ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Tuesday, November 29, 2011
1:35 p.m.

Location

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

Attending

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

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

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

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1:35 p.m.

PROCEEDINGS

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: Good afternoon. This meeting of the Arizona Independent Redistricting Commission will now come to order. It is Tuesday November 9th, and the time is 1:35 p.m.

Will you please all rise for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: We'll start with roll call.

Vice Chair Freeman.

(No oral response.)

CHAIRPERSON MATHIS: Vice-Chair Herrera.

COMMISSIONER HERRERA: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.

And I would like to take this moment to note that
Commissioner Freeman and his wife and family just gave birth to a baby boy within the past couple hours or so, so he has a really good excuse for not being here.

Arizona's population definitely grew by one today. And he follows, I guess, in Mr. Freeman's footsteps, so he's probably a Republican, and he'll be both a Wildcat and a Sun Devil. So I guess with those each grew by half.

So with that I'll introduce the other folks at the table.

We have our legal counsel, Joe Kanefield, Mary O'Grady, and Bruce Adelson today.

And we also have our mapping consultants, Willie Desmond and Ken Strasma.

We have our court reporter, Marty Herder, who will be taking an accurate transcript of today's proceedings.

Our chief technology officer is Buck Forst.

We are streaming this meeting live over the Internet.

And it will be available to watch later as well, and will be uploaded to our website.

Other folks in the room include our executive director, Ray Bladine, deputy executive director Kristina Gomez, public outreach coordinator Lisa Schmelling, public information officer Stu Robinson.

And I think that's all of our staff today.
Thanks, everyone, for being here.

So, where were we?

We are now on agenda item two, which is county election officials' comments and discussion regarding redistricting process and schedule issues.

And I believe Karen Osborn was going to come today -- oh, great -- and give us a little bit of feedback on that.

KAREN OSBORN: Good afternoon. I'm pleased to be here. There's good news and better news.

The good news is I'm not here to discuss whether we like or don't like your lines.

And the better news is that we are -- moving the microphone.

We are here to talk about the technical aspects of what you're doing and what we need to do.

We're here to encourage your rapid completion of your work. You have 99 hot spots.

And we want to thank Willie for coming and spending some time with our office.

And those hot spots are issues that we would implore you to take care of before you make your final decisions.

Those are places where we have tracts where we have a legislative line coming north and south or east and
west and have a congressional line that touches it, makes a
split.

CHAIRPERSON MATHIS: I'm sorry, do you mind just
introducing yourself?

KAREN OSBORN: I apologize. I'm Karen Osborn.
I'm Director of Elections for Maricopa County.

CHAIRPERSON MATHIS: Thank you.

KAREN OSBORN: And when we went through the lines
that were proposed, we found these 99 hot spots. Some of
them are set forth because of the census block and tract
system. Some of that, some of that work was done when there
were no houses in Ahwatukee, let alone at the bottom of the
mountain, and now there are houses and now the line goes
completely through the housing district. If you're on the
front porch, you're going to be in one district. If you're
in the backyard, you're voting on another.

We know those types of things, the common sense
things, that you want to fix. And Willie came and spent the
day with us so that we could show him those lines and those
changes.

There's some places where a -- the bottom portion
of a Indian nation land needs to be put back in.

They have been identified, and we have provided
you with our new voting precincts. And we would encourage
the greatest possible ability for you to follow those lines.
You are the only people that can move that legislative or congressional line.

If you were to leave today and say this is it, we would have to be in front of one court or the other because we can't move that line.

And we can't decide where you're in the household what ballot you're going to get, so we have to have some clear direction along those lines.

When I was here before, we said that October 1st was when we needed to have your work done.

And we couldn't wait for you, so we kept on going. And tomorrow is my deadline to have the Board -- our Board of Supervisors approve our voting precincts, our community college board lines, our Board of Supervisors lines, and our special health care districts, as well as our 25 justice of the peace boundaries and constables and add a new district to that.

That has to be completed by December 1st, and we're -- tomorrow's our last day to do that.

We had to proceed. We had to go ahead and take care of ourselves, and we have done that.

But what I would implore you if you lay down a line and it splits one of these precincts, then we have to scramble again.

And we go in and we have to reconfigure that
voting precinct because it cannot be split.

We then have to get an emergency meeting of our board and on an emergency basis to bring us back to justice. So it will be very helpful for anything that you can do to help us along those lines.

Any time we send anything, and I'm presuming, just a presumption, if you were to submit your lines in January to the Department of Justice, you're looking at a mid March approval time. March 1st was the time when we have to give to the Secretary of State's Office all of the numbers by voting precinct, so that they can share with the candidates how many signatures they need to get and how we configure our precincts for the upcoming elections.

At this point we are going to run press preference and our March and May elections on our old precinct lines and the old congressional lines, because we're past the point where we can configure the new precincts along these -- the new congressional and new legislative lines.

The hardest thing that we do is try and communicate with our voters.

And there is a requirement by law that the recorder have all of the 1,900,000 registered voters, about 60 percent of the state right now, in the new precincts on March 1 and send notification. That is virtually impossible this year, because we have to wait until we have precleared
lines. So we are struggling with what we have to do, and we would ask that you do what you need to do as rapidly as you can. Help us with those 99 hot spots so that we can get on with what we need to do.

And I think Helen has a comment or two before we end.

HELEN PURCELL: Thank you. My name is Helen Purcell. I'm the Maricopa County Recorder.

And Karen has given you a lot of statistics that we go by in order to form our new precincts.

One thing she didn't mention, we now have 1142 precincts in Maricopa County.

We will -- when our lines are approved by the Board of Supervisors tomorrow and hopefully by the Justice Department, we will reduce that to 728 precincts, so we will be able to combine a lot of the precincts.

And this is work that we have done over a number of months.

But, this whole process is not about you, and it's not about being me and my office. This is about the voter. And my mantra for the last 24 years in office has been that we need to determine what the voter needs. And the voter needs to know where they are.

And that is up to us to share that information with them.
But we have to make these decisions first.

So, please, keep in mind as much as you can the voter.

Thank you.

We'd be happy to answer any questions that you might have.

KAREN OSBORN: And I'm so glad to see Bruce Adelson here sitting at the end of the table. Bruce was our handler from the Department of Justice for many years, and he would sit in and say, Karen, don't you want to take this approach?

And I would say, no, not at all, I don't like it.

Then he would say, Karen, let me emphasize this a different way. Don't you want to take this approach?

And I would say, I love to.

And I have to say some of the ideas that he shared with us that we needed to add have been very, very helpful.

One of the major things that we have relied on in our own redistricting of the 65 districts that we have to work with is the community outreach program that you had us set up. And that has been excellent at providing all of our data, so that we could, so that we could do our work. And I'm very glad to see that Bruce is here.

We'd be happy to answer any technical questions.

Like we say, we're not here to say whether we like the lines
or not.

CHAIRPERSON MATHIS: Thank you very much. Are there any questions?

COMMISSIONER HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

COMMISSIONER HERRERA: The only question is those 99 hot spots, that we -- obviously we know where they are, and we'll be getting information as to where those hot spots are.

KAREN OSBORN: Madam Chairman, commissioner, yes, we have shared those 99 hot spots and our suggestions and opened our office to anything that Willie needs. We can move in this afternoon. You know, we're -- whatever we need to get it done.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Sorry. Mr. Stertz.

COMMISSIONER STERTZ: Not a question for you specific, but where are we with the other 14 counties and other 40 percent of the state?

KAREN OSBORN: Madam Chairman, commissioner, if I could respond to that. We met last week at the Arizona Association of Counties.

And in general it's the same message. Hurry and help.

The -- most of the counties are not as split up as
we are. We have 20 legislative districts in our county and
the majority of the congressional districts.

    They are -- understand that Yavapai was precleared
for their Board of Supervisors recently.

    So we're all just dealing with the same thing,
waiting for your work so that we can complete anything that
would be a split, where we would have the most impact.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Ms. Osborn, at that meeting
of counties, was there a similar amount of hot spots that
you are hearing from the other 14 counties that there were
equal amounts of problems of lines and precinct issues
that need to be addressed based on the current draft? And
you're talking about just based on the current draft maps;
correct?

KAREN OSBORN: Madam Chairman,
Commissioner Stertz, I heard of no other specifics. And,
yes, the draft maps is exactly what we're talking about.

    We wanted to make certain that we responded to
what was out there, something that we could respond to, and
we figured that was the best way to start.

COMMISSIONER STERTZ: So if I'm clear what you're
doing is you've given directive to making adjustments to the
draft map lines to our mapping consultant?
KAREN OSBORN: Madam Chairman, Commissioner Stertz, absolutely not.

What we had said is if your lines stay as they are, these are the places that we feel that need to be -- that have to be changed in order to make common sense out of this and in order to hold elections.

We wanted your mapping people to know what our concerns were, so that you could take those into consideration.

COMMISSIONER STERTZ: Very good. Thank you for the clarification.

CHAIRPERSON MATHIS: Thank you.

Any other questions?

Mr. Strasma, did you have something?

KENNETH STRASMA: Just in answer to Commissioner Herrera's question, Willie was able to meet with GIS Maricopa and has those hot spots, and reached out to all of the other counties, and process is ongoing.

To further clarify for anyone who is wondering about this, in the map drawing process, census tracts were one of the units of geography that we tended not to split.

We did not look at precincts, knowing that they would all be redrawn before the maps took place.

So now that the redrawn precincts are becoming available, we are able to look at them and see if there are
minor technical changes that can be made to avoid having the counties have to go back and do the process described.

Obviously these would be changes that the Commission had to approve, but in most cases they are quite minor, and we're working on preparing a report on this.

CHAIRPERSON MATHIS: Thank you.

WILLIE DESMOND: I'd just add that of the 99 in Maricopa, I believe that two thirds are, you know, small technical changes that don't necessarily affect any population.

The remaining about half are the remnants of population balancing in the congressional districts where you have to get down to one person deviation.

So in many cases the line initially ran down a major road and maybe we cut one block off the border, and that's been some of the issues.

So we will be suggesting, I guess, some ways to eliminate those and re-balance the population following any other changes, maybe, you know, working with the County's proposed lines to try to minimize the effect of that.

And then there are just a few issues that are going to be very difficult to address, just based off of how the census geography is laid out.

CHAIRPERSON MATHIS: Thank you.

Any other questions or comments on this topic?
Well, Karen and Helen, we really appreciate you coming today and giving us that guidance.

HELEN PURCELL: Appreciate the opportunity.

CHAIRPERSON MATHIS: Our next agenda item is number three, discussion concerning process and schedule for adjusting draft maps to develop final maps.

So, given what we've just heard, I like the hurry and help summary. And I think it is good to keep in mind who our customer is. I view it as the voter as well. And so we really do need to be mindful of that and all the things that have to get done once the maps are approved, because even once our Commission approves the maps, there's a million things that have to get done by our legal counsel, in terms of the submission to the Department of Justice, and all the things these election directors have to contend with.

So, I think if we can all keep that in mind as we try to think about our schedule moving forward, that would be, that would be great.

Does anyone have any thoughts on the process and schedule for adjusting the draft maps?

COMMISSIONER McNULTY: Madam Chair, I'll offer my thoughts.

I think that we have -- we're going to receive some important input today, the voting rights analysis, the
overview of the public input.

I myself am still in the process, almost finished, going through -- I think we have 15 four-inch binders of public comments, and going through my notes from the public hearings that I attended and transcripts of public hearings I did not attend, and kind of prioritizing suggestions for the maps.

And so my hope would be that we -- I expect we're all through that same process, that we offer to Strategic Telemetry ways in which we would propose to improve on the maps based on the public comment that we've received, and what we've learned over the last 60 days, and have them provide us with maps reflecting those changes that we can discuss, and move ahead in that way.

CHAIRPERSON MATHIS: I would echo that.

I brought one of the binders with me today.

This is binder No. 14 that our staff thankfully has put together for us of all the public input received to date. And it's quite extensive.

So I know we all have a ton of homework in that regard, and hopefully we've been reviewing that information this past month too, so...

Other thoughts and comments on the process and schedule?

COMMISSIONER STERTZ: Madam Chair.
CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: The concept of hurry, the idea about the sense of urgency and hurry is disconcerting. We must get the job done right, and it has to be done pursuant to the Constitution, simply not getting it done for the sake of getting it done.

We received over 10,000 pages of material, countless transcripts, maps, documents. I received -- we received yesterday even more resolutions from counties and cities that are still arriving on a daily basis.

The last Commission took over six weeks after the 30-day period to go through all the comments, and their comment is nothing compared to the level of comment that we received.

So I don't want to get overly wrapped up in the sense of urgency with the word hurry.

We understand that there is a process. I can recognize your concept of that the voter is our client, but there are six and a half million of our clients out there right now that we need to be cognizant of. So if we're not being responsive to all of those, as well as the 10,000 plus people that gave us comments, drew maps, and gave commentary to consolidate that together, I think we're doing a significant injustice to the process.

So we need to take our time and do this right, and
not hurry up for the sake of hurrying up.

CHAIRPERSON MATHIS: Thank you.

Other comments or questions?

We've heard about the schedule. What about the process for adjusting the draft maps? Does anyone have thoughts on that, since that's part of this agenda item two, for how we go about adjusting?

And, Mr. Strasma, if you have ideas on this too to make it as efficient as possible, please feel free to jump in.

KENNETH STRASMA: At some point, I don't know if now is the time now, Mr. Desmond can show a draft change report that we prepared. We wanted to show it the commissioners to get input on what you would like to see about proposed changes.

One of the key points to keep in mind is if we make a change to improve, say, compactness, that may be at the expense of splitting a community of interest.

We're at the point where all these different criteria are balanced against each other, so we wanted to come up with a report that would show at a glance the net impact of those changes on all of these criteria.

I wanted to bring this draft to the Commission today, see if there are any suggestions for other things that people would want to see, knowing that we're trying to
keep a one-page snapshot, and, of course, there will be additional levels of detail.

So that's one thing on the technical level.

Mr. Desmond is bringing that up now.

And then just conceptually, knowing that the volume of suggested changes from the public input in large range from purely a technical thing like respecting precincts boundaries, to the other end of the spectrum where there are larger conceptual changes that we have ripple effects across all of the districts. I don't know -- I don't know what makes sense for the Commission attacking the larger issues that have ripple effects so that we know what the effects are, or if it would be better to, while we're establishing the process, work on some of smaller changes that we don't expect to be affecting.

Perhaps Mr. Desmond can walk us through what this report will show.

WILLIE DESMOND: So we're looking for a way to easily evaluate different changes for the draft maps.

I guess what we had in mind was a quick snapshot of a possible change so you can see how it was affected. Not like a full layout, but just kind of an easy glance at it.

And you consider these changes one at a time, I guess. When you start to consider them all at the same
time, that's when this gets very confusing with some of the ripple effects.

The ones that we were asked to use as an example was removing the part of Cochise County from District 2 and including Green Valley with Sahuarita.

So as you can see, this thicker green line is the current draft map. The thinner black line would be what it would look like after this change.

So you'll have a quick picture, I guess, of what the change would like like.

And really more important would be a report that lists what the old map was, what the new map is, the districts that are affected, and then goes through and gives you information on how it affects the different racial categories, so you can see the population, how that's affected, the voting age population, from both of the districts. So you have the old district what it was, the new district what it is, and then what that changes.

So this change would give District No. 1 approximately -- or not approximately, exactly 13,056 more voting age Hispanics.

That 13,056 would come from District 2, so District 2 would lose 13,056, a change of 8.64 percent.

As you look down, then you can also see the splits.
So you can see we would go from four unsplit counties up to five unsplit counties, a change of one less unsplit.

You know, all of the major splits, census places, census tracts, block groups, reservation and tribal subdivisions.

You also have the different competitiveness indexes.

So you can see this change would make District 1, for instance, index two, went from 62.24 percent Republican, it would go down to 60.8 percent Republican, a change of negative 1.6 percent Republican.

You also have the registration and the registration 2A.

So it's basically intended to be a real kind of top, top line report, so you can easily at a glance see how each of these changes would affect the overall plan.

COMMISSIONER McNULTY: Can we go back up to the top there?

What I'm wondering is whether in this particular case or instance, the key, the most important issues are going to be voting rights issues, because that was the whole reason for having that extension into Cochise County. So I'm wondering whether there's some additional level of analysis pertaining to how that affects our overall
majority-minority voting strength. You know, whether it bears on our overall equation for Section 5 of the state, whether it strengthens or weakens District 2 by virtue of moving that population back into 1.

And I think that maybe this is a separate report, but what I would be thinking in making changes would be of the ripple effect, so it would be helpful to know, for example, when we make this change, what countervailing change in another district might compensate for any reduction in voting strength that we are causing by making Cochise County whole on the legislative level.

WILLIE DESMOND: And this report is designed to show any districts that are changed.

So, in this case, these are the only two districts affected by that line move.

So any -- so the other 28 legislative districts are not affected.

It will be a set of, set of information for each affected district so you can go through.

One thing that legal counsel has suggested adding right away would be the mine inspector's race as a good proxy for candidate of choice, and things like that.

But we're open to any other data points that you think would be helpful.

And I guess how we imagine going forward with this
is, you know, we can hash out these changes in session or
you can suggest them to me, I can run them overnight, and
build the maps, and give you several options in the morning.

The one thing I would say is it is important is to
see the changes to the draft map that are independent of all
other changes, so they would almost have to be evaluated on
a case-by-case basis and I guess approved or not approved.

Or, you know, if it's not approved, we can look at
minimizing it. Those are the types that things we can do.

But I guess what would be helpful from our
perspective as you, you know, continue to review the
mountains of public input you've received and you're curious
about things, let us know, and we can generate scenarios, we
can evaluate them, and then go from there.

I think we will talk more probably about how to
proceed with the Voting Rights Act. I don't know if that
comes up now or at a later time.

KENNETH STRASMA: I was going to add two other
suggestions for data points, add to this our citizen voting
age population and also Hispanic registration.

COMMISSIONER McNULTY: I think that would be good.

COMMISSIONER STERTZ: Madam Chair.

COMMISSIONER McNULTY: I'm sorry, I just have one
more question. Were there any thoughts from Mr. Adelson or
Ms. O'Grady or Mr. Kanefield about any other data points
that would be helpful from a voting rights perspective.

MARY O'GRADY: We've already got the mine
inspector, which is, I think, a good indicator. That's
going to be included in the other information that
Mr. Strasma mentioned.

I don't think we have anything else at the end of
this table in terms of change order form.

CHAIRPERSON MATHIS: In terms of process, what
would be the most efficient use of our time too in terms of
being in these meetings?

Do we provide direction -- I would like
commissioners' thoughts on this, providing direction to our
mapping consultant in terms of what those change orders
would look like from individual commissioners' perspectives?
And then they go off and come back to us the next day, if
we're meeting the next day, and provide the outcome of
whatever the change order requested, and then we all talk
about it?

Or how do you all see this proceeding?

COMMISSIONER McNULTY: Madam Chair, I think
that's -- I like that idea. I think that's the most
efficient use of our time, if we can summarize the changes
we would like to see.

I expect we'll all be thinking about ripple
effects, and so we may be suggesting if we do this, let's
look at doing this and this. We could share those, provide them to Mr. Strasma and Mr. Desmond, and then, you know, comment, tell us whether it may work or they don't. If they don't think it will work, they can tell us that. Or if they do think it may work, provide us with that, to make a map that we can look at.

I think that would be more efficient than us sitting here in these meetings having them walk through these things.

CHAIRPERSON MATHIS: Any other opinions on that?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: A couple things. One, a question that's been asked before, is I would like to get what your view of the schedule is and how you would like to see us proceed.

CHAIRPERSON MATHIS: Okay.

Part one.

So I had hoped, and I mentioned this before Thanksgiving when we were trying to see if we could meet during Thanksgiving week, that, you know, four weeks would be enough time to be able to work through the adjustments that we want to make and approve maps. So I was thinking Christmas might be a good goal to have.

And I think it is at least good to at least
establish a goal. Whether we hit it or not, I can't predict. But I thought that seemed like a reasonable time frame.

Of course that would mean that we can all be at these meetings, and I don't know that we can.

And I think all of us have a lot of commitments going on right now. And so having all five commissioners available, as Mr. Bladine and Ms. Gomez will attest, is very challenging at this stage.

So we can operate as a Commission through a quorum obviously, through having three of us present. But I would like to have bipartisan representation at all the meetings. So whether we can do that with three, I don't know.

And it's going to -- I think we've provided some scheduling information, at least our conflicts, to Mr. Bladine and Ms. Gomez. And they've tried to work through some possible dates for meeting.

And I think it's going to demand on how much we can accomplish in these next few weeks.

I don't know that we can finish by Christmas or not.

COMMISSIONER STERTZ: Okay. So part two of the question is that when we were talking about what these maps were as draft maps, and that certain one of these, these legislative districts and congressional districts were being
set aside as placeholders, that the draft maps were being used to clearly go out to the public to get their comment.

