

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

October 17, 2011
10:09 a.m. (MDT)

Location

Moenkopi Legacy Inn & Suites
Junction Highway 160
Tuba City, Arizona 86045

Attending

Colleen C. Mathis, Chair
Linda C. McNulty, Commissioner

Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist
Kristin Windtberg, Counsel, Osborn Maledon

PREPARED BY:

AZ Litigation Support, LLC
Michelle D. Elam, CR
Certified Reporter
CR No. 50637

1 Tuba City, Arizona
2 October 17, 2011
3 10:09 a.m. (MDT)

4 CHAIRPERSON MATHIS: Good morning.

5 This meeting of the Arizona Independent
6 Redistricting Commission will now come to order.

7 Today is Monday, October 17th. The time
8 is 10:09 a.m. Mountain Daylight Time, 9:09 a.m.
9 Mountain Standard Time.

10 Let's begin with the Pledge of
11 Allegiance.

12 (Pledge of Allegiance was recited.)

13 CHAIRPERSON MATHIS: Well, good morning.
14 It's great to be here in Tuba City early on a
15 Monday. It's very beautiful outside. Our first
16 time here, and we're very happy to be here and good
17 to see you here this morning.

18 Our purpose here today is to obtain your
19 comments and input on the draft maps, the
20 congressional draft map and the legislative draft
21 map that have been approved by the Commission.

22 And we're in the midst of a 26 city tour
23 across Arizona soliciting feedback from folks. So
24 it's great to be in Tuba City and to see you here
25 this morning.

1 I'll introduce the people here at the
2 table.

3 I'll start with roll call.

4 Vice Chair Freeman.

5 Vice Chair Herrera.

6 Commissioner McNulty.

7 COMMISSIONER MCNULTY: Here.

8 CHAIRPERSON MATHIS: Commissioner Stertz.

9 So not all of the commissioners go to all
10 of the meetings. We're dividing them up and taking
11 turns. So two of the three commissioners are here
12 today and the other three commissioner I'm sure are
13 either watching the streaming that's occurring this
14 morning or will watch the recording of it later.

15 So with that, I'll also introduce the
16 other folks at the table today.

17 We have Kristin Windtberg, our legal
18 counsel.

19 Our mapping consultant, Andrew Drechsler.

20 Our chief technology officer, Buck Forst.

21 We have a court reporter transcribing
22 today's meeting, Michelle.

23 And in the back of the room, our deputy
24 executive director, Kristina Gomez, Kristy Olson,
25 and Lisa Schmelling as public outreach coordinators.

1 And feel free to ask anyone -- any of our
2 staff if you need anything or would like to give us
3 anything today. They will be happy to help you.

4 So with that, I want to make sure -- oh,
5 if you are interested in addressing the Commission
6 today, please fill out a request to speak form.

7 They are the yellow form in the back, and I'll be
8 calling names to have you come up and address the
9 Commission when we get to that part of the hearing.

10 But be sure to fill one out so that we
11 know that you would like to speak.

12 If you do not want to speak today at the
13 microphone, you can also provide input to us by
14 filling out the blue sheet, and the blue sheet will
15 be entered into the record just the same as it would
16 be if you stood at the microphone. So it's just for
17 people who do not wish to stand at the podium.

18 So with that, I think we'll move to the
19 next item on the agenda -- oh, we have translators.

20 Thank you, Mr. Drechsler. Sorry about
21 that.

22 We have a Navajo translator today, Nora
23 Jim. And if you would -- if Ms. Jim is here.

24 Oh, great. If you would come up to the
25 microphone and just give a few words of welcome and

1 offer your translation interpretive services, that
2 would be great.

3 NORA JIM: (Speaking in native tongue.)

4 My name is Nora Jim and I am happy to
5 help the commissioners, Scott Freeman, or whoever is
6 representing him and ladies and gentlemen in the
7 room. I'm just here to be of assistance if anyone
8 wishes to ask any questions in Navajo or just to
9 help along so they can understand.

10 My name is Nora Jim.

11 CHAIRPERSON MATHIS: Thank you very much.

12 Our next translator today, here for
13 Spanish, is Nancy Santiago.

14 NANCY SANTIAGO: (Speaking in native
15 tongue.)

16 Welcome. My name is Nancy Santiago.

17 (Speaking in native tongue.)

