ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Wednesday, November 30, 2011
4:16 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
Stu Robinson, Public Information Officer

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

Reported By:
Marty Herder, CCR
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4:16 p.m.

PROCEDINGS

(Whereupon, the public session commences.)

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

Today is Wednesday, November 30th, and the time is 4:16 p.m.

Please rise for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Okay. We'll start with roll call.

Vice-Chair Freeman.

(No oral response.)

CHAIRPERSON MATHIS: Vice-Chair Herrera.

VICE-CHAIR HERRERA: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.
I would like to announce that we heard from Commissioner Freeman, and his wife is doing great after giving birth yesterday. And their baby's name is Ryan Andrew Freeman.

And unfortunately Mr. Freeman had some other unforeseen circumstances come up this week and so unfortunately he won't be able to make it, but he is following along. He watched some of the hearing yesterday, somehow. I don't know how, but he managed to do that. And then plans to watch them, any that he misses.

So that's the great thing about streaming this live, and also it is uploaded to our website at azredistricting.org. Anyone can download these meetings and watch them at any time.

Other folks at the table include our legal counsel. We have Bruce Adelson, Joe Kanefield, and Mary O'Grady with us today.

Our mapping consultant Willie Desmond and Ken Strasma.

Other folks in the room include our executive director Ray Bladine in the back, as well as deputy executive director Kristina Gomez.

Stu Robinson is our public information officer.

And Lisa Schmelling is our public outreach coordinator.
And we have Buck Forst, our chief technology officer.

And then Marty Herder is taking an accurate transcript of today's proceedings.

So when we do get to public comment, in case I forget, be sure to spell your name when you come up to the microphone to address us.

So with that, I think we're on to the next item on the agenda, which looks a lot like yesterday's agenda because I think it is pretty much the same agenda. And I'm not sure we'll be -- we have anything new to discuss.

I'll bring those agenda items up one by one just in case there is something that anybody wanted to add.

So, number two, discussion concerning process and schedule for adjusting the draft maps to develop final maps.

We talked about this for a long time yesterday, both the schedule and the process.

Did anyone have anything new they wanted to add?

(No oral response.)

CHAIRPERSON MATHIS: I had one correction to my schedule that I told Ray about. December 15th, I think we're starting the meeting at 1:00 p.m. that afternoon. And I can make that meeting, but I'll have to be chairing from Tucson.

So that's the only change.
So other than that.

Okay. Anything else?

All right.

Number three, anything new on discussion of voting rights analysis for draft congressional and legislative districts and benchmark districts?

We had a presentation yesterday by Strategic Telemetry and Bruce Adelson, and that was very informative. That should be up on our website now for anybody who missed that.

So we also -- we're going to be talking more about Voting Rights Act information with regard to both the draft legislative and congressional maps later in the agenda, because we gave some direction yesterday to our mapping consultant to take a look at those closely and see if there were any areas we needed to bolster or talk about more today.

But otherwise, anything else?

KENNETH STRASMA: Nothing to add at this time.

CHAIRPERSON MATHIS: Okay.

Overview of public input on draft maps.

We had a presentation yesterday by Strategic Telemetry on the side of that also. It's up on our website. I don't think there's anything new that we need to cover there.
Consideration of input from the legislature and the next agenda item from the governor's letters on mapping adjustments.

The Commission received letters, both through memorial and minority report from the legislature and then also from the governor's office. And each commissioner has a copy of that, and those will be taken into consideration as we make mapping adjustments.

And then the next one is discussion and public -- possible direction to mapping consultant regarding adjustments to draft congressional districts.

So, I think that's where we stand today on number seven.

And we did talk to our mapping consultant yesterday.

We had consensus from the group that it does make sense to ensure that our voting rights districts, since that is something that we have to comply with, it's a federal requirement, are sound, and so we directed our mapping consultant to take a closer look at some of that and maybe they can walk us through what information they have.

KENNETH STRASMA: Thank you, Madam Chair.

We did begin looking at some districts, and Mr. Adelson and the rest of the legal team did this morning, looking at some possibilities. As was speculated yesterday,
there are no simple, easy improvements. We thought it would be useful if we walked you through part of what we were looking at this morning and describe some of the potential tweaks and tradeoffs involved.

So, with that, I'll turn it over to Mr. Desmond.

WILLIE DESMOND: We were trying to decide where to start our analysis, and I think just looking at purely the breakdown of racial categories in the district, I think that Districts 24 and 26 might be good places to try to improve.

CHAIRPERSON MATHIS: Are we going to start on the legislative?

WILLIE DESMOND: The legislative, yeah. So, we haven't done anything to those yet.

We could explore some possibilities, and I think it's a useful exercise to kind of go through and see just what comprises those districts, and kind of the process that we plan on using and have been using to evaluate if there are ways of improving the voting rights compliance of these districts.

So with that, I think we'll start with District 26.

So, if you recall, District 26, right here, it is -- you guys all missed my screens.

It is Tempe, Arizona, and a portion of
west Mesa -- northwest Mesa that comprises District 26.

In the current -- so currently in the draft map, District 26 has a voting age Hispanic population of 30.4, which is our lowest of all the voting rights districts.

It has a voting age non-Hispanic White percentage of 55.3.

When we look at total population, those numbers improve somewhat.

Total population, it is 36.8 percent Hispanic and 48.7 percent non-Hispanic White.

So --

CHAIRPERSON MATHIS: Can you repeat that non-Hispanic White number?

WILLIE DESMOND: Non-Hispanic White number of the total population is 48.7.

So right there we do know that this is a district that has a young Hispanic population.

So, in trying to evaluate ways to improve it, there's two ways we can do that. We can add in Hispanic or other minority voters, or we can remove White voters.

So the shading on the screen is the inverse of White percentage, meaning the darker the color the fewer White voters voting age population there is.

So the darkest green is 90 -- or 80 to 90 or 90 percent plus minority voting age.
The lightest areas are 10 to 20 or even below minority. So it's 90 percent plus in some areas voting age White.

So looking at it initially, we could take from the west and improve there.

There are some reasons that's not our first choice.

Partially because District 27 is one of our voting rights districts. So you'd be harming one to improve another.

Also, if you turn back on the census place, you see that the border of this district runs right along the Tempe-Phoenix town line. So it's a good, natural boundary, and it's one of the constitutional criteria, so it makes sense to not change that if possible.

CHAIRPERSON MATHIS: And, Mr. Desmond, what's the overall population as drafted for 26?

WILLIE DESMOND: As drafted, 26 is 213,247, a deviation of 179 people or a tenth of a percent.

So almost a perfect number.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: District 26 is a coalition district.

I asked if District 26 was a coalition district.
VICE-CHAIR HERRERA: So moving non-Hispanic Democrats from that probably would not be a good idea.

WILLIE DESMOND: Yes.

VICE-CHAIR HERRERA: Yes, it's not a good idea?

WILLIE DESMOND: It's not a good idea.

And I'll show you that in just one second.

The next way to improve that, I guess, would be to take some of this Hispanic population or minority population up in District 24. However, again, 24 is another coalition district. One that we're going to look at. We certainly don't want to take anything from that if we don't have to at this point.

So the area that's the most obvious is to take this minority population here from District 25.

However, when we start analyzing that, what we realize is that though there is a higher minority population, not leaps and bounds higher, it does have a relatively low performance in electing candidates of choice.

So we have -- I'm going to turn on the shading that shows -- it's a little difficult to see.

This shading is at the block level. The darker the blue is the higher that the Hispanic candidate did in the mine inspector's race 2010.

So what becomes apparent is that when we turn back
on the racial shading, these white areas are really
strongest performing areas as far as supporting the minority
candidate.

This, this corner up here, when we take a look at
that, is that although that's the highest Hispanic percent,
it's some of the worst performing in the mine inspector's
race.

There's two likely reasons for this. The first
would be that these are very low turnout areas among the
minority population. The second would be that it's, I
guess, pro-life Hispanic voters, some who are more in line
with the Republicans.

When we start to analyze, we do see that it is
most likely -- possibly a turnout issue.

So it becomes difficult to do some sweeping
changes where we can bring up the Hispanic population or
minority population without greatly damaging their ability
to elect a candidate of their choice.

So I think in this case, and we may very well find
in some of the others, the work that's going to have to be
done is really just around the fringes.

It's going to be incremental gains where we move
White population and add in population that's just as strong
for candidates of choice and maybe marginally better on
racial competition.
So, with that said, you know, there's some things we can do.

We can start with just removing some people.

This district does have a comfortable -- it is -- not ideally populated. Mr. Adelson and -- in the Texas case pointed out that it is an accepted methodology from the Department of Justice to try to remove White voters.

One thing we found interesting is that we're going to keep the racial shading on, but we are going to shade this by mine inspector percentage. So you can see some of the easy places to. . .

These are the easy places to pick up.

So there are some areas around the fringe where the Hispanic population is low, and the mine inspector isn't that, that -- as good as the district-wide average.

Because by removing those areas we would improve it a little bit.

BRUCE ADELSON: Excuse me, Madam Chair, may I make a comment?

CHAIRPERSON MATHIS: Yes.

BRUCE ADELSON: Thank you. I want to elaborate a little bit on the comment of the moving White voters.

What it's very important to remember is that we're looking for non-Hispanic White voters who do not support minority candidates of choice.
So we're not -- this is not looking for people all of one race. This is about electoral performance in supporting candidates of choice.

I think that's a very important distinction, and that parallels what the Department of Justice looks at, and certainly what is happening in the Texas litigation.

So we're basing this in our analysis and examination on electoral performance and electoral support coinciding with the candidates that are supported by minority voters in proposed districts that can, that can ostensibly elect minority candidates of choice.

Thank you.

COMMISSIONER McNULTY: Just to follow on that, we're looking for crossover voters, to use the definition that Ken gave us yesterday. When we're looking at non-minority voters, we're looking for crossover voters.


VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: One thing we should consider, when you have -- looking at majority-minority districts, and you have a White, non-Hispanic population that may support the majority, and if it makes sense to move those to a
different district to strengthen the majority-minority
district, because we're moving those non-Hispanic voters
and putting them in another district that can strengthen
maybe the competitiveness or other criteria of surrounding
districts, is that -- Mr. Adelson, does that make sense?

BRUCE ADELSON: Well, as far as competitiveness, I
won't speak to that only to the extent it interferes with
the Voting Rights Act compliance.

But your point of going to electoral performance
is very important from a federal standpoint, because that is
the benchmark, if you will, the evaluative tool that the
Department of Justice uses, is performance matched with
population.

Rather than just using numbers, performance is
absolutely essential.

WILLIE DESMOND: So, at this time we don't have
any specific changes we're asking you to look at.

I guess it's more about just kind of explaining
the process we're going to be going through.

If you want, we can try right now to improve this
in session to go through and do that.

Or if it's more helpful, we can take a look at
District 24 and some of the other districts and look at some
of these same numbers and really get a better understanding
of what it's going to take to improve some of these
minority-majority districts.

So just now Ken brought up the possibility, there's these -- there's two districts right to the east of District 26. Adding those to see what it would do.

This district right here would probably be a good district, a good block group to add.

It has a 54 percent support for the mine inspector, which is slightly below, I believe, what the districts' average is currently.

But it would increase the minority percentage slightly.

Another, another option to improve these things would be to remove these two block groups. They both have a relatively low minority population, and they supported the Hispanic candidate in the mine inspector's race at only 33 -- or 34 and 37 percent rate.

The other consideration, that I know Bruce doesn't want us to worry about, but there's a constitutional criteria to, you know, respect municipal boundaries and also to try to make these districts compact and contiguous, so moving the border in kind of a jagged manner picking block groups here and there is something that, you know, we will take your direction on what level of toleration -- how much you tolerate those types of changes too.

But if we were to do something like remove these
two blocks, or these two block groups, and this one, these are, these are all right on, right on the edge, grab this one, this one, and this one.

What that would do is it would make District 26 -- it would lose 8,933 people, giving that district a deviation of minus 6800, or I think that's roughly about four percent. About three and a half percent maybe.

So within a range that Bruce and the legal team, I believe, think is safe.

District 20 -- I'm just going to go ahead and -- District 26 would also. . .

CHAIRPERSON MATHIS: So just a clarification for legal. Not only is it safe, it's desirable, right, in this instance? Because this is a majority-minority district, and based on we heard yesterday underpopulating those to account for future population growth makes sense.

Is that right, or no?

BRUCE ADELSON: Madam Chair, underpopulating majority-minority districts, as you said, is an accepted method of meeting the requirements of the Voting Rights Act. Because that may typically increase the minority proportion, which is key.

You could not necessarily add one additional minority voter but still increase the minority proportion by moving voters who are not crossover voters out of the
district.

    So, yes, underpopulation is a -- is an accepted method of doing that.

    VICE-CHAIR HERRERA: Madam Chair.

    CHAIRPERSON MATHIS: Mr. Herrera.

    VICE-CHAIR HERRERA: The underpopulating method, I call it, I don't know if there's a technical term, that's one method I would like to definitely look at, but my only concern is what happens to the other districts that you're moving population to. Obviously we need to look at that as well. If we go with that scenario, I would like to see what happens to 25 and I think 18 in terms of the additions to those districts.