I wanted to get your feedback now about whether or not we're making— which is a bit disconcerting to hear that we were making or making— the contemplation of making precinct-by-precinct small adjustments to assist the Maricopa County issues, which are the hurry up necessity of what our process is, or whether or not these truly are draft maps and that we are going to be integrating the volumes and volumes of testimony that we heard over the last 30 plus days and then proceeding to approval of the draft maps.

CHAIRPERSON MATHIS: I think we have to consider all public comment that came in. And to the extent that that's possible and practicable for each of the commissioners to review everything and be able to work that into their thinking so that they can make suggestions for potential adjustments to the map, that's what we have to do.

And how long that process takes, I don't know.

I'm open to if we want to meet through, you know, March of next year, we can do that. I'm really open to whatever the Commission feels like it wants to do.

If it feels like we're moving too quickly, then we can slow down.

Earlier in this year obviously we were told how often we were going so slowly. And now we're going too
fast.

So we'll just have to see how it goes.

And if legal counsel wants to also advise us to what they think a reasonable time frame that we should be suggesting for possible completion or approval of the draft maps, I'm very open to their ideas.

But I do think it's good to keep in mind what Ms. Osborn just told us with regard to the voter is our client ultimately, and we do -- we, you know, need to get these -- get our mission accomplished essentially, get the lines drawn.

So, but at what rate, I don't know.

COMMISSIONER HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

COMMISSIONER HERRERA: Will you remind me when the last -- the second round of public hearings, when the last one was? It was probably sometime in October.

So --

CHAIRPERSON MATHIS: November 5th.

COMMISSIONER HERRERA: That's November 5th.

And we last met on October 31st, was the last meeting, and we've been in a hiatus for some reason as a Commission for a while.

We've had -- all of us had a chance to review some of the information that the staff has provided us, and we're
currently doing that.

So I don't think we're rushing at all.

I think having a goal of completing the maps by -- on or before Christmas is a good goal. And I think we should be meeting every day, if possible. And if it takes three commissioners, if some people can't show up, you know, we need to proceed.

Because we've already been delayed long enough, and I don't want to be delayed any more.

CHAIRPERSON MATHIS: Other comments?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: So is your intent as we are working our way through the changes that are being represented by each one of the commissioners, you're seeing that these are going to be made in writing to the mapping consultant to come back with modifications the following day? Is what that I just --

CHAIRPERSON MATHIS: I'm open to how we want to do the process.

But it would seem that just in order to make things as efficient as possible, and so that we're not all sitting through all the changes in the meeting, we can fill out these change reports, talk about what we'd like to do in public session, then have a mapping consultant implement
those changes and bring them back to us the next day to show us the analysis of what those changes did.

COMMISSIONER STERTZ: Madam Chair, regarding the congressional map, there was contemplation and there has been discussion that because the grid map adjustment was not followed appropriately to create the approval of the draft maps, are we going to take these back to the grids and make adjustments on the congressional maps?

CHAIRPERSON MATHIS: I will ask legal counsel to respond to that question.

MARY O'GRADY: Madam Chair, as we advised before we adopted the draft maps, in our view at that point you had fulfilled your constitutional responsibility.

I know there are those who have suggested that you haven't because of the way the grid was adjusted when they -- when you worked on the consensus, when you tried to work on a compromise map, the everything bagel phase.

But that itself was an adjustment of the grid map based on the weeks of adjustments to the grid map that you have done.

So I don't see a need to go back to the grid map, adjust the grid map, and then go out for another 30-day comment period based on those maps.

That's an option available to the Commission, but I don't think it's a legal -- legally necessary for the
Commission to do that.

I think you can adjust the draft maps and proceed to final maps.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Just looking at the language from the Constitution about what it asks us to do, and it asks us to make adjustments to the lines of the grid maps, so I'm confused.

Because we didn't make adjustments to the lines of grid maps.

So you may be given recommendation that that's okay, but we didn't make adjustments to the lines of grid maps.

So I'm concerned that we're going to be moving forward with another -- with a set of maps and making adjustments to something that we didn't follow constitutional protocol to begin with.

And I'd like to know what our -- if we are -- if we're right, if counsel is correct that, that, that creating a hole and then filling it in with some other redrawn lines that you provided was satisfactory.

That's one thing.

But if you're not -- if counsel is not correct, where does that place us going forward?
MARY O'GRADY: Madam Chair, first, I didn't -- I don't agree with Commissioner Stertz' characterization of how that worked.

It wasn't filled in in a one-step process. It was filled in in a multi-step process, and --

COMMISSIONER STERTZ: No, it wasn't. I'm sorry to disagree with you.

There was a map that no one had seen before, that no other commissioners drew, other than the chair, and she brought back for approval on a Monday morning.

So that, that is an absolutely accurate characterization of what took place.

MARY O'GRADY: Well, I disagree with that.

But beyond that, just moving beyond that, in terms -- again we have -- if I'm wrong, and that someone may file a lawsuit at some point and say -- and make Commissioner Stertz' argument that the congressional map is unconstitutional because they didn't follow the -- they deviated from the process, they may make that argument.

And we would defend the maps and the process that the Commission adopted, and then the court would decide that issue.

And if the court concluded that, that the process did not comply with the constitution and required that we then redo things, then we would do so at that point.
But, again, it's a -- the process, I'm comfortable defending the process that the Commission has followed. If the court disagrees, then would be back and take steps accordingly.

COMMISSIONER STERTZ: Madam Chair, the adjustments to the grid maps for the legislative lines was made in a different fashion than was made for the congressional.

And I believe that in the legislative lines they were made to -- the grid map was adjusted on a line-by-line basis to get to the product that was produced.

So therein lies my question regarding timing.

And that's -- there lies my question whether or not we, if there is a -- as a Commission, we feel satisfied that this is a process we want to go forward, knowing there may be exposure for potential litigation.

COMMISSIONER HERRERA: We are satisfied with the process. Can we move forward and started working on the agenda?

I mean, we've been delayed so much, and I'm not going to put up with more delays.

There's three commissioners standing here that agree with the process and there's one that doesn't, and maybe you're at the wrong meeting.

But we are happy.

We're not -- we're happy with how the process went
forward.

Everyone had input.

I was there. I also expressed some of my unhappiness with some of the, with some of the, with some of the lines, but, again, we need to move forward and stick with the agenda.

And I don't want to -- what I don't want to do is, again, start making these delay tactics that will postpone even further. We need to move forward.

COMMISSIONER STERTZ: With all due respect to Commissioner Herrera, I'm talking about process, and I am talking about potential delays. So this is an agenda item, and it is relevant to discussion.

And I'd like to know from -- if the recommendations from the three members, if you're -- are you speaking on behalf of the three members --

COMMISSIONER HERRERA: I feel comfortable speaking on behalf of them, yes. That they are happy with the process, the attorneys, both Republican and Democrat attorneys, are happy with the process. We need to move forward.

COMMISSIONER McNULTY: Madam Chair, I'll go ahead and speak up for myself.

I, I agree with what Mr. Herrera just said. You know, I am very committed to this process, and have been
from the outset. I think we worked very hard to understand
the state from the top up and bottom down -- from the top
down to bottom up.

And we put together maps in an effort to balance
those six criteria. And the congressional map that we put
out for comment was a result of all of those efforts.

I have one calendaring conflict on the afternoon
of December 12th and another one on the morning of
December 13th.

That one I can move if I need to.

Other than that, I'm prepared to meet with fellow
commissioners to consider changes based on public input.

And I will say that having gone through volumes
and volumes, there is a great deal of public comment, but
much -- there's also a great deal of repetition. A great
deal of repetition.

And it boils down to some overarching themes. And
we as a group will just need to decide how we want to handle
those overarching themes.

It's not as if we received 10,000 different
particular comments about the maps. It's not that way at
all.

For example, I went through one binder, I'm not
sure how many pages are in a binder, but the entire binder
consisted of two things. And this is really true. One was
to keep Sun Lakes with Chandler. That was one theme throughout those comments. And another was the importance of competitiveness to achieving participation by candidates and voters in the state.

And that comprised, you know, 200 or 400 pages. So it's not -- it's a lot of comment and it's wonderful that we've gotten it, but it's not overwhelming and it's not something -- there aren't a lot of new surprises. It's not something unmanageable.

And we're working through it.

And in terms Christmas, I think that is a good goal.

And as I said, I'm prepared to sit here as much as I possibly can and get that done.

I know we all need to get back to our families and back to our lives and the citizens need to move on to something else and the candidates need to run.

So, I'm sorry to go on and on, but there's one other point that I wanted to make, which is to the extent that some of the commissioners feel there are constitutional inadequacies with the maps, I disagree with that very strongly. And we'll make my dis -- the basis for my disagreement known on the record, but I think we're at the point now where that's for a court to decide. We need to finish the maps, and those issues will be resolved in a
court of law where they should be resolved, not here by us continuing to argue them over and over again.

It's time for us to finish these maps. That's what we were appointed to do.

CHAIRPERSON MATHIS: Thank you.

Other comments?

(No oral response.)

CHAIRPERSON MATHIS: So, with that, I don't see any other place on the agenda where we're going to talk about schedule, Mr. Bladine.

I don't know if you would like to come up and tell us what you see in terms of openings for meetings in the next couple weeks.

RAY BLADINE: Madam Chair, you're right. This would be a time to try to establish and give us direction about future meetings. And I believe you all have your packet, the results of the information that was submitted to us from all of you about conflicts.

I thought perhaps the best way to do this, which seemed to work for us last time, was to just go over the dates.

I would say that taking a quick glance, we have the potential over the next two weeks for five to six meetings, partial day meetings, based upon the conflicts that we have.
I'm not sure that will accomplish what the Commission wants, but there are some times that could be available.

Madam Chair, I could go through the days or perhaps if you would like to just review the days and have a discussion about, one, do we have the material right, and have there been any changes, then perhaps we can move forward to establish the schedule, the meeting times.

CHAIRPERSON MATHIS: Okay.

So, yes, we have in our packets starting December 3rd what some of the conflicts are through December 17th.

And we should also keep in mind that even if we can't be in Phoenix in person, if you're available via Skype or telephonically, that would be very helpful too.

So be sure to keep that in mind when you're providing your conflicts to Ray, so he can accommodate accordingly.

But it's --

RAY BLADINE: Would you like me to just summarize the --

CHAIRPERSON MATHIS: Sure. That would be great.

RAY BLADINE: Just from the discussion, it seems to me the first possibility might be Tuesday the 6th, whether it be in the afternoon in Tucson. And I know we
have not wanted to do the afternoon in Tucson because of Commissioner Freeman.

So that -- we'll scratch that possibility.

Same problem on the 7th. We have to be in Tucson after 1:00 p.m. to meet everybody's schedule.

So, again, if we're not going to do Phoenix, then that one doesn't work.

CHAIRPERSON MATHIS: If I could interrupt you for a minute.

On the 7th, if Mr. Stertz would be available to Skype or dial in from Tucson, everybody else is available in the afternoon on the 7th.

RAY BLADINE: Correct.

CHAIRPERSON MATHIS: So that might be a possibility.

COMMISSIONER McNULTY: If I could jump in. It looks like that would also be true on Tuesday. It says Commissioner Stertz is available in the p.m. only to 6:00 in Tucson and Commissioner Freeman is available afternoon via Skype.

So if Commissioner Stertz were available via Skype that afternoon, we would all be available Tuesday also.

CHAIRPERSON MATHIS: I'm not available on the 6th. It didn't make this sheet.

So...
And the 5th, Mr. Stertz isn't available.
Let's do -- so maybe the 7th.

The 7th and 8th are looking good. I don't know about the 10th.

I know Saturdays are less desirable for folks, but if it's possible that we could meet that Saturday maybe, maybe that Wednesday, Thursday, Saturday.

COMMISSIONER McNULTY: That would work for me.
CHAIRPERSON MATHIS: Or, I don't know if Mr. Freeman is available the 9th or not. But Mr. Stertz is not. And I would want one or the other, if not both, here. So...

COMMISSIONER McNULTY: If Mr. Freeman hasn't said he's not available, does that mean he's available?

RAY BLADINE: Yes, that's correct.

COMMISSIONER McNULTY: So he would be available the 9th.

CHAIRPERSON MATHIS: Okay.

So I guess we could do Wednesday, Thursday, Friday. Then we'd lose Mr. Stertz that Friday. Or we could do Wednesday, Thursday, Saturday. I'm not sure everybody can do that Saturday or not.

COMMISSIONER HERRERA: Madam Chair, I prefer to the Friday, as opposed to Saturday. Or do Saturday as well.

RAY BLADINE: I would say I think one of the
commissioners, I don't recall who, but indicated that Saturdays were undesirable, but he didn't say no.

So I did not say no, because that was not what the commissioner had indicated.

CHAIRPERSON MATHIS: Well, maybe we can confirm with Mr. Freeman what he'd rather do in terms of the 9th or the 10th and see what he thinks.

And it sounds like we'll all be available the 10th at least. We just don't know about him.

RAY BLADINE: Okay.

CHAIRPERSON MATHIS: It looks like next week, the 7th, 8th, and either the 9th or the 10th, depending.

I think if we aim for -- you know, it would be great to aim for three days a week at least to try to meet.

RAY BLADINE: I'll go back and work on that schedule for the next week, and then I'll send a memo back out to all of you as soon as I confirm with Commissioner Freeman.

And also double check to make sure that I didn't miss something, which unintentionally can happen. There's lots of dates. We tried to make sure we were accurate, but there could be something I missed.

Did you wish to go on to the next week?

CHAIRPERSON MATHIS: We might as well.

COMMISSIONER HERRERA: Madam Chair, before you go
on to next week, I would prefer to meet as much as we can on
the front end and cram in as many meetings as we can if we
aren't as far along as we thought we would. So meeting
three times a week is probably not enough.

I, I think we should meet more than three times a
week, especially in the beginning.

Again, if our goal is to finish by Christmas, I
think we should be meeting more in the beginning of December
as opposed to try to cram these in at the end.

CHAIRPERSON MATHIS: Well, we could add another
day next week, except Mr. Stertz is not available on the
5th, but Mr. Freeman is in the afternoon. So it sounds like
four of us are available the afternoon of the 5th.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I want to discover
something.

If we are setting Christmas as an arbitrary
completion date, or for -- or are we going to be working
through this until we get the maps the way that they are to
stay.

Not that they're necessarily mutually exclusive,
but I don't want to hurry and rush in an effort to accept
something that is less than a fully contemplated work
product.
CHAIRPERSON MATHIS: All right. I think that we all kind of decided that Christmas is just a place holder goal that we can work towards and hopefully be finished by, but it's not hard and fast.

We don't know what will transpire as we start working through these change orders, and -- but I don't -- I think -- I don't see how trying to meet as much as we can impacts that.

I think it's a good thing.

I think Mr. Herrera's suggestion is a good one. We probably should be -- I mentioned three as a goal, three times a week, but to the extent we can meet more than that, I think we should, just to -- and especially as it gets closer to the holiday, people's scheduled get even more difficult.

So if we could meet four times next week --

COMMISSIONER STERTZ: Well, as a follow-up to that, let's -- we're going to track back the process for a moment.

The process of delivering modifications and changes to the mapping consultant could conceivably come from five different sources; is that correct? Is that, is that what was contemplated earlier?

CHAIRPERSON MATHIS: Yes. I would say any commissioner can submit a change order request to the
mapping consultant to explore, and then we can all look and
see what those changes result in.

COMMISSIONER STERTZ: So with the contemplation of
that, of 30 legislative districts and nine congressional
districts coming from five different commissioners, in
different views, the mapping consultant and Mr. Strasma and
Mr. Desmond, maybe you can give me some comment on that,
about a time frame and reaction time to that level of
reaction and how long it will take to implement to be able
to allow the commissioners to have comments.

Because at the same time keep in mind that I might
give you a series of things to contemplate and to integrate,
as Commissioner Herrera would or Commissioner McNulty or
Mathis or Freeman, and then we'll all each one of us will
have to have the opportunity individually to respond our
thoughts to each one of those.

CHAIRPERSON MATHIS: That's why meeting more is
better than meeting less, I think.

But, Mr. Strasma, do you have some comments on
that?

KENNETH STRASMA: I would say,
Commissioner Stertz, it's impossible to know until those
changes come obviously.

The volume of change will affect how long they
take.
I do think it would be valuable for the Commission to discuss some of changes, because I imagine if each commissioner were to come up with their top ten changes, probably seven out of those ten would be duplicates of the other commissioners. You're all seeing the same public testimony, the same basic concepts.

So I do think there would be some value in discussion in meetings of the commissioners coming up with some consensus changes they would like to see done. And then just as with the what-if maps, I think after we do the work on the consensus change requests, we would then, you know, work through requests from individual commissioners. And I guess doing one from each, or some process like that, so that no one person's 20 requests back up the line for everyone else.

And I would anticipate two basic types of reports back.

One, which would be, you know, here's the change and its impacts, and the Commission can decide, you know, is that the change that they want to adopt or not, given whatever unintended or intended consequences are shown in the report.

The other type of report back would be one where we say, you know, here's what we attempted and here are the issues that arise from that, and that that may call for
mapping in the meeting session.

That are the types of things where it's one thing for us to say that we tried and it's impossible to do without it creating an ugly district, to use a subjective term.

And then make that something that the Commission wants, say let's sit down and bring up the lines and see what's meant by an ugly district and work through it.

So I guess what I would hope for and envision would be a hybrid process where we have consensus changes requested by the entire Commission, which we would be our top priority, followed by individual changes from commissioners. And report back those two types of outcomes, fairly straightforward, that would be acceptable and be more nuanced that would have to be worked through with the Commission.

COMMISSIONER STERTZ: So, Madam Chair, again, following up with the description that you used here which was CD 1 and CD 2, as you had shown on your earlier map, if the contemplation at the Commission level of open discussion would be, for example, that we would want to have Cochise County remain whole.

Madam Chair, how would you see that taking place? Would you say that if I would make a recommendation that I would like to see, from public testimony and from analysis,
that we'd like to see Cochise County remain whole, would you
say -- would you be voting on that? Would we be voting on
these one at a time? And that would be moved forward to the
consultants?

And that would become our baseline for the five of
us for our design criteria to move forward with?

CHAIRPERSON MATHIS: I've been thinking through
this, what's the best way to do it. And it remains to be
seen. Because some of these changes will have ripple
effects that will need to get addressed, and there will be
some trade-offs that have to be decided on.

So I think we're just going to have to see what
kind of changes commissioners suggest and then play it by
ear frankly with each one and see how --

COMMISSIONER HERRERA: Madam Chair.

CHAIRPERSON MATHIS: -- how things move forward.

Mr. Herrera.

COMMISSIONER HERRERA: Madam Chair, I don't agree
with each individual commissioner proposing their own
changes.

To me it seems like it goes back to the what-if
scenarios, and we don't want to do that again.

I think if any commissioner is making any changes
to the map, we should all agree on it.

We should put in all the changes.
Because there might be changes that, Commissioner Mathis, that you make that I don't agree with. And I would like the opportunity to state my case and also vote no against.

There might be things that you do that I may like, but, again, I think the best use of our time and for the mapping consultant is for us to approve those changes as a Commission as a whole.

If Commissioner Stertz wants to make a county whole, then he should bring that to the Commission, and we should vote on it.

And that should be for all changes.

CHAIRPERSON MATHIS: I agree.

I don't want to see multiple new maps get created where we're going down different tracks. But I do think in order to know whether or not you agree with a change, you're going to have to have the consultants try them out and show us what the impacts are.

Because I may not know if I agree with something or not.

But if I see the analysis and it looks good and everything is okay, then great, we can move forward with that change.

So I don't see how we can move forward with the given change unless we at least suggest it to our mapping
consultant, see what the analysis is, and then decide as a group.

COMMISSIONER HERRERA: Madam Chair, let me remind you that all the changes pretty much have been proposed already. We did, I don't know, countless what-if scenarios. There's nothing that's going to be proposed that's mind boggling or that, oh, I never thought of that.

I have a feeling that most of the changes that will be made will be ones that have already been talked about.

Keeping Yuma County whole. I have a feeling that will come up.

And guess what. I don't have to see it in a map again. I already know I don't want that.

I mean, I can give you scenario after scenario of things I don't want. I don't have to see a map to prove it. We've done it already. So, again, that's not a good use of our time.

We've done, again, countless numbers of what-if scenarios.

We know what we want.

Commissioner Stertz knows what he wants.

Everybody in the Commission knows what they want and don't want. Guaranteed.

COMMISSIONER McNULTY: I think it may make some
sense to think about two different kinds of changes.

Changes in which we conceptually can discuss and agree that if, that if we made the change and we addressed all the ripple effects resulting from that change, if we can anticipate what those ripple effects are, that that change would be something that we as a group would want to see.

And then another kind being kind of minor things like the hot spots, or the -- for the precincts, that would probably just need to see on a map in order to react to.

The -- I think it's incumbent on us -- you know, we ask people in public comment to do this, and it was hard for people to do as individuals.

But for us as commissioners, given what we do, I don't think it's hard for us to do it. And I think we need to do.

It's kind of like what Mr. Herrera just said. We need to anticipate what the ripple effects of our changes are, and in proposing a change, for example, to keep Cochise County whole, we need to also propose how we're going to address moving that 7500 people around the state to wind up with population balance again.