18 I am here today for the Arizona
19 Independent Redistricting Commission second round
20 hearings for interpretation in Spanish.

21 CHAIRPERSON MATHIS: Thank you very much.

22 So with that, I think we can go to the
23 next item on the agenda, and that is a presentation
24 by our mapping consultant, Mr. Drechsler.

25 ANDREW DRECHSLER: Thank you very much.

1 Good morning.

2 We're here today to discuss the maps
3 presented by the Arizona Independent Redistricting
4 Commission.

5 The draft maps are currently under a
6 30-day review period, which is one of the main
7 reasons we are here today. We want to hear your
8 opinions on the maps.

9 Before we display the maps, we want to do
10 a quick overview of the process in general.

11 Arizona's redistricting process is
12 governed by the State Constitution as amended by
13 voters in 2000 with the passage of Proposition 106.

14 It stipulates that the Arizona
15 Independent Redistricting Commission redraw
16 Arizona's congressional and Legislative districts to
17 reflect the results of the most recent census.

18 Due to the 2010 census, Arizona gained a
19 congressional seat. So they will be going from
20 eight seats to nine seats and the legislative will
21 remain the same, at 30 legislative seats.

22 What are the requirements of the State
23 Constitution via Proposition 106?

24 The new district boundaries must, A,
25 comply with the United States Constitution and the

1 Voting Rights Act.

2 B, the equal population.

3 And criteria A and B are federally
4 mandated.

5 To the extent practicable, the district
6 must be compact and contiguous; D, respect
7 communities of interest; E, use visible geographic
8 features, city, town, and county boundaries and
9 under divided census tracts; F, favor competitive
10 districts where no significant detriment to other
11 goals.

12 We just wanted to do a quick overview of
13 the Voting Rights Act.

14 Arizona's congressional and legislative
15 districts must receive preclearance or approval from
16 the Department of Justice or a federal court under
17 Section 5 of the Voting Rights Act before they can
18 take effect.

19 To get preclearance, Arizona must
20 demonstrate that the new districts do not
21 discriminate against minority voters in purpose or
22 effect, which means there can be no intentional or
23 accidental discrimination.

24 Under Section 5, Arizona's redistricting
25 plans can be -- cannot be retrogressive. The plans

1 cannot weaken or reduce minority voters' rights.

2 The presence of discrimination can be
3 determined by analyzing population data and election
4 results.

5 We wanted to do a quick overview of how
6 the Commission and the timeline for the Commission
7 and the timeline for the redistricting process.

8 Step 1 was setting up the Commission.

9 Earlier this year commissioners were
10 appointed through a thorough screening process. All
11 of the commissioners serve in a voluntary role.

12 The commissioners are Scott Freeman, vice
13 chair; Jose Herrera, vice chair; today with us is
14 the Chairwoman, Colleen Mathis; Commissioner Linda
15 McNulty is here today; and the final commissioner is
16 Richard Stertz.

17 The second step is the first round of
18 hearings.

19 Before drawing a single line, the
20 Commission held 23 public hearings around the state
21 in July and August to get input from members of the
22 public about issues relevant to redistricting such
23 as geography, communities of interest, minority
24 voting rights, and competitiveness.

25 The third step was mapping.

1 Per Proposition 106, they needed to start
2 with a clean slate.

3 The next step was dividing the state into
4 equal population and compact grid-like districts.
5 Per the proposition, we needed to start with this
6 grid map, which was approved on August 18th.

7 Since adopting the grid map, the
8 Commission has met more than 25 times to consider
9 adjustments to the grid to accommodate all of the
10 State Constitution criteria -- constitutional
11 criteria.

12 During this time they received additional
13 public comments and draft maps.

14 Approval of the draft maps.

15 On October 3rd, the Commission approved a
16 draft congressional map that incorporated changes
17 based on all of the constitutional criteria. And
18 just last Monday approved the draft legislative map
19 on October 10th.

