pitching?

21 STEVE MURATORE: The Brewers closer actually.

22 CHAIRPERSON MATHIS: Can we get a split screen on
23 there, Willie?

24 (Mr. Desmond promptly complies.)

25 (Laughter.)

1 COMMISSIONER STERTZ: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Stertz.

3 COMMISSIONER STERTZ: Are -- has there been a
4 directive to the consultant or has Commission just made a
5 determination that we are adopting the three districts on
6 the three majority-minority districts?

7 CHAIRPERSON MATHIS: We just directed him to, in
8 order to create a merged map, to start populating it, to use
9 as place holders the three southern Arizona
10 majority-minority districts that Ms. McNulty drew and then
11 the four that Mr. Freeman had drawn in Maricopa County.

12 COMMISSIONER STERTZ: Maybe, Madam Chair, you --
13 you can help me out with -- with the definition of how --
14 what you are calling a place holder.

15 CHAIRPERSON MATHIS: We're putting them in to see
16 how it will work in a merged map, trying to bring all --
17 everyone's ideas into one place instead of having the two
18 versions.

19 So we were -- since Ms. McNulty's map created
20 three in southern Arizona, and that was the charge that we
21 needed, we used hers.

22 And then Mr. -- Mr. Freeman's map had four in
23 Maricopa County, so we used his four.

24 And the idea was to see -- to get those set so
25 that at least they could -- at least we were sure that the

1 numbers were met, that were needed, and from there, though,
2 now we're just trying to populate other parts of the map and
3 try to get one map with all the -- all 30 districts into it.

4 But none of the lines -- I mean, everything is
5 subject to change. That's just kind of the nature of this.

6 COMMISSIONER STERTZ: And, Madam Chair, before we
7 populate the two Tucson, or whatever the Tucson districts
8 are, I'd like to see the map populated with -- with the
9 Freeman District 8 before we populate the two Tucson
10 districts off of the McNulty map.

11 And I apologize for the -- not using the
12 appropriate use of the word Commissioner in front of both of
13 those phrases.

14 CHAIRPERSON MATHIS: So you're saying you would
15 like to see another version?

16 COMMISSIONER STERTZ: Madam Chair, the reason I'm
17 asking the question is because when you overlay the
18 Commissioner Freeman's, the option one version 8A
19 Legislative District 8 map over the top, it's so
20 significantly changes the -- the complexity and the
21 relationships, both geographically, communities of interest,
22 transportation corridors, et cetera, that were developed in
23 Commissioner McNulty's map, I'd like to see how that affects
24 those first, before we drop in Districts 3, 9 -- excuse me
25 -- 9 and 10, out of Commissioner McNulty's option two

1 version A map.

2 WILLIE DESMOND: I think Commissioner Freeman's
3 version 8 -- or District 8, does run right to the corridor
4 of Catalina Foothills and Casas Adobes and that's also the
5 border that Commissioner McNulty has.

6 I don't think there is any overlap between 9 and
7 10 from Commission McNulty's and District 8 from
8 Commissioner Freeman.

9 COMMISSIONER McNULTY: I think that's right.
10 They're very close.

11 WILLIE DESMOND: But I can -- I can -- if I turn
12 off the current districts, so here's Commissioner McNulty's
13 District 9 and District 10.

14 And then the blue line will be Commissioner
15 Freeman that runs down into -- it goes right along the
16 Catalina Foothills, Casas Adobes.

17 COMMISSIONER McNULTY: It's very different north
18 of Tucson, but what I'm saying, I think what we talked about
19 was that we would go with his --with Mr. Freeman's version
20 of that district for the place holder.

21 WILLIE DESMOND: But, Commissioner Stertz, does
22 that answer you?

23 COMMISSIONER STERTZ: Could you verify in
24 Commissioner Freeman's 8 district the competitiveness scale
25 and the registration Republican versus Democrat, please?

1 WILLIE DESMOND: Commissioner Freeman's version 8,
2 District 8, excuse me, the competitiveness index, two is
3 59.4 percent Republican. The registration is 38.8 percent
4 GOP. 26.2 percent Democrat, and 35 percent Independent
5 other.