    WILLIE DESMOND: Both 25 and 18 are both currently overpopulated. Again, well within the acceptable margin. They would still be within the acceptable margin, but we need to be careful and just subtract people from one district that go to another. And then the repercussions.

    To just give you an example, these changes right here would take the voting age Hispanic population in this district from 30.4 to 30.8.

    So, it would go up four tenths of a percent.

    The White percentage would go from 55.3 to 54.65.

    So these are incremental changes.

    COMMISSIONER McNULTY: Mr. Adelson looks pleased
however.

You talked about there's a difference between .1 percent and .5 percent.

So why don't you talk a little bit more about that in the context of something like this where, you know, people are going to say we have a ugly looking map, and we have to, you know, look at what it's going to do to these adjacent districts in terms of the other criteria and so forth.

BRUCE ADELSON: Commissioner McNulty, Madam Chair, I think this is a very graphic demonstration of the difficulty of making adjustments that are very important.

The -- my view with redistricting is that sometimes after the point can be very significant.

I don't think moving population necessarily, a minority population, from 30 percent to 30.1 percent is going to be significant from a voting rights perspective. However, I look at -- look at it more as a continuum, that if you make initial potential changes that move minority population by .4, .5 percent in another direction, that that's indicative of a trend that might be explored further.

Because it is -- in certain elections one tenth of a point can be very significant if it's a close election.

And in doing election analysis to determine effectiveness, that's one of the things that you look at.
Close elections in a variety of years at various stages, local, federal, state, to make a determination of effectiveness.

So to me, if the trend from the voting rights perspective is the minority population is increasing and potentially the crossover non-Hispanic White population is also increasing, those are very positive trends because they indicate that the district arguably is going to be stronger from a voting rights perspective.

COMMISSIONER McNULTY: Madam Chair, Mr. Adelson, so when you speak of a trend, are you thinking, the timeline -- the period in which the trend is occurring is our alteration of these maps? Is that --

BRUCE ADELSON: Commissioner McNulty, Madam Chair, I'm thinking more the trend is that changes that are being looked at are trending in a positive direction because the population is moving in a population -- in a direction, I'm sorry, that is positive from a Voting Rights Act standpoint.

So I'm not thinking in terms of calendar or timeline. It's more process.

COMMISSIONER McNULTY: Okay. And are these -- the incremental changes that we might make in districts, because this is Section 5, they're in a sense cumulative, to the extent that we make them, you know, statewide?
BRUCE ADELSON: I'm not sure what you mean, Commissioner McNulty, about changes statewide.

If you look at this -- let's say with this district, just this for a talking point, let's say all the changes that are highlighted in red are made. That necessarily wouldn't necessarily have any, any impact statewide.

The impact might be on the deviation across all 30 legislative districts.

COMMISSIONER McNULTY: That's what I mean.

BRUCE ADELSON: Yeah, the deviation change would likely be very small, because we're not talking about that much population.

If we're talking about an underpopulation of 15 percent, which I certainly don't advise, then the deviation across all the districts would be greater, because the deviation in this one district would be larger than what we're talking about here.

COMMISSIONER McNULTY: Thank you.

WILLIE DESMOND: And, again, looking at these changes, one thing to note is that the Hispanic voting age percentage goes up by four tenths.

The voting age White percentage drops by six tenths.

And the Hispanic candidate in the 2010 mine
inspector race would go from 54.05 to 55.01. So that's goes up by a full percentage point.

This is not average population. This is just moving it.

But there -- I guess the point I'm trying to make is there's a lot of consideration besides just population that we need to be aware of when we're trying to improve some of these districts.

And we'll have this information available to you in the change reports. You're going to want to look at more than just the mine inspector race. That can't be the one that we use for everything.

But what we have right now, that's a fairly good indicator.

Any other questions about this? This is a change that we want to accept and then generate the change report for you guys tomorrow to look at this? Do you want to keep trying to make some tweaks around the edges right now?

COMMISSIONER McNULTY: I guess while we have it up here, I'd like to hear your thoughts about tweaks around the edges, while we're all sitting together, whether you think there are any others that are worth looking at that don't -- would not substantially impact adjacent districts.

I'm particularly concerned about 18, the balance of 18.
I don't think we want to mess with 27.

And I think whatever we do in 26 we probably need to consider it in conjunction with what ultimately happens in 24 and 28.

But I believe a starting point would be to look at what else you think might improve those districts.

WILLIE DESMOND: I'm going to add some things in, just this one district. This one block group, to the east of the district.

The population of 1800 people.

This would, at this point, overpopulate District 26 by 700 -- by 1800 people.

Hispanic percentage would go from 30.4 to 30.6.

So, that's a good change.

And the mine inspector race would go from 54.0 -- actually stay exactly the same, exactly at the district average.

So there's changes like that which don't affect ability to elect, but they do elect the racial composition. So that would be a change that we would probably recommend.

It does slightly harm the district's compactness.

Another, another consideration is that we look at the major roads that run along this area. Currently the eastern border is Gilbert Road. What this would do is make it jut out there, so it's not quite as simple a map also.
Are there other questions? Or should we just go through some other possible, possible things that we see happening here?

COMMISSIONER McNULTY: I do have a question.

Are we -- should we -- have we prioritized the districts in which it's most important to undertake this exercise? I mean, I don't think we need to do it in 27. You know what I mean?

KENNETH STRASMA: The -- and Mr. Adelson, I'm sure, can add more to this.

Twenty-six is one of the districts where the issue of minority population from districts that weren't previous minority districts definitely comes into play. So if we are able to improve 26, that makes our burden of proof a little easier.

So that's one of the reasons to started with that. And then we also would want to look at it 24 and 4. As we discussed yesterday they -- they look quite sound, but if we're looking for any place for argument, those are the three districts I would have.

BRUCE ADELSON: And, Madam Chair, to follow up on what Mr. Strasma said, I agree that these districts, because of the percentage of voters from districts that cannot elect now, raise more questions for me than other districts may. But there are other districts other than these three that
have -- that I also have questions about. Like we talked about yesterday.

These questions don't mean that these are problematic from a legal standpoint.

These are questions that we are looking at to answer and satisfy, because these are the same questions that the Department of Justice will ask.

KENNETH STRASMA: If I might make a suggestion, no one has a direction at this point, perhaps we should make a version of this map with the changes that Mr. Desmond had shown, and then report back tomorrow on the impact to all of the districts, so they can envelope Commissioner McNulty's concern about the impact on competitiveness of District 18 and the effect on District 5.

Because as we discussed, none of this happens in a vacuum. So with your indulgence, we would, we would commit these changes. They would not be any official action at this point, other than to look at the impact tomorrow.

And perhaps move on to look at 24 or 4.

CHAIRPERSON MATHIS: Sounds good to me.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Is there any reason why we shouldn't make proposed changes or changes to 24, 4, and 26 now, and then you and your team come back and show us all
the changes at one time? Or do you suggest not doing that?

KENNETH STRASMA: No, I think that would be fine, if we're able to come up with suggested changes for all three of the districts, which we would be able to come back tomorrow on and show the impact to all the adjoining districts.

CHAIRPERSON MATHIS: Sounds good.

So are we going look at 24, just to get a sense now of what you're doing to 24?

COMMISSIONER McNULTY: So you're going to save all those changes that we just looked at in a separate version of 26 and then run the analysis that we can then consider.

KENNETH STRASMA: Yes.

COMMISSIONER McNULTY: Okay.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: In coming back with a competitiveness report, will you bring all the different types of competitiveness, and evaluate the -- how they changed before and after.

WILLIE DESMOND: Yeah. The change report we have, hope to have tomorrow, is -- it will have racial categories. It will have different competitiveness and the different kind of key minority elections that we've been looking at.

I think, Ken, do you want to mention which those
KENNETH STRASMA: Sure. As Mr. Adelson has pointed out, it's important to look at more than just one year. With that in mind we want at a minimum to look at president 2004. 2004 there were no statewide minority candidates from major parties, so we look at presidential race where from a homogenous precinct analysis it was clear that John Kerry was the candidate of choice of the both Hispanic and Native American communities.

We would look at the race for secretary of state in 2006, the race for president in 2008, and as we have been looking at the race for mine inspector in 2010.

And in addition to that, the various competitive indexes that we've been looking at will also be included, and those are basically just averages for all of the election years included.

So starting with just the 2010 and '08, and also adding '04 and '06, and adding registration.

BRUCE ADELSON: Excuse me, Madam Chair, I also wanted to add that we've been discussing adding the Proposition 200 contest in 2004 as potentially having value for this analysis as well.

WILLIE DESMOND: One other thing is there is also a splits report on there. It's very minor. That says how many split counties, municipalities. So you can see if a
change adds another split to one of those areas.

It doesn't go into what the splits are. It just says that this is the number before and after the changes.

So District 24 is, if you remember, the Fort McDowell Salt River Indian reservations, the southernmost portion of Scottsdale, and then an area of central Phoenix.

It's, again, a coalition district.

It has a voting age Hispanic population of 31.8, voting age non-Hispanic White population of 53.8, a total Hispanic population of 38.6, and a total non-Hispanic White population of 46.4.

Again, it does border many majority-minority districts, so that kind of limits our ability at this point to move it without harming some of those. And that's something I'll look at later and do the analysis to show that. But I guess the one thing that could be done right away that makes sense is since District 24 is slightly overpopulated, and District 23, which is immediately to its north, is very underpopulated, we could definitely swap some population there. Brings District 23 closer to the ideal value and District 24 could stand to lose a few thousand White voters if they don't too negatively affect their ability to elect a candidate of choice.

So with that said, I'll start again with just
showing the shading.

There are some areas in the central Scottsdale area, and some in Phoenix, where the minority percentage is low.

We could probably start by just taking some population from District 24 and moving it to District 23, if we were to do something like... That would remove 5,346 voters, give us District 23 -- again, District 23 is underpopulated by almost 6300 the voters, so it would still be underpopulated with that.

Non-Hispanic White percentage in District 24 would fall to 53.02 percent from 53.8 percent. So we would lose eight tenths of a percent of White voters.

Looking at the mine inspector race, this new district elected the mine inspector candidate at a rate of 59.39. And I believe the old way it was 58.7. So it would be about a point and a half better than there.

So that's a relatively simple change to make.

It doesn't necessarily harm any other majority-minority districts.

When we turn on the census place again, see it would just be giving slightly more of Scottsdale to the district where all Scottsdale is already.

So, things like that are relatively easy changes
that would probably help a little bit.

   Again, I don't have all the numbers how this affects 23. This is something that if you're comfortable looking at, I'll send those for you tomorrow, not just how it helps the voting rights district, but also what effect it has on the rest of the map in general.

COMMISSIONER McNULTY: Madam Chair.

   In the Scottsdale hearing, just looking at the transcript, we got testimony, a couple maps from Sue Gerard former state legislature -- legislator on ways to improve District 24 as a minority district and to accomplish several other goals at the same time.

   And I wondered if when you look at this, if you would pull that up and look at her maps and her testimony, and maybe give us an analysis of that tomorrow as well.

WILLIE DESMOND: We will definitely try to have that tomorrow.

   That's something that the legal team had brought up today when we were meeting earlier, that it would be a good idea to take a look at those. So that's definitely something --

COMMISSIONER McNULTY: Okay. It's Page 127 of the Scottsdale transcript.

WILLIE DESMOND: Yeah. The issue there is just, if that the maps are on paper, it takes a little bit longer
to get those loaded up and then run sort of an analysis.

If we can get a -- if we received a copy electronically and still have that, I think we can reach out to receive one.

COMMISSIONER McNULTY: Maybe Mr. Bladine can try and do that.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I don't recall that when Ms. Gerard made the presentation, was she part of a coalition? Or she presented the map as an individual?

COMMISSIONER McNULTY: I'm just reading the transcript. It looks like she just presented it as an individual.

WILLIE DESMOND: I think we have the CD in the office and apparently we also have copies.

I'll just double check that, and hopefully have that for you tomorrow.

Are there other things, just having seen kind of this process, that you want us to keep in mind? Is there any other direction that you want to give as we do look at it to kind of try to improve these voting rights districts?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.
COMMISSIONER STERTZ: Mr. Desmond, when you were back at 26 making those recommendations, which were to the benefit of 26, we talked about last night sometimes that there's unintended or intended consequences that happen. I know that that's going to get a lot of reaction.

If you look at those blocks that you just extracted and moved those into the adjacent district, what was the composition of the voters of those extracted blocks?

WILLIE DESMOND: The percentage or the racial composition?

COMMISSIONER STERTZ: Both.

WILLIE DESMOND: Well, those blocks were selected because they had a low support for the Hispanic candidate, who was a Democrat in the mine inspector race, and also had a low minority percentage. So I'm not sure how they would look on other races. They could be very polarized blocks.

The change report does have that other information so you can tell if they're polarized.

But I'm assuming that they are -- aren't, to the extent that these people exist in District 26, probably more White and more Republican.

COMMISSIONER STERTZ: And so -- Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.
COMMISSIONER STERTZ: Mr. Desmond, as you contemplate these -- those blocks, where they're being moved to, also as it affected to that district, how are we going to be able to track whether or not that district has been positively or negatively affected? Not because they're, not because they're moving into a majority-minority district, but they're moving into either a district that is -- is either highly populated by Republicans or would be typically voting in a Republican matter, or being placed into a Democrat district where those votes would actually be nullified?