I think that's our job as commissioners, and I think that the mapping consultants can give us some help with that, but I think we need to have thought about how we're going to do that when we propose our changes. So that
we as a group conceptually can react to it and say, well, if, you know, if Strategic Telemetry maps that and it works, that's something that we would like to see, the end result of that would be acceptable to us.

So I guess what I'm proposing is when -- when I would propose a change, I wouldn't just propose keep Cochise County whole. I would propose doing that with a combination of other things that would result in a balanced map and would achieve, you know, more than one goal. Or at least I would have ready for Ken and Willie to respond to questions about, well, we've got 7500 people, how best are we going to do that, make that adjustment, without impacting the voting rights district, CD 3, and so on and see forth, and have that conversation.

And then, and then, if we have a sense that it's doable and that it's something that, that a majority of the Commission wants to do, then we would ask Ken to do it.

And I think that argues for meeting probably more than less initially.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I'm hearing that there is a -- if I'm misinterpreting what you're saying, Commissioner Herrera, please let me know, but it sounds like
you want to make very subtle adjustments to the draft maps as they currently exist?

COMMISSIONER HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

COMMISSIONER HERRERA: I want to make changes to the maps, yes.

Subtle, maybe.

But I think all changes, as I said, should be talked about in the Commission, and we as a Commission should vote on them.

Now, if the hot spot changes are minor, which they may or may not be, I may be convinced that we can approve those without having to vote on each one, each 99.

But I don't know how minor they are.

I haven't -- I really don't have that information in front of me.

But I would recommend that we, that we talk about the major changes we want to make and agree as a Commission if we want to approve those changes.

COMMISSIONER STERTZ: Then, Madam Chair, in follow up to Commissioner McNulty, if statements such as the keeping Cochise County whole, there can be -- there is going to be a ripple effect.

Is it your contemplation then that we as individual commissioners, if I would make the recommendation
to keep Cochise County whole, based on this level of data that we have received from the public to try to make that happen, that I have a solution already in mind for how to remedy the 7500 individuals that are being relocated? Or is that something that -- how are you contemplating that as being the reaction that takes place from the keeping Cochise County whole?

COMMISSIONER McNULTY: Would you like me to repeat what I said?

COMMISSIONER STERTZ: I would, because what you're suggesting is a marrying together of things that are a contradiction of trying to do this in a public forum where we're voting on broad scope changes and we're also as individuals trying to create reaction and remedies.

COMMISSIONER McNULTY: To the extent that we as individual commissioners are able to propose changes that would address the ripple effects that would also accomplish goals that balance the constitutional criteria, I think it would be important for us as commissioners to propose those things and that we discuss them as a group.

To the extent that commissioners feel ill prepared to do that, I think it would be important in a public session to raise the issue and to get feedback from mapping consultants, from legal counsel, on voting rights issues, about what things we need to be cognizant of in terms of
ripple effects.

    And then maybe as a group narrow down ways in which we might approach those ripple effects that might be acceptable to us.

    That assuming that as a result of one or the other of those processes, either a commissioner proposing adjustments that adjust the ripple effects that are -- that would if they worked on the map be acceptable to the other commissioners, and then instruct the mapping consultant to go ahead and map it. Or conversely, if we are equipped to make the proposal to address the ripple effects based on the discussion in the meetings about what the possibilities might be, then we give direction to the mapping consultant about which of those possibilities we would like them to pursue. And then they map it.

    So that would be my thought about marrying the process of our individual thoughts with getting the input from our group and our team and getting a product that we can look at that we could then accept, reject, further refine.

    And, again, my thought is that after we review the comments, this isn't going to be 1,000 changes. You know, this is going to be 50 changes.

    We've got draft maps. They're good maps. They're sound maps. They're solid maps. A lot of thought went into
the maps.

That's my perspective.

And we can improve them, but that's, that's not
going to create a wholesale new map. That's just going to
be a discrete concrete of set of changes that we would make
to better meet the goals.

CHAIRPERSON MATHIS: Any other -- Mr. Stertz.

COMMISSIONER STERTZ: So again, Madam Chair,
Commissioner McNulty, what I just heard you say then is that
you are looking for subtle -- subtle map changes because
these are good, solid maps that you feel comfortable with
other than some small, subtle adjustments.

COMMISSIONER McNULTY: I think they are good,
solid maps.

And I didn't say the word subtle. That's your
word. So I'll just, you know, leave it at what I said.

I think I said it twice now. And we can go back
and look at the transcript later on.

CHAIRPERSON MATHIS: So getting back to the
schedule, we could meet Monday, Wednesday, Thursday, Friday
of next week. We could meet Wednesday, Thursday, Friday,
Saturday.

So what are people's preferences?

If you want to start Monday afternoon, we wouldn't
have Mr. Stertz but Mr. Freeman is available in the
afternoon.

COMMISSIONER McNULTY: I'll be in Phoenix --
coming into Phoenix late Sunday night, and I will be here
Monday. So Monday would be good for me.

COMMISSIONER HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

COMMISSIONER HERRERA: I'm proposing Monday,
Tuesday, Wednesday, Thursday, and Friday. And if we -- if
needed, we meet on Saturday.

But, again, I can't stress the importance of
meeting every day.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER HERRERA: As opposed to twice,
three times.

CHAIRPERSON MATHIS: On Tuesday I won't be
available, but it looks like Mr. Freeman is available in the
afternoon via Skype.

And I am not sure whose turn it is to chair the
meeting of the vice chairs, but if you guys want to go ahead
and meet, that would be great, and we could plan on Monday
through Friday.

COMMISSIONER STERTZ: Madam Chair, that's an
interesting question to ask counsel.

Roberts Rules in regard to having dual vice
chairs, having two vice chairs as part of our Commission is
outside of the original scope.

How does Roberts Rules play into having dual vice chairs?

COMMISSIONER McNULTY: Madam Chair, is that on the agenda?

COMMISSIONER STERTZ: No, but I think we were talking about process and program organization with -- where the chair has just said that there was not going to be a availability to chair. I think that is the relevant question.

MARY O'GRADY: Since it's not on the agenda, commissioners, I don't think we can address that issue today. But if it wants to go on a future agenda, we're happy to look into that and discuss that. But I'm happy to follow up with you later too.

COMMISSIONER STERTZ: Okay.

COMMISSIONER HERRERA: Madam Chair, I think it is my turn to chair the meeting. Mr. Freeman chaired the last meeting.

CHAIRPERSON MATHIS: Okay. So if we want to go ahead --

COMMISSIONER STERTZ: Actually according to schedule, Madam Chair, it's Mr. Freeman would be the next meeting.

COMMISSIONER HERRERA: I don't want to argue with
COMMISSIONER STERTZ: I'm not arguing with you.

COMMISSIONER HERRERA: If that's all you want to do.

COMMISSIONER STERTZ: I'm not trying to argue. I'm just trying to make sure that this -- this is a level of confusion about when, when -- what was the last --

COMMISSIONER HERRERA: You're confused. I'm pretty certain it's my turn. You're confused. I'm not confused.

COMMISSIONER McNULTY: Well, it will be easy to determine from the transcripts, so I don't think there's any confusion.

I'm sorry for interrupting.

If it would be easier, if it would help the mapping consultant -- I agree, more meetings the better.

But we could skip Tuesday. I do think we get tired. We all get tired. And that a day off allows us to collect our thoughts and look at maps and do homework. And maybe it would make sense to take Tuesday off and come back and meet Wednesday, have meeting days Wednesday, Thursday, Friday.

COMMISSIONER HERRERA: I'm in a good mood today, so Tuesday -- you guys can have Tuesday off.

CHAIRPERSON MATHIS: Thank you. Okay.
So we're going to meet Monday afternoon then, and then skip to Wednesday. And that will be afternoon as well, Wednesday afternoon.

Thursday, it looks like afternoon for all five of us. But if we wanted to start earlier, Mr. Stertz can join us in the afternoon.

And then Friday, we'll decide. We can meet it looks like all day.

How is it for the mapping consultant? Are you guys available next week?

KENNETH STRASMA: Yeah.

CHAIRPERSON MATHIS: Okay.

KENNETH STRASMA: We'll make ourselves available.

And I would like to say that perhaps a Tuesday off is a good idea. If we have a workday in between, we can come back with more product. And for the days where we're meeting in the afternoon, that's good, because that gives us a half day in addition to keep working on this.

CHAIRPERSON MATHIS: Okay. So do you have that, Mr. Bladine?

RAY BLADINE: Can Kristina and I double back and make sure we have it right?

CHAIRPERSON MATHIS: Yes.

RAY BLADINE: So we're going to meet Monday, December 5th, in the afternoon.
We're going to take Tuesday off, the 6th.

The 7th we're going to meet in the afternoon. And perhaps start earlier than 1:00, but 1:00 o'clock we know that Mr. Stertz can join us.

Thursday we're also going to meet in the afternoon.

Those will be in Phoenix.

CHAIRPERSON MATHIS: That one we could maybe start earlier, if, you know, if we started at 11:00, we'll see, but. . .

RAY BLADINE: Okay.

CHAIRPERSON MATHIS: Looks like everyone is available. And Mr. Freeman is only available till 5:00.

RAY BLADINE: So that would be on Thursday perhaps start at 11:00.

Then Friday would be -- we left that open.

CHAIRPERSON MATHIS: We're open.

RAY BLADINE: We'll see what --

CHAIRPERSON MATHIS: We can start earlier that day.

RAY BLADINE: Okay.

COMMISSIONER HERRERA: Madam Chair, when you say afternoons, is that a 1:30 start time?

CHAIRPERSON MATHIS: It depends.

So, do we want -- some of these are 1:00 p.m., it
looks like, that people are available, like Wednesday.

Monday, we could start at 1:00. Does that sound good?

Same for Wednesday.

Thursday we may start earlier. We could start at 11:00 and then Mr. Stertz joins us at 1:00 or noon. It says p.m.

RAY BLADINE: Friday.

CHAIRPERSON MATHIS: And Friday we could start earlier.

What's good for everybody? In Phoenix?

COMMISSIONER HERRERA: We've started our early ones at 9:00, 9:30.

CHAIRPERSON MATHIS: Okay.

RAY BLADINE: 9:30.

CHAIRPERSON MATHIS: Sounds good.

RAY BLADINE: Until when? 9:00 o'clock at night? Book it until then. You'll never make it, but that's okay.

COMMISSIONER McNULTY: 1:00, propose 1:00.

RAY BLADINE: I'm sorry?

COMMISSIONER McNULTY: I would propose 1:00, give us a little break over the weekend if we need it.

RAY BLADINE: Go to 1:00 o'clock on Friday.

Okay.

And then Saturday we're leaving alone at this
time.

Do you wish to go on to another week, or is this enough for -- and we'll bring it back on the first agenda of next week.

CHAIRPERSON MATHIS: It is on our agenda for the next two meetings that we can at least talk about schedule if we need to, or not?

RAY BLADINE: I think the answer to that is no, but if you wanted to carry over this discussion to the next meeting within 24 hours, you can do that, tomorrow, and then we could deal with it again this week, but I only posted it this one time.

COMMISSIONER McNULTY: Didn't we just agree on dates for the following week?

I mean, shouldn't we just schedule those?

CHAIRPERSON MATHIS: We can do it.

RAY BLADINE: We did start, but --

COMMISSIONER McNULTY: Let's do it. Let's not spend our time doing this. Let's schedule them and do maps.

CHAIRPERSON MATHIS: Okay. Starting December 12th, Monday, it looks like there's a pretty small window of availability.

COMMISSIONER HERRERA: That can be an early one, Madam Chair, 9:00.

COMMISSIONER McNULTY: My availability is upside
down there.

I'm available before 2:00 p.m.

CHAIRPERSON MATHIS: Oh, okay.

COMMISSIONER McNULTY: Not after 2:00 p.m.

I'm the incoming president for an organization, and I actually have to do that.

I can't change that.

RAY BLADINE: So that would allow all but one to meet in the morning.

CHAIRPERSON MATHIS: So do we want to start at 9:30, Monday?

RAY BLADINE: December 12?

CHAIRPERSON MATHIS: Uh-hmm.

RAY BLADINE: Until 4:00 o'clock or 3:00 o'clock, whatever it was, on Mr. Freeman's --

CHAIRPERSON MATHIS: 4:00.

RAY BLADINE: I think he had 5:00 o'clock, so I put it 4:00 o'clock here in Phoenix.

COMMISSIONER McNULTY: I'll have to leave in time to be back in Tucson.

RAY BLADINE: By?

COMMISSIONER McNULTY: By 3:00 o'clock at the latest.

RAY BLADINE: So you'd --

COMMISSIONER McNULTY: I'd have to leave by
1:00 o'clock.

RAY BLADINE: 9:30 to 1:00 o'clock.

COMMISSIONER McNULTY: That's just my availability.

COMMISSIONER HERRERA: Madam Chair, would that be okay if we extended it for another two hours so --

CHAIRPERSON MATHIS: Sure. As long as you're here.

COMMISSIONER HERRERA: Is it okay -- so 9:30 to 3:00 or 4:00.

RAY BLADINE: Okay. 3:30 as a compromise?

Going once, going twice.

Tuesday, December 13th, looks like we could do an afternoon meeting.

CHAIRPERSON MATHIS: I have my regular 1:30 meeting.

RAY BLADINE: Oh, I'm sorry.

CHAIRPERSON MATHIS: But, and that's in Tucson, but I can Skype in or whatever on the 13th.

I would be available by 3:00 p.m., or we could do morning.

COMMISSIONER McNULTY: Let's just -- I think we jumped over that. We were going to do Monday, Wednesday, Thursday of that week.

CHAIRPERSON MATHIS: Okay. We won't do Tuesday
the 13th, so --

COMMISSIONER McNULTY: I had Monday Wednesday, Thursday checked.

CHAIRPERSON MATHIS: Wednesday, it looks like the only time would be morning. And I have also the meeting that is at 11:00 a.m., so, I mean, we could meet, I guess, early for a short time.

It looks like afternoon is not available that day for everybody.

So we'll see what Thursday, Friday, Saturday --

COMMISSIONER HERRERA: Madam Chair, could we have a meeting by Skype on the 13th then? I mean, I know that we want to avoid Tuesdays, but if we won't be able to meet on Wednesday, which seems likely, let's then meet on the 13th of December after 3:00 p.m.

Can you chair by Skype? Which you should be able to.

CHAIRPERSON MATHIS: Sure. Okay. We can meet at 3:00 p.m., December 13th, Tuesday.

It looks like everybody is available.

RAY BLADINE: Madam Chair, just while we're talking about that.

If we could somehow work out that the Tucson people could be in one location and Phoenix in the other, the Skype will probably work pretty well. When we tried to
do more than two locations, technically it has not gone very well. So we'll try to figure out a location that -- we'll probably post the meeting at the Phoenix location, but we'll have a location for the Tucson members to go to, unless you give us direction otherwise.

COMMISSIONER McNULTY: Madam Chair, I suggest that we just do a telephonic meeting. I don't think Skype adds that much. And that way we can each be in our offices.

We have quorum issues if we meet separately, but I assume that we do it telephonically from our own locations.

CHAIRPERSON MATHIS: Okay. So 3:00 p.m. telephonic meeting, on the 13th.

COMMISSIONER HERRERA: Madam Chair, just to -- we are able to handle more than a few, if people call in from different areas, that's not a problem.

RAY BLADINE: Madam Chair, Commissioner Herrera, we can handle -- the phone works fine.

We have that -- right, Buck? We don't have trouble with phone, do we?

No.

CHAIRPERSON MATHIS: Okay. Wednesday the 14th, it would only be the morning, so that's not looking good.

The 15th.

The afternoon of the 15th looks good for everybody.
So should we plan on a 1:00 p.m.?

RAY BLADINE: And we'll reserve until 9:00.

CHAIRPERSON MATHIS: Sure.

The 16th is not looking good unless we meet late afternoon.

But, the 17th?

COMMISSIONER HERRERA: Madam Chair, if we meet Saturday, can we start the meeting early, no later than 9:00?

CHAIRPERSON MATHIS: Sure.

We'll have to confirm that Mr. Freeman and Mr. Stertz are available that 17th, at least one of them.

COMMISSIONER HERRERA: Did you want to ask Mr. Stertz?

CHAIRPERSON MATHIS: Mr. Stertz, are you available on the 17th?

COMMISSIONER STERTZ: I'll have to check.

CHAIRPERSON MATHIS: Saturday.

COMMISSIONER STERTZ: As I advised Mr. Bladine, we left Saturdays open for meetings as they needed to be fit. Sundays were the only ones that we blocked -- that I blocked solidly closed. So we'll make accommodation and adjustments as needed.

Some of these, some of these dates and times when you guys work your way through, just let me know and I'll
make adequate adjustments.

I did want to provide you with my fixed dates and times of meetings.

Madam Chair, while we're developing the dates and times of these schedules, is there a contemplation that you're having about what we are going to -- are there any that we're going to focus specifically on certain issues?

For example, I've been thinking a lot about -- I wrote myself a whole slew of notes over the last week of what I wanted to speak about today, and one of them was are we going to look to see -- take a day to really define, for example, what communities of interest are.

Not necessarily a definition of communities of interest, but defining what some of those communities of interest might be, as we've been assembling together.

As Commissioner McNulty pointed out, she determined two out of 400 pages that were both communities of interest.

Would we consider taking a day in one of these that we would be actually drilling down to say, okay, yes, those would be what we might consider to be communities of interest and we would not want to split?

Or would we want to look at geographic features or the other -- the other tangible items in the constitutional criteria and say, yes, we are recognizing that this mountain
range is something that we are recognizing, or that this roadway or this highway is something that we're recognizing, and pick one of these days for actually crafting some of those criteria definition?

COMMISSIONER HERRERA: Madam Chair, can I answer real quick, my opinion?

We can't even agree on who should be the next chair after I already said that I would be the next chair.

Do you think we're going to agree on a definition?

No.

Again, that would be a waste of our time.

So if -- this Commission has proven that we can't agree on pretty much anything, so I would not want to spend my time doing that.

COMMISSIONER STERTZ: Madam Chair, because you are, you are the swing vote here, it appears as though there's going to be two Democrats and two Republicans voting against each other. This is your -- the determination of these maps are going to be in your hands.

So I'm asking you this question about how you would like to see it. Because I think that from the public's point of view, they might like to know that their community of interest is either going to be recognized, contemplated, or ignored.

COMMISSIONER McNULTY: Madam Chair, if I could
make a comment on that.

As the Supreme Court said, we all, I think, have
our perspective on what a community of interest is, and
that's appropriate and it makes sense.

And I think it does make sense for us each to
state that on the record to be very clear about how we
approach that issue. I think I've talked about it a little
bit, and I will talk about it some more.

In putting these maps together, we've thought
about that. We've thought about geographic features with
each and every one of the districts that we've developed.

So, my perspective is that as I would propose
changes on the maps, that's the context in which I would be
making those comments.

And I don't think it's possible to step back and
do an abstract list of communities of interest that we're
all going to agree upon, or productive, but I do think it
makes a lot of sense for us each to talk about how we've
built the maps that we've put out to the public or how we
built maps that we did vote on to put out to the public and
how we think those factors inform each of those maps.

So I can see, you know, my explication of how the
maps developed and my thinking was on each of those things
being very different from yours, because you view the
concepts perhaps differently.
But I think we both in the days ahead should, as we propose changes, give that context.

COMMISSIONER STERTZ: Well, I'm not -- almost -- I'd like to see the Supreme Court reference that you're referring to.

That you just referred to, so that would be -- I would like to read that myself to see that, because I'm not familiar with that opinion.

But, again, I'm asking this question is to the chair, as you're going to be the swing vote on this, what your opinion is.

CHAIRPERSON MATHIS: I guess I don't see a state constitutional criteria day for each of the constitutional criteria.

I see a -- since they all have to be balanced equally and considered equally, we will be talking about each of them throughout these -- any adjustments that we -- any of us suggest to the map.

I think all the criteria need to be factored in as we make adjustments, just as we did in the creation of draft maps.

So that's I kind of how I see it happening is it will unfold and each of the constitutional criteria will be discussed with each proposed change.

COMMISSIONER HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera.

COMMISSIONER HERRERA: Also, when we were creating the draft map, I think Ms. O'Grady did a really good recommendation that any proposed recommendation that we made to any draft map, we incorporate the six criteria.

And I think we did that.

I think we did -- at least I did. I know Commissioner Freeman did. I know Commissioner McNulty did. Where we were making the changes to the map and we were talking about how this affects communities of interest, how this affects competition, how this affects boundaries.

So we were doing a pretty good job of keeping that in mind any time we were making a change, the six criteria, before -- keeping those in mind when we were making changes.

So, but, again, I don't disagree with Commissioner McNulty. If we each want to state what it means to us, that's fine.

But, again, coming up with a consensus is probably not going to be productive at all.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Well, one of the criterias that we will need to contemplate on an ongoing basis is the Voting Rights Act.

Correct?
That is one of the six criteria, that will be --
that will need to be contemplated on an ongoing basis.

So that being said, now that our schedule, and if
we are having open, we should probably move to the next.