20 The fourth step is the second round of
21 hearings.

22 We are currently visiting 25 -- 26 towns
23 and cities around the state to share how people --
24 have members of the public share their comments on
25 the draft maps during the months of October and

1 November.

2 Step 5 is the final maps.

3 Upon completion of the public comment
4 period, the Commission will adopt final maps.

5 And step 6 is preclearance.

6 Because Arizona is subject to Section 5
7 of the Voting Rights Act, the district maps must be
8 approved by the federal Department of Justice or the
9 federal -- or the federal court in Washington, D.C.,
10 before they can be used in the Arizona elections.

11 Before we show the current draft map, we
12 just wanted to show the process of how we got there.

13 This is the last -- this is the
14 congressional map that was adopted by the last
15 Commission and most recently used in the 2010
16 elections.

17 As I stated before, we started with a
18 clean slate and that brought us to the grid maps,
19 which were approved on August 18th.

20 Again, there was only two criteria that
21 was used in the grid maps; equal population and
22 compactness.

23 Here, after 25 meetings, the Commission
24 voted to approve the draft map that you see here.

25 Besides taking into consideration the six

1 criteria, the Commission also considered public
2 comment via public meetings, round one of public
3 hearings, comments that were mailed to the
4 Commission, e-mailed, hand-delivered, faxed, or
5 telephone.

6 Overall, there was almost 5,000 comments
7 that helped develop this map.

8 As you see here, some of the highlights
9 of the map include two predominantly rural
10 districts, three border districts, two districts in
11 the city of Tucson, five districts that are entirely
12 in Maricopa County, it avoids splitting Arizona's
13 Indian reservations and two districts where minority
14 voters have the opportunity to elect a candidate of
15 their choice.

16 The legislative map followed the very
17 similar process.

18 This was the map that was adopted by the
19 last Commission and most recently used in the 2010
20 elections.

21 We started with a clean slate per
22 Proposition 106 and then developed a grid map.

23 Again, just like the congressional grid
24 map, the legislative grid map needed to take in two
25 considerations; equal population and compactness.

1 And finally that brought us to the
2 legislative draft map that you see here.

3 Similar to the congressional map,
4 comments were given by the public via comments that
5 were mailed in, that were e-mailed in, telephoned,
6 faxed. So a number of comments coming into this.

7 The draft legislative map includes -- we
8 just wanted to show a couple of the highlights here.

9 Population growth and reduction. The old
10 districts that were last used in the 2010 election
11 had a population of 155,000 to 378,000.

12 The current map has approximately 207,000
13 to 215,000.

14 To comply with the Voting Rights Act, the
15 draft plan includes ten districts in which minority
16 voters have the opportunity to elect the candidate
17 of their choice. The draft map includes three
18 districts wholly within Maricopa County and three
19 additional districts in southern -- three additional
20 Southern Arizona districts. There were seventeen
21 districts primarily within Maricopa County and nine
22 districts primarily rural.

23 We want your input on these maps.

24 You can fill out a request to speak form
25 at the public hearing and provide your thoughts --

1 provide the Commission your input.

2 An example of input includes anything on
3 -- any of the constitutional criteria, any thoughts
4 on the draft legislative maps, or anything on the
5 draft congressional maps.

6 The ways you can submit your input are
7 either speak at today's hearing. There's a blue
8 sheet that's in the back of your packet that you can
9 fill out and also on it there's an address and the
10 phone numbers so you can mail this in or you can
11 call in your comments or you can visit us at
12 www.azredistricting.org or call us at 602-542-5221
13 or you can call us toll free at 855-733-7478.

14 We want you to stay connected throughout
15 the process.

16 Here's a screenshot of our home page. It
17 does have a couple of arrows on it that highlights
18 some areas of interest.

19 On the top left you'll see an arrow for
20 maps. And if you click on that, you will see all of
21 the variations and the what-if maps that went into
22 the process.

23 You'll see an arrow for meetings. If you
24 wanted to watch any of the meetings that -- where
25 the commissioners deliberated on these draft maps,

1 you can view past meetings there or you can get
2 information on future meetings.

3 And the public input, if you click on
4 there, you can submit public input via our website.

5 Down below you'll see another section
6 that has our maps. If you click on either of these
7 to see the draft legislative map or the draft
8 congressional map, it takes you to this screen.

9 This has the maps in a number of
10 different formats, and one of the formats that the
11 citizens and we've heard a lot of positive input on
12 was the Google maps, circled in red here.