WILLIE DESMOND: Again, the change report will show the effect on both the district where stuff is being added to and the districts where something is being taken away from.

I think it probably would be helpful if we showed that sample change record that we had up yesterday again.

There are some adjustments that programming in right now to include those -- the racial minority races that are important.

So this isn't going to look exactly like the final version, but this would be very good opportunity as we do complete that this evening to let us know if there's other information that you guys think would be helpful.

But just looking up here, this is the sample
change that would be -- if we would keep Cochise County whole and add Green Valley to that district.

So you have -- the two sets at the top, at the top you can see -- we're starting with the draft map. And then the new map is called draft change one, Green Valley and Cochise.

So those -- you can see that that's the before and that's the after.

There's a line that says the districts' effect.

So those changes only affect two districts.

They're the only districts included on here.

Everything else would be exactly the same from the draft maps.

So it affects District 1 and it affects District 2.

The first set is for how it affects District 1.

So you have -- if the deviation from the ideal population, you have that, the number and the percentage. You have that both for the old district, the draft map, the new district, that draft change one, and you have the percent that that changed.

So from the deviation of ideal population, if you're going to accept that, the new district has an overpopulation of 3,300. The old district was underpopulated by about 5100. So that's a change of about
8,046 people, relative to the ideal population. The change is actually about 40,000 people, but it was, you know, 40,000 to one and 32 from the other.

You have that Hispanic, non-Hispanic White, non-Hispanic African American, and non-Hispanic Native American numbers, so you can see, you know, both the number before, the number after, the percentage before, percentage after, and what those changes are.

So you can see District 1, which is not the voting rights district, would be about 8.44 percent more Hispanic and about 8.28 percent less White, on total population.

We then have those same breakouts for the voting age population.

So you have that all for District 1 and then you have the same thing again for District 2.

So, looking at these in, in -- like, you can see that there's a change of 20,086 more Hispanic voters that came in to District 1 with that change.

And that same number, 20,086, left District 2.

If it would be a change that affects three districts, that wouldn't necessarily be one to one. It would be a portion from one and the other kind of circle around and stuff.

But you'll be able to see how each district is affected as far as racial competition, so as ideal
population.

The next section we have out here is the split section. So because we are removing that split from Cochise County, we can see the old district had four counties that were unsplit. The new plan has five counties that are now unsplit.

The old district -- the old map had six counties that were in two districts. Now it is five in two districts.

It had five in three districts. It still has five in three districts.

So basically what you've done there is you have one less unsplit district and one fewer split into two.

And you have that at the census place, at the census tract, at the census block group, at the reservation, and the tribal subdivision.

So you can see how -- how each change would affect all of those different constitutional criteria as far as splitting different geography.

For the next section we have in there is the different competitiveness numbers. And if there are a number -- there are five different competitive indexes, four of which we've been using.

I'm not sure if the '04, '06 election results were ready whether we were still meeting or if those came in
I think they were ready.

But just as a quick refresher, index two is a average of 2008, 2010. Solely election results.

Index three is 2008.

One third 2008, one third 2010, and one third party registration.

Index four is 2004, '6, '8, '10 election results solely.

And index five is those four elections and then party registration as a component.

So you'll have those percentages, both before and after for each of the districts.

You also have just the pure party registration numbers, both with Republican, Democrat, and other, and also just Republican and Democratic two way.

So can see, just for an example, if we look at index two, District 1 went from 62.4 percent Republican to 60.8 percent Republican.

A loss of 1.6 percent Republican.

If we look at index five, for District 2, you can see that it went from 39.6 percent Republican up to 44.3 percent Republican.

A change of 4.7 percent.

And if we wanted to look at our registration
statistic, you can see that the old district was 20.7 percent Republican, 46 percent Democrat, 33.3 percent other.

For the changes, that would go from 44.6, 42.3, 33.2. So changes of 3.9, 3.7 -- negative 3.7 and negative a tenth of a percent respectively.

So these are the deals that were intending to include along with those key minority races.

And, again, if there's other things that you guys think would be helpful, let us know, and we'll put them in here.

I think it is by design a short report though. We don't want to make this bog down and get too crazy. We want to kind of be able to provide a quick snapshot.

And if there's further analysis you'd like to see, then we could do that in a separate thing.

But ideally this would be a page or two that we could give you with each of these changes that you can really quickly kind of understand and grasp the top, top changes. And then if you have questions about that, we can drill down and see where those come from or why that happened.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.
COMMISSIONER STERTZ: Mr. Strasma, I appreciate the macroview of what happens district by district, but what I was more inclined to get some reference to is that when you take blocks out of -- as you're making adjustments to improve the ability to elect in a particular district and you're extracting a block and moving it to another district, not how that affects the overall district, but that block that you're extracting, as you may have described may have been an Anglo block, a Republican voting block, and looking at where that block is being moved to, what I'm, what I'm concerned about is that we're going -- we may be taking voters and moving them into a place where they have a -- they -- maybe packing into a larger Republican district where there is already a majority of Republicans might be a preference for that group to be input. It might be -- I'm trying to make sure that we're not disenfranchising any potential voters or any potential voter blocks as we're moving from one district to another.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I think we all agree that the -- fulfilling the Voting Rights Act requirements trumps pretty much anything.

You know, let's be honest, that there is, that there is the Voting Rights Act that we need to meet.
And if it means moving blocks of people to different districts, in a district that they -- that their vote may not be or their district may not be as competitive because we're putting more Democrats or Republicans in a district, then that's what we have to do.

I think we all agree that that -- that the Voting Rights Act is the number one thing that we need to comply with.

So these are just ideas that we're considering. We're not approving any of these. These are -- at this time.

We're asking Strategic Telemetry to make those changes and come back with a report that tells us, okay, we proposed these changes, you made those changes, so what was it -- how many of the districts that we changed but also the surrounding districts.

And I think we won't know that until they make those districts and come back with that information. And that will be, will be by tomorrow.

KENNETH STRASMA: If I may, Madam Chair, to expand on an earlier answer, if I understand correctly, Commissioner Stertz has two concerns. One that population that's moved may have an accidental and unnoticed impact. And that a separate question about, you know, given that impact, is it a change that we still want to make.
As to the first question, I feel that will be addressed by the report Mr. Desmond went through, that all, all of the districts affected by the change are listed. So we'll be able to see not only where the population came from but where it went.

There's no population that just goes away with an unanalyzed effect.

As for the second question, that, of course, is a judgment call for the Commission, as you've been doing all along, balancing the six constitutional criteria. You know, after we see it, the report will be able to tell us how does it affect the partisan composition, the competitiveness, the number of splits, the compactness, et cetera. All of those things will be what the Commission evaluates in deciding whether or not to adopt a change.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I appreciate that, Mr. Strasma, because that's exactly the next question I was going to lead into.

Is that we've got communities that are not being -- we're looking at this as being sort of a raw data, purely from the Voting Rights Act perspective.

I can appreciate Commissioner Herrera's approach on all that.
But I'm not going -- I don't want to lose sight of that there are many ways to solve the same problem.

And if we solve the problem with a particular block that actually might break up a neighborhood, I don't think that that would be meeting our, our overall goal.

So, I think as we're making these considerations, we've got to look at all of the -- all the criteria. Right now we're not looking at geography. Here we're looking at purely voter -- voter blocks and voting patterns and the ability to elect.

And we want to be overlaying those simultaneously with the other criteria and not get lost in the mess.

VICE-CHAIR HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: I do understand Mr. Stertz' concerns, and balancing the six criteria is not easy. You'll all agree to that.

But I, I -- I lost what I was going to say. I -- I'll come back.
CHAIRPERSON MATHIS: Okay. Thank you.
BRUCE ADELSON: Excuse me, Madam Chair, if I may --
CHAIRPERSON MATHIS: Mr. Adelson.
BRUCE ADELSON: -- make a comment. I appreciate that.
I think that just in the time that we've been spending in the last hour or so, I think what we've been talking about really is a great demonstration about how difficult this is.

What I think is important to clarify a little bit, I know that there are six constitutional factors. In my opinion, you're balancing four.

The two federal factors beat the state factors.

So I understand certainly from a state perspective concerns about communities of interest and contiguity and competitiveness. I understand that those are very significant factors and people are very concerned about them.

But I think it's important to look at the two federal factors as not being in the same mix.

You have the two federal factors. And if you imagine a piece of paper, two federal factors, then a large space, and then you get to the state factors.

Because the federal factors can -- unless they're satisfied, you won't have preclearance, so you won't have a plan.

So in my thinking you're balancing four after you satisfy the two federal ones.

I hope that's helpful.

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

VICE-CHAIR HERRERA: Actually that's exactly what I was going to say.

But in addition to that, I think I do disagree with Mr. -- Commissioner Stertz' assessment that there are many ways to work with these majority-minority districts and improve them.

I don't think there is many ways. I think we're limited to what we can do without making drastic changes.

And the changes that are being proposed are, as Mr. Desmond said, they're going around the edges and trying to improve it without making drastic changes.

So I disagree that there's many ways we can approach this.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Before we leave this, did we talk yesterday about adding CVAP as a data point on the minority-majority district change reports?

KENNETH STRASMA: Yes. Thank you, commissioner.

We will be having CVAP and also Hispanic registration added.

COMMISSIONER McNULTY: Thank you.

WILLIE DESMOND: I just want to also say the change report isn't necessarily meant to be just a voting
rights change report.

So, you guys will be considering a lot of second round testimony, and so there's going to be changes you want to see to these maps that have nothing to do with the voting rights. They don't affect voting rights districts.

So, you know, also thinking about these change reports, think of other information you might want just in evaluating how they fit together the constitutional criteria.

Because there's certainly going to be some minor technical changes or we'll be able to say are there, you know, a few less split census tracts, or there's a town that's not divided in half, or you can see those types of things also.

Or you can see something more competitive or something less competitive.

All of the constitutional criteria, we would like to be able to inform on that.

So, you know, we've started with these voting rights districts, again, just because that is such a priority and such a goal to achieve preclearance, but we'll be running this change report, again, it'll be, it'll be public information, once they're ready, on all of the changes that you consider to the map.
And it's just intended to provide you with an easy analysis tool as you consider changes.

COMMISSIONER STERTZ: Madam Chair.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Who would like to go?

VICE-CHAIR HERRERA: Mine will be quick, Madam Chair. We used to have, when we were doing draft maps what-if scenarios, we would have the compactness reports, and I'd like to see as many reports as can be measured that impact the other four criteria.

Obviously competitiveness, compactness, and the other.

KENNETH STRASMA: Just as the Commission is tasked with balancing the different criteria, we are tasked with readability versus comprehensiveness.

We will probably take a dual approach and have a snapshot that we'll try to keep on one page and then a more detailed report with everything.

So we will endeavor to get all -- most of the report information on one page.

I also wanted to add, yesterday we had resolved to try not to sound like we were speaking a foreign language. So just to clarify that CVAP is citizen voting age population, in the sense it provides estimates of citizenship by different racial group, which we have added.
to our redistricting database. And that's something that we had some issues about.

CHAIRPERSON MATHIS: Thank you.

Ms. O'Grady.

MARY O'GRADY: Madam Chair, just a brief point.

And I -- the change report isn't going to capture all the constitutional criteria.

Commission Stertz mentioned geographic features that I don't think is in the current draft and won't be, you know, expanded to include that, for example. So the Commission will need to -- and communities of interest, there may be communities of interest testimony, but it isn't reflected on the change report.

So it's good to keep an eye on those things as well that, you know, that data isn't -- it's not a data-oriented constitutional criteria.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I appreciate that, Mrs. O'Grady, because that's exactly where I was going to with Mr. Adelson.

As the constitution reads, it doesn't say do these and don't consider the other four.

It's pretty clear that we've got to meet this criteria.
And I am aware that there are many ways that we're going to be able to meet this criteria, and that's why we've hired this incredibly capable group of experts to be able to assist us to get there in meeting the criteria, but not at the, not at the detriment of meeting the rest.

So if the only way -- the only solution would be to split a neighborhood in half, I'm positive that out of 200 plus thousand people in a particular area that we're going to be able to meet the requirement of the Department of Justice and not split that neighborhood in half.

BRUCE ADELSON: Commissioner Stertz, thank you. I think that your point is well taken as far as that there are several different approaches to satisfying the federal criteria.

I think that my main point was that the -- while I certainly understand and appreciate the factors, state factors under the state constitution, the federal factors are the ones that are paramount.

But I certainly agree with you that there can be alternative mechanisms and methods to getting to where you want to go. Absolutely.

COMMISSIONER STERTZ: And all of those I don't want to overlook as we go down this path. So as we're going through the, yes, let's accept this particular change, Madam Chair, that it was starting to get to the lean down
that Commission Herrera was alluding to, yes, let's integrate this change, I want to make sure that we are seeing what the complete reaction is going to be, not just on population, but also drilling down into the other areas of our constitutional mandate.

CHAIRPERSON MATHIS: Fair enough.

COMMISSIONER STERTZ: Thank you.

CHAIRPERSON MATHIS: Any other comments on 24 -- no, we're on 26 now -- no, 24.

We did 20 -- no, 26.

And then 24, and now 4. Right? That's the other one?