COMMISSIONER McNULTY: That's a very good segue.
I agree with that. Let's move on.

CHAIRPERSON MATHIS: So, we're done with
scheduling. We're through December 17th at least.

RAY BLADINE: Yes, ma'am. We'll follow up with
details. Thank you, all.

CHAIRPERSON MATHIS: Great. Thanks a lot.
Okay. It's about time for a break.

It's 3:06 p.m.
Let's take a ten-minute recess, and we'll be back shortly.

(Brief recess taken.)

CHAIRPERSON MATHIS: The time is 3:26 p.m., and
we'll conclude recess and enter back into public session.

We're on agenda item four, discussion of voting
rights analysis of draft congressional and legislative
districts and benchmark districts, presentation by Strategic
Telemetry and legal counsel.

So I'm not sure who wanted to go first on this.

KENNETH STRASMA: I will, Madam Chair.

CHAIRPERSON MATHIS: Okay. Mr. Strasma.
KENNETH STRASMA: Can people hear me?

Marty is shaking his head, so I will hold the microphone.

Some people were talking to me during the break about how racially polarized voting analysis and this whole field is often like speaking a foreign language.

With that in mind, I wanted to start by explaining some of the concepts and some of the terms that I think people often hear tossed around and that we should take the time to establish what exactly is meant by some of these.

Once, once we've gone over that, then I'll describe the methods that we use to calculate all these different measures we're looking at, give you an overview of the status, both of the existing legislative district benchmarks, and I'll get into describing that term as well, and also the analysis of the draft maps.

And then I'll turn over to Mr. Adelson for more of the discussion about what DOJ looks like and the steps that we're going to need to do to prove that these new districts are effective minority voting rights districts in our DOJ submission, which is a significant step that has to take on -- take place even after the final maps are approved.

Racially polarized voting analysis is necessary in order to determine whether or not there is polarized voting,
and to what extent, and levels of cohesion in minority
ing voting, and levels of crossover vote.

And to define these different terms, polarized
voting means that the minority community in a given district
supports a different candidate for the non-minority voters
or supports their candidate of choice at a different rate
from the non-minority voters.

One of the first steps is to establish whether or
not there is racially polarized voting.

And it -- that was easily established in the case
of Arizona. Yes, there is racially polarized voting.

It is to different degrees in different, different
districts.

But that first test, whether or not it exists,
which then governs whether or not we need to draw these
voting rights districts, that is clear, yes, there is
racially polarized voting. So we do have the requirement
that we draw voting rights districts and that we prove to
the Department of Justice that there has been no
retrogression.

The retrogression means that we have not reduced
the number or quality of the minority districts.

So we need to create the same number that existed
before and we cannot make any of them any worse than they
were before in terms of their ability to elect a minority
candidate of choice.

The term candidate of choice, that's another one of those terms that gets tossed around a lot.

In many cases the candidate of choice for a given racial or origin group, being Hispanic or Native American, as is generally the case in Arizona, will be a candidate of that same race or origin, but not always. Sometimes it can be demonstrated through the analysis that a White candidate was the candidate of choice of a Hispanic community or vice versa that a Hispanic candidate was not the candidate of choice of the Hispanic community.

So that's why that term is used, candidate of choice, rather than just to say support for the Hispanic or the Native American or other minority candidate.

The other term that I mentioned that I wanted to define are cohesion. That's the degree to which the minority community votes together.

When we've gone through and done this analysis, generally speaking in these voting rights districts, the minority communities will vote in the high 60s, 70s, even 80s for their candidate of choice, showing a large degree of cohesive voting or cohesion in the minority community, which is one of the things we look for.

Another term that I wanted to define is crossover. That's the degree to which the White population,
the non-minority population, supports the minority
community's candidate of choice.

There are -- there is probably greater variation
in the level of crossover voting in Arizona than there is in
the level of cohesion among minority candidates.

There are a number of districts where the
non-minority population is supporting the minority
community's candidate of choice and a number where they
aren't, but the population is such that the minority
community is able to elect their candidate of choice despite
the fact that non-minorities are voting for a different
candidate.

So given that terminology and what our task here
is, that we need to demonstrate -- we need to draw districts
that are not retrogressive and then we need to be able to
demonstrate that, prove that to the Department of Justice.

So we need to conduct an analysis that allows us
to determine all of these things: Cohesion, crossover,
turnout, et cetera.

And we run up against the problem of the secret
ballot.

We don't know who anyone voted for.

So we have to use a number of different techniques
to try to estimate the different levels of turnout among
different communities and the different levels of support
for the minority communities' candidates of choice.

There are a number of techniques that have been used to do this.

This is my third decade of redistricting cycles, and the state of the art has changed each time.

When I first was doing this 20 years ago, there were just basically two techniques used, which I'll talk about in just a moment: Homogenous precinct analysis and regression analysis.

There is a new technique that was introduced in 1997, which is generally what's used and preferred, called ecological inference.

We'll be discussing all of those.

But, first of all, let's look at the question of homogeneous precinct analysis. That's just a fancy term for looking at a precinct that's all one race or origin.

So, you know, although I say because of the secret ballot we're not able to know how individuals voted, how -- to what degree they supported a particular candidate, if you had a precinct that was 100 percent Hispanic, you know for a fact that whatever the percent that the Hispanic candidate got, that precinct got, is the present of the Hispanic vote that they got, because it's 100 percent Hispanic.

So in a very small subset of precincts, you might be able to know for a fact what those votes were.
Generally speaking you're not going to see a precinct that's 100 percent one race or one group, so typically people will use 90 percent plus as the threshold for that level of analysis.

That's one of the first and quickest levels of analysis that we did, looking at any precincts that were more than 90 percent Hispanic or Native American. There are no 90 percent plus African American precincts in Arizona, so those we didn't look at.

And we did find in those precincts very large levels of cohesion, with 70 and 80 percent support for the minority communities' candidates of choice in statewide elections from 2004 through 2010.

Now, that confirmed what anyone would have believed and suspected, but isn't sufficient by itself. For one reason is because there aren't that many precincts that are 90 percent or more of one particular group.

There are only, I believe, 18 90-percent plus Hispanic precincts in the state and somewhere under 100 Native American homogeneous precincts.

So, they're not sufficient by themselves to be the backbone of the analysis.

And the further problem is it's demonstrated that voting behavior of groups that live in heavily segregated
areas is different from voters that are in more integrated areas.

A Hispanic living in a 90 percent plus Hispanic precinct is likely to vote differently from Hispanics living in a 50 percent Hispanic precinct across the street.

Because that's been established, we need to go a couple levels further in this analysis and look at both by regression analysis and also ecological inference analysis.

Describing how the regression analysis works in order to estimate this question that's not entirely knowable, what we do is we start looking at the statewide voting results precinct by precinct.

On this graph we're seeing turnout across the vertical axis, the percent of the voting age population that's voting.

And across the bottom we see the percent that is Hispanic.

So if you see down by the red map of Arizona in the number two on the lower right-hand corner, that is -- would be 100 percent Hispanic, zero percent voting.

Up at the top right would be 100 percent Hispanic, 100 percent voting.

Each one of the blue dots represents an individual precinct in the state.

So for each precinct, although we don't know
individual votes because of the secret ballot, we do know
the two things for the precinct at large.

    We know its racial competition from the census,
and we know its turnout and candidate support from election
results.

    So we're able to graph all of those precincts.
Each precinct is one specific point on the graph. Where we
know both its percent Hispanic and its percent turnout.

    Once that's known, we would be able to see a
pattern emerge, that it becomes fairly clear that the higher
the percent Hispanic, the lower the turnout.

    It's not a perfect straight line, but it is a
fairly obvious pattern. And we can use what's called
regression analysis to find the line that best fits all of
these blue dots.

    And I don't, I don't want to stray too much
farther into the foreign language, but it's just a process
of least squares, taking the square root of the distance
from the line to each dot, and there's a mathematical
formula that allows you to find the line that best fits all
of those dots.

    So, this has been an established technique that's
been used since the 1950s for this sort of electoral
analysis. And it's very commonly been used in redistricting
court cases.
But it has its own problems.

Regression analysis often leads to logically impossible results.

You can take -- calculate the best fitting line, and it will tell you that negative 15 percent Hispanic population voted for the White candidate or 110 percent of the African Americans voted for a particular candidate.

Results that are statistically correct, they're the best fit for all the blue dots, but that obviously can't be true.

So that's one of the, one of the problems with this sort of analysis by itself.

The second chart was just showing the same analysis for turnout in the gubernatorial election.

And you can see, if anything, the pattern was slightly more striking in the lower turnout non-presidential year election, that is as the percent Hispanic went up in the precinct, its turnout went down.

There's another method known as the method of bounds, which is sort of a variation on homogeneous precinct analysis.

I described how in a homogeneous precinct analysis we would look at a precinct that was almost 100 percent of one group or another, at least 90 percent or more. But you can still calculate ranges of possible answers for precincts
that aren't that polarized or aren't that segregated racially.

Take, for example, a precinct, and I apologize for anyone who did not expect story problems today, but we'll try to work through this as easily as possible.

In the sample precinct, 40 percent electorate is Hispanic, 40 percent is non-Hispanic.

If we know that the Hispanic candidate, candidate A, got 35 percent of the vote, what percent of the Hispanic vote did candidate A receive?

We do not have enough information to answer that question with what's up on the screen here.

However, if we say, if the Hispanic candidate got a certain percent, then with that information we can calculate what percent the non-Hispanic vote must have been.

And that allows us to narrow the range of possible outcomes.

You'll see here, the first column, Hispanic support for candidate A gong from five percent to 100 percent. And at each different support level, we can calculate the percent of non-Hispanic vote that the Hispanic candidate must have received in order to account for the outcome of the precinct.

Remember that the precinct's racial composition and its vote is known, even though how individual voters
voted is not.

And you'll see the percent for candidate A at the far right column, set at 35 percent, because we know that's what the candidate got in this precinct.

And so at five percent Hispanic support for candidate A, we know that the non-Hispanic White vote would have had to have gone 55 percent for candidate A in order to yield that 35 percent result.

If we were to, say, jump down to the middle where it's saying 50 percent of the Hispanic vote went for candidate A, that tells us that only 25 percent of the non-Hispanic White vote would have had to have voted for that same candidate to yield 35 percent precinct-wide.

Then an interesting thing happens with the last three rows, 90, 95, and 100 percent. There is no percent of the non-Hispanic White vote that yields that result.

This tells us that the Hispanic support level cannot have been 90 percent or above.

And so that's why this is called the method of bounds. It gives us the boundaries of the possible racial vote for different groups in each precinct.

Now, by itself, in this individual precinct, that doesn't tell us too terribly much.

I mean, it's gone from zero to 100 to zero to 90 as possible, possible votes.
But when we start to combine all the precincts in a district together, then we're able to piece together more pieces of information that allow us to make an estimate for the district overall.

This chart here represents all of the precincts in Congressional District 7.

Each line is one precinct, and each line represents the range of possible levels of support for the Hispanic candidate.

Thinking back to the chart I was showing before, where we know at any level of support by Hispanic voters, there's one and only one level of support by non-Hispanic voters that is possible.

That means that instead of a point we've got a line of all the possible votes for any one precinct.

So every precinct in the congressional district shows up here as a line.

They are color-coded based on whether or not they are 65 percent plus or any particular racial category.

So anything that is light blue, you'll see some towards the upper right of this chart, those are 65 percent plus Hispanic districts.

The light green are 65 percent plus White districts.

And then the black ones are mixed, that there's no
group that has 65 percent or more for a particular candidate.

You may notice over towards the left-hand side of the chart there is a thicker light green line, so that is because it's light green we know that that's a precinct that is 65 percent or more White.

And the range of possibilities is fairly narrow. I think it's somewhere between three and eight percent, the possibilities that that -- or the possible support level for this Hispanic candidate that came from White voters in that precinct.

We can tell that because that line starts at around three percent, on the horizontal access up at the top and goes down to just about eight percent.

In terms of the Hispanic vote in that -- represented by that line, it's anywhere between zero and 100. The Hispanic vote could have been anywhere between zero and 100 and still explain the outcome of that particular precinct.

Now, again, as I in the example precinct that I discussed earlier, that's not that much or terribly useful information.

But when we begin to lay these lines all down on top of each other, we begin to see something. They're not evenly spaced. It's not a grid. It's not a screen door
pattern.

There is an area where most of the lines begin to intersect, and you'll see that that's in the upper left-hand corner.

Everywhere on one of these lines is the statistical estimate of the most likely vote.

And that plus one confidence interval, the likely prediction, is shaded in yellow.

And so you'll see that the yellow in the upper left, that indicates that there is racially polarized voting in this district, that the more White the precinct the less support there is for the Hispanic candidate, and the more Hispanic the population of the precinct the higher the level of support for the Hispanic candidate.

So the estimate for the overall Hispanic support for the Hispanic candidate in this precinct will be generally in the center of that yellow area where most of the lines begin to intersect.

The purpose of this chart, this doesn't give us the answer by itself.

This illustrates the pieces of information that went into this analysis. So we know that we're getting more information than we would have from either homogenous precinct analysis or regression analysis or the method of bounds by itself.
But it also illustrates that we don't know. There's not a single star or plus sign on that chart that tells us exactly what the vote is.

We are able to make a very good educated guess as to where the vote is, but these are all just estimates.

And so in the analysis when you see estimate, that's why, because of secret ballot, and we don't know for sure.

But through this technique we are able to come up with estimates for both turnout and candidate support by different racial categories.

Down along the left-hand column, you'll see the different racial categories, White, Hispanic, Native American, African American, and other.

And the next column shows their estimated turnout level.

There's a two-step process here.

First, estimated turnout has to be calculated for each one of these groups.

Because the groups do not turn out in the same proportion, so they're not -- their share of the electorate is not the same as their share of the voting age population.

And so you'll see here for Congressional District 7, the estimated non-Hispanic White turnout is 36 percent and the estimated Hispanic turnout is 19 percent.
So there is higher White turnout than there is Hispanic turnout.

Looking at the third column, the Hispanic candidate support levels, and then reading across the top row, White, shows us a 29 -- an estimated 29 percent of the non-Hispanic White voters supported the Hispanic candidate, compared to 67 percent supporting the White candidate.

The next line down, you'll see the reverse of that pattern, or 79 percent of the Hispanic voters are estimated to support the Hispanic candidate compared to 17 percent supporting White candidates.

So that shows us two key things that we're looking for.

One, a large level of cohesion in the minority voters. They are voting at 79 percent for their candidate of choice.

So it is a cohesive vote.

And also a large measure of polarization. That the Hispanic community was supporting a different candidate from a non-Hispanic White community. And if the Hispanics were not voting in this district, the outcome of the district would be different from what it was.

This was a very close election.

Grijalva's election in 2010 where he won just 50 percent of the vote in a three-way race, about a
five percent margin of victory. And so you'll see that, that 79 percent vote among the Hispanic population was necessary in order for him to be elected. And the other candidate would have been elected had it only been the non-Hispanic White population voting in this district.

This analysis, that sits on the table, exists for all of the, all of the existing minority districts, both congressional and legislative, existing districts and the draft districts.

There is a copy in the packets.

And I know legal counsel wanted check with the Commission first about making this available publicly, because right now it is legal work product.

The draft that we sent out earlier a few weeks ago has a few minor changes. We've been editing and checking the list of minority candidates, and so for a few districts a number of candidates has changed.

You'll also note that in your handouts there is a big water mark that says draft across these. This study will continue to say draft until the point of our submission to DOJ. We will be continually adding more information, more analysis, in order to do this. First, to make sure that we're drawing districts that are not retrogressive and, second, proving that fact.

The second point about proving that fact, that's a
process that we'll continue after the plans are adopted up until the point of the submission goes to DOJ.

I want to turn it over to Bruce in just a couple minutes for more on the detail as to submission and what exact actually we do have to do.

I want to give you some highlights. I won't go by district through this right now. But generally speaking, the congressional plan is refreshingly simple compared to the legislative plan.

There are two existing benchmark minority districts, one in Maricopa County and one in southern Arizona.

And there have been two generally in the same areas created in the draft plan.

To illustrate the very different types of voters that have to be analyzed for this process and why we're not able to simply say a district must be 54 percent or higher, some threshold like that.

In Maricopa County, the Hispanic turnout is much lower than it is in the southern district, in both the draft -- the existing and draft plans.

But, that's compensated by greater crossover votes.

The non-Hispanic White voters in Maricopa County are much more likely to be supporting a Hispanic candidate
than are the non-Hispanic White voters in the southern congressional district.

The southern congressional district, there is more polarization, less White crossover, but it's compensated for by the fact that there is higher Hispanic turnout in that district.

So that it gives a sense of the sort of nuance that exists in these different districts, things that have to be looked at fairly clearly.

We were able to create the same number of districts at the same level of effectiveness. And the -- and we'll be continuing analysis for the DOJ submission that will prove that fact.

On the legislative plans, there, of course, are more districts, ten benchmark districts that we are looking at creating districts that are as good or better and the same number.

There is -- I know many of you who have been following this have been paying attention to what's been going on in Texas with objections to that plan. And that has been very instructive for us looking at what DOJ is looking at.

One of the things that Bruce will address in greater detail is the question of when you move minority voters from a district where they did not have previously
have the ability to elect a candidate of choice.

    There's nothing wrong with that. It just puts a greater burden of proof on us when we submit that plan to demonstrate that those voters are able to turn out and elect a candidate of choice as effectively as voters who might have come from a different district that had been able to elect their candidate of choice in the previous election.

    In terms of what this analysis tells us about what we need to do going forward, I think this ties in very nicely with our conversation earlier this morning or this afternoon about the process.

    There are some general guidelines that are very easily taken into account, and there are some situations that call for a longer analysis.

    The level of analysis that's in the report that you have in your packets takes probably several weeks.

    So we anticipate doing this again after the plans are solidified. Before the DOJ submission, we're going to have to have a similar level of analysis.

    Knowing that it's likely that minority districts are going to be changed, we want to keep some general guidelines in mind doing those changes, assuming that we're talking about earlier today prompts the Commission to make some changes. When those changes affect minority districts,
I'm sure that you're -- there will be more than the three guidelines that I'm going to suggest, but I would suggest one, a hippocratic oath version, first do no harm, trying not to make the minority percent less in a district.

There may be cases where we can determine that we can without affecting ability to elect, but there's also a caution flag, a yellow flag, that if we're making a minority percent less in any district, we need to do analysis to make sure that we have not made less the ability to elect, which is the legal standard.

A second point is if -- to the extent possible if we can choose to underpopulate minority districts, that is acceptable as long as the population deviation overall is within the acceptable range, and we talked about being well within plus or minus five percent.

There's two reasons for this. One, because that population range is acceptable, that makes it more possible to create effective minority districts. Also, because of the rapid growth in Hispanic population, it is likely that underpopulation will be corrected for by population growth before the decade is over. In fact, in some districts probably by the time these lines are first used in the 2012 elections, districts that were underpopulated based on the 2010 census will be ideally overpopulated.
The third of these pieces of advice is based on what I mentioned about what we've been seeing about Texas, voters that come from districts that were not previous minority ability to elect districts. Other things being equal, it's better to move population from districts that had the ability to elect before. Not because that necessarily guarantees that they have a greater ability, in fact, ability to elect, but because it lessens the burden of proof.

We just have to do a larger set of analysis to prove the effectiveness of those voters if we're taking voters from districts that did not have the ability to elect before.

Obviously because of population growth, it's impossible to create these ten minority districts without taking some population from areas that were not previous minority districts, but we have to keep in mind that we have a greater burden of proof and level of analysis that we'll have to do for those voters.

And that will be an ongoing process as we're adjusting these maps.

And I know Mr. Adelson can provide much more detail on the nitty-gritty of what DOJ is going to be looking at and what we're going to have to provide in terms that.
JOSEPH KANEFIELD: Madam Chair, before I turn it over to Bruce, I want to make one quick note to follow up on what Mr. Strasma mentioned about the racially polarized analysis prepared for the Commission.

I'm sorry, let me repeat that.

I wanted to follow up on something that Mr. Strasma noted with respect to the racially polarized voting analysis prepared for the Commission that we'll be discussing in more detail.

This, this analysis technically was prepared at the request of counsel and was done through the coordinated effort of Professor King and Mr. Strasma.

Technically it's attorney work product. However, the Commission is free to release it, recognizing that it is a draft and it is a work in progress, and that the team, the legal team and your mapping team, continue to review the analysis and will be building upon it. Also it will of course change as the Commission makes adjustments to the map.

So with that having been said, we will assume it's the consensus of the Commission that this information can be made public.

We would again caution the public to understand that it is a work in progress and it is a draft and will continue to be refined as further analysis is done.
BRUCE ADELSON: Thank you.
And on that note, Madam Chair, members of the Commission, it's my pleasure to be in Arizona again and to be meeting with you.

And to follow up a little bit on what Mr. Strasma is saying, or was saying, is what underlies all of this, and I know it can be very complex and complicated, the reason that we're talking about this is because the Department of Justice will do all of these analyses.

It's very important to remember that under Section 5, the Commission, state of Arizona, has the burden of proving that whatever plan you adopt is non-discriminatory.