13 If you click on either of those, it will
14 bring you to a screen that looks like this. And
15 this is an example of the draft congressional map.

16 And one of the nice features about this
17 is you can click on it and scroll in and really
18 scroll down to see your boundaries or your
19 districts.

20 There's additional information in the
21 back on how to use the Google feature or you can
22 give us a call if you have any questions on how to
23 use that.

24 Finally, we want you to stay connected.
25 This process is not over, and if you go to

1 www.azredistricting.org, you can find out where
2 future meetings are, you can watch the past
3 meetings, and there's also this ability to allow you
4 to draw your own maps using an online mapping
5 software.

6 You can follow us at Twitter at #AIRC or
7 friend us on Facebook.

8 Thank you very much.

9 CHAIRPERSON MATHIS: Thank you,
10 Mr. Drechsler.

11 I believe we have a Hopi translator here
12 with us today as well, Elgean Joshevama.

13 ELGEAN JOSHEVAMA: Yes.

14 CHAIRPERSON MATHIS: Would you mind
15 coming up to the podium and just saying a few words
16 to see if anyone needs your translation or
17 interpretive services?

18 ELGEAN JOSHEVAMA: Good morning. Thank
19 you.

20 I am Elgean Joshevama, and I am Old
21 Oraibi. I can speak both the Old Oraibi Hopi and
22 the Samohopi (phonetic) Hopi. Samohopi is the
23 village of my father, and I guess the only comment I
24 could make right now that might be pertinent to this
25 is that the numbers that you see, the Hopi really I

1 think can count only up to about 20 in the language.
2 After that it's a matter of multiplying and
3 dividing.

4 So when it gets to, like, a hundred
5 thousand or above 20 or into the hundreds, we just
6 say "a lot." (Speaking in native tongue.) That's
7 about how we can describe the numbers.

8 So this is kind of an interesting place
9 to try to translate if somebody needs translation.

10 Thank you.

11 CHAIRPERSON MATHIS: Thank you very much.

12 That takes us to the next part of our
13 meeting, which is the public comment portion. And
14 if anyone would like to address the Commission,
15 please fill out a request to speak form.

16 Currently I don't have any, so if anyone
17 would like to address us, you are welcome to do so
18 at this time. Otherwise, the other thought -- I
19 don't know if we're expecting other people,
20 Ms. Gomez, to come by, because we could take a
21 recess and see if others come.

22 KRISTINA GOMEZ: Could we?

23 CHAIRPERSON MATHIS: Should we do that?

24 Okay. So the time is -- let's take a
25 brief recess. The time is 10:29 a.m. and we'll come

1 back shortly.

2 (A recess was taken from 10:29 a.m. to
3 11 a.m.)

4 CHAIRPERSON MATHIS: Okay. We'll
5 conclude recess at this time. It's 11 a.m. Mountain
6 Daylight Time, 10 a.m. Mountain Standard Time, and I
7 have a request to speak form from LeRoy Shingoitewa,
8 chairman of the Hopi Tribe.

9 LEROY SHINGOITEWA: Good morning and
10 welcome to Hopi.

11 My name is LeRoy Shingoitewa,
12 S-h-i-n-g-o-i-t-e-w-a.

13 We're really happy to be before you.
14 Welcome to Moenkopi as well as Tuba City, as you say
15 it two times. Only one in Arizona.

16 I just reiterate what I mentioned to you
17 in Flagstaff hearing, that the map that has been
18 given both for the congressional as well as for the
19 legislative districts to Hopi, we feel comfortable
20 with and we support what is there for the Hopi as
21 put together our land base where we now own property
22 both on the Hopi reservation around Winslow all the
23 way down to Springerville. And so it encompasses
24 everything there.

25 We also appreciate the fact that now in

1 both maps there's a consolidation of some of the
2 tribes that would provide support for the
3 legislative as well as the congressional area.

4 I understand that there -- in Flagstaff
5 there was some concern or express about two
6 partials, Doney Park as well as I think Timberland
7 wanted to be part of Flagstaff.

8 I don't think the Hopi Tribe will have
9 any problem with that, if that were to --

10 So I think overall we are happy with the
11 way its been developed. We appreciate the fact,
12 again, that the San Francisco Peaks has been put
13 into our districts in both congressional as well as
14 the legislative.