Do we want to look at that?

WILLIE DESMOND: We haven't prepared anything before, but, yes, we could.

CHAIRPERSON MATHIS: Yeah, let's just pull it up since it's one of the three that... .

WILLIE DESMOND: As you'll recall, District 4 doesn't have the same low Hispanic voting age percentage. It's 53.7 percent HVAP. However, in terms of our analysis, it's one of the lower performing as far as ability to elect candidates of choice.

So it appears as though it still can.

It's certainly better than the district as it stands now, and is an improvement, not retrogressive. But
in the spirit of improving where we can, we thought that
might be another good place to start.

So District 4 does have a portion that comes up
into Maricopa County, and then it goes down and includes the
Tohono O'odham Nation and then the southern portion of
Yuma County.

So, again, here we are. We're shaded by minority
percentage.

So these large white areas are areas that has no
population.

So that's the Goldwater Range there.

So, that kind of runs down the center of the
district.

I think it probably would be helpful if we zoom
in.

So the area that's in Pima County is basically the
Tohono O'odham Nation, and then the area that links the two
portions of the reservation.

When we turn on the census place, we see there is
three points that links those two. That is a municipality
there that's included, oozing out a little bit again.

It goes along the southern border, into Yuma, and
I believe it follows kind of exactly almost, almost the same
line as the congressional district.

So it takes portions of Yuma, and it takes some of
San Luis and comes across through the desert, and comes up into Maricopa here, includes Gila Bend and portions of Buckeye and Goodyear.

So thinking about how we can improve this district, the priority here is not necessarily making it more Hispanic, it's how to improve its ability to elect.

With that said, we start looking again at the mine inspector's race.

You can see this is by census blocks, so there's a lot more areas that have no population because the block group captures a large portion, so it's shaded.

So one possible solution would be to look in Yuma. This is the scale, rough guide, the darker kind of the purple it is, the higher the Hispanic candidate did in the mine inspector's race.

So we kind of did a fairly good job at least of going around it and drawing a line that captures that support. Since it's the block level, there's, there's some areas that may be kind of grabbed in, but it's probably not a tremendously large population that would have a big effect.

Following over, there's a chance -- there's some areas in Pima County that we could help, but, again, Districts 2 and 3 are also voting rights districts in Pima County. So certainly if we're going to consider
changes that weaken two by removing Cochise County, we probably don't want to improve, improve four at the expense of two right now.

So there is some population in District 11 that it might be able to pick up.

Looking at the overall population of District 4, it is overpopulated by 1,000 people.

So there's a good possibility that we'll be able to shed some White population somewhere along the way, possibly in District 11. Maybe to -- the portion from northern Yuma to District 13.

And finally when we look up at Maricopa section, there may be some, some population it could gain, but I don't want to take too much from 19. That's another one of our voting rights districts.

Perhaps maybe some from 13.

I want to go ahead and turn back on the block group shading. And, again, we'll label by support for the Hispanic candidate in the mine inspector's race.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: This is going to be for Mr. Adelson and Mr. Strasma.

What are your -- there's a, there's a desire by looking at all these districts that there's a new target
that's wanting to be set.

KENNETH STRASMA: I wish we could give you a numeric number.

As I said yesterday, I believe these are good, sound districts that would be precleared. But between I believe and approval by DOJ is a long path of variance.

If we are able to improve one of these districts, that makes our task of proving that it is an effective district easier, and therefore I would leave these alone.

COMMISSIONER STERTZ: So the districts that you would see for improvement, are you focusing on any particular districts? For example 30, which has an adjacent district, which has a much higher capacity, why would -- should we be looking at 30 for example?

KENNETH STRASMA: The three I listed, 24, 26, and 4, were just the priorities that I would look at when going through the analysis.

And the ones that jumped out as needing more analysis, not necessarily that there anything wrong with the district, but that in order to meet our burden of proof we would like to look at it more.

I think I'm sure that Mr. Adelson can expand on that.

BRUCE ADELSON: Madam Chair, Commissioner Stertz, if I could address your question, I wanted to elaborate on
what Mr. Strasma said.

Just using your example of District 30, one of the differences with District 33 is that District 30 right now -- proposed District 30 comprises more than 68 percent from two existing legislative districts where minority candidates can currently elect. So I have a lot fewer questions about 30 than I would about 24, 26, and 4, because they're composed more of voters, residents, from districts where minority candidates are not electing now.

So from my perspective, as I said yesterday and earlier today, with the questions that I have, those are more paramount for me, just as intellectually in trying to resolve the questions that I have about districts that have relatively large percentages of people from legislative districts that cannot currently elect.

There, there are additional districts with additional questions, but those are the ones that for me came up more readily, because the questions are -- there are more questions about those, because of the percentages of people from districts that cannot currently elect.

And going to your question about percentage, percentage of -- that we're looking at or at least that I can speak to for myself that I'm looking at, there is ongoing analysis to determine the percentage of minority voters that are necessary in the current -- in your proposed
districts that is necessary to be able to elect candidates of choice.

That percentage can vary by district. In one district it might be 52 percent. In another district it might be 60 percent.

That analysis is, as I understand is in the process now, that is very significant and something that I'm certainly interested in seeing when the analysis is complete.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Were you finished, Mr. Stertz?

COMMISSIONER STERTZ: Yeah, go ahead.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Mr. Strasma, I think you mentioned that in this District 4 what we are looking at is not increasing HVAP but ensuring the ability to elect.

And that I would think would tie back perhaps to the racially -- at least in part to racially polarized voting in this part of the world.

And I wonder if we can talk a little bit about how we -- about that issue generally in relation to how we prove to DOJ that this is a sound district.

And also the extent to which that the comparison between this district and the existing District 24, in that
regard, the improvement in that regard is going to be persuasive.

BRUCE ADELSON: Thank you.

Commissioner McNulty, Madam Chair, I think that, that what we were talking about earlier as far as trending, as far as moving population in a positive direction concerning the Voting Rights Act, I think that in making changes, considering changes, as far as the Voting Rights Act district are concerned, the proposed majority-minority districts, and those are the districts that I'm focusing on, if the trend is in the direction that we were talking about earlier, then that's a very positive element that we will highlight in the submission.

One of the things that I counsel my clients at the local level is when changes are made that change a district's population by making -- bringing in more non-Hispanic White crossover voters, for example, taking out more non-Hispanic White crossover voters that don't support the same candidate of choice, bringing in minority voters who turn out and register at a relatively high rate so that those districts' abilities to elect is preserved and potentially strengthened. All of those elements are very significant from a Section 5 standpoint and for preclearance in highlighting to the department.

When I look at a submission as in a way a movie,
there is certain things in a movie or in a book that you
want to highlight to the reader or to the viewer.

The Department of Justice is the viewer. So to
the extent we can highlight that in District X we change the
minority population in this way, and that enhances the
ability to elect by allowing minority voters more
opportunities to elect, which we can prove by using these
elections, that's something that I highly recommend. That's
something that the department looks at. They make a big
circle around it. They do analysis to see if their analysis
supports it.

And once the analysis is done, they just check it
off and move on to something else.

The narrative like that has the value of showing
to the department, wow, they really have done their homework
and they understand how this plays out.

So to the extent that that can be done, it's a
tremendous benefit to the Commission and to the state.

Thank you.

KENNETH STRASMA: Can I expand slightly addressing
Commissioner McNulty's question about crossover vote
polarization. This is a highly polarized district. With
Hispanics estimated supporting the Hispanic candidate for
mine commission about 82 percent, compared to 21 percent
non-Hispanic White voters. So this is not a district where
we can rely on significant White crossover vote to help
Hispanics elect their candidate of choice.

   Overall in the district, it was carried by
candidate for mine inspector by a total 52 percent, was not
carried by President Obama in 2008 or the candidates for
secretary of state in '06 or president in '04.

   So just to underscore what Commissioner McNulty
said, this is by about voting strength, not about overall
Hispanic percent.

   One of the, one of the reasons for this is no
doubt prison population in the district.

   The district includes about 8,000 prison
population, I believe. And as we discussed earlier in
taking that into account, we look at voting strength,
because those people, while they are counted in the official
census population, we have to count them for district
population, they're unable to vote, and therefore unable to
impact the ability to elect.

   COMMISSIONER McNULTY: As I recall, when you
created this boundary for District 4, particularly in the
Yuma, San Luis area, those were all factors that were taken
into account when that was created.

   WILLIE DESMOND: Yes.

   CHAIRPERSON MATHIS: Mr. Stertz, did you have
something?
COMMISSIONER STERTZ: Madam Chair, thank you.

When we were weighing Hispanic surname matches, is there a mechanism or a blending or an algorithm that you were using?

Because it doesn't show up here.

But I'm guessing that there is one that you've developed that is looking at these multiple factors that would allow something other than CVAP or HVAP as being a characteristic or analysis?

KENNETH STRASMA: Yes, commissioner. You alluded to the Hispanic surname lookup. The census analyzes results of the 2000 census, where they have every surname respondent and their self-identified race and generate a dictionary of the race by surname.

We match the top 200,000 surnames in the country to the Arizona state voter file and the percent Hispanic, Native American, African American, and non-Hispanic White according to the census survey match.

There are a number of different methodologies that are used to translate that into Hispanic voter counts.

Indulge me while I get a little bit technical, not as involved as it is in documentation that we released along with these numbers and DOJ submission.

Individuals are not flagged as yes or no Hispanic. They're given a percent likelihood of being Hispanic based
on their surname. The two most common methods are to sum the percent likelihood divided by a hundred to get the estimated count of Hispanics in a given area. And the other is to count number of individuals who are at 50 percent plus Hispanic.

We ran both of those and found the results to be nearly identical.

And went with the 50 percent plus Hispanic given that that's slightly easier to make the display.

So that's a methodology reaching for Hispanic surnames.

I do want to reiterate what we've discussed a number of the meetings ago, just as with homogenous precinct analysis where studies have found that voters who live in heavily segregated precincts tend to have different voting behavior than voters in more integrated precincts.

The same sort of thing is found based on surnames. People with traditional Hispanic surnames tend to have different voting behavior from people with less identifiable surnames.

With that in mind, that's one of the reasons why we do all of these data points separately, and we will be looking at all of them and including all of them in the submission.
CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: So with all that in mind, what would you propose to do to look at, you know, tonight or tomorrow for District 4?

What -- were you thinking removing -- reducing the population, reducing the -- removing White voters, White polarized voters?

WILLIE DESMOND: I would think we would try to remove, yes, the White polarized voters.

An eye towards improving how this district would have performed had it existed in the past decade, looking at those different kind of highlight minority races, '04, '06, '08, 2010, as kind of a proxy for how they would do in a voting rights district.

Because the analysis, the full analysis can't be done on the fly necessarily.

So using all those data points try to improve how this, this district's ability to elect would look.

COMMISSIONER McNULTY: Will we be comparing that to how this district is currently configured?

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: Would perform so that that could be used in the presentation?

BRUCE ADELSON: Yes, I think,
Section 5 perspective, the number one comparison is the comparison between whatever the proposed districts end up being and the proposed districts now with what's called the benchmark, all of your existing legislative districts. Justice will -- it's almost a line-for-line comparison. If District A has minority population of 55 percent and the average minority population across the majority-minority districts, let's say, is 56 percent, but in the proposed plan, if it's 50 percent, then that would be a problem.

Because Justice does that kind of matching.

They look at the turnout, registration, in which they rely on Spanish surname, electoral performance over the decade.

So that is the baseline comparison.

But to your point, comparing your proposed plan as it is now with whatever changes you and the Commission suggest to be looked at, yes, there would be a comparison in order to determine whether or not from a Section 5 perspective the changes enhance the opportunity to elect, do they diminish that.

Those are all very significant.

And then of course as Commissioner Stertz was saying earlier, there are state considerations which are certainly -- would be relevant too.

So, the, the comparison between the proposed plan
and the benchmark plan can be rather rigid in the sense that it is literally a district-by-district, line-by-line comparison.

And if there are -- in the comparison if the proposed plan does not meet the benchmark, then under Section 5 that can be a problem.

So that's something that's an inexorable comparison that has to be satisfied.

COMMISSIONER STERTZ: So, Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: That takes me back to my earlier question about the adjustments of percentages. Those are the benchmarks that we're referring to. Correct?

BRUCE ADELSON: Sorry. Commissioner Stertz, the benchmark, do you mean the percentages that we're talking about earlier in the --

COMMISSIONER STERTZ: Describe the benchmarks that we are going to be compared against.

BRUCE ADELSON: The benchmark legally is your current legislative districts, as they exist today, without looking at what the Commission has done.

So whatever is done from a Section 5 perspective, you would be comparing what the Commission does with that benchmark, as a -- the districts as they exist today.

But for purposes of discussion, in moving forward
to submission and preclearance, there would also be a
comparison between what you have -- what's in your proposed
plan to date and whatever changes are suggested to the
proposed plan.

So there are two different levels of comparison.

COMMISSIONER STERTZ: So, Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Do we currently, do we
currently have any benchmarks are below 50 percent Hispanic
currently have any benchmarks are below 50 percent Hispanic
voting age population?

BRUCE ADELSON: Commission Stertz, you mean in the
state? I believe there are two districts that are below
50 percent.