You have to prove that.

In order to prove that, we need to have the I's dotted and the T's crossed, so to speak, and the analysis to back up whatever our contentions are.

Nine years ago when we did the objection to the legislative plan, we determined that the state had not met its burden and could not prove certain of its assertions.

It's not up to the Department of Justice to prove it. It's up to the state.

And we determined nine years ago that the state could not do that.

So taking that into account, it's very important
to do analyses of a myriad elections in order to determine
that there's no retrogression under Section 5.

That, as Mr. Strasma said, minority voters are not
put in a worse position as far as the ability to elect than
they have demonstrated over the last decade and as they have
now.

That's, that's -- just it is a very essential
point.

The point too that often, as I like to think of
it, analysis leads to other analysis, because certain
analysis can suggest other conclusions, other issues, or
other concerns that have to be addressed.

And the point that Mr. Strasma made I think is
very important concerning moving minority voters from
districts where they cannot elect now into districts that we
are representing to the Department of Justice at some point
as majority-minority districts. The burden, in my opinion,
is higher because these are voters who have -- right now are
not electing minority candidates of choice.

That doesn't mean, as Mr. Strasma said, that
there's anything wrong with that. To the contrary, there is
nothing wrong with that. But we must prove that by doing so
we are not damaging minority voters' ability to elect who
they want.

Nine years ago we determined that that was a
significant issue with the legislative plan as it stood at the time.

Given what's been happening recently in redistricting and certainly what's happening in the preclearance case of the United States versus Texas, that has been an issue in that case, and I think that's an issue here in the sense that we need to have our questions answered.

Because the underlying theme for all of this is whether there are questions that we have, the Department of Justice will have.

If we cannot answer the questions, then the Department of Justice will object.

Nine years ago we gave the state two opportunities to answer our questions, and we determined that the state couldn't do that.

So it is -- I know sometimes it can seem counterintuitive in a sense, but it is a 100 percent burden of proof on the state to show that what the state is doing is okay.

And that's not necessarily true in other aspects of things that we may do, but it is here.

And I take Mr. Strasma's point, and I agree with him that the burden is higher when you're moving population from a district where they cannot elect into a district
where we're saying they can.

So that the process is a very data intensive, analytically intensive process. And, again, that is so that we can meet our burden, and that this time around the Department of Justice does not have questions that the state can't answer, and that the Department of Justice preclears what the commission eventually adopts.

COMMISSIONER McNULTY: May I ask you a question at this point?

Ken talked about the fact that we need to prove there's been no retrogression in the number or quality of minority districts.

You've just said that the burden is higher if that minority district is comprised in part of voters that we've moved from another district.

Tell me exactly what it is that we need to show about those voters.

Do we need to segregate them out and show that they are contributors?

If we have a district that we can show has not retrogressed, that it is of the same quality, what is different in the analysis as a result of the fact that it includes some voters from another district?

BRUCE ADELSON: Well, Madam Chair,

Commissioner McNulty, I think that that's a great point.
Look at it in the sense of answering questions before you have to answer anyway, looking at the minority turnout, minority registration rates, electoral performance over a period of time.

The issue of bringing minority voters who can elect, who cannot elect now, into a district where we're saying they can, has been the traditional question for the department. Because let's just imagine that if you take -- you can create districts, all of which consist 100 percent of minority voters right now can elect, really don't have an issue, because they are performing pursuant to Section 5, they are electing the candidate of choice.

But as Mr. Strasma said, that's physically impossible given population growth.

So looking at the mixture of people right now can elect, and included in that a group of people who cannot, we need to look at their turnout in the districts, where they've been. We need to look at how they voted in certain elections, like, let's say, for example, the presidential election in 2008, typically a higher turnout election, where there was a minority candidate on the Democratic Party ballot, to see if that might have changed the election behavior or may be an indicator of certain electoral behavior.

So one of the reasons that I say there's a higher
burden is that's based on my experience and what we did nine years ago.

When we saw something like that, we put a big circle around it, and said, we have to be -- let's see what the state says, let's see how the state proves that this 20 or 30 percent group of voters from the district that cannot elect can do so now.

One thing that can be misleading sometimes with redistricting, if we look at numbers, 60 percent, 65 percent, 80 percent minority voting age population, those numbers may indicate that a district is viable where minorities can elect.

However, this is much more than a numerical exercise.

That's one of the things that came up in the Texas case.

In the D.C. -- the federal court in the District of Columbia determined that in the preclearance suit, the method of analyzing elections that the state of Texas used was improper.

The court found that that was a numbers-based process, where you say 60 percent they can elect, 65 they can elect, but 52 they can't.

It's possible that all of that is true, but as Mr. Strasma said, and I certainly concur with this, we must
have analysis to prove that.

The analysis may very well prove that.

On the other hand, it may suggest other areas that we have to look at.

So my view of this is I tend to be more cautious with redistricting in a Section 5 state than I might be in other matters involving federal election law and voting rights law, because the department looks at so many issues. And there are so many things that I think in an abundance of caution, to get that elusive preclearance, we need to have answers to, because we certainly -- I certainly recommend that we not be in the position that after a submission is made and the department calls us and says you created this district, it has 30 percent of voters from a district that can't elect, how can you prove to us that this is a viable majority-minority district.

The answer is not just a numerical one.

The answer is on Page 3 we talked about turnout, on Page 4 we talked about registration, on Page 5 we indicated electoral performance over a series of elections.

And then the department said, well, we must have missed that, thank you very much.

Because that's not -- that, that is a conversation that internally the department will have in their checklist and say, okay, the analysis plays out, what they're
representing seems to be accurate, we did our own analysis, the analysis shows the same thing, this district looks okay, let's go to the next one.

So does that get to what you were interested in?

COMMISSIONER McNULTY: So, the additional level of analysis that we would do for the 30 percent, we wouldn't necessarily do for the 70 percent that were in an affected district before? Is that -- so the 2008 presidential primary, we're going to be doing that analysis for the 30 percent, where we might not need to do that -- we might be able to do the Manny Cruz index, for example, for the 70 percent, because we've already convinced Justice ten years ago that that was a performing district.

BRUCE ADELSON: That is, that is conceivable.

I think that there's more uncertainty with the 30 percent than the 70 percent.

If you look at certain benchmark legislative districts today, like, for example, District 14. District 14 has demonstrated the ability to elect.

So if we're taking voters from 14, we don't have to prove to the same extent we do with a district where voters cannot elect right now that that ability continues.

Because the point with Section 5 is you can't reduce the ability. You can maintain the status quo, and you can, which is usually my recommendation, improve a
district and make it stronger. You just can't make it worse.

CHAIRPERSON MATHIS: We'll take a quick break while we reboot.

(Brief recess taken.)

CHAIRPERSON MATHIS: Okay. The computers rebooted. It's 4:14 p.m.

And I think Mr. Stertz was mid sentence.

COMMISSIONER STERTZ: I'll start, I'll start over.

Mr. Adelson, several questions. When the draft maps were approved, we were using, as Ms. O'Grady used the phrase, down and dirty Cruz test to use as our, as our analysis.

And there were two -- there were ten majority-minority districts that were part of legislative analysis.

The -- there was a lot of discussion that took place, particularly from Commissioner Herrera, talking about not wanting to have a tenth district or keeping the ninth district, there was a concern about that.

What's your -- where are we in regards to nine versus ten minority-majority districts?

BRUCE ADELSON: Commissioner Stertz, in the first part of that -- let me back up for a little bit.

In looking at -- in determining these districts,
we look to determine the -- whether or not minority voters are able and have been able to elect their candidates of choice.

In looking at the various districts in Arizona, my belief is that there are ten districts, benchmark districts, meaning precleared districts, where minority voters have demonstrated the ability to elect.

Now, at this point what we need to do as far as the submission is concerned is have analysis which is proceeding to confirm that minority voters -- or I should say minority legislators in these districts are, in fact, the candidates of choice.

Once with that confirmation, then that -- we move forward with other aspects of the, of the analysis. But in looking at the districts and looking at who the legislators are and my sense of they're also looking at election returns that there are ten benchmark districts.

COMMISSIONER STERTZ: Madam Chair, if I can continue that line of thought.

We -- the two reports that we've received, one is a draft, which was marked as a, as a, as an attorney-client privileged draft document, dated the 10th of November, and the one we received today, which has been contemplated for potential release to the public for analysis, what are the, what are the substantive differences between these that we
can highlight to?

And the other question I got more particularly that in reviewing the November 10th product, there was nothing really substantively new that I found that we -- with that was data that we hadn't already received and drilled down on, and it appeared as though the conclusion was that there were the ability to elect ten majority-minority districts legislatively.

Is that correct?

BRUCE ADELSON: Well, Commissioner Stertz, I'm going to defer to Mr. Strasma, because this is his report.

COMMISSIONER STERTZ: Okay.

KENNETH STRASMA: I would say that is a fair characterization, commissioner. That this -- there are no surprises in this. It's largely confirming what we knew based on the quick and dirty measures that were used throughout the process.

And this is something that's going to be ongoing. This is not the finished product. There's going to be more analysis to come, which I also thoroughly expect will not yield any surprises. But we do have to dot those I's and cross those T's.

So while this analysis didn't yield anything new, it's important that we go that extra step. And as we've been discussing in districts where a significant share of
population is from districts that weren't the ability to
elect, do that additional level of analysis for that
additional burden of proof.

And as to the -- your question on substantive
changes, we did -- we have been having an ongoing process of
editing the -- our list of minority candidates.

So some of the tables in this document list a
number of minority candidates and minority candidates
elected. There were minor changes in some districts. I
don't have those off the top of my head.

I know that it did not change any districts from
having minorities to not having minorities, and this changed
the number, and there was one candidate who was flagged as
Hispanic who was Native American, and that was corrected.

In terms of the introduction to the legislative
question, the question of ten benchmark districts has been a
ongoing point of discussion. And I believe the document
that you have today has the same assertion that we've made
now that we're operating under the assumption that there are
ten benchmark districts and that our burden is to prove that
we have the same number of equal or better quality.

Conceptually I think it's worth noting that
ten versus nine isn't necessarily easily or harder to do.

If the contention is that there are nine benchmark
districts, we have to make nine that are as good or better
than the nine that were benchmark districts.

The question if there are ten benchmark districts, the tenth one is a lower hurdle for us to cross in terms of being able to say to the Department of Justice we have made each one of these districts as good or better than the ten benchmarks.

So those are the substantive changes to your points.

COMMISSIONER STERTZ: The last question would be, Mr. Adelson, you are -- you've -- I witnessed you 31 times over the last 30 days, in all of our public outreach hearings, being the face, talking as the expert, as a former Department of Justice representative, and a member of this team that is representing this.

What, in your opinion, is the Department of Justice going to come back to us with as far as what they are believing the benchmark total to be?

BRUCE ADELSON: Commissioner Stertz, my opinion of that based on the information I have now is they'll say ten.

The reason this is so important is that one of the first things that Justice does when it gets a submission is it determines the benchmark number of districts where minority voters can elect and then sees if the jurisdiction has met that burden.

If the jurisdiction has, Justice goes about its
business as far as analysis.

If Justice determines right off the bat that the jurisdiction has not, then there's a different track. And appear track will likely be a request for additional information, which I'm satisfied will lead to an objection.

One of the first things we did nine years ago is just that.

We determined very quickly that there was some question whether the state had met the benchmark.

That's one of the reasons we did the request for additional information.

So that's why this is very important.

I would also, even if the benchmark, which it's not, I'm just speaking rhetorically, if the benchmark were two, I might suggest, well, maybe we can have a benchmark of three, because potentially there may be something out there that maybe we don't know.

Maybe the population grew. Looking at the proportion of minority voters in the state now over ten years ago might suggest that we might need three benchmark districts.

So I always like to err on the side of more is better from a Section 5 standpoint, because we don't want to get that request for additional information, which puts everything further this down the line.
So my opinion is that Justice would concur based on the information that we have now, that the benchmark legislatively is ten.

COMMISSIONER STERTZ: Thank you.

Madam Chair, follow up to that, going back to the concept of the recommendation of keeping Cochise County whole, that the description that Mr. Strasma used before about picking up in a new voters rights or voters rights majority-minority district voters that previously had not been included, that pale that goes into, is that -- does that make it harder to prove -- rephrase.

Do we have to have a higher level of analysis when we go into areas that have not previously been included?

KENNETH STRASMA: The short answer is, yes, we will. And the -- when I suggested that the guidelines of, you know, do no harm don't reduce the minority percent, that is an excellent example of keeping Cochise County whole would almost invariably impact that district. Which isn't to say that it can't be done, but that we would want to have the yellow flag on that change and do additional analysis of the change district, does it maintain the ability to elect.

And to -- I was going to say clarify, it will probably cloud rather than clarify things.

But when we're talking about not making districts
any worse and trying to make them better, that isn't to say that we can pack a district.

Packing is a term for putting too many minority voters in a district and, in essence, wasting those votes.

That, that can't be done.

And if there are any, any districts that appear to have, you know, too high a minority population, taking population from those and putting them in other districts is perfectly appropriate.

What we need to demonstrate is ability to elect, which is a yes or no proposition in DOJ's eyes.

And if, you know, if a district that is, you know, 70 percent Hispanic has the same ability to elect as one that's 65 percent, we haven't improved it by adding that five percent.

Likewise, we may be able to demonstrate that a change like the Cochise County change, although it lowers the minority percent, does not lower the ability to elect. But that is one of those yellow flag situations where we would have to do additional analysis on that change.

COMMISSIONER STERTZ: Very good.

And, Madam Chair, Mr. Strasma, in looking at that, does that east the burden on -- or heighten the burden if we were to keep Cochise County whole? For example, going back to that, because that will be our representative
presentation, the beginning of that.

KENNETH STRASMA: I believe that it will heighten it. There would be additional analysis that we would need to do.

MARY O'GRADY: And just for clarification, I think that's a legislative Cochise County issue rather than the congressional Cochise County issue.

KENNETH STRASMA: Yeah, right.

BRUCE ADELSON: Excuse me, Madam Chair, if I can make a couple points. The Department of Justice earlier this year issued a redistricting guidance.

And there's several aspects of that that I think are particularly poignant.

One of the -- and we and counsel have discussed this many times. One of our favorite parts of the guidance is the ability to elect either exists or it does not exist in any given circumstance.

That's not necessarily saying that that's something that the department propounded nine years ago. But that is a very key part. It's either there or not. And if it's not there, then we don't have the same concerns that we do if it does exist.

The department also made very clear in the guidance this year that turnout, voter history, and voter registration are essential elements to the overall analysis.
and the overall picture.

The department in the Texas case is taking a little different approach than we did nine years ago. They're looking at some things a little differently than we did. They're also making some arguments that we didn't make nine years ago.

I think part of that is that the Voting Rights Act was changed in 2006 and Section 5 was strengthened. So the department arguably has greater tools in its arsenal to find retrogression or to hold jurisdictions' feet to the fire as far as the burden of proof than we did before. And we had a lot of tools.

So it may be that the department looking at various things that we did not may be because of that. And one example is that the department in the Texas case, I think, is making an argument that if the minority population increased at a certain rate, and that is not in proportion to the number of majority-minority districts that exist in the jurisdiction, that proportionately that represents retrogression.

We didn't look at that nine years ago. It was very interesting argument, and that's something frankly that I've been addressing with clients at a local level, to look at population growth, look at the number of majority-minority districts, look at the
proportion, to see if there is a retrogression proportionately.

So all of these factors are very, very integral to what we're doing and very important in the analysis moving forward to satisfy the burden of proof and answer those questions from Justice. Because in looking at the analysis and looking at the plan, I mean, frankly what I'm doing is what Mr. Kanefield asked me and what you had asked me, Madam Chair, is looking at this from the DOJ standpoint.

And I am trying to look for as many things that they will, oh, okay, we need to have an answer to that. So we'll have an answer.

And that doesn't mean that these things are problematic from a legal standpoint, but that they raise questions that we need to answer.

Because the department will ask those questions and ask us for the answers. If we don't have the answers, then there won't be preclearance.

Thank you.

CHAIRPERSON MATHIS: Related to that accommodation of population rate growth, I'm curious, Mr. Strasma, did you say in one of your -- as one of your guidelines during your presentation that we underpopulate the majority-minority districts?
KENNETH STRASMA: That would be my recommendation.

CHAIRPERSON MATHIS: And how -- is there a rule of thumb at all in terms of how much?

KENNETH STRASMA: We've been trying to keep the deviation well within plus or minus five percent. I believe it's two point something to three point something, so just over five percent of total range.

And so I would say if we can avoid underpopulating by more than three percent, that would still be within the acceptable population deviation range. And there would be an acceptable compelling reason for doing of, to underpopulate majority minority.

CHAIRPERSON MATHIS: Is that of the population as a whole or the minority population in that district?

KENNETH STRASMA: Population as a whole.

The deviation constraints are total population, not any racial category.

COMMISSIONER STERTZ: Madam Chair, Mr. Strasma, is that merely to gain a percentage?

KENNETH STRASMA: Beg your pardon?

COMMISSIONER STERTZ: Is that merely to gain a percentage of opportunity? Is it purely a numbers game?

KENNETH STRASMA: There are two reasons for that. One is in order to strengthen the ability to elect in that district.
If we have guidance that allows a certain percent of population deviation and the choice of some districts be over and some districts be under, and we're able to strengthen the minority vote by underpopulating the minority, then that in other jurisdictions has been held to be acceptable.

The other reason for doing that is because of the disproportionate share of population growth that has been in Hispanic community in Arizona. It is likely that these districts that are currently underpopulated would be overpopulated by the end of the decade, if not by the next election.

So taking into account areas of population growth is another reason why the Commission might choose to underpopulate.

COMMISSIONER STERTZ: So, Madam Chair, Mr. Strasma, you're looking at anticipation of growth.

KENNETH STRASMA: Yes, that is one of the considerations.

COMMISSIONER STERTZ: Is that a consideration that we have a constitutional mandate to do?

KENNETH STRASMA: No, commissioner.

COMMISSIONER STERTZ: Okay.

The other two in Texas, Dr. Lisa Handley was the -- did most of that, that work.
In her reports, what, what can we learn from what was done in Texas that can be brought over to what we're doing here in Arizona?

BRUCE ADELSON: Commissioner Stertz, I think that a lot of what we're talking about today as far as evaluating turnout, electoral success, registration rates, for example, looking at combining voters from districts where they cannot elect, that was a big issue in Texas.

And Texas -- what Texas did, what the court in D.C. found fault with, was their numerical approach. Saying 58 percent, that looks good. They can elect. Sixty-five, that looks good. Without that extra level of analysis.

So I think that those are very important lessons to learn.

The analysis that we've been discussing today, the analysis that I understand is ongoing, were -- are accepted aspects of redistricting analysis which will comport with what is going in the Texas case and what is going on nationally in other jurisdictions.

The learning -- the lessons from Texas and also frankly learning the lessons from the Harris County additional information request, learning lessons from other preclearances the department has already issued are very important.
And I absolutely agree that there's a lot to be learned, and that's why we had thought that presenting a lot of this information today is important, because in Mr. Strasma's point about underpopulating, the -- there is -- that's in the legislative districts, not the congressional.

Congressional districts have a constitution equivalency requirement.

There is no federal requirement to the same extent in the legislative districts.

Now, there used to be during the last redistricting an assumption that if you stayed within a 10 percent deviation you were okay.

There was a federal court case in Georgia called Larios, in 2004 I believe, that called that into question.

There is no bright line rule that says, okay, six percent is good or seven percent is good.

But I think as Mr. Strasma said looking in the five percent range and concluding that you have a rational basis for perhaps going to seven percent in one district or eight percent -- and I'm just throwing numbers out. A rational basis is compliance with the Voting Rights Act.

And underpopulating certain districts to the extent that you increase the minority proportion, another acceptable tool is reducing the Anglo voters who have been
shown through analysis do not support minority candidates of choice. That's a very accepted redistricting tool that is something that I have been doing with many of my clients around the country.

That's something that the Department of Justice looks at.

Frankly to the extent that that can be shown and done, I think that's a point to highlight.

Because if you lower the number of people who do not support minority candidates, you are by consequence increasing the proportion of people who do, even without bringing one more voter into a district that supports a candidate of choice.

So doing that is a very accepted rational approach to redistricting. It's something that the department will look at great favor on.

And to the extent that that can be done and shown is very important in the overall analysis of the plan in complying with Section 5.

COMMISSIONER STERTZ: So, Madam Chair,

Mr. Adelson, you're, you're in favor of underpopulating counties to increase the opportunity to elect.

BRUCE ADELSON: Commissioner Stertz, I'm not underpopulating a county per se but --

COMMISSIONER STERTZ: Excuse me, a district.
BRUCE ADELSON: A district, yes. That to a certain extent that is a recognized acceptable approach to compliance with the Voting Rights Act. Yes, that could be a way to achieve Section 5 compliance.

It's not the only way, but it is one accepted way of doing it.

COMMISSIONER STERTZ: Okay.