15 I just want to say that we appreciate the
16 hard work that has been done. We've watched the
17 process over time, and as I mentioned to your young
18 lady here, that I appreciate the fact that you've
19 taken on everything that's come to you, that you've
20 done it in a fair and equitable manner.

21 And again, I look forward to seeing the
22 final project.

23 I believe somebody said about three weeks
24 that we'll, again, see what may be recommended to
25 you as a final product.

1 So again, thank you very much.

2 CHAIRPERSON MATHIS: Thank you very much.

3 Is there anyone else who would like to
4 address the Commission this morning?

5 Well, oh, I see a request to speak form
6 coming.

7 Thank you.

8 Our next speaker is Leonard Gorman,
9 Executive Director of Navajo Nation Human Rights
10 Commission from Window Rock.

11 LEONARD GORMAN: Good morning, Madame
12 Chair and Madame Chair Commissioner.

13 My name is Leonard Gorman, L-e-o-n-a-r-d,
14 G-o-r-m-a-n.

15 And also good morning to the other
16 commissioners that may be viewing this hearing via
17 Internet.

18 Good morning to my white brother,
19 Mr. Stertz.

20 It is a privilege and honor to present to
21 you a number of times, and I have had the
22 opportunity to develop maps and submit them to the
23 Commission over the course of several months. And
24 the Commission has had the opportunity to review
25 Navajo Nation's maps for the congress -- the

1 congressional district and also for the legislative
2 districts.

3 And we presented maps for the
4 congressional that included a number of Indigenous
5 nations, including the Gila River Indian Community,
6 and appreciate the Commission's decision to submit
7 for public comments the inclusion of the Gila River
8 in Congressional District 1.

9 And certainly having done that, it
10 increases the Native American voting-age population
11 from the current threshold to a 20.5 percent. That
12 is encouraging and also in the direction that the
13 Navajo Nation has requested time and time again.

14 With regard to the city of Flagstaff, the
15 Navajo Nation has supported the need to ensure that
16 the city of Flagstaff is a part of the congressional
17 district which the Navajo Nation is located.

18 There are several reasons why the Navajo
19 Nation has made that request repeatedly.

20 As an example, substantial number of
21 commerce, retail economy goods and services are
22 provided to the Navajo people, Navajo government
23 programs from the city of Flagstaff.

24 There are several communities and towns
25 that surround the Navajo Nation, and Flagstaff is

1 one of the major communities in the state of Arizona
2 in which there are a lot of contributions coming
3 from the Navajo people to that city.

4 So in light of those circumstances, the
5 Navajo Nation has repeatedly requested that the city
6 of Flagstaff remain in a district in which Navajo
7 Nation is located. And that is based on the
8 proposal of the Congressional District 1.

9 And we appreciate those opportunities
10 that will continue as we progress into the next ten
11 years.

12 With regard to the legislative district,
13 the Navajo Nation has also submitted an iteration
14 about two or three months ago and at that time we
15 have had many meetings with folks around the area,
16 namely the City of Flagstaff and also the Hopi
17 Nation and then the White Mountain and San Carlos
18 Apache representatives.

19 And the last meeting we had was on July
20 20th, 2011, at Window Rock, Navajo Nation, Arizona.
21 And at that time there seemed to be a number of
22 requests and a number of concerns that were raised,
23 and those concerns and requests were incorporated
24 into the map that was submitted thereafter.

25 And that map provided for an opportunity

1 in which the Native American voting-age population
2 would be at 62.5 percent.

3 And since the Commission has been in
4 meeting down in Phoenix and metropolitan area,
5 Tucson metropolitan area, that over the course of
6 the past couple of weeks, as you started to draw out
7 the legislative map, Navajo Nation had an
8 opportunity to meet with the City of Flagstaff to
9 talk about opportunities that may exist with regards
10 to satisfying the request that was submitted by the
11 City of Flagstaff and the community in that area,
12 which was to ensure the district in which they are
13 located would be a competitive district.

14 And we realized that the first iteration
15 that the Navajo Nation submitted takes up some of
16 the population that may contribute to establishing a
17 competitive district in which Flagstaff would be
18 located. And that is a district -- legislative
19 district as proposed as number 6.