6 I can quickly calculate the two way Republican
7 Democrat registration split, if you like.

8 COMMISSIONER STERTZ: This is a -- this is a hard
9 hard district.

10 WILLIE DESMOND: This is a hard district.

11 COMMISSIONER STERTZ: As is District 11, and one
12 in Commissioner McNulty's map, are both hard hard districts.

13 WILLIE DESMOND: In Commissioner McNulty's map
14 District 1 is, Cruz index, two is 62.6 percent Republican,
15 District 11 is 58.8 percent.

16 COMMISSIONER STERTZ: And again, as a comparison
17 now in the mid Tucson area, in Commissioner McNulty's map in
18 Districts 9 and 10, the competitiveness scale is?

19 WILLIE DESMOND: District 9 and 10, 47.1 and 47.5.

20 COMMISSIONER STERTZ: So both of those are left
21 leaning, or Democrat leaning districts.

22 WILLIE DESMOND: Yes, slightly.

23 COMMISSIONER STERTZ: And the other two were --
24 and I apologize for the repetition. I didn't write them
25 down, for -- for -- in Commissioner McNulty's Legislative

1 District 1 was 60 --

2 WILLIE DESMOND: 62.6.

3 COMMISSIONER STERTZ: And in 11?

4 WILLIE DESMOND: 58.8.

5 COMMISSIONER STERTZ: 58.8.

6 COMMISSIONER STERTZ: And Freeman's was 59.1 in 8?

7 WILLIE DESMOND: In 8 it was -- Commissioner
8 Freeman's 8, it was 63.1.

9 WILLIE DESMOND: Oh, I'm sorry. I'm sorry. I got
10 two of the same. I'm sorry. District 8, 59.4.

11 COMMISSIONER STERTZ: 59.4.

12 COMMISSIONER STERTZ: So if we go with
13 Commissioner McNulty's District 1, and Commissioner
14 Freeman's District 8, we've actually got -- it's actually
15 gotten -- for those two districts have gotten harder R.

16 COMMISSIONER McNULTY: Not District 8.

17 COMMISSIONER STERTZ: Yes, 59.4 over 58.8 in
18 District 11 -- and I'm merging the two together.

19 What is the -- what is districts in Commission
20 McNulty's map 12?

21 WILLIE DESMOND: Commissioner McNulty's map --

22 COMMISSIONER STERTZ: And I'm only asking the
23 question because I don't know which of your attachments is
24 correct or flawed.

25 WILLIE DESMOND: Okay.

1 COMMISSIONER STERTZ: So that's why I'm asking the
2 question.

3 WILLIE DESMOND: District 12 in Commissioner
4 McNulty's map is 53.2.

5 COMMISSIONER STERTZ: 53.2.

6 WILLIE DESMOND: Should we take a printout of the
7 new data tables for everyone?

8 COMMISSIONER STERTZ: That would be -- that would
9 save me from having to ask the questions.

10 And then on -- I only have one more left, then I
11 will an ask the last one.

12 WILLIE DESMOND: All right.

13 COMMISSIONER STERTZ: On Commissioner Freeman's
14 Legislative District 11 --

15 WILLIE DESMOND: Commissioner Freeman's
16 Legislative District 11, has an index two of 53.6.

17 COMMISSIONER STERTZ: So we're swapping -- we're
18 swapping numbers. They're flip flopping which side is --
19 which side is harder R than the other.

20 I get that.

21 WILLIE DESMOND: I'm a little confused, so I don't
22 know if I can answer that authoritatively. But --

23 COMMISSIONER STERTZ: Depending on how we finally
24 curve up the remaining number that's to the west and to the
25 south of Commissioner Freeman's District 8.

1 WILLIE DESMOND: Yeah.

2 I'm -- I'm going to go, if I've answered all your
3 questions, I'll go back to putting in Commissioner
4 Freeman's District Number 8.

5 VICE-CHAIR FREEMAN: Okay. Now it's going to be
6 over-populated, right?

7 VICE-CHAIR FREEMAN: Or in that unassigned area.

8 WILLIE DESMOND: I'm unassigning all of current
9 District 8, so that there will be other unassigned areas
10 other places.

11 While this takes a second.

12 All right. So the new District 8 has been created
13 along with District 9 and 10. So the new District 8, 9 and
14 10 have been created.

15 District 8 is only off by 102 people.

16 So District 9 is about 528 people off.

17 And District 10 is about 2100 people off.

18 All of which are well within the accepted margin
19 for legislative districts.

20 We have set an accepted margin, but I think we're
21 all pretty comfortable that it's within a percentage point
22 or two, and probably could go up higher if we need to.