Madam Chair, I'd like to, I'd like to hear from the other commissioners in regard to this, and most specifically Commissioner Herrera as he was very vocal as we are closing out discussion points on districts and consideration of packing, et cetera, about what your opinion of this discussion is.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: If I remember the conversation correctly, I was not in favor of creating ten. I thought nine was the appropriate amount. But I was overruled, and we went forward with that.

I think the data that our attorneys and Ken Strasmas and his team are providing that they will prove me wrong that ten was the right number.

And I stand corrected.

But what I -- I do like the fact that we're giving choices of how we can strengthen other districts. If it
means to underpopulate one district and maybe move that population, whether it be Hispanic voters to a different district to strengthen a district next to it as a majority-minority district, I'm in total favor of that.

I think we're meeting -- that is one of our constitutional requirements that we have to meet the Voting Rights Act, and I think we need to look at all of our options.

MARY O'GRADY: Just one comment on that point. On the total benchmarks, in terms of -- this has been a subject as Bruce referenced, that we've had healthy, I think, debates internally. Because when we look -- and I think some of it focuses on, specifically District 24, for example, in the benchmarks, because they have elected a Hispanic senator. She was elected in 2006, had an uncontested race in 2008, and was defeated in 2010. They don't do as well when you look at some of the statewide races in terms of the minority candidate of choice when they look at the analysis that was done. So one of the debates that we've been having was does that count or does that not count.

I'm not persuaded myself when I look at the evidence that that is presently an ability to elect district, when I look at it.

Bruce sees it differently.
And so, but, but the map that we've developed, or
the Commission developed, as a draft map does have ten.

So, you know, I'm comfortable staying the course
in terms of trying to bolster those ten.

And I think when we do our submission, we'll
include all that descriptive evidence. And maybe, you know,
maybe he'll persuade me or I'll persuade him, one way or
other.

But at the end of the day we'll give Justice the
information, and they'll make their call as to whether they
think there's ten or nine.

But I think it's probably prudent to stay the
course in terms of the ten districts that are in the draft
map and look to do no harm and strengthen them if there is a
way to strengthen them.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I agree with Mary O'Grady.

If we can move and if we are doing the analysis and proving
that we have ten, then I am more than happy to stay the
course and not make any changes to decrease to nine or
anything else.

CHAIRPERSON MATHIS: Any other questions or
comments for Mr. Strasma or Mr. Adelson?

COMMISSIONER STERTZ: Madam Chair.
CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I'd like to know your opinion on the release of the document we received today to the public, the draft document dated the 28th of November, for the public to be given to review and comment.

CHAIRPERSON MATHIS: I would ask legal counsel what their thoughts are on that in terms of releasing the draft document.

I'm fine with that if that's something that you think we can manage accordingly, and I'm sure that everybody understands it's a draft, and we're not -- we haven't even drew the final maps yet, so it's a work in progress.

JOSEPH KANEFIELD: Madam Chair, as I mentioned earlier, we consider the document to be work product, prepared at the request of counsel. But with the consent of the Commission, we have no problem with the Commission making that public, with the understanding that it is a draft and it is a work in progress and we continue to work with the mapping consultant and Professor King to work on the final analysis. And it may very well look different when the final analysis is completed and also depends on the changes that are made to the Commission over the next few weeks.

CHAIRPERSON MATHIS: Ms. O'Grady, are you listening?
MARY O'GRADY: Yes, I'm fine releasing it. We've had a public session discussion of the analysis. It makes sense to let folks see the analysis that we have been discussing.

And if people have concerns about the analysis, hopefully we'll hear about it.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I would just make the comment that -- thank you.

If I would understand what Mr. Strasma's response to a question earlier about there being nothing new here, to mean that one important takeaway from this is that our draft maps are pretty solid, and we have -- and this analysis reflects that, that we didn't find any substantial deficits that jumped right out at us.

We're going to have to do some more analysis of course, but that's how I would interpret what you explained to us.

KENNETH STRASMA: And I would share and echo that interpretation. I was glad to not see anything new or surprises in this analysis.

CHAIRPERSON MATHIS: Are the other commissioners comfortable with releasing the draft document?

VICE-CHAIR HERRERA: I am.
COMMISSIONER STERTZ: Madam Chair.

I have to unfortunately disagree with Commissioner McNulty's summary that the grid maps are -- or the draft maps were complete.

We know that the way that these ten legislative districts that were analyzed and the two congressional districts as they were drawn were analyzed meet the criteria as set forth, but there could have been innumerable different amounts of iterations that would have allowed for the same analysis to take place and the same results to take place.

So I don't want to be giving the public the impression that this design, this sole design, was the only design. That there were many ways that you could have approached this same problem. And there were many ways to approach this.

But this was the only map that was analyzed to this level of criteria.

CHAIRPERSON MATHIS: Are there other comments on this draft of racially polarized voting analysis in terms of releasing that to the public?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: What I do want to say is that Mr. Strasma did a great presentation, lengthy presentation...
that people in the public probably want to read, whether it be the terms that were described. I was trying to write them all down. I'm not as fast as Commissioner McNulty in writing them down. So I would like to see them on the website if at all possible.

COMMISSIONER McNULTY: I did have one question about that too, now that I think about it.

Is crossover always the inverse of racially polarized voting? Is it really just two different sides of the same coin? Or can crossover be -- you know, if there's higher racially polarized voting there's low crossover and if there's high crossover there's low racially polarized voting? Or is it -- or do they not equate to one another like that? Is there another component of crossover that we need to understand?

KENNETH STRASMA: Generally speaking they are the inverse of each other.

It is possible, however, to have some level of crossover as in the non-Hispanic White population Hispanic candidate at, say, 55 percent, while the -- so there's significant crossover, while at the same time the Hispanic population is supporting their candidate of choice at 90 percent.

So it's possible for a district to be polarized and have crossover.
Generally speaking though they are the inverse of each other.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Just a quick item.

The -- that graph that we're seeing there is for District 7 as it currently stands; correct?

Have we seen one that is based on the map that we have drawn on the draft map?

KENNETH STRASMA: Yes. And the -- that can be found on the section starting Page 13 of the analysis.

VICE-CHAIR HERRERA: Madam Chair.

Is there any way we can bring that up?

You probably don't have a Power Point screen of that shot, do you?

KENNETH STRASMA: I'm afraid I do not.

And perhaps if you tell me if you're looking for a different takeaway.

I think if there was one number that I would want to highlight on what's on the screen, it's the bottom row third column. The total votes for the Hispanic candidate there meet the 50 percent, and contrast that with the 53 percent in -- for the draft district.

I should highlight this is -- it's not all the same district.
That's taking into account votes from multiple different congressional districts, which is why if you were to look then on Page 60, there's an analysis of mine inspector, you would have broad more solid ground looking at statewide races because no matter where you lived you had the ability to vote in that district.

And there in that district, the mine inspector Hispanic candidate received 60 percent of the vote, as configured in the draft map.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The reason I bring this up, it's just a hypothetical, you did -- if we were to go back and say, you know what, let's combine, let's not break it out, let's keep it the way it was before, knowing that you did that, that racially polarized voting analysis, what would it mean for preclearance?

KENNETH STRASMA: There would be two steps to answer that question.

First would be the quick analysis where, you know, we need to determine does it appear that the district maintains its ability to elect.

And if it did not, then clearly that would not be something the Commission would want to do.

If it appeared on the basis of the quick analysis
that it maintained the ability to elect, we would have to
do -- we would have to redo this level of analysis and
further in order for approving that for the submission.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Okay.

Mr. Stertz, are you also comfortable with the
draft --

COMMISSIONER STERTZ: Of course.

CHAIRPERSON MATHIS: Okay.

We'll go ahead and post this to our website. This
is a draft racially polarized voting analysis that's dated
November 28th.

And it would be really helpful, I think, if,
Mr. Strasma, maybe -- I don't know if this presentation is
also going to go up on the web, but maybe include the
definitions of polarized voting, candidate of choice,
cohesion, crossover, those things, just so that we all have
a good understanding. That would be great.

COMMISSIONER McNULTY: Madam Chair, Mr. Strasma,
would it be possible with regard to the congressional
districts to put for the draft congressional districts in
parentheses, you know, replacement for former district? And
the reason I say that is because it is very confusing
because we have a current CD 7, which is different from the
draft CD 7.
KENNETH STRASMA: Yes, commissioner, I know exactly what you're talking about. You'll notice I was referring to them as the Maricopa and southern districts to avoid that confusion on both -- either on my part or those listening --

COMMISSIONER McNULTY: Maybe that would be a good way to do it.

KENNETH STRASMA: Yeah. And it -- in the case of the congressional draft map, it's easy to say.

COMMISSIONER McNULTY: Yeah, I know we can't do that on the legislative map.

KENNETH STRASMA: For the commissioners and those of us who look at this report on the web, when -- in the draft legislative districts, on the district-by-district section it does show the components of old legislative districts that went into the new district. So there's a piece of the six old legislative districts, which those are, are shown, as are the counties included in the legislative district to give some framework of this.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: A question for Mr. Strasma. In looking at this analysis, and looking at the results of this analysis, do they compare themselves to the down and dirty Cruz tests that were done on the -- at the
draft map level? Were you saying that there -- that this is
a -- I'm sure, I'm sure that this is a refinement, but is it
a reflection as well?

In other words, were there any surprises that you
found one way or the other as these numbers compared against
the down and dirty Cruz tests that were performed at the
very beginning?

KENNETH STRASMA: No, there weren't.

As I was going through this, I remember thinking
district by district, as I pulled each new one up, that each
of them was pretty much as expected.

And I should say, it would not have been, given
the number of districts we're looking at, it would not have
been that unusual for one or maybe two to deviate slightly
from what we had expected. But there were no significant
surprises.

COMMISSIONER STERTZ: And that was the point of
recollection that as there were other maps that were
produced in other analysis, in Cruz that were -- in Cruz
analysis that were done for other maps historically, that,
that you probably would surmise that we would have had the
same results, that, that you could -- there would have been
minor changes based on this.

KENNETH STRASMA: Yes, we can't say that for sure
without doing the analysis, but I believe that would be
reasonable.

    COMMISSIONER STERTZ: That's fair. That's all I
    was trying to ascertain in that. Thank you.

    CHAIRPERSON MATHIS: Any other questions or
    comments?

    (No oral response.)

    CHAIRPERSON MATHIS: Okay. Thanks, everyone, for
    all your help on presenting that information to us. We
    appreciate it.

    This takes us -- let me check the time.

    How are you doing, Marty? You okay?

    It's 4:51, and the next item on the agenda is
    overview of public input on draft maps.

    And this is another presentation by Strategic
    Telemetry.

    VICE-CHAIR HERRERA: Madam Chair, how long is that
    part of the agenda going to take?

    CHAIRPERSON MATHIS: We'll have to ask Mr. Strasma
    or Willie.

    WILLIE DESMOND: Maybe 20 minutes, half an hour.

    VICE-CHAIR HERRERA: That would be an hour.

    WILLIE DESMOND: Depends on how much you guys want
    to ask questions and look at the presentation.

    VICE-CHAIR HERRERA: Madam Chair, I'm assuming
    we'll have -- I know I'll have plenty of questions. Can we
take a quick break before that?

CHAIRPERSON MATHIS: Sure. It's 4:52 p.m. Let's take a ten-minute break.

(Brief recess taken.)

CHAIRPERSON MATHIS: Okay. We'll end recess. The time is 5:15 p.m.

And we are now on agenda item five, overview of public input on draft maps.

And this is a presentation by Strategic Telemetry.

Mr. Desmond.

WILLIE DESMOND: As everyone here is well aware, the past month and a half or so, there were 30 public meetings conducted around all around the state of Arizona in order to gain public opinion about the draft congressional and legislative maps.

In the first round of public hearings when we presented the kind of summary of the input, it was a little easier to try to summarize different people's opinions based off of the six constitutional criteria that they tended to choose to speak about.

And in this round the input was much more varied.

So we tried to show kind of a more analytical sort of approach.

All right. Just as a bit of background.

The different types of public input that we
collected are -- at these public meetings are the testimony and the materials that are handed in, the public hearings, round two. There was, again, 30 meetings, one satellite location.

And then aside from the public comments that were made by people who chose to speak at those public hearings, there was also blue sheets handed in and other information that people submitted to the Commission.

Additionally there's been many web submissions. There's been people mailing and phoning in their input. There's been things hand-delivered and been quite a bit of online mapping that's been done also.

So the goal of this second round of hearings and a lot of the public outreach staff that's on the Commission has been to ensure that everyone who voices their concern about this process, about these maps, is heard and that their feelings are taken into account by the Commission, as you begin to adjust these draft maps.

So, just a little summary of round two.

The meetings ran from October 11th through November 5th. There were 30 cities, including one satellite location.

813 comments were given to the Commission.

There was also 396 blue sheets turned in.

A blue sheet, again, is the people who wanted to
submit public comments at the meeting and didn't have time
to speak or had to leave before they were called. They
turned in written comments at the meetings.

In all, 2119 people attended meetings across the
state.

The age range of people that spoke was from
13 years old all the way up to 92 years old. In all there
was 3,655 minutes of public hearings, which I'm sure you're
all aware from both attending them yourselves and watching
them and reading the transcripts.

The average meeting length was two hours and
six minutes.

So the presentation we're going to make relates
some of the information of the comment in two ways. One way
is through word clouds. Word clouds are a diagram that
shows how often different words were mentioned in the public
comments.

They're based strictly off of the transcripts.

I'd like to thank Marty and Michelle for being
very accommodating and getting us all those transcripts.
And they're based solely off of that.

There's no sort of coding in those where we make a
judgment call about what is or isn't included. There were
certain words removed.

Those tended to be things that were formatting,
such as line numbers. Or whoever was chairing the meeting was often the most commonly used word in the transcripts, because it identifies that person when they speak, so that wasn't actually spoken.

So we removed things like that just so that it didn't confuse you as you look at this.

And, again, it's important to emphasize that these word clouds do not show whether the opinion is negative or positive. Simply how often each word was said.

So with that, here's a word cloud of the most common said things through the course of all 30 meetings.

I know these are going to be small and hard to see. This will be available on the website shortly.

But just to kind of emphasize, looking at this you can see that the most common words are Commission, thank, county, Arizona, district, communities.

This is over the course of all the meetings.

When you start to look at the different word clouds for each one of the meetings, you can see the different emphasis in different areas of the state.

Additionally, Andrew Drechsler, Korinne Belock, and myself were attending a lot of these meetings and presenting the draft maps, and tried to meet people, we took detailed notes of what each speaker said, kind of got a good sense of the different opinions of the areas. So we also
included a few bullet points, kind of like the main highlights that were mentioned at each of these meetings. So starting with the first meeting in Phoenix. The main point, for instance, that a number of people expressed appreciation for the maps, for the work of the Commission, for the process. There were tweaks around the edges that came out of these meetings. There's various specific examples of changes that people wanted to see in the testimony.

There was a good amount of citizens who expressed a need for more competitive districts.

I'll point out that you can see the date of meeting, the city it took place. The number afterward is the number of public comments that were given at that meeting.

So the word cloud is not sized differently. So if one person spoke at the meeting, the word cloud is basically going to be what they said. If 75 people spoke, it's going to be what everybody said. That's important to know.

VICE-CHAIR HERRERA: Madam Chair.

I was --

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I was at the meeting in Phoenix, and I would think -- I probably wouldn't agree with the word some. I would probably say the majority of them or
a good number of them expressed a need for more competitive
districts.

WILLIE DESMOND: Moving on.

To Payson. There was concern about Gila County
being split into three different districts in the draft
legislative map. There was also some concern about CD 1
being too large for someone to effectively serve the entire
district.

Flagstaff. A number of citizens expressed
appreciation for the maps, both congressional and
legislative. One change that was brought up a number of
times was the desire to have the Schultz fire and flood area
to be with Flagstaff on the legislative district map. Along
the same line, Fernwood and Timberline should also be with
Flagstaff according to public comment.

Moving to the south, there was a desire to have
Cottonwood be with Flagstaff and other parts of the
Verde Valley.

Window Rock. Twenty-one people spoke. A number
of citizens expressed support for the maps, especially since
the Native American percentage in Congressional District 1
is higher and in the legislative district is higher than the
current maps, in the draft maps.

Eagar. Eleven people spoke. There was some
concern that CD 1 covers a lot of land, but yet there was a
lot of support for two rural districts.

Hon-Dah. A number of people expressed desires to see Show Low kept with Legislative District 7, or at least with the Pinetop-Lakeside area. There were comments that the maps did not seem compact. There was a desire to see more competitiveness in the districts.

Prescott Valley. There was concern that Yavapai was broken up since the county population was similar to legislative district seat exactly. Also there was a desire to keep Yavapai whole, bringing back the northeast corner and losing the Maricopa County portion. So keeping the Verde Valley with Yavapai and with Prescott.

There was also a request to make Legislative and Congressional District 1 centered in Yavapai County to keep the tradition of that being the first district going.

Tuba City, only two people spoke.

And there was support for the maps as the number of tribes are kept together -- a number of tribes are kept together.

Chandler, there was 38 speakers. Some of the main points were that those from Chandler expressed support for the maps as it kept Chandler together. A number of citizens though expressed a desire for more competitive maps. They were concerned that there are too many safe seats for each party.
Bullhead City. There was the sense that the river cities' needs were addressed and they were kept together.

Maryvale. There was a number of specific comments on how the borders should be slightly tweaked. I guess that should be B-O-R-D-E-R-S.

I guess that one slipped by the spell checker.

There is a desire to see more competitive districts also.

San Carlos. There was support for the LD and CD maps by a number of representatives of the San Carlos Apache Tribe that Gila Counties are not split, split as much, Gila and Graham County.

Again, concern that they were being split too often.

Globe. There was a general concern that the rural voice is not being heard, and there were a number of communities of interest expressed and shared during the meeting. Those communities of interest included ranching, mining, timber interests, that were especially mentioned by the people there.

Avondale. There was concern that Avondale is with Yuma. The people did not see that as a community of interest. There's also a concern that Goodyear is split and also noted that Goodyear should not belong to a rural area.

Sells. A desire for competitive districts and
districts that are sensitive to the tribes.

Tucson. Seventy-nine. Sells add one speaker.

Tucson had 79.

There was a large voice supporting the maps that wanted to see them more competitive. A large voice that felt CD 1 was too big and should be more compact.

Sierra Vista. Resounding support to keep Cochise County whole.

Mesa. A number of specific requests from citizens who traveled to Mesa. Those are all available in the transcript. It wasn't necessarily one common change that they wanted to see, but several specific tweaks to the maps. And a lot of support for more competition in the maps.

Safford. Graham County needs more rural representation that understands rural issues. And you need to keep Graham and Greenlee Counties together. They are a community of interest.

Nogales. Thanks the commission for their work. Please consider Interstate 19 corridor and Santa Cruz River Valley communities -- Santa Cruz River Valley communities of interest and keep them together.

Yuma. A lot of people that wanted to keep Yuma County whole and with La Paz County. People upset with the IRC because it's biased and the maps they felt should be redrawn.
Some people from southern Yuma County have said that southern Yuma County has more in common with other border areas and should be a voting rights district.

South Phoenix. Upset at the governor and legislature for trying to derail the Commission and thanks the Commission for their work. Said the Voting Rights Act is very important and should be a main consideration. They would also like to see more competitive districts.

Cottonwood. Verde Valley should be kept whole with Flagstaff. They don't have anything in common with Prescott. It was also a sentiment that we need to keep Yavapai County whole and don't split off the Verde Valley. They share common water issues and history with Prescott. Many people thanked the Commission for their work, and many people were upset with the Commission and think it should be changed.

Peoria. Many comments offered specific changes that they would like to see adopted. There was a need for more competitive districts and that there was too much emphasis on competitive districts. They thanked the Commission for its hard work.

Scottsdale. Seventy-three comments. Competitiveness was cited a number of times. Those who feel it is considered too high, but more comments that were in support of more competitive districts.
There was also concern that Fountain Hills was in CD 4 and that it should be put with that eastern rural district.

Sells. Again, a chance to see the tribe kept together in one CD.

Marana. A number of people expressed support for the Commission and condemned the actions of the governor. There was concern how Marana, Oro Valley were with CD 1 and not with Tucson, and felt that CD 1 is definitely not compact.

Green Valley. A lot of people wanted to see Green Valley with Sahuarita and vice versa. Overall there was a feel that Green Valley and Sahuarita should be with Tucson and not in a rural district. And there was a lot of support for the Commission and disappointed in the actions of the governor and state senate.

Finally, Casa Grande. There's a variety of different comments at this meeting in support for keeping Pinal County whole. There was also a number of people expressed support for the Commission.

In total to date there have been over 65,000 -- or 6500 comments collected and cataloged by the Commission staff.

Those are available to the different commissioners as they've mentioned in their binders. Also available on
the Catalyst website for them to use and research as they begin the process of considering changes to these draft maps.

With that, that closes the presentation.

And like I said, we will try to get this online as soon as possible.

CHAIRPERSON MATHIS: Thank you, Mr. Desmond.

Any questions or comments from commissioners?

(No oral response.)

CHAIRPERSON MATHIS: I would just give a shout out to our amazing staff who made that all possible and got us to 30 different locations around the state. It was quite a yeoman's effort to do, and they did a great job.