COMMISSIONER STERTZ: And of those, of those two,
are there any that are as high as the HVAP populations that
are currently being represented?

BRUCE ADELSON: You mean the HVAP percentages in
your proposed plan?

COMMISSIONER STERTZ: Yes.

BRUCE ADELSON: I -- my recollection is, yes, that
there are comparable numbers between your proposed plan and
the benchmark.

I couldn't tell you specifically district by
district, but there are comparable numbers.

WILLIE DESMOND: District 13 is -- current
District 13 has the highest HVAP at 68.27 percent.

MARY O'GRADY: Madam Chair, just in terms comparing the benchmark, and I invite Bruce to comment, our process is so different than other states that DOJ is accustomed to looking at because most states start from the current map and we start from the grid.

And so our preclearance becomes more complicated just because of that process.

And in comparing, we are making some substantial changes geographically.

It's a statewide test comparing the benchmarks, but ours will be in geographically different locations.

So I think for the Yuma one, we will direct them to 24 and show them that our District 4 is better than old 24.

So southern Arizona as a whole, we have three majority -- we have three voting rights districts in our proposed draft, but the benchmark had four.

We're moving more of our benchmarks to Maricopa County.

So we'll just have to explain that to DOJ as part of our process.

We will explain -- we will compare them to the benchmarks in that area, but we'll also have to explain, you know, why we're moving things to Maricopa County and what
we've done with those populations, if anything, in the old areas.

That's mainly southern Arizona with District 25. And then District 23 that was a voting rights area in Pinal County, that's not a voting rights area in our plan. So it's just another complicated factor in terms of our analysis with the DOJ, but we're trying to keep an eye on how these compare with the benchmarks in that same geographic vicinity, to the extent there is one.

BRUCE ADELSON: And, Madam Chair, if I could elaborate a little bit. I certainly agree, because under your state law, you work off a grid.

I'm not aware of any other state that does that. Certainly not any other Section 5 state.

So there is that extra level of explanation in the submission to explain to the Department of Justice how your process is different than, let's say', Louisiana, for example.

The department will look at the majority-minority district by region, as Ms. O'Grady said, and it's also look at it across the board.

So that's why when I was suggesting earlier that just for the sake of discussion, if right now the average number, the average across majority-minority districts under your benchmark is 53 percent, that if it dropped to
45 percent across all districts in your proposed plan, then that would be a concern for the department.

They will look at each district, of course, and make as much of an equivalency comparison to your existing districts, but they'll also look adjust the board.

That's what they're doing in the Texas case, for example. And that is a routine aspect of their preclearance review.

CHAIRPERSON MATHIS: Thank you.

Any comments or questions on this?

(No oral response.)

CHAIRPERSON MATHIS: Okay. So we talked about 26, 24 and 4.

Is there more on that?

WILLIE DESMOND: As far as the Voting Rights Act, those are the three we started with.

We haven't really looked to see where else needs to be improved. I guess those would be for looking for something to be worrisome those would be the ones to be concerned about.

The other thing that we can do, and that we can do tonight also, is look at other types of changes that you guys would like to see.

There's -- I can give some examples of some technical changes that might make sense to make, you know,
based off of what Maricopa County asked for.

Although I think some of those changes maybe we should wait until we get a little bit closer to the final, because it doesn't make sense to move things, you know, block by block, if they're going to be changed anyway.

CHAIRPERSON MATHIS: Before we talk about additional changes, is there anything Voting Rights Act wise on the congressional map that we need to be thinking about, any tweaks?

MARY O'GRADY: We did get a letter from the Hispanic Coalition for Good Government today that is very similar to their public testimony, and so I can give that copy of that letter to the Commission, and then I'll punt to Bruce to make his additional comments.

BRUCE ADELSON: Thank you.

Madam Chair, I think that one of the questions that I had with the congressional is similar to the legislative, to the extent that voters -- or residents, I'm sorry, residents are included in the proposed districts who are currently in districts that cannot elect candidates of choice, that that would be something that would be highlighted, and we'd have to look at and resolve.

And I think that the Maricopa County district, the minority population is very, very similar to the benchmark minority population.
Typically I always have a predilection to see if minority population can be increased above the benchmark, even if the increase is marginal, just as a hedge against potential future retrogression.

So that's a question that I had about the Maricopa County district.

And as far as the Pima County district, the -- my main question is similar. To the extent that there are residents that are in the proposed district who are currently not in a congressional district where they can elect, we need to highlight that and resolve if that is an issue for the Department of Justice.

Because, again, that is something that they will highlight and want an answer to.

COMMISSIONER McNULTY: Madam Chair, on Mr. Adelson's point, I guess, my question will be how are we going to answer those questions?

And on a completely separate point, I wondered if before we finished tonight we could look at Legislative District 2, that minority-majority district, and that, you know, the beginning that you did for the change reports of those changes, I'd like while we have all of our lawyers while Mr. Adelson is here in town to talk about those issues, what, you know, what we're looking at, whether there's any way that we can make that swap to bring, you
know, Bisbee and Douglas back into Cochise County, move Green Valley back into the Santa Cruz Valley and find another way to strengthen that district.

BRUCE ADELSON: We should, absolutely.

And I think that what's so valuable about this is in doing the actual level of digging which is required in a Section 5 submission, this may not be an issue. But it's more from my perspective of looking at things that the department will ask about.

And I really have to stress that I'm not guessing about this. It's not as if I'm wondering and I am just pulling things out of thin air.

These are questions they will have.

So if they have them, I have them, we have them, and we just need to answer them, and resolve whether or not there's an issue.

Because I think that as we talked about yesterday, the overlying -- the overwhelming priority is in moving forward to have preclearance without a request for additional information so the state can move forward as expeditiously as possible for your elections next year.

For that to happen preclearance will obviously need to occur and occur as quickly as it can.

WILLIE DESMOND: I have that change loaded up like the other ones.
So here's a map following that change that we discussed, which will need to move Green Valley from District 1 into District 2 and for District 2 to lose the area of Bisbee and Douglas that's in Cochise County and give that back to 1.

And zooming in specifically to that area, let's see how that looks following -- I thought I had that in here. Let me add it quickly.

So this green area is the old district line. So the current draft is the green. The black line is what it would look like following this change.

So if you turn on the census place and we shade that, we can see that this area right here is the municipality of Green Valley. The line used to kind of run around its western border. Now it falls straight down.

The I-19 corridor that we heard a lot about in keeping those areas together is preserved. Additionally this kind of arm from Santa Cruz dividing Bisbee and Douglas is removed.

So this does have definite effects on District 2's minority population.

We can kind of go through what this map looks like now.
I have the -- what it used to look like. Maybe that's a helpful way to start.

So, previously District 2 was underpopulated by 204 people.

It had a total Hispanic population of 66.4 and a total non-Hispanic White population of 26.8.

Under this current iteration, District 2 is now underpopulated by 8,699 people. It has -- I'll just tell you the voting age.

So current, in the draft map, the Hispanic voting age population of 61.4.

And Hispanic non -- non-Hispanic White voting age population of 31.7.

With this change, that goes to a Hispanic population of 52.79.

So a drop of almost nine points, or eight and a half points.

The non-Hispanic White population goes up to 40.49.

So looking back here, we should be able to -- so, District 2 went from 31.7 to 40.1, from 61.42 to 52.79 voting age Hispanic.

We don't have the mine inspector loaded up here, but I think Ken could probably look up the mine inspector race for the old District 2.
It was 63. With this change, it would go to 56.76.

With that, I'll turn that over to Bruce.

COMMISSIONER McNULTY: Help.

What's the benchmark that we're --

BRUCE ADELSON: Well, without, without looking at your current district, this is a good, I think, example of comparing what your proposed plan, and the reason that I referred to your draft as a proposed plan, because that's how Justice will refer to it.

So please forgive my terminology.

Your, your current draft, your proposed plan in comparing it to the suggestions that's have been made.

The drop in the minority percentage is clearly -- is a significant one.

That doesn't necessarily mean that it is retrogressive. In order to determine whether it's retrogressive or not, we need to look at additional elections in the reconfigured suggestion that has been made.

It is conceivable that the reduction may not be retrogressive and minority voters will be able to elect at an acceptable level in this district.

It's impossible to know just based on numbers, and that's why I think it's important to remember the admonition of the U.S. District Court in the District of Columbia when
the court ruled that Texas had used an improper method in its preclearance application by relying on numbers. It is possible that that reduction may not be retrogressive. Maybe it is. But until there's additional election analysis that we can look at to determine what the result would be, it's just surmising.

COMMISSIONER McNULTY: So, Madam Chair, Mr. Strasma, can we look at that? Can we look at this as a possible district as it's shown here and do that analysis and also look at whether there might be ways to improve it?

WILLIE DESMOND: Yes, we can, we can take this change and expand it a little bit more, balancing more population between Districts 1 and 2 to try to minimize the effect.

There's a chance that some of the population in that portion of Tucson that's in District 1 can be picked up that might help improve this.

So we'll explore that. Do you want to do that right now? Or...

COMMISSIONER McNULTY: Not necessarily. I think people probably need a break.

CHAIRPERSON MATHIS: Just take a break.

Yeah. I'm sure Marty is ready.

It's 6:03 p.m.
Should we take a ten-minute break?
We'll come back shortly.
(Brief recess taken.)

CHAIRPERSON MATHIS: Recess is over. The time is 6:23 p.m.

And we're in the midst of discussion Voting Rights Act issues pertaining to the relevant -- to the different districts.

And, so what is our plan here on this district, LD 1?

We've -- the mapping consultant has shown us some adjustments that we might consider in terms of making Cochise County whole and removing that tail that we had initially.

And they've shown us the changes.

And I guess you'll do a complete change report or you've already got that calculated for this?

KENNETH STRASMA: We already have -- well, I guess not a complete change report. It doesn't have all the elections we want to look at. So we'll need to run that.

Also my understanding of the instruction was to take these basic changes and then Mr. Desmond could also look to see if there are any additional improvements that could be made while we're working on this district and report back tomorrow.
My guess is that the minor changes that we looked rather for three districts might be more easy consensus decisions once we have all the information.

And it may be that we come back with numbers on this that we're not able ourselves and legal counsel to give advice on if this is doable pending further analysis. That might be something that we might need to look at over the weekend, but let's take first crack at it.

CHAIRPERSON MATHIS: Okay. And we can review the analysis tomorrow. Okay.

Any other comments on this, commissioners?

COMMISSIONER STERTZ: I'd like to approve it.

CHAIRPERSON MATHIS: Okay. Mr. Stertz supports those changes as they are already.

COMMISSIONER STERTZ: Keep them whole.

CHAIRPERSON MATHIS: And then the other changes, that Green Valley addition into two, and then there might be some other little changes around the edges that we'll talk about tomorrow depending on what we find.

KENNETH STRASMA: Fine.

CHAIRPERSON MATHIS: Great.

Okay. Any other discussion we want to have pertaining to Voting Rights Act analysis for LD or CD?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Yes.
COMMISSIONER STERTZ: Prior to the break, Mr. Adelson was going through a description of the process, and he was using some phrasing that was very typical to him in regards to maps that are for submittal.

And during the break we had an opportunity to get some clarification of that.

And it might be to the benefit of the audience and commissioners just to revisit that for a moment.

BRUCE ADELSON: Thank you, Commissioner Stertz and Madam Chair, and I will sometimes apologize for slipping into Department of Justice parlance.

The Department of Justice views maps that are submitted to them as proposed.

And in my examination of various redistricting plans, be it the Commission's draft plan or other jurisdictions' draft plan, I tend to call them proposed plans.

Commissioner Stertz is certainly correct that this is not proposed as far as being proposed to the Department of Justice.

It is a draft map.

So I will apologize for any slippage of parlance and forgetting that I'm not with the Department of Justice anymore.

But I tend, as I said, I do tend to look at this
from the perspective of what the department will do. But I certainly take the point that this is clearly a draft map. Thank you.

KENNETH STRASMA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Strasma.

KENNETH STRASMA: If I may offer a suggestion. This came up in some of our meetings earlier today and yesterday. The confusion when we have drafts with the lower case D and drafts with the capital D and the proposed map. That perhaps we should use draft to refer to the maps that were taken for the 30-day comment period, use working map as the terminology for the maps with adopted changes, so when the Commission attempts to adopt a change that becomes a working map, and when the Commission actually votes to approve the final map that will become the proposed map.

COMMISSIONER STERTZ: Sure.

KENNETH STRASMA: Just to avoid lots of confusion.

CHAIRPERSON MATHIS: I understand that, so, that means something I think to me.


That sounds good.

So draft maps will refer to the approved drafts that were out for 30-day comment period.
Working map will be the map that as we make adjustments, that we'll refer to that as the working map.

And then the proposed map will be what goes to Justice.

Is that right?

Sorry. Mr. Kanefield.

JOSEPH KANEFIELD: I would suggest that rather than using the word proposed, use the term final to mirror the language in the constitution.

CHAIRPERSON MATHIS: Okay. Good. Final map is what will be the proposed map to Justice.

Okay.

That all sounds good.

All right. Any other discussion we want to have on voting rights analysis?

We received this letter that -- maybe this is for congressional district only it looks like, from the Hispanic Coalition for Good Government today.