23 So those districts are all built in.

24 So just kind of to -- to recap what's happening.

25 In Arizona there's District 3, 4, 2. 2, 3, 4.

1 District 8, 9, 10.

2 Areas that have not been dealt with are this area
3 of 11, and the rest of the county there. The eastern side
4 of Pima County. The rest of Cochise.

5 And then this area of Graham and south of the
6 reservation land.

7 And the Navajo Nation land, Greenlee as of right
8 now, it was taking too long, is part of District 7 along
9 with the San Carlos White Mountain Apache tribes.

10 CHAIRPERSON MATHIS: Great.

11 Did anyone have any comments on this?

12 I wanted to note that the hotel is kicking us out
13 of this room, so we're going to have to wrap up soon, and
14 I've got three Request to Speak forms, so we probably can't
15 do a whole lot more mapping. But I think we made some
16 really good progress.

17 I wanted to see if anyone had any more comments or
18 thoughts on what we tell Mr. Desmond, any direction we want
19 to give him for this evening. Otherwise, we start back up
20 tomorrow morning at 9:30, and we can go from there.

21 COMMISSIONER McNULTY: Madam Chair, where are we
22 tomorrow?

23 CHAIRPERSON MATHIS: I'm glad you asked. It's at
24 the Sheraton down the street on Broadway.

25 VICE-CHAIR FREEMAN: The only thing I noted, in

1 putting LD 8 from option one, there are some pressures that
2 are introduced because now we've got some unassigned area
3 above it.

4 And LD 11 doesn't exactly work either, because --
5 well, I'm not sure. I'll have to look at that.

6 My LD 11 had -- was cut off here at the county
7 line. And now, right now, as its drawn, it's got Marana in
8 there. So something I'll have to look at after.

9 CHAIRPERSON MATHIS: Thank you. That would be
10 great.

11 It's not perfect, but it's much -- at least we're
12 populating a map together and hopefully we can make it work
13 once we start getting all the pieces in there.

14 Any other comments?

15 (No oral response.)

16 CHAIRPERSON MATHIS: So, Mr. Desmond, did you have
17 something?

18 WILLIE DESMOND: During public comments I'll try
19 to get the Navajo district in there, and try to have it
20 ready to hand off to you guys to look at this evening.

21 I'll do that now.

22 VICE-CHAIR HERRERA: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Herrera.

24 VICE-CHAIR HERRERA: To make sure I understand
25 Mr. Desmond correctly, the Navajo map that was presented I

1 think it was yesterday, are we using it as a place holder?

2 CHAIRPERSON MATHIS: That's my understanding.

3 VICE-CHAIR HERRERA: Okay.

4 CHAIRPERSON MATHIS: Everyone agree with that?

5 COMMISSIONER McNULTY: Yes.

6 VICE-CHAIR HERRERA: I agree also.

7 The only thing is, the presentation by Michael
8 Mandell with the Doney Park area, Ironwood, and I am blank
9 on the third one, should we consider those comments? They
10 talked about the communities of interest being tied strongly
11 to Flagstaff with the flooding, the fires, should they be
12 included with the City of Flagstaff, if they're not already?

13 CHAIRPERSON MATHIS: Yeah, I'm not sure how those
14 are addressed up there in the Navajo Nation proposal, if at
15 all, but we definitely should take it into consideration and
16 see what that does up in that area.

17 So maybe tomorrow we'll be going through a lot
18 more mapping and trying things out.

19 So thanks for the reminder.

20 Any other comments or questions?

21 COMMISSIONER McNULTY: I have one question.

22 CHAIRPERSON MATHIS: Ms. McNulty.

23 COMMISSIONER McNULTY: Mr. Muratore, what's the
24 score?

25 WILLIE DESMOND: 2-2 and Craig Counsell is up.

1 CHAIRPERSON MATHIS: Mr. Desmond, did you have
2 anything else for us?

3 Okay.

4 Let's do some public comment, number six on our
5 agenda.

6 My first -- our first speaker is James Hoxworth.

7 Is he still here?

8 (No oral response.)

9 Bill Mitchell, representing self, from Maricopa.

10 (No oral response.)