So thank you, staff.

And thanks to the commissioners and our transcription services and legal counsel and mapping consultants for all being there and staffing them.

Okay. With that, our next item on the agenda is number six, consideration of input from the Legislature through memorial and minority report.

I'm not sure who was planning on presenting that information.

I know we've received their report.

MARY O'GRADY: Madam Chair, we put this on the agenda just to highlight that the constitution does say that...
during the 30-day comment period either or both bodies of the legislature may act within that period to make recommendations to the Commission by memorial or minority report.

And those recommendations shall be considered by the Independent Redistricting Commission.

And then we can, you know, establish the final boundaries.

So we wanted to make sure, again, the Commission's received all the public input, but we wanted to make sure that we made record that the Commission has received the memorial HCM2001 that was approved in the special session.

And with that was the report of the Arizona Joint Legislative Redistricting Committee.

So those materials are available to the Commissioners.

There also was a minority report that was submitted to the Commission, which was in the form of a letter. That should be within this packet. And that was in the form of a letter, November 1, from the Arizona legislature. And it's signed by the minority leader from the senate and the house minority leader Chad Campbell and David Schapira.

So we received those documents from the legislature.
I don't know that it makes sense now to sort of read through those, but maybe commit it to the Commission to makes sure that you review those. And as the mapping process proceeds, you may want to -- you can take those into account as the work goes on.

I did note -- I would note just one thing. We had some conversation about underpopulating. And when you look at the equal population comment that the legislature made on Page 2, it does note that the last redistricting commission did underpopulate the minority rights districts as part of their effort to meet their voting rights benchmark.

And I just mention that because that was something that came up today.

And they do make comments on both legislative and congressional maps, so you might want to consider that.

Now, there was some -- some of it are constitutional issues in the legislature's memorial.

Again, as we've discussed, those are probably issues for a court to decide. But certainly if the Commission is concerned about anything, they can consider those as they propose recommended changes to the draft map.

There was an allegation about improper consideration of places of residence of incumbents. But looking through the report, that's based on speculation.
And clearly our record included no consideration of incumbent addresses.

So, that's the point that I wanted to make, and just refer it to the Commission for their consideration as the mapping process proceedings.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Ms. O'Grady, you chose to highlight though two points. Why?

MARY O'GRADY: Maybe I shouldn't have. I just --

COMMISSIONER STERTZ: These documents are pages long and --

MARY O'GRADY: Right.

COMMISSIONER STERTZ: -- they're filled with incredible amounts of research, data, and presentation, and testimony.

And you've highlighted two. Why?

MARY O'GRADY: Yeah, I just mention two because one came up today, the point on underpopulating. And so I thought it connected to a prior discussion. But there are other things.

And the other, I just thought it was appropriate to put in the record something that made it clear that that was not something that was considered by the Commission in terms of the incumbent residences.
COMMISSIONER STERTZ: I mean, we have talked about perspective communities of interest. We have talked geography. We have talked about other areas too.

MARY O'GRADY: Sure. And I just thought I would highlight those. But you certain can highlight, you know, whatever you feel highlighting --

VICE-CHAIR HERRERA: Madam Chair.

MARY O'GRADY: -- as part of the Commission discussions.

VICE-CHAIR HERRERA: I think as --

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I think as Ms. O'Grady said, we're free to read this information and take it into account when we are making changes to the draft map. So I think she was pretty clear.

COMMISSIONER STERTZ: Well, I understand, Mr. Herrera, but I keep getting back to --

VICE-CHAIR HERRERA: I'm not done.

COMMISSIONER STERTZ: -- there seems to be a slighting of the delivery of testimony --

VICE-CHAIR HERRERA: I think --

COMMISSIONER STERTZ: -- and there's -- and this was, the house, the house and the senate, the house went through a lot of trouble to capture testimony to put this memorial into place.
VICE-CHAIR HERRERA: And --

COMMISSIONER STERTZ: And to, and to gloss over it and just to highlight those two items, one, I'd rather have chosen to not highlight them all or at least to go into every single one of these in its full and completeness.

VICE-CHAIR HERRERA: I don't think Mr. Stertz can be happy with anything we do today, so I suspect that we just -- I recommend that we just move forward and we -- his comments are noted, but I . . .

CHAIRPERSON MATHIS: Okay. I have a question. It says house concurrent memorial 2001. Is this from the previous Commission or is this the current?

MARY O'GRADY: Madam Chair, that's for the current Commission. It's just -- that's just a number.


MARY O'GRADY: The year is up in the left-hand side, 2011.

CHAIRPERSON MATHIS: Got it. Thank you. Okay.

Any comments or questions on any of this material?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: May I ask legal counsel why this, why this -- you said that it was a constitutional
They chose not to do it the previous Commission, and they chose to do it now.

Do you have any insight or -- into why they chose to make this choice now or why they chose to assemble this team now?

And also, are you -- is there a recordation of the transcripts that are also available to the Commission to read of the -- that go beyond the depth of this report?

MARY O'GRADY: Commissioner Stertz, I'm not going to speculate on why they did that.

I think the reports speaks for itself.

And, again, there's the minority report as well that goes with it. And they're both referenced in the constitution as things that should be considered.

And in terms of the records of the Commission, legislative hearings, those are in the legislative website available for review. And that would be something that, you know, you could certainly review those. And we've discussed how that really does become part of the record of the comments that have been submitted.

VICE-CHAIR HERRERA: Madam Chair.

JOSEPH KANEFIELD: Madam Chair.

CHAIRPERSON MATHIS: Mr. Kanefield.

JOSEPH KANEFIELD: Madam Chair, members of the
Commission, just to add to that point, the legislature conducted several hearings over several days. And those, as Ms. O'Grady just mentioned, those are available on their website to be watched.

They're web streamed, so they were -- you can watch the testimony live, and jump to any part of the testimony you wish to review.

So it's all available on the AZleg.gov.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The -- I think we -- every citizen in Arizona, including the state legislators, were encouraged to attend their meetings and voice their concerns.

Most of them chose not to.

I recall seeing a very few Republican, probably more Democratic legislators approach the Commission and talk about their communities of interest, what's important to them. So I think that was a time for the leaders of the state to come forward and talk about what matters to them.

And, again, my account, I saw very few at these meetings.

I saw very few at the public hearings, both the first round and second round.

So I think that's -- and we've given them -- we've
given ample opportunity to speak in front of the Commission. And as I said, most chose not to.

CHAIRPERSON MATHIS: Any other comments or questions on these?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Well, we'll be taking all of them into consideration when we start to adjust the draft maps.

The next item on the agenda is number seven, consideration of governor's letters on mapping adjustments.

JOSEPH KANEFIELD: Madam Chair, members of the Commission, Governor Brewer wrote two letters to the Commission expressing her views on the draft legislative and congressional maps.

One letter, dated October 26th, and that letter discusses her views on the congressional district map.

The other letter is dated November 9th, 2011. That letter discusses her views on the draft legislative map.

They're two-page letters. They're in your materials and for your consideration.

CHAIRPERSON MATHIS: Thank you.

Any comments or questions on those letters?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: Again, I'm going to reiterate I never saw anyone representing the governor or the governors at any of our meetings. And she had ample time to express herself and chose not to.

CHAIRPERSON MATHIS: Any other comments?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Are you saying, Mr. Herrera, that because the governor of the state of Arizona did not attend one of our hearings that we should -- are you giving less weight to the document that she's submitted to us for contemplation?

VICE-CHAIR HERRERA: No, you said that.

What I said is -- I stated a fact.

That the governor or representative for the governor was at none of the meetings. She chose to attend none of them --

COMMISSIONER STERTZ: What's your point?

VICE-CHAIR HERRERA: Well, what's your point? I mean --

COMMISSIONER STERTZ: The point in making that statement.

VICE-CHAIR HERRERA: It was a factual statement.

CHAIRPERSON MATHIS: This isn't constructive, guys.
Stop.
Okay.

So assuming there's no other comments on agenda item seven, we'll be taking those letters into consideration as part of our public input as well.

And that takes us to number eight, which is discussion and possible direction to mapping consultant regarding adjustments to draft congressional, and then of course the next one is draft legislative.

We also have -- I just, looking ahead on the agenda, there's a few legal advice items. I'm wondering how commissioners feel, if you want to -- is there anything we want to give our mapping consultant today to chew on, for instance, some ideas for any adjustments that are burning in your hearts that you'd like to have them start to look at so that they could be doing that work and then bringing it back later this week.

VICE-CHAIR HERRERA: Madam Chair, I had already expressed my -- the change that I would like to make to both the legislative and congressional map to include the fire district in -- I think it was -- my mind is blanking. It's the Schultz fire and Fernwood, and I forgot the other one.

CHAIRPERSON MATHIS: Timberline.

VICE-CHAIR HERRERA: Timberline. Those are three areas that -- I attended the Flagstaff meeting and it was
pretty clear that there was a consensus at that meeting that
that is something that should be included within those areas
of the flood and fire area should be included within the
city of Flagstaff and Coconino County, both in the
congressional and legislative maps. This is something that
I would recommend that we do.

I think -- if anybody was listening to that
meeting or read the transcripts or attended, there was
probably no discussion that that's something we should be
doing.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: The process, when we earlier
discussed what the process was going to be for moving
forward with directions from commission to, it was my
understanding we were going to go through and we were going
to make presentations of what our changes would want to be
and vote on those changes before they would be moved forward
to the mapping consultant for integration, for analysis.

Has something changed?

CHAIRPERSON MATHIS: I didn't view it as that we
would vote on each person's ideas.

But I had hoped that we could come to consensus at
least on some ideas for the mapping consultant to go forward
and be able to come back and show us the analysis of the
impacts of those adjustments.

And so that was my take, and I may have a
different take than all of you in terms of what we were --
how we were going to proceed.

But I thought that we could agree just on some
ideas to at least get our mapping consultant moving forward
on some of these adjustments.

VICE-CHAIR HERRERA: Madam Chair, I -- as I stated
before, I don't know if I'm okay with people recommending
changes, the commissioners, for the mapping consultant to be
spending time on things that probably will not be approved.

Because there are probably changes that I want to
make that the Commission as a whole may not agree with. To
me I would see it as a waste of time for the mapping
consultant.

So if we will be making changes that are
significant, I think we as a Commission should be voting on
those changes.

CHAIRPERSON MATHIS: Other thoughts?

COMMISSIONER McNULTY: My thought on the general
changes is that I kind of agree with the direction you were
going in.

That I know I have some thoughts about changes on
both maps that I, I would like to offer, but I'd rather do
it when we're fresher and I've had a better opportunity to
think through where the ripple effects are and what I would
want to ask Ken and Willie to look at in terms of ripple
effects.

So I would be prepared to do that tomorrow, at
least for some first comments.

In terms of the Schultz fire, I think that's an
important thing for us to look at and see how we would do
it, see whether we have the information that we need to do
it, and see what the impact would be in terms of population
on the district, and, again, what we would need to -- what
countervailing change we would need to make.

So I would support asking them to look at that.

COMMISSIONER STERTZ: Madam Chair.

Mr. Stertz.

COMMISSIONER STERTZ: I would like to include then
that based on public comment the keeping of Cochise County,
Greenlee, Graham, and Yuma Counties whole, as -- and then
for us to determine what the net ripple effect would be of
those changes.

VICE-CHAIR HERRERA: I would not be in favor of
that. I think that would be wasting the mapping
consultant's time.

COMMISSIONER STERTZ: Why would that be a waste?

VICE-CHAIR HERRERA: We've done the voting
analysis with, with Yuma and District 7.
And Yuma -- I live in Yuma, for 18 plus years. I still go there.

And you saw that that particular district, the way it was shaped and the population, that it was going to be an issue.

And that we needed to address the issue by separating Yuma from the northern part from the southern parts to allow minorities to elect someone of their choice.

Leaving it the same will not allow minorities to elect someone of their choice. That is a racially polarized area that obviously you saw what the information that was presented in front of us.

That probably would not pass the DOJ if we kept it the same. So if your goal is to not pass DOJ, then, yeah, let's, let's keep them together.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Going back to the -- going back to the -- Commissioner Herrera just, I think he just said what -- he overruled that. I'm not sure what you said. That it would be a waste of time for the mapping consultant to do that.

I happen to agree with that there should be nothing contemplated this evening, because my, my -- what I'm going to do is I'm going to go down that path, and in
either number seven or eight, are we -- or excuse me, eight, eight and nine, there's no -- these are not action items and are not, are not -- do not have a contemplation for both.

And if we're going to be voting on whether or not we're moving forward or rejecting these ideas, because therefore I can't make a motion to have it turned down.

I would make a motion that Yuma County be kept whole, and there it would fail for lack of a second.

I would make a motion that Cochise County would be kept whole, and it would fail for lack of a second.

I would make a motion that Graham and Greenlee would be kept whole, it would fail for lack of a second.

So, tell me what we do next.

COMMISSIONER McNULTY: I have a question for Mr. Strasma.

Would it be possible for you to just as a general matter look at the legislative districts and ways to improve the strength of those minority districts?

KENNETH STRASMA: Yes, commissioner, I think that would be a valuable exercise, with the understanding, of course, that any changes would be something brought back to the Commission.

But that is something that I feel there's a broad consensus that we should be looking at, and we can be
working on that. And perhaps early on, as one of the examples, to show the change reports where we're able to all get used to how we, how we express the effects of some of those changes.

And with the Commission's concurrence, I would, I guess, view that as an ongoing instruction throughout this process.

COMMISSIONER McNULTY: It seems it would be helpful to highlight those things for us.

When I was looking at districts, you know, over our break, it didn't seem to me that there are any large concentrations of Latino voters that we've overlooked in the state.

But on the other hand, there might be some, you know, small pockets here and there that we might want to pick up to strengthen districts.

And so I guess I -- one, one is a question. Have you looked at that, whether there were any large minority populations that we haven't addressed, large enough to be, you know, maybe Section 2 populations, or --

KENNETH STRASMA: I do not believe there are any large areas there. Obviously the Commission worked very hard on coming up with the draft maps. And if there were any obvious concentrations of population, they were included.
I do believe that it will be possible to make large improvements around the edges. And that's something that will be valuable for us to look at on an ongoing basis.

COMMISSIONER McNULTY: Are you, as you're looking at that, looking at the populations of voters who have been moved into these districts from ineffective -- formerly ineffective districts, and you're running the -- you're doing the analysis with, you know, like, the 2008 presidential election to bolster our, our case that they are effective voters?

KENNETH STRASMA: Yes, on both of those counts.

In addition to the mine commissioner's race, we will be looking at elections from '08 to '06 and '04, where those are available.

And also the new thing that we're not looking at doing the drafting of the draft maps is this question of population from districts that were not previously minority districts. And that's something that we'll be able to quantify.

And, and as, as we said earlier, that there's nothing wrong with doing that. It's an additional burden of proof. So other things being equal, it's preferable to have population that was in minority districts, effective minority districts before.

I should say that that is, you know, a question we
pulled into, and that there is not that much population that was previously in minority districts that is not in a minority district now.

And also both that type of population and minority population in general, there is a fair amount of that population that is in census blocks that are less than 50 percent minority. So that minority population exists but it's not in an area, or even if we could grab that individual block, that it would be in that net positive for this.

COMMISSIONER McNULTY: So those things can happen at the same time.

KENNETH STRASMA: Yes.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I would be in favor of directing Mr. Strasma to do that. I think that hopefully all the commissioners that are here would agree that strengthening majority-minority districts for preclearance is something that we all agree on.

CHAIRPERSON MATHIS: Right. And that is how we started the construction of draft maps, for both legislative and congressional. So it seems like a logical place to begin to ensure that we have sound majority-minority districts, and even looking at things like moving Anglo
population as you talked about as opposed to looking for any missing pockets of minority population.

VICE-CHAIR HERRERA: Madam Chair, is that a consensus that we --

CHAIRPERSON MATHIS: Mr. Stertz, would be you comfortable with us starting with majority-minority districts on congressional and legislative maps?

COMMISSIONER STERTZ: It meets the -- it meets our constitutional requirement to meet the Voting Rights Act, is the number one thing that we're supposed to do. So if we are not doing so, then it would be flawed of our thinking to proceed anything other than that.

CHAIRPERSON MATHIS: Great. So I think we all agree that that's the place to start.

If you could --

COMMISSIONER STERTZ: But, Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: My understanding is that the maps as they are currently drawn do meet the criteria. So I'm a little remiss about why we're going to strengthen something that already does meet the criteria.

CHAIRPERSON MATHIS: I don't know if it's a foregone conclusion that everything has met -- has been met, especially on legislative. That was my take.

But I think that further analysis will have to be
conducted, and so I think to the extent we can kind of explore some of these things that Mr. Adelson suggested today, such as the removal of Anglo population in certain areas where it would make sense from majority-minority districts --

COMMISSIONER STERTZ: What would, what would the purpose of that be?

VICE-CHAIR HERRERA: Madam Chair. I think, Mr. Adelson was pretty clear that in 2006 when they reauthorized the Voting Rights Act, that they strengthened Section 5 of the Voting Rights Act.

So things are a little different than they were ten years ago, that the Department of Justice has more authority and are able to scrutinize more so than they did ten years ago. So it doesn't hurt -- I think it only helps our cause if we're doing everything we can to strengthen already strong majority-minority districts.

So I don't see a problem with that at all. And I think it's something we have been doing. I think we can't be too cautious.

BRUCE ADELSON: Excuse me, Madam Chair, if I could jump in for a minute.

CHAIRPERSON MATHIS: Please.

BRUCE ADELSON: I think both points are very well taken. And going back to what I was saying earlier, I think
it's very important in looking at any districting plan and any analysis to always in a Section 5 state err on the side of caution, that even if analysis which we don't have at the moment, but in the process, reveals, for example, that 56 percent, for example, of minority voting age has been determined to be what you need to avoid retrogression, oftentimes I might suggest, well, maybe we need to increase that by half a point or a point, because there's always some margin for error.

And I guess the way -- also the way I look at it too, kind of piggy backing on something Mr. Strasma said earlier, and I know that this is something that we talked about earlier today, that to me we're at the stage now from my perspective of proving it.

So, if I'm, if I'm pretending to still be with the Department of Justice, and that's how I look at this and reviewing all the plans and the comments, I keep saying over and over in my head, prove it, okay.

I understand that point. I understand this point. Prove it.

And if it is proven, great.

If it's not yet proven, okay, then we need to do A, B, and C.

I also wanted to mention something Commissioner McNulty had talked about as far as large
numbers of voters. And I agree, my understanding that at present there are not hundreds of thousands of minority voters who have not been accounted for. But there are smaller groups.

You don't need hundreds of thousands of voters. And the stage you're in now is in a very typical redistricting stage where you are frankly looking for residents.

Whether it's to move out, move in minorities who can elect, cannot elect, that's the very typical part of where things stand now.

So that it's important to realize that even if you can capture sometimes 100 voters -- 100 residents, I should say, that can make a difference by just a couple of percentage points or a tenth of a point or a fifth of a point.

The Justice Department in the Texas case had issues with a jurisdiction that changed by half a percent.

Now, that doesn't seem like very much, but that's why every tenth of a point is important. Every individual from a Section 5 standpoint and also from a Section 2 standpoint is important.

So that it's very interesting when you look at a certain analysis and you can see that the change of so little can make a big difference in races that have been
close, in certain districts around the state. Of course that will be vary by district.

So it's not important that there aren't large numbers of people. But to the extent that there are, that's what I would recommend that you look at as you move forward. Because capturing as many of them as possible is always more advisable than keeping them, from a Section 5 standpoint, than keeping them in districts where they cannot elect now under your, under your proposal.

VICE-CHAIR HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: Also the last time the Commission submitted the -- well, I think it was the legislative maps, they were not -- they did not preclear the first time.

If I was -- I mean, I'm assuming that if I was on the Department of Justice, and I -- that would be a red flag for me, that I would scrutinize any maps coming from Arizona.

Now, I understand things are different now. We have Strategic Telemetry and not NDC, and we have Mary O'Grady and Joe Kanefield and not the attorneys that -- well, that -- and we have a different group of people, and I think it will preclear.

But, I think, again, being as cautious as
possible, it would be serve us well to do that.

BRUCE ADELSON: In picking up on that point, what is important to realize, and I think I had mentioned this the first time I had the pleasure to address you, the department has a file on all Section 5 states. And that file includes each state's preclearance history from the department's perspective, objection or not, preclearance or not, lawsuit, federally imposed plan.

And, you know, I certainly recall the Arizona file. And the Arizona file had information on the '90s and the '80s.

And the file now has the memo that I wrote about the process the last time.

So that even though there is nobody left at the department who was involved from an analytical standpoint or as an attorney in the review, they've all read the file.

So I think frankly sometimes it may not be fair for the Department of Justice to look at past acts, past conduct.

But fair or not, that is part of the process. That does inform in the sense of how the department views each state's redistricting.

What's interesting too about that, going back to the terms earlier about learning lessons from the Texas case, in the Texas case the department made regular
assertions of Texas' history of discrimination under the
Voter Rights Act. The department found it was a relevant
factor in looking at the analysis and the information that
Texas provided.