20 So we've accomplished that task of coming
21 together and presenting a new map, and that was
22 submitted last week or two weeks ago. I can't
23 recall right now.

24 And that is the map that is now labeled
25 Legislative District 7. Legislative District 7 was

1 developed in the course of meeting with the City of
2 Flagstaff and that provides for an opportunity in
3 which the City of Flagstaff would take up the areas
4 between Big Boquillas Ranch, which is owned by the
5 Navajo Nation, and the City of Flagstaff and Espil
6 Ranch.

7 So there would be the opportunities for
8 Flagstaff to take up an area between those two
9 ranches to the north up to the southern portion of
10 the Grand Canyon.

11 Navajo Nation also provided for an
12 opportunity to allow Flagstaff to include the Fort
13 Valley and the Doney Park area to be in Legislative
14 District 6.

15 Furthermore, the Navajo Nation adjusted
16 its original proposal to allow the area south of the
17 Navajo Nation along the Navajo and Apache County
18 lines, Joseph City and also Holbrook to be included
19 in the Legislative District 6. And also included
20 the -- in our Legislative District 7, the
21 communities of Pinetop, just north of the White
22 Mountain Nation boundary line and included Greenlee
23 County to the south.

24 So that became, in essence, a compromise
25 proposal between Navajo Nation and the City of

1 Flagstaff.

2 Having said that, there are, I think,
3 many, many more opportunities as you go through the
4 process of listening to the public and getting more
5 input on the draft maps that you developed, the
6 congressional and legislative.

7 For the congressional, it is the Navajo
8 Nation's request that the iteration that you approve
9 as your draft map remain as a final map for
10 submission to the U.S. Department of Justice for
11 preclearance.

12 As to the legislative map, I think there
13 could be opportunities to accomplish a higher Native
14 American voting-age population in the Legislative
15 District 7.

16 In our examination, of those maps -- of
17 the boundary lines such as the request to Timberline
18 area to be included in Legislative District 6, I
19 think there could be opportunities to be unveiled
20 for that request. And as the tweaking goes along,
21 you could actually accomplish the 63-plus percent
22 Native American voting-age population in Legislative
23 District 7.

24 I think that would be, in essence, an
25 accomplishment that you would have reached that

1 exceeds the Navajo Nation's original proposal of
2 62.5 percent Native American voting-age population.
3 I think we welcome those type of opportunities as we
4 go along in the process.

5 So again, thank you for listening to me
6 and having taken up a little bit more time, as we do
7 have lines and lines of speakers behind me.

8 Thank you very much.

9 CHAIRPERSON MATHIS: Thank you,
10 Mr. Gorman.

11 Is there anyone else who would like to
12 address the Commission this morning?

13 Okay. Well, we appreciate those who did,
14 and thank you all for being here this morning and
15 coming out to see us.

16 I'll see if my fellow commissioner,
17 Ms. McNulty, has anything she would like to say.

18 COMMISSIONER MCNULTY: Thank you for
19 coming this morning and thank you for participating
20 throughout the process.

21 It's a privilege to have an excuse to
22 come to Tuba City. And as I've said at earlier
23 meetings, your participation with us in the process
24 has helped the whole state and we really appreciate
25 that.

1 CHAIRPERSON MATHIS: And I also echo
2 those same comments. I very much appreciate being
3 here and seeing all of you this morning. It's just
4 a beautiful part of the world, frankly, and we're
5 fortunate to be here.

6 With that, I believe that there's one
7 item on the agenda, and that's adjournment.

8 So I declare this meeting adjourned at
9 11:13 a.m. Mountain Daylight Time, 10:13 Mountain
10 Standard Time.

11 Thank you again.

12 (The meeting adjourned at 11:13 a.m.
13 (MDT).)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, MICHELLE D. ELAM, Certified Reporter
No. 50637 for the State of Arizona, do hereby
certify that the foregoing 26 printed pages
constitute a full, true, and accurate transcript of
the proceedings had in the foregoing matter, all
done to the best of my skill and ability.

WITNESS my hand this 30th day of October,
2011.

MICHELLE D. ELAM
Certified Reporter
Certificate No. 50637