11 CHAIRPERSON MATHIS: Judy Whitehouse, representing
12 self, from LD 15.

13 (No oral response.)

14 CHAIRPERSON MATHIS: Michael Liburdi, representing
15 Fair Trust.

16 THE WITNESS: Good evening, Madam Chair and
17 members of the Commission.

18 Michael Liburdi on behalf of the Fair Trust.

19 That's L-I-B-U-R-D-I.

20 And I just wanted to be brief.

21 I submitted a public records request a short while
22 ago to your counsel, requesting that certain public
23 documents be produced forthwith.

24 Those include any documents relating to the
25 competitiveness calculations that have been taken by

1 Strategic Telemetry and any other members of this
2 Commission.

3 It's of paramount importance that all that data is
4 disclosed immediately, so that the public can fairly assess
5 what these maps mean, what the competit -- competitivness --
6 competitiveness numbers mean, and also so that the
7 Commissioners can fairly assess what those numbers really
8 mean.

9 On Monday, one of the Commissioners felt that he
10 could not cast a vote on certain maps because that data had
11 not been disclosed.

12 It's our position that these maps are not
13 complete, according to the process, until that data is
14 disclosed. And we will be looking forward to seeing that
15 information shortly.

16 Thank you.

17 CHAIRPERSON MATHIS: Thank you.

18 Our next speaker is Mike Flannery from Prescott
19 Valley.

20 MIKE FLANNERY: Good evening, Madam Chair,
21 Commission members.

22 I'll be brief.

23 That's F-L-A-N-N-E-R-Y.

24 Sometime ago I heard -- I heard members of the
25 Commission asking people as they came up, do you think that

1 we're moving in the right direction? When I saw option A,
2 or option one or option two, of the maps that we were
3 proceeding with, I thought we're moving in the right
4 direction as far as my district was concerned.

5 And then I stepped away, and all of a sudden I
6 come back, and I see this -- this thing that I have to tell
7 you I think we're moving in the wrong direction now, because
8 I thought we were moving in the right direct.

9 However, I can't really make any kind of specific
10 comment on it.

11 Are these maps going to be available on the web so
12 I can go and take a real close look at it tonight?

13 WILLIE DESMOND: I guess what I would say might
14 make the most sense, would be to, just for the purposes of
15 public evaluation of these maps, is produce a set that does
16 not have any of the districts that we haven't put in as
17 place holders, so it would just have 2, 3 and 4, 8, 9 and
18 10, and then the majority-minority and coalition districts
19 in Maricopa County. And we can try to get -- I'm not sure
20 how fast we can make those posted to the web.

21 I can produce those tonight, but I don't know.
22 That's dependent on other people having to do that stuff, if
23 available.

24 It's probably possible to have some sort of
25 printout for tomorrows meeting, or data tables.

1 But direct me what you guys think makes the most
2 sense.

3 CHAIRPERSON MATHIS: What do you guys think?
4 Do you have thoughts on the best way?

5 COMMISSIONER McNULTY: I think if we were to post
6 anything, we would post what Mr. Desmond described, because
7 it's important for people to understand that we've gone back
8 to the grid.

9 So to the extent, for example, that Prescott
10 Valley is showing on the map, it just means we haven't
11 gotten there yet.

12 MIKE FLANNERY: I understand. I understand the
13 sensitivity right now.

14 But without -- without seeing anything physically
15 right now, I have absolutely no idea what to comment on
16 right now, because instead of where you were with the maps
17 in terms of option one and option two, you've now moved
18 further down south to Maricopa and Pinal County, so I need
19 to take a look at that.

20 COMMISSIONER McNULTY: Well, they will be posted.
21 I just don't know when.

22 MIKE FLANNERY: And if you do Maricopa County and
23 the things you've talked about today, that will do me no
24 good to see those.

25 COMMISSIONER McNULTY: So what would you want to

1 see?

2 MIKE FLANNERY: You mean specifically?

3 COMMISSIONER McNULTY: Um-hmm.

4 MIKE FLANNERY: How it affects me.

5 COMMISSIONER McNULTY: In Prescott Valley.

6 MIKE FLANNERY: Not necessarily in Prescott
7 Valley, but I think it's District 15, is it?

8 COMMISSIONER McNULTY: Where is that? What part
9 of the state?

10 MIKE FLANNERY: It crosses across by Chino Valley,
11 down through Prescott Valley, to Holton, and move down into
12 Maricopa.