So sometimes Section 5 and federal law may not be
fair.

And I certainly understand that.

But I think we also have to -- it's important to
realize that that's just the universe we live in. And the
department does take into account Arizona's previous
redistricting history, which as we discussed involves
objections in each decade, either in whole or in part, to
the preclearance part.

Thank you.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: The caution that I would
have going forward is making the assumption that what
Mr. Strasma and his team would be doing now by, quote
unquote, strengthening the majority-minority districts would
not be to offload individuals that are voters of a
particular voting style or type or history that may change
the complexion of their adjacent districts that they be
offloaded to.
That is a concern that I want to have addressed and shown out in as you are going through your analysis.

In other words, let me cut to the quick here. I don't want to see overpacking of districts in an effort to overpack Republicans into Republican districts in an effort to create the opportunity for -- all, all being done on the shoulders of strengthening the voters right districts.

KENNETH STRASMA: If I may, Madam Chair.

CHAIRPERSON MATHIS: Mr. Strasma.

KENNETH STRASMA: Two, two main points, commissioner.

The first that you would want to see this done in a way where it did not change at all the complexion of the voters' district, that I acknowledge right up front is not possible.

As we move voters, it's going to change districts. And with that in mind, that's why the change report draft that Mr. Desmond showed shows not just the target district but all districts affected by a change.

And we view this direction as to see if there are ways that these districts can be strengthened. And I believe the districts are good as they stand now. But there's -- I see nothing wrong with attempting to make districts that make our preclearance process smoother
sailing.

But, keep in mind that there are intended and unintended consequences to any change.

We would bring back to the Commission the change report that shows not just the changes to the target district, but the other districts affected. And it would be your decision as commissioners whether those changes taken as a whole were desirable or not.

So I understand your concern, and we'll provide you the numbers to make an important decision about changes --

VICE-CHAIR HERRERA: Madam Chair.

COMMISSIONER STERTZ: And you've made my, you've made my point.

VICE-CHAIR HERRERA: Madam Chair, I think we, we -- when we talked about making changes to the majority-minority districts, I think Mr. -- it was said that the, that the -- Mr. Stertz mentioned our number one goal is to meet preclearance and to meet the -- make sure that the majority-minority districts will preclear.

So, and those are -- whether you like the Voting Rights Act or not, those are some of the consequences of having the Voter Rights Act, that they will be -- that we'll have to make sacrifices.

And I think that we will be presented with that
information, and we will, I'm assuming, vote on those changes.

And, again, I think we should move forward with the recommendations to Mr. Strasma that we -- that he brings back majority-minority districts that are even more stronger than they are now.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Again, as a correction to Commissioner Herrera, I did not say that above preclearance. I said it is our, it is our number one constitutional mandate. And my intention is that all along is that we are following the constitution.

So it is -- Mr. Strasma made my point.

I want to make sure that as we go down this path -- and, again, Madam Chair, it is, it is incumbent upon you to be balanced. You are the one vote between the two Republicans and the two Democrats, that are going to swing this decision as you see that as these voters, there are going to be intended and unintended consequences to these adjustments, and the unintended or intended consequences are going to fall on your shoulders for both.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I am glad that Mr. Stertz
sees you as an Independent. For a while, he wasn't. Obviously he's changed his mind. That was very humble of you to change your mind all of a sudden, before she wasn't an Independent and now all of a sudden now she is Independent will be deciding the deciding vote. Thank you. Thank you for finally realizing that.

CHAIRPERSON MATHIS: All right. All right. We're good. Let's, let's stop with the banter.

Any other comments that we have decided that -- we have consensus, which I'm excited about, on moving forward at least to have our mapping consultant look at both the congressional and draft -- congressional and legislative draft maps and determine what might be done to --

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: -- improve or strengthen these majority-minority districts --

VICE-CHAIR HERRERA: Sure. I'd like the member of the audience to keep his mouth shut if they're going to say nasty things.

UNIDENTIFIED AUDIENCE MEMBER: Why don't you keep your mouth shut and be civil.

CHAIRPERSON MATHIS: Everybody --

VICE-CHAIR HERRERA: I'm -- if you volunteered, you would be able to say what I'm saying, but you can't, so I'd appreciate that.
CHAIRPERSON MATHIS: Okay. So you guys have what you need. Mapping consultants?

KENNETH STRASMA: Yes, thank you, Madam Chair.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Direction.

Mr. Stertz.

COMMISSIONER STERTZ: Mr. Strasma, in, in your analysis, are you able to look up districts as they currently stand without the need or the -- to take any -- and to work together with Mr. Adelson in realizing that as they currently stand pending further analysis that they may be perfectly designed now without any further strengthening or, or adjustments to meet what he believes would be an appropriate presentation for preclearance?

In other words, can you make it a first shot without changing anything, have them take a look at it and see whether or not it worked based on your secondary level of analysis?

KENNETH STRASMA: If I'm understanding the question correctly, if we were forward in time and this was the adopted map, I would feel fairly good about beginning the process of our submission of these maps. Our hurdle is to be better and stronger in making districts.

I think it's likely that we have met that hurdle.

There is a fair amount of work to be done between
I believe it's quite likely and we have approval at DOJ.

That is true.

And if, you know, it is possible that the districts are as good as they can be in terms of obtaining DOJ preclearance.

The fact that it's entirely possible that we look at this and come back to you and say there is no way to improve these districts without overriding unintended negative consequences.

But I think it's valuable to explore that. And if we are able to find something that strengthens our path toward preclearance, that will be advisable.

COMMISSIONER STERTZ: Will you be doing this in concert with Mr. Adelson?

KENNETH STRASMA: Yes.

COMMISSIONER McNULTY: The question I was about to ask. What is your status? Are you going to be with us in spirit or in body -- in body or in spirit? What's your availability?

BRUCE ADELSON: Commissioner McNulty, I'm always with you in spirit.

COMMISSIONER McNULTY: I thought you would say that.

BRUCE ADELSON: This here, I'm here all week. I will not here all week next week.
The following week I can be here for a few days.

I've discussed this both with my clients and my most important client, my wife and my son. And they certainly understand, you know, where we are and what my schedule is this week.

So I will certainly be here -- as you know, I am available any day, any time, to answer any phone call, e-mail, any concern, or question on the part of any of the commissioners.

Because certainly this is the time in the process where we are getting down to the wire and moving toward the adoption and moving towards answering all the questions that we had talked about earlier.

And I think in going to Commissioner Stertz's point, at this point, as I said, looking through the analysis and looking through each district, there are questions that I have. And issues that I need to have resolved for me to say, yes, this is okay, yes, Department of Justice would likely preclear this. The questions and issues are -- many of them are among what we've discussed today.

So as the analysis continues to develop to answer the questions and resolve the issues, then I expect that we will continue to be moving forward.

But I always go back to my looking at things from
the DOJ law enforcement perspective and looking for any undotted I and uncrossed T that they will have a question about. And until those questions are answered, then that remains a live question.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Did we consensus to Mr. Strasma to make any necessary changes to strengthen the majority-minority districts and if that included making some changes, obviously those changes would be brought to the Commission for approval?

I think that's what we agreed on.

I want to make sure that we are clear on that, and I don't want to confuse Mr. Strasma or his team.

CHAIRPERSON MATHIS: I believe that, that's my interpretation.

Anybody feel differently?

COMMISSIONER McNULTY: It's my understanding that you were going look for ways to do that and present those to us, and that we would discuss them, and discuss what the negative consequences would be, if any.

KENNETH STRASMA: That's my understanding.

CHAIRPERSON MATHIS: Okay.

I think that takes us through items eight and nine.
So we are now on ten, which is legal advice, direction to counsel, discussion, possible action and an update regarding litigation on open meeting law. Commission may vote to go into executive session which will not be open to the public for the purpose of obtaining legal advice and providing direction to counsel.

JOSEPH KANEFIELD: Madam Chair, members of the Commission, just a quick update on the litigation involving the open meeting law.

There was oral argument before Judge Fink, I believe it was November 14th, in which the parties presented their argument, their respective cross motions for summary judgment, along with the response and argument to the attorney general's motion to dismiss.

Judge Fink has taken that matter under advisement, and we expect a decision from him sometime in the next four to six weeks.

CHAIRPERSON MATHIS: Okay.

Any questions on that item?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Number 11, legal advice, discussion, and possible action regarding litigation about the removal of the chair. The Commission may vote to go into executive session which will not be open to the public for the purpose of obtaining legal advice and
And this is just an update that litigation is over in terms of the work. There was -- after our last meeting we filed the special action challenging the removal of the chair. That was heard by the Supreme Court. They obviously reinstated the chair. There was motions to reconsider filed last week by the governor and senate, and those were denied. And the court did issue a clarification of its order previously, but we'll get a formal opinion from the court in due course. I would suspect within the next few months. There's no additional work to be done on that matter.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: When will get a reconciliation of the costs of that litigation?

MARY O'GRADY: Well, in terms of the cost to the Commission --

COMMISSIONER STERTZ: To the state of Arizona.

MARY O'GRADY: I don't know in terms of the -- like I'm not getting -- all we would have is cost to the Commission, and our -- you know, my legal bills would be
filed monthly, and they'll go to the Commission for review and payment, so most of that work was in November, so it would be bills yet to be given to the Commission.

Now, in terms of the cost that the governor spent and the senate spent, I wouldn't that have information.

You know, separate entities would have that information.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: Probably a month ago or longer than that I asked the staff to start compiling that information, because that is I think important for us to know how much taxpayer money we spent on a lawsuit that didn't go anywhere and how much we continue to spend.

So I would hope that the staff at the next opportunity is able to provide that information, because I think the taxpayers of Arizona should know how much money is being spent attacking the IRC.

CHAIRPERSON MATHIS: On cue is Mr. Bladine.

RAY BLADINE: My plan was to that we'll have more budget figures again December 1st. A lot of legal charges have not finished coming in.

I've noticed we've had several records requests from the Capital Times and also from the Republic for that information. We will be getting it together. I don't want to provide that information until I know that the invoices
have been reviewed and that they're accurate. So once they are accurate and I know that I'm providing the right information, I will provide that, of course, to the Commission and also to the newspapers that have requested it.

And I do understand they're asking the same questions of the governor.

So we may get the total answer from the media. But right now we don't have all of the billings, and they're not processed, and we're having some discussions with some of the state officials about how we're going to pay those bills.

So I'm glad to talk about that later if we need to.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Although we already passed this as an agenda item, would that be inclusive of the attorney general's report, and the attorney general's lawsuit and subsequent litigation the Maricopa County attorney and the individual commissioners' individual legal counsels' cost?

RAY BLADINE: Commissioner Stertz, my thought would be to provide you all of the costs that have been involved, and to the best we can, which was, again, the
question Commissioner Herrera asked before, try to break them out.

Some billings in the past were not broken out, and I'm not sure I can give you an accurate reflection way back. But to the extent we have billings for each individual, or by topic, we will, we will get that together. And my hope would be barring any unforeseen consequence we can have that for you next week.

COMMISSIONER STERTZ: To the extent practical?

RAY BLADINE: Yes, sir.

CHAIRPERSON MATHIS: Any other questions or comments?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Yeah, the expenses should also include any time that the staff has devoted to the investigation, whether it be the general investigation, the county attorney, and also -- the cost should also include any time the staff has devoted to any of the legal lawsuits filed by the AG's office, county attorney, by the -- defending ourselves with the state senate and the governor.

So I would hope that the staff time and any staff expenditures are included in that as well.

RAY BLADINE: Commissioner Herrera, I believe that was your request that we've been tracking, and we'll do our
best to estimate staff cost also.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Thanks, Mr. Bladine.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Again, this is dabbling on the edge here, because we're -- this is an off -- we have no future agenda item on this agenda. But since we're speaking of items, you cannot come forward to us and present this information unless it's an agenda item. So my recommendation would be that you agendize the executive director's report going forward.

RAY BLADINE: Chairman Mathis,

Commissioner Stertz, my plan was to do that in the next round.

I really thought that we would have a full agenda now getting through starting, so I apologize. I really didn't get it on, but I will get it on as we've had in the past, and also bringing forward our list of items that you've asked us for.

So, we'll get back on the normal schedule so you can ask about it and talk about it.

CHAIRPERSON MATHIS: Thank you.

That leaves us with one agenda item, and that is public comment.
And I've got about seven sheets in front of me, yellow request to speak forms.

VICE-CHAIR HERRERA: Can I need a quick break?

CHAIRPERSON MATHIS: Okay. Sure.

It's 6:19 p.m. We'll take a quick five-minute break and be back and do public comment.

(Brief recess taken.)

CHAIRPERSON MATHIS: Okay. The time is 6:28 p.m. We'll end our break and get started with public comment.

Our first speaker is Bill England, representing self, from Maricopa County.

(No oral response.)

CHAIRPERSON MATHIS: Okay.

Don Markowski, representing self, from Maricopa County.

(No oral response.)

CHAIRPERSON MATHIS: How about Monica Joyner, representing self, from Gila.

(No oral response.)

CHAIRPERSON MATHIS: David Lucier, representing self, from Tempe.

(No oral response.)

CHAIRPERSON MATHIS: Shirley Dye, representing self, from Northern Arizona Counties.

(No oral response.)
CHAIRPERSON MATHIS: Ann Hines, representing several, from Maricopa.

(No oral response.)

CHAIRPERSON MATHIS: Chase Williams, representing self, from Ahwatukee.

CHASE WILLIAMS: Just checking on the time. Was it four minutes or two minutes?

CHAIRPERSON MATHIS: We've varied it. It depends on how long -- how many people are waiting in line, but there's not a lot of speakers tonight, so you're welcome to have the floor.


I just want to begin by thanking the Commission and especially Chairwoman Mathis and commend the Supreme Court for their decision, regardless of the opinions of the governor and some of the commissioners.

I think there was one common message that we saw today in the 6600 comments that were shown by the word maps. And that was competitiveness.

Although Commissioner Stertz may want to make the argument that these maps are not competitive or it's a Democratic map, I would like to remind him that there are four Republican districts and only two competitive Democratic congressional districts, and we only have three
competitive congressional districts, even though Democrats from all around the state asked for four.

So to make the argument that this is a partisan map is a wrong argument to be making.

We have to remember that we're not going to like 100 percent of the maps, either side, because that's the entire point of this process, is that it is independent and we preserve the independence of this Commission regardless of partisan power grabs of our state leadership.

And while Mr. Stertz and the legislature think that they can continue to frame the state however they want, the people have spoken otherwise in terms of public polls as well as the numerous comments that we saw after the power grab by the governor. The public was not supportive of them trying to make this a partisan process, because we voted in Prop 106 to ensure the independence of this process.

I don't care, and neither does the law, about what Ben Quayle's mom or what David Schweikert or what the Fair Trust campaign to have say about these maps because their message is only partisan.

The law asks you to look at certain criteria that don't have to do with where incumbents live. So when you're reviewing that legislative analysis that you guys debated on earlier, I want to remind you that the entire point of their analysis doesn't even matter because it's not legally
pertinent to what your job is.

    It doesn't matter where Ben Quayle lives or the fact that he's going to have to compete with David Schweikert, because that's the question this panel is supposed to be asking.

    So, as we look forward, I wanted to make sure that we commend the commissioners who's standing up for the Independent, including Commissioner McNulty, Herrera, and Chair Mathis, for ensuring that we preserve the independence of this Commission, because so far the only people that are doing so are the three of them.

    You hold the power to control elections for the next ten years.

    And elections have consequences.

    Don't take away my vote or the vote of independence or the voice of people around the state and allow intended consequences to occur with the partisan power grab that occurred at the state capital because of the fact that we didn't have competitive districts for the last ten years.

    The only way that we can ensure competitiveness is to remain -- and make sure the Commission remain independent and that we preserve competitive districts.

    Because that was in every single summary of every single meeting of all 30 of them. Every one mentioned
competitive districts. So if you're going to make changes
to these maps, make sure you're thinking about
competitiveness, make them more competitive and not less.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Martha Jo Billy, representing
self', from Gilbert.

MARTHA JO BILLY: Good evening. And it's nice to
see you all again. And, except for the one. Mr. Freeman.

And I'm glad you're back, Ms. Mathis. And the
court ruled right, thank God.

You've talked a lot about the minority rights, and
I'm all for that, and I've spoken before about the rights of
the Indians, as I've been very involved with them most of my
life.

And my husband was Navajo. He's passed away.
But, I'm White, and I live in Gilbert, which is all Mormon.
And it's not only the minorities that has votes that don't
count. My vote counts for nothing and has for years.

I vote every time, since I've been 21.

And people might say, well, move. I can't afford
to move. But I do vote. But I know every time I vote it's
counting for, as I said, absolutely nothing.

There has not been a Democrat on the city council
since 1999.
The school board has been controlled by the Mormons. I've lived in Gilbert since June of '77, so I am aware of what's going on in the town. And I've been to the council meetings, et cetera.

And I know nothing can be done about my vote, no matter what you try to do about competitiveness, as long as I live in Gilbert.

And I do want Mr. Herrera to know how much I appreciate him, how he speaks up for us, that even though I'm not a minority by race, I'm a minority by voting, my voting rights. And I really appreciate your speaking up for us.

And thank you very much.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Jim Williams, representing self, from Glendale.

JIM WILLIAMS: First I want to apologize for name calling. It was out of line.

I appreciate what you're doing up here. A lot of people seem to be giving you a lot of grief.

I've been attending quite a few of these meetings, as many as I can. And I'm getting real tired, and maybe that's why the outburst.

It seems to me like Arizona is at war with the federal government. The DOJ is at war with us because of
issues on immigration and a lot of other issues. A lot of things going on in Arizona that we've been fighting, voting, going to court over. Citizens speak and get shut up. They go to court.

That's why I get tired of what's going on. I really get tired of it. And I see what's going on in my state, and I see what's getting ready to happen, what's getting pushed on us here.

And all I can say is I appreciate what you're all doing too.

But the way you guys vote and what you do here with this redistricting, you're going to answer to a whole lot of people. Not minorities, not even -- you're going to answer to the Arizona citizens of Arizona.

Every one of them.

Not only that, you're going to answer to a higher power. Somebody else is watching over these proceedings going on too.

There's too much agenda with unions, with MoveOn, with a whole lot of people, trying to take over Arizona and turn us into a blue state, a sanctuary state, whatever you want to call it.

And there's a lot of people that don't want that to happen.

And there's going to be a whole lot of answering
to do for every one of you.

God bless all of you. I hope you make the right choices.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Doreen Mauro, representing self, from Mesa.

DOREEN MAURO: Hi there. It's Doreen Mauro, M-A-U-R-O. And I'm a citizen of Mesa, and a voter, and born and raised in New York state.

So, so some of this is, as I've been here about 15 years, you know, a bit different from where my family grew up. In that sense politically.

What I came first to say is thank you to all the commissioners. I think the job you're doing is amazing and great for the state of Arizona. And thanks for maintaining an independent process, and independent decision making. That's very important.

And if there are any more changes that the Commission does begin to look at, I'd like to see that the Commission increases and ensures competitiveness.

And if I may one -- add one thing, if we could all please work to maintain a civil tone and behavior in the language that's used at these hearings. And I personally thought it was some of the language used around that issue
of minorities and talking about minorities and majorities was a bit unfortunate. For instance, the use of the word complexion.

So, and that's just my personal point of view.

Otherwise I really thank you for your hard work.

I can see that it's been a long, hard job.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Anyone else that I missed that would like to speak to the Commission tonight?

Oh, one more.

Jeremy.

JEREMY ROWE: Rowe.

CHAIRPERSON MATHIS: Rowe.

Representing self, from Mesa.

JEREMY ROWE: Just a quick comment. Thank you to the chair and the Commission for the work you're doing and following mandate complying with the Voting Rights Act and addressing communities of interest as you try to maximize the competitiveness of new districts. I think you're doing a great job. One of the most important things I think is getting voters involved, and these new maps and discussions you've been doing I think have done a lot to motivate people over the last election, how many people were actually going door to door or actually working in communities on both
sides to start turning out the vote. One of the things this is doing is hopefully increase the number of voters that are active in the community and people participating in the process. So thank you very much.

CHAIRPERSON MATHIS: I'm sorry.

JEREMY ROWE: J-E-R-E-M-Y, R-O-W-E.

CHAIRPERSON MATHIS: I forgot about that piece.

So, anyone else?

All right. Well, that concludes public comment.

I appreciate the public coming out.

I don't think I thanked the public as part of when we were talking about the second round hearings. We thanked the staff and all the commissioners and legal counsel and mapping consultants, but I forgot to thank the public for participating during the second round hearings. It was an awesome amount of people that came out, and we really appreciate that too.

So with that, I think that concludes our agenda.

And the time is 6:40 p.m., and this meeting is adjourned.

(Whereupon, the meeting adjourned.)

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BE IT KNOWN that the foregoing proceeding was taken before me, Marty Herder, a Certified Court Reporter, CCR No. 50162, State of Arizona; that the foregoing 194 pages constitute a true and accurate transcript of all proceedings had upon the taking of said meeting, all done to the best of my skill and ability.

DATED at Chandler, Arizona, this 6th day of December, 2011.

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