And it looks like just some precinct level type adjustments, but I'm wondering if the mapping consultant, if we could all agree that they could at least look at this letter and see what those changes would do.

KENNETH STRASMA: Yes, Madam Chair, we will look at it. We may need some additional follow-up if there are neighborhood or place names that are used that aren't
standard census terminology, so I'm not sure if we'll be able to have it tomorrow, but we will look at this and work with the Coalition if we need additional information.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: One point of caution is that I would hate to say that, that, that this letter, although as I made comment during the break, is all about communities of interest and geographic features and relationships between communities and not about statistics and not about the ability to elect.

It is incredibly important. I don't want to give any less weight or any more weight to this document than I would to any of the other 6500 pieces of public commentary that have previously come in.

So I would -- I can't -- although this is absolutely relevant, and it's great to see that right now we're going to be taking and utilizing and reviewing all the remaining four items of the constitution as they reflect to these existing -- in the draft map, the CD 2 and CD 7.

I just wanted to make a clarification of that point.

CHAIRPERSON MATHIS: Right. And, yeah, CD 3 and CD 7.

And the reason we're bringing this up now is
because they are voting rights districts, and that's -- it is very relevant to consider that now, even though the kinds of changes may relate to other pieces like geography, as Mr. Stertz mentioned. But I think it's definitely relevant to the voting rights analysis that we're trying to get through this week while Mr. Adelson is here.

Anything else on congressional -- again, congressional or legislative with voting rights?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Is there -- are there any changes, anything else we want to give to our mapping consultants to talk about in terms of other changes that we would like to do for either congressional or legislative maps?

Does anyone have any thoughts?

We talked about this a little bit yesterday.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: There may be things that we all have consensus on that we could actually --

COMMISSIONER STERTZ: Madam Chair, I think that because of our conversation yesterday and it now being pursued in LD 1 and LD 2 as far as analysis is concerned, it will be -- there are -- as we are developing the -- and reviewing the voters rights districts, we always have adjustments to others.
As you see that by keeping Cochise County whole and keeping the I-19 corridor intact, it has made an impact to both LD 1 and LD2.

It would be incumbent to pursue this as a study for our -- which is what I believe that Strategic Telemetry is going to be doing this evening, coming back to us and giving us some -- their analysis, and make that the first point of our conversation tomorrow, so that we can start to look at any of those other areas around the state that are criteria that we've heard through public comment, that we would like to have integrated in for -- or balanced in that may have effect or have intended or unintended consequences, again, some of the voters rights districts.

CHAIRPERSON MATHIS: Okay. Any thoughts from other commissioners on that?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Do we want to then essentially wait until tomorrow and see -- and we can come back with our ideas based upon whatever analysis we're shown tomorrow on the voting rights work that they're going to be doing for us opportunity?

Or other thoughts?

COMMISSIONER McNULTY: I think that makes sense on the legislative maps, too. It sounds like you've got homework for tonight on those maps.
I had some thoughts about the congressional map, that I'd like to talk about. And I'm not sure, it sounds like you have enough to do tonight. I don't really want to load you up with stuff.

KENNETH STRASMA: I don't believe we would be able to get to anything additional tonight. I would be happy to take the notes now and/or at the meeting tomorrow, and we'll have a three-day break before the next meeting, to get that done.

COMMISSIONER McNULTY: Okay. All right. I'd be happy to do both, give you notes or then kind of run through it in the morning. We're meeting tomorrow, at 1:00 o'clock.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I'd like for Commissioner McNulty to propose those changes tonight. And if Ken and his team are not able to get to the changes tonight, that's fine, as long as we discuss it tonight and then have them as homework for the next couple days.

COMMISSIONER McNULTY: That's probably a good idea, see if it's in concept something that folks want to think about.

CHAIRPERSON MATHIS: Those are the congressional.

COMMISSIONER McNULTY: This is on the congressional.
And, and, and my thought is to make minor changes that would solve some significant issues that were raised in the public comment period.

One of those being to keep Cochise County whole.

One being to reduce the size of CD 1, increase the compactness a little bit.

One being to consolidate Oak Creek, the Village of Oak Creek with Sedona.

And one being to consolidate Fountain Hills with urban Maricopa County.

And I think what I'll do rather than go through this in a lot of detail is just to give you the concept.

If we make Cochise County whole, we move about 7600 people from CD 1 to CD 2.

So we take the -- you know, those ranching communities from Cochise County that we had made part of CD 1, and they become part of CD 2 again, and Cochise County is whole.

So once we've done that, we need to adjust CD 2 for that increased population.

And I looked at an area near Littleton, the census place, Littleton in Tucson, which isn't really a real place but it's a census place, kind of south of 22nd Street and east of I-10.

There are a couple census tracts, 21 and 41 and
501, and they appear to equate, you know, pretty well with the population that we were bringing into CD 2.

And I can give you my notes, so you don't really have to... So then we'd have CD 3.

So those people, 7600 or so people are going to come into CD 3, and CD 3 is going to be overpopulated.

We'll just leave that there for a while.

And then we're going to go up to Oak Creek, the Village of Oak Creek, and we're going to kind of fix the underpopulation in CD 1 by pulling in the folks from Oak Creek with Sedona, that community, putting them together.

And that's about 6,000 people.

And then, you know, we had quite a bit of comment that it wasn't just Oak Creek. It was some of that unincorporated area around there. So we would make up the rest of the population, underpopulation, in CD 1 from that unincorporated areas around Oak Creek.

So then I think we have too many people in CD 3, and too few people in CD 4.

So then we're going to go to Fountain Hills. And we're going to move Fountain Hills from CD 4 into CD 6, where Scottsdale is, where Fort McDowell is.

And it looked like the census tracts -- I'll give
you a list of census tracts that I thought made sense,
but -- and so that's about 27,500 people.

So now we've got about 7,000 too many people in
three, way too few people in four, about 35,000 too few in
four, and about 27,000 too many in six.

So then we address the underpopulation in CD 4 by
moving New River and Anthem from four to six.

There's also just a little -- just north of Anthem
there's a little piece of Phoenix between I-10 --

KENNETH STRASMA: Excuse me, commissioner, could
you go back a sentence?

COMMISSIONER McNULTY: Yes, yes, back up.

So we address the underpopulation on CD 4 by
moving New River and Anthem.

So what we're essentially swapping Fountain Hills
for New River and Anthem. We're putting Fountain Hills in
six and we're putting New River and Anthem in four.

And at the same time there's a little area just
north of Anthem where there is a split of Phoenix. And we
can, we can take that split out by moving that part of
Phoenix that's between the I-17 and New River into CD 8 from
CD 4.

So that reduces the number of splits in that area.

Then in the northwest portion of Maricopa County,
there's another -- there are a couple splits there.
We move the part of district -- Maricopa County that was in District 4 to District 8. That's not very many people. It's about 775 people. But it reduces -- it's another split that's gone.

And similarly Peoria and Wickenburg are split between two districts and there's some unpopulated areas there. I think we can make them whole in eight.

That's not necessary, but just some, you know, looking there, that reduces another couple splits.

So then going back to Maricopa County, the area east of I-17, if we move census tract 6113 from eight into six.

And there also -- there are a couple other census tracts there. And that brings us, and I'll give you those numbers, that brings us -- brings District 6 almost into balance, not quite, but I figured you guys can figure that out.

And so then what we're left with is an imbalance between eight and three.

In the Goodyear -- and if we go to the Goodyear area, Goodyear is already split once. We can adjust the population between eight and three in Goodyear without having any more splits in Goodyear, which is balance that out.

And then we would have gone around all the
districts.

Cochise County would be one whole district.
The lobster claw would be gone.
Fountain Hills would be back in with metropolitan Phoenix.
Oak Creek and those suburban areas would be together in with Sedona.
CD 1 would be smaller.
So I suggest that we look at that.

WILLIE DESMOND: The one thing I just want some clarification on, for all of these changes to the congressional map, is since, since we do have a much higher burden in the congressional map to achieve a zero person population deviation, I guess our thinking is that while exploring these changes if we can keep that to a maybe a couple hundred people, but not necessarily zero it out for every one of these, these changes you want to look at.

Obviously when we do zero it out that would be another change that you guys would have to approve, but I think we can get a lot more done if we're not necessarily trying to find the census blocks that have three people to move from one to the other to balance.

When we do this kind of change, if that's all right, to not present the absolute zero population deviation, that would be helpful.
COMMISSIONER McNULTY: I think that's fine. And I didn't, I didn't try to get that close.

But my perspective on these changes is that this is kind of what I want to see on the congressional map. I want to make small changes that have significant benefit in terms of the public comment.

And these I thought were some of the -- perhaps the more significant public comments that we could actually affect.

You know, there were some things that we simply can't do. For example, you can't have a rural, you can't have a rural district, wholly rural district, that's, you know, small.

We got a lot of comment in that regard.

And there's certain things just because of the Voting Rights Act that we can't do. You know, one of them being having purely rural districts.

Another one would be keeping a couple counties whole that we simply can't do because of Voting Rights Act issues.

But these, I thought, were things that can be done with very modest changes to the map and without having a lot of consequences, a lot of ancillary consequences.

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

COMMISSIONER STERTZ: When we had this discussion of process yesterday, we were talking about trying to not have to go through a variety of different iterations of directions or directives given to the mapping consultant to come back with defendant mapping scenarios.

I'm wondering if this is the best -- if there has been a change of course that's taken place. I'm not sure if it has or not, but it appears as though that we are going to be as individual commissioners giving modifications to the draft maps to the mapping consultants to make changes to come back with for analysis.

COMMISSIONER McNULTY: If I could comment on that.

What, what I was suggesting yesterday was that we discuss in concept changes that we would like to see, and what the -- and include in that discussion what we thought the ripple effects were of those changes, and then see if as a group we have a consensus that that's something that we would like to look at.

And if it is something we would like to look at, then the mapping consultant would go ahead and work on it and give us more information.

So I'm not really directing Ken and Willie to do anything.

I'm proposing this as, as a group of minor changes
that I think would have major impact on approving some of
the comments that we heard for consideration by the group,
with the request that we have consensus, we ask Ken and
Willie to --

VICE-CHAIR HERRERA: Madam Chair.

COMMISSIONER McNULTY: -- look at the changes in
more detail.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Just a quick questions for
Commission Stertz.

Is there any changes that -- proposed changes that
Commissioner McNulty made that you like?

COMMISSIONER STERTZ: Following along from the
beginning, I wasn't tracking it in such a way to be able to
track along and I was not taking copious notes that
Strategic Telemetry was, was taking.

I was, I was following along with the concept that
there were adjustments that she was laying out to certain
districts and bringing certain cities combined with others.

I think that there is -- I think there's probably
a reflection of that testimony that ties back to commentary
that we received during public comment, and there is going
to be, for example, the Fountain Hills question, the keeping
Cochise County whole, the reducing the mass of CD 1.

Some of those things are relevant. So I think
that those are -- those were comments.

There are, there are, again, as I said before, there are multiple ways to approach the same solution.

Reducing the mass of CD 1 can happen from -- not from the south. It could also happen from the north.

Some of the other aspects of what we're talking about.

So unless I would really -- I think that from a, from a 30,000 foot view of making these adjustments, if, if -- the quickest way to do this, I think, would be -- it seems to me that Ken and Willie were taking copious notes.

If you could distribute those to Mr. Bladine, at least it would give us before you're doing the drafting work to be able to look at what public concepts were and how those concepts would be done, so that we can have that level of dialogue at the Commission level.

KENNETH STRASMA: If no one has any objection, I'd be happy to do that.

I -- a couple further comments on the general process, although I would encourage the Commission to look at and adopt or reject changes one at a time.

Commissioner McNulty's changes generally have a ripple effect around the entire state, so I'm not sure the extent to which we would be able to do separate them out.

As we discussed, we may be able to show the impact
on all the criteria on all the districts, so the commissioners will be able to make an informed decision based on that.

I would, in terms of process, getting back to what I had mentioned about the term working map, I would encourage the Commission if at all possible to avoid bifurcating onto separate maps.

Commissioner Stertz mentioned making CD 1 smaller working from the north versus from the south.

If that's a decision that the Commission can make and then move on, that is going to make this a much more manageable task than if we were to, you know, do two versions of that and then be commenting both of those versions and then bifurcate those and look on eight versions.

I think that's probably a useful process to these what-if maps to some extent. But, but now that we're closer to the finish, it may be making decisions one change at a time and adopting or rejecting them.

I would like to stress that a commissioner may very well quite validly change their mind later on in the process.

You might adopt a change and then five changes down the road we see that in order to achieve some, some goal relevant to the constitutional criteria we need to roll
back what were your changes.

And the Commission can always do that as they vote.

Knowing that none of this --

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: There's a couple changes that Commissioner Stertz had mentioned, the, you know, the keeping Cochise County whole, reducing the size of CD 1, and also adding Fountain Hills to the Scottsdale district. I think it's District No. 6.

Now, those are three areas that I'm not necessarily in agreement with, but I am willing to at least look at those changes that Commissioner McNulty proposed.

I'm, again, not necessarily agreeing to those changes, but at least agreeing to, to see what they look like and to see what impact they have, although the changes -- I think she had made changes to I think all the districts, except nine and.

COMMISSIONER McNULTY: Five, seven, and nine.