13 COMMISSIONER McNULTY: We haven't gotten there
14 yet. We haven't incorporated into the map yet, either
15 version one or version two.

16 WILLIE DESMOND: Oh, well, I thought I was looking
17 at today.

18 COMMISSIONER McNULTY: Right. That's what's so
19 confusing about this, is what we did -- so don't worry.
20 We're not there yet.

21 MIKE FLANNERY: Let me encourage you, I liked
22 where it was before option one and option two. I thought we
23 were moving in the right direction. Let's move in that
24 direction.

25 COMMISSIONER McNULTY: I think that's what we're

1 working on now is building option one or option two into
2 that original grid map, and so it will show as geography,
3 but that doesn't mean that we've worked with it yet.

4 MIKE FLANNERY: I have -- have to do -- I know
5 that when you take two different maps and try to blend those
6 together, the difficulty of it, I recognize that and wish
7 you luck.

8 CHAIRPERSON MATHIS: Thank you.

9 MIKE FLANNERY: Thank you.

10 CHAIRPERSON MATHIS: Our next speaker is Leonard
11 Gorman, executive director Navajo Nation Human Rights
12 Commission.

13 LEONARD GORMAN: Madam Chair, members of the
14 Commission, and staff, thank you for the opportunity to
15 speak for Navajo Nation and to address the Commission again
16 this evening.

17 The acceptance of the proposal of the Navajo
18 Nation submitted yesterday as even a place holder and moving
19 forward and drawing around the Navajo Nation's proposal is a
20 very good start.

21 And we appreciate the opportunity to have those be
22 a part of your mapping system at the present time.

23 And the Navajo Nation has had many a times
24 provided recommendations from the first iteration that was
25 submitted a couple of months ago, and Navajo Nation has had

1 the opportunity to meet with a variety of organizations and
2 individuals, and have been making adjustments based on the
3 recommendations by parties making recommendations, and
4 certainly our strong hope is to ensure that the Commission
5 complies with the Voting Rights Act.

6 That is certainly not negotiable.

7 And that's something that we stand on, and assure
8 you that all of the Native American Nations that have been
9 placed in the original iteration are a part of our final
10 mapping that you'll be proposing. So the concerns raised by
11 the City of Flagstaff, I believe it's by Coconino County,
12 with regard to the flooding areas, perhaps during the
13 monsoon season if it's in a district other than the Navajo
14 Nation's proposal, it would not have an effect.

15 But I think the Nation has its own reason of why
16 things are happening in those directions.

17 So whether it's in the district Navajo Nation has
18 or is outside the district, I think it would be concerns
19 about flooding irregardless.

20 So, we will remain in Coconino County also, but,
21 if there are impacts on the Voting Rights Act, we would have
22 very, very strong concerns about those.

23 Thank you.

24 CHAIRPERSON MATHIS: Thank you.

25 That's my last Request to Speak form, unless

1 anybody else wanted to --

2 WILLIE DESMOND: 3 to 2, Milwaukee won today.

3 COURT REPORTER: Congratulations, Mr. Desmond.

4 WILLIE DESMOND: I'm sorry.

5 CHAIRPERSON MATHIS: I want to thank all the
6 Commissioners, especially since everyone worked really hard
7 these past few days to try to pull something together, and I
8 thought we really made great progress today, so thank you.
9 Thanks to our staff and legal counsel and mapping consultant
10 for hanging in there, too.

11 We'll meet again tomorrow at 9:30, down at the
12 Sheraton on Broadway.

13 Anything else anyone needs to say, or questions?

14 Okay, then that leaves just adjournment on the
15 table, and that's agenda item seven.

16 So I'll declare the meeting adjourned at 5:53 p.m.

17 (Whereupon, the meeting adjourned.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA) ss.

3

4 BE IT KNOWN that the foregoing proceeding was
5 taken before me, Marty Herder, a Certified Court Reporter,
6 CCR No. 50162, State of Arizona; that the foregoing 226
7 pages constitute a true and accurate transcript of all
8 proceedings had upon the taking of said meeting, all done to
9 the best of my skill and ability.

10 DATED at Chandler, Arizona, this 14th day of
11 October, 2011.

12

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14

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

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