VICE-CHAIR HERRERA: Five, seven, and nine.

And you adjusted accordingly when you took out, you added to another one, and it went around counterclockwise.

COMMISSIONER McNULTY: Pretty much. In terms of
concept, the concept is it would make Cochise County whole, move Fountain Hills back into urban Maricopa County, resolve the Oak Creek-Sedona issue, and make very minimal changes in order to accomplish -- the other changes in order to accomplish those things.

It would also reduce a few splits in Maricopa County.

VICE-CHAIR HERRERA: Sure. And, again, these are -- I don't agree to all the changes, in just the concept, but I'd like to see what the map would look like with those changes made.

So I would suggest that we consider either voting on those changes and see if what they look like, because with the -- because I agree that, as I mentioned before, what I don't want to see is each commissioner making their own recommendations and going back to the what-if scenario. I think that would be not a good use of our time. Considering we are crunched for time, that would not be a good use of our time, so I would recommend that we vote on those changes. However minor they are, we should as a Commission vote for them.

COMMISSIONER McNULTY: By that you mean just to have a consensus that we see what they look like, not that we actually vote on them.

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

COMMISSIONER STERTZ: Because we've got the -- I want to also be able to afford our fifth commissioner, Commissioner Freeman, who's out because he's celebrating the joy of the birth of his son, that was my suggestion about if we would be able to take this narrative that was just laid out, e-mail it out so that we would be able to get some, some feedback.

I'm not disagreeing with Commissioner Herrera, and please make note of that.

That we are -- that going down the path about picking some places where we can give solid direction to the -- Strategic Telemetry together is, is a wise and prudent move to make for us to get closer to completion of this.

My, my other question, and you may have just sort of glazed over this in regards to the voters rights districts, are -- is there any contemplation of modifications to either of those two as they currently exist?

CHAIRPERSON MATHIS: Of -- on the congressional?

COMMISSIONER STERTZ: On the congressional side.

CHAIRPERSON MATHIS: Well, we just received this input on some precinct level information related to three and seven, so there may be some other tweaks that also are
out there in public comment that we need to consider.

COMMISSIONER STERTZ: Right now, from the -- from
Mr. Adelson and legal counsel and consultants, are three and
seven solid?

BRUCE ADELSON: Commissioner Stertz, and
Madam Chair, what I said before, the question I have about
to the extent there may not be any resident -- to the extent
that you have residents in these two districts that are
currently congressional districts where they cannot elect
candidates of choice, that's a question.

As I said, there may not be any residents, but
that's something I would like to know.

And also I have a question about with the Maricopa
County area district, where the minority percentages of
virtually the same as in the benchmark.

So as I said earlier, my predilection is always to
see if the minority population can increase to guard against
potential issues down the road.

That doesn't mean the minority population needs in
to increase five percent, ten percent. The increase could
just be a marginal one. And I look at that as a safehold in
case there's something out there that we're not familiar
with or in case the department has an issue about
retrogression by effect.

So those are my main questions about the
two majority-minority districts.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I respectfully disagree with Mr. Adelson about the -- about seven. I think seven has proven it was created that it can elect a candidate of their choice, and it's been Pastor ever since that district was created, I think I'm correct. And the non-Hispanic population in that district is a crossover population.

So what I don't want to do is add more Hispanics to that already high HVAP, and then, again, in ten years from now they will be increasing it some more, to the point that it will be at 60 some percent. And that I don't want to do. I don't think that's necessary.

I think we, we have enough evidence to show that that district the way it is won't pass the DOJ because of -- I mean, again, just saying that we've had one representative for that district since it was created, and it happens to be a choice that the minority majority-minority voters want.

BRUCE ADELSON: Commissioner Herrera, Madam Chair, I agree with the concept of not adding minority voters gratuitously and certainly not packing them, which is a violation as we've discussed of the Voting Rights Act and potentially the U.S. Constitution.
I think that my question is that if -- what one of things I always look at is when the long-serving candidate of choice doesn't run for election anymore.

Does the district's performance remain the same? Does the fact that there is a new candidate on the ballot, does that change the minority community's ability to elect.

So, you know, again, as I had said earlier, I'm not suggesting that this is a problem, in that this is a legal problem the Department of Justice would flag and say no.

This is just a question in abundance of caution looking at the issues and having questions about them. The question and the answer could very well be we don't need to do that.

And if analysis proves that out, certainly I concur with you. I'm a very strong advocate of not acting and not violating federal law to the extent that packing occurs.

VICE-CHAIR HERRERA: Thank you for the explanation.

I don't disagree with what you just said. I, I think having an analysis and seeing if it's necessary, I think I'm in favor of that.

Let me go back to the direction that
Commissioner McNulty or the information that she had
provided to Ken Strasma and his team, that I think that's
something that we should move forward with.

I understand that Commissioner Freeman isn't here.
I wish it was me that had the third child and
issues --

COMMISSIONER STERTZ: Fourth.

VICE-CHAIR HERRERA: His fourth, sorry. That
would be my third. But that if it's not, then -- but we
need to do, need to move forward.

We can provide Commissioner Freeman with as much
information as possible. He can still comment even though
he's still -- he's not here physically at the meeting, I
suspect that he's watching right now. Knowing who he is, he
probably is watching. And I would like to move forward with
the recommended changes that were proposed by
Commissioner McNulty.

Again, these are just changes, they're not being
adopted, and then have Strategic Telemetry work out all that
information with the -- with all the reports and provide
them to all of us as soon as possible.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: This is going to take us
down the path of us going ahead and me creating a whole list
of my own set for submittal.

I would like to take a deep breath on this, pull our socks up on this. Let's get a chance to take a look at what, what she just -- you're talking about getting approval for going ahead and redrawing maps right now. And I think that that's really ill advised. And because my view of this is about all the changes to every single district we make and resubmit them before we start this process going and spinning in a direction that's not going to be healthy for the Commission.

VICE-CHAIR HERRERA: Madam Chair, I didn't say for us to adopt these changes. I said these are changes that are -- that I think even -- I think I've heard Commissioner Stertz mention a couple of these changes that -- the reason I asked him if he approved of any of the changes that Commissioner McNulty made, although he didn't take any notes, he was listening.

Because you mentioned three things that Commissioner McNulty mentioned.

And that's keeping Cochise County whole.

Commissioner Stertz had mentioned that a numerous times.

Placing Fountain Hills -- removing Fountain Hills outside -- away from District 4.

Commissioner Stertz did mention that numerous
times.

And also reducing the size of District No. 1.

He's mentioned that numerous times.

So those are three changes out of the, I think, possibly seven.

Those are three main -- probably the biggest changes are those three that Commissioner McNulty proposing that Commissioner Freeman -- actually Freeman and Stertz have mentioned that they want to see in, in the final map, or at least moving forward.

So I don't, I don't think that these are changes that are just -- we'll pull out of the air. These are changes that I can look at the record that Stertz had mentioned he wants to see.

And, again, these are just proposed changes.

We're not adopting anything.

CHAIRPERSON MATHIS: So what I would like to say is I feel like there is consensus of the four concepts that Ms. McNulty just mentioned, keeping Cochise County whole, increasing the compactness of CD 1, consolidating Oak Creek with Sedona, and consolidating Fountain Hills with urban Maricopa. Those four things can be achieved likely in different ways.

And even though she got down to precinct level moves or ideas of census tract level moves that Mr. Strasma
and Mr. Desmond can explore, I'm sure there are other ways to do it too. But I would think that we can all, I would hope, move forward on just the concepts of those four things, and then let them do the analysis.

They can do exactly what her notes say, and we'll get a copy of those.

And if we don't agree or we think there's a better way to accomplish those four things, then, then we look -- we'd have another commissioner propose those.

So to me that seems like a reasonable way to do it. And they can start at least with her notes. And she's done, she's done work on this, and, and we'll all have a copy of it.

And then if we don't like something or we think it can be done better in a different way, we can explore that.

So, could we get consensus at least just to do those to accomplish those thematic --

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: -- things that she presented?

COMMISSIONER STERTZ: We've got equal testimony on the concept of keeping Greenlee and Graham Counties whole, as well as keeping Cochise County whole. So let's add keeping Graham and Greenlee together as well.

Those are -- that used to be one county years ago before it was split. We heard a lot of testimony about
that.

So if we're going to start going down and trying to, trying to drill down on those levels, I'd like to get -- if that's what we're going to talk about, that's fine with me.

VICE-CHAIR HERRERA: Madam Chair.

COMMISSIONER STERTZ: I'm okay with keeping Greenlee, Graham, Cochise whole.

Connecting Fountain Hills in with urban.

Taking Apache -- the Gold Canyon, Apache Junction link out this connection with the upper northwest corner of the state.

I'm comfortable with the Cottonwood, the fire district, the -- that you had mentioned, Commissioner McNulty, area.

I'd like to add that the -- all of the I-19 corridor be kept whole. We've heard substantive testimony about that.

And that there be a relook of bringing southern Pinal County, Saddlebrooke, and its adjacencies, as well as Marana, eastern, western Marana, which is right now split into two districts, back into a single district, along with Saddlebrooke, Oro Valley, all of, all of Marana proper.

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

VICE-CHAIR HERRERA: The -- I think all of us can probably go through the same list of things we want to change and have a laundry list, as Commissioner Stertz just had.

I don't know if that's, again, if that's the right move.

Again, it will be taking us back to what-if scenarios.

That, the changes that Commissioner McNulty proposed were significant to me.

I don't agree with all of them. There are some that I do agree with and there were some of them probably that Commissioner Stertz agrees with.

And that's the whole thing about compromise. I don't want to remove Fountain Hills out of District 4. I don't want to do that.

I don't want to combine or keep Cochise County whole and also remove the size of District 1. I want to keep it the way it is. But, again, I'm willing to look at those changes that Commissioner McNulty is proposing, because there are some changes that I like.

And that's the whole thing about compromise, that I think Commissioner Stertz will agree with, that there are some things that, that are going to be proposed that you
don't like, but there's some things that will -- that I'll propose that you do like. And you have to say, okay, this is worth it, can I -- I'm not going to get everything, but I'm going to get some of the major changes that have been requested by Stertz, Freeman, and some of the Republican testimony.

Or, say, you know what, no, I'm not going to do that, I'm going do my map and, and not accept any of the changes that the Democrats are proposing.

So really there's two choices here. One of them is compromise, and I think that's what we're trying to do.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: That's about as far mischaracterization of that I could possibly imagine.

You've used that word compromise over and over again, and that's just not been the case, so let's go back to this again.

Commissioner McNulty outlined some, some adjustments that were made that were subtle and small adjustments that Commissioner Herrera may or may not like, that other commissioners may or may not like.

I've done the same thing based on the public testimony that I've received and that you received and that
we received.

And I have added those items to the list of Commissioner McNulty.

There is no reason at all, if we're going to go down the path of making one, two, or three changes that we shouldn't look at the five, six, seven, eight, or nine.

So let's add these lists to the one that Commissioner McNulty added and let's have Strategic Telemetry go ahead and have a run at it.

VICE-CHAIR HERRERA: Madam Chair, just in the interest of time, what I would like to do is make a motion that we allow Strategic Telemetry to move forward creating a working map with the changes that Commissioner McNulty proposed.

I think this is the only way this is going to work for us to be able to, as I mentioned before, being consistent, for us to be able to vote on the proposed changes for the working map, because if not we're going to be here all night, going back and forth as we were yesterday, saying the same thing over and over again.

So my recommendation is to vote, move forward, and have Strategic Telemetry work on those changes that were proposed to see what they look like.

I think that's a -- that is a good idea, there's
some changes that are -- that Stertz likes. I know there are some changes that he likes. There are some changes that I like.

So, that would be my recommendation, or my motion.

CHAIRPERSON MATHIS: Well, I don't, I don't think we need to do motions and voting right now, but I do think this isn't the extent of all the changes for the adjustments.

I mean, what Ms. McNulty just presented isn't everything that we've heard in public comment.

And granted we can't do absolutely everything that we've heard, because a lot of it conflicts.

So we're going to have to do the best we can.

But I think that all four of those things are all things that we all agree on that we would like to see happen.

And then so my suggestion would be, and Mr. Strasma, I don't think they can do this tonight anyway, they've already told us that, but for us to -- you know, they can -- that's tee'd up, she has notes, and she'll make sure that we get all that.

I think that you and Mr. Freeman, if you guys have things to list with also the ripple effects attached, that you can share with all of us, that would also be helpful, and, yes, I think they should explore those.
We'll have to see how, how things unfold.

But I do think these four things were all things that we heard a lot about and I think all agree on, keeping Cochise County whole, increasing the compactness of CD 1, consolidating Oak Creek with Sedona, and then consolidating Fountain Hills with urban Maricopa.

Granted there were other areas too in the map we heard a lot about too, and we'll have to consider those.

But I think that's a good start at least in that she could share information with all of us, and they can do the analysis and tell us what that means from at least their initial stab at her suggested ways of doing it.

And then if others have other ways they think would be better of doing it, we'll have to talk about those.

VICE-CHAIR HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: I don't want to be a broken record again, but I don't agree with all those changes.
CHAIRPERSON MATHIS: Right. Okay.
VICE-CHAIR HERRERA: I mentioned which ones I don't agree with, but I'm willing to see what they look like once we make those changes.

But, again, I don't necessarily agree with them.
CHAIRPERSON MATHIS: Okay. That's a good point.

Yeah, it's more we agree that it's worth looking
at them. And get the analysis done so we can see what
impacts those adjustments would do if they're workable.

COMMISSIONER STERTZ: Two things, Madam Chair.

There is a motion on the floor.

CHAIRPERSON MATHIS: Okay. But it hasn't been
seconded.

COMMISSIONER STERTZ: Correct.

CHAIRPERSON MATHIS: So it can die.

It can also live, depending on what others do.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Eventually we're going to
have to vote on these things, so you can put off voting --
that's not -- I mean, you're not going to hurt my feelings
by not voting on this motion.

But eventually you're going to have to -- there's
going to be changes that will probably be -- are going to be
proposed by Commissioner Stertz that's I'll probably not
agree with based on the things he just mentioned.

And, again, those are changes that I would
probably not agree with, if those are the changes he's
proposing and proposed to Strategic Telemetry, I would not
be in favor of that.

So if we go -- if we're going to send

Strategic Telemetry every change that each commissioner
wants to make and have their own map, again, we're going
back to what we did before.

It was a very productive project that we all did
and we were involved in, but with the creating final maps,
it's probably not a good use of our time.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Just for clarification,
according to Mr. Herrera the list that Commission McNulty
forwarded is just fine, but a list of somebody else is not.

I want to just get this clear that I'm going to
suggest this again, that since they can't work on this
tonight anyway, that we -- they send out a list of
Commissioner McNulty's laundry list that we can come back
and say, yes, because she has ratcheted down to precinct and
to relevance, so that we can look at it tonight, and then we
can have some commentary on it tomorrow, rather than just
picking and choosing bits and pieces that we may or may not
agree to to determine what the ramifications are.

I think that they've got their homework for
tonight.

Let's let -- let's get the distribution of
Commissioner McNulty's notes in our hands, so that we have
can have this as an active discussion point.

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

VICE-CHAIR HERRERA: I mean, the changes that Commissioner McNulty proposed are nothing new. Again, she put a lot of effort into it, a lot of thought into it. And I'm sure she probably stayed up late last night while I was sleeping.

And your comments that you made weren't as thought out as Commissioner McNulty's.

She came prepared. She was the only one that came as prepared as she did.

I wasn't as prepared as she was, commissioner Mathis wasn't, and neither were you.

So that's one of the reasons why I am okay with moving forward with it, because she went step by step each district that she was moving, adding, what the impact will be.

That's why we moved forward.

Not because she recommended them, but because of the time and effort she put into them and explaining some of the, some of the impacts and how to correct the impact.

COMMISSIONER STERTZ: Madam Chair, if you'd like, for Commissioner Herrera's sake, I can take you block by block through census blocks through census tract of every single adjustment that I would like to have integrated in.

And this is probably going to take the better part
of a couple of hours.

   It is very intense and very complex. Because I have done the homework. And I have done a complete analysis of this, of the areas that all reflect the data that I've received from the 6500 pages of comment and public testimony.

   So we can go down the path, because I have done homework, and I am prepared to do so, and I've got it right down to the census block, the census block group, and the census tract.

   So where -- would you like me to begin or would we be better served to take another path?

   VICE-CHAIR HERRERA: Madam Chair, just quickly.

   CHAIRPERSON MATHIS: Mr. Herrera.

   VICE-CHAIR HERRERA: I can do the same thing. I will come back tomorrow and give you block by block census tracts and I'll take you -- it'll take me a good part the day.

   If you want to do that, I'm happy to do that tomorrow.

   If Commissioner Stertz wants to do it tonight, which, again, I don't think it would be a good use of our time, but I -- and it wouldn't be a good use of our time if I did the same thing, spending four or five hours on the changes that I want to make.
But if that's what you -- if that's the path Commissioner Stertz wants to go, I'm happy to do that.

COMMISSIONER STERTZ: Well, you were --

Madam Chair.

Commissioner, you're just giving all kinds of accolades to all of, all of the Commissioner McNulty's hard work. She's staying up last night while you were sleeping. Making sure that all of her hard work was complete.

I've got an equal level of work that we'd like to have. If you'd like me to read it into the record, I can.

I'm making a suggestion that I think is prudent and practical.

And, Madam Chair, I think that you can bring this dialogue to a close by making a recommendation that, that the legislative maps get tweaked, we reconvene at 1:00 o'clock tomorrow, and that a distribution of Commissioner McNulty's notes be made, so that we can review them as they were the first ones that went out.

COMMISSIONER McNULTY: Madam Chair, the process that we discussed yesterday was the process that I just went through.

I provided four, five major goals.

I walked through the ripple effects of the goals, and I have it all described.

And, I, I think that, you know, it gave us the
opportunity to talk about it in concept. So we know whether these are things that on balance we would like to consider or not like to consider.

And I would request that Mr. Stertz do the same thing tomorrow with his proposed changes. Lay them out, give us the highlights of the concept of what they are, tell us what the ripple effects will be, and how he would propose to address those, we can discuss them in concept. And if the concepts are things that we would want to consider in more detail then -- I mean, to me that process makes sense, because we do need to move forward. We need to keep our mappers busy. We need to talk as a group about what we want to do.

And so I think it is a little bit apples and oranges.

So I would ask that that's what you do, that you take what -- the thoughts that you have and you put them together and show us what the impacts are going to be, and then we can talk about them the same way we did about these.

But I would hope we can get this in the queue for the mappers to begin working.

COMMISSIONER STERTZ: Madam Chair, my only comment would be if we can get that list, because I did not take copious notes as you went through them, and --
COMMISSIONER McNULTY: Sure. I'll run through it one more time.

Making Cochise County whole --

COMMISSIONER STERTZ: One moment.

(Brief pause.)

COMMISSIONER McNULTY: Number two is reducing the area and increasing the compactness of CD 1 somewhat.

Number three is --

COMMISSIONER STERTZ: Reducing.

COMMISSIONER McNULTY: -- the area. And increasing compactness.

It's, you know, every little bit counts.

Consolidating the Village of Oak Creek with Sedona and some of the surrounding unincorporated areas.

COMMISSIONER STERTZ: Can you repeat the Sedona, please?

COMMISSIONER McNULTY: Consolidating the Village of Oak Creek with Sedona.

COMMISSIONER STERTZ: Number four.

COMMISSIONER McNULTY: Moving Fountain Hills into CD 6 from CD 4, so it's in the same congressional district with Scottsdale, Fort McDowell.

COMMISSIONER STERTZ: Number five.

COMMISSIONER McNULTY: And then the fifth was just some ancillary side effects where it makes some census
places whole to reduce splits in northwestern Maricopa County.

CHAIRPERSON MATHIS: So we've lost Mr. Herrera, but you're going to be working on Voting Rights Act information tonight.

KENNETH STRASMA: Correct.

CHAIRPERSON MATHIS: And then tomorrow we'll be discussing this more, and Mr. Stertz will be bringing his ideas to the table and share those notes with us too.

So I think we have a game plan.

Does that sound good?

Mr. Herrera is hopefully okay with that.

Okay. Well, with that I think we move on to the next agenda item, which will be, I believe, public comment.

I just have a couple request to speak forms. And if anybody would like to address us, please fill one out.

Just making sure there was nothing else.

That's it?

Public comment.

I only have two actually -- oh, there will be three.

Mohur Sidhwa, representing self, from Tucson.

Adolfo Echeveste.

He left? Okay.

Chase Williams. I think this happened yesterday.

I want to thank the Commission for starting to talk about changes today because a lot of voters who are sitting at home are kind of wondering where we're going next.

But specifically about a few of the changes. When we look at the changes you're going to make to 26, I as a resident of 18 would just like to reiterate the importance of competitiveness in that district. Our current district, which is LD 20, is decently competitive, but 18 is much more competitive.

So I request that if you are going to make changes in the southern part of 26, that we make sure that the competitiveness of 18 is not affected.

Also thinking about the elementary school districts in that area, Kyrene, Tempe, as well as the high school district, because some of those lines along Baseline especially could be impacted by some of those changes.

Additionally with the congressional map, obviously we'll see the analysis of Commissioner McNulty's proposal. But I would just like to reiterate the importance was competitiveness in all those districts, especially in the district that currently -- I guess one, whatever the district that encompasses the Navajo Nation to make sure
that we protect the competitiveness in that district. Because remember we do have four Republican districts and two Democratic districts and only three competitive districts, so McNulty's changes do alter the competitiveness, I would like to reiterate that we shouldn't put those into place.

Then finally on the question of the Voting Rights Act. I think that Mr. Stertz and Mr. Freeman need to remember that the federal does come before the state regardless of whether the state constitution does list six items.

If we don't prioritize those federal items first, we're never going to have a map and we'll be back here in four months trying to do this all over again or the court's going to take them over and we'll be back here in 2013 trying to redraw maps again to meet the requirements of the federal requirement for Voting Rights Act.

So basically competitiveness, I'm going to make sure we're protecting the Voting Rights Act.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Leonard Gorman, executive director for Navajo Nation Human Rights Commission.

LEONARD GORMAN: Good evening. Since this is the first time back from the long break in November,
congratulations to having you start up again.

And also congratulations to Commissioner Freeman, another addition to the southern part of the state of Arizona.

Just the area of the Voting Rights Act, and also the community of interest concerns. It's a delight from the Navajo Nation Human Rights Commission's perspective that you've engaged a former employee of the U.S. Department of Justice to provide you guidance and to comply with the Voting Rights Act of the United States of America.

And certainly support comments that have been made by your consultant with the Navajo Nation District 7 as drafted.

Navajo Nation has very strong concerns about the voting performance of our citizens in that portion of the United States, the state of Arizona.

Just some key factors to take into consideration, when you continue to examine LD 7 along the lines of comments that were made by consultant.

I think there's a strong opportunity for you to increase the Native American voting population in District 7, and as we had mentioned many times in the month of October.

Some of the factors that need to be keyed in on as you go along in examining the voting performance are, as an
example, the populations on -- population on the Navajo Nation.

While there are a significant number of voting age populations, however, significant number of those voting age performance levels are more in the area of 40 years on up.

While the population seems to be more centered on ages from 18 to 40 in the voting age population, those individuals, their performance level is relatively low in contrast to the voting age population 40 and up.

Now, the other aspects you really need to take into consideration in determining the increase in the voting age population of LD 7 is the fact that Navajo Nation is a very rural area.

And then not only the concerns about during the day of the election we have weather conditions that may impede on voters' travel, residents' travels in those areas, but also the concern about the voting precincts versus -- on the Navajo Nation versus the voting precincts by state.

There are a tremendous amount of concerns related to that -- to those issues.

Oftentimes we find Navajo people, Navajo voters have a very difficult time canvassing the precinct areas, and often get confused between Navajo Nation elections and also state elections.

People often see, particularly in the voting age
group that I refer to, 40 and up, have significant concern about having to travel from one polling place to the next polling place to cast both Navajo Nation ballot and also the state ballot.

So those are some of the factors as I understood as explained to you.

It's not only the percentage Native American voting age population as a concern. It's not just a number concern, but also those are some of the key factors that need to be taken into consideration.

As far as the congressional district is concerned, the Navajo Nation I think has a very generous forethought, 20 years, 30 years from now.

It is the hope that somewhere, at least maybe 15, 20 years from now, there will be an opportunity in which the district which now it is located will become a minority-majority concern and relative to the Voting Rights Act.

So those are the concerns that the Navajo people have in relation to this.

So taking those type of factors into consideration, bringing down the number of Native American voting age population in current LD 1, would have some significant concerns with the Navajo Nation. I think if there's an effort to tweak and affect the compactness of
CD 1, that those would also be a factor in assuring that the Native American voting age population is taken into consideration.

And finally the communities of interest aspects.

I know that there are many concerns that were raised throughout the second round of hearings, public hearings, in particularly the area of Flagstaff and the Navajo Nation regions.

I think in this time and age, this day and age, the Navajo people, specifically through the Human Rights Commission, we've been very active in illustrating and educating the Arizona public about the indigenous people's concerns, not only in the state of Arizona, but also throughout the United States.

And the kind of history that placed the state of Arizona in the situation where it's now covered under restriction.

I think those are the concerns that we have when you talk about the northeast region of the state of Arizona.

Places that we noted of community of interest are not only just because Navajos have migrated to border town areas, but also there are traditionally used areas, lands that have been traditionally occupied and used by the Navajo people, indigenous peoples, long, long, long before people came from Europe, which is now Europe.
And those are still, in our minds, in our lives, these are imprints that we have as indigenous peoples of the state.

We are taught from birth on up about sacred sites. The San Francisco Peaks is a very important mountain to the Navajo people and various others indigenous peoples around that area.

And I think our effort here as a human rights concern is to ensure that the proper attention, proper consideration, are provided throughout the processes that are available in policy making, state and federal.

So that's some of our primary concerns.

So iterations or concerns that we put forward that competitiveness needs to be a factor. Navajo Nation is not necessarily concerned about competitiveness. It's really concerned about a lot of these fundamental aspects of our daily lives. And these are some of the accounts that we presented to you throughout the course of your second public hearing and even before in the first public hearings.

So I just wanted to recap on some of those issues. And we will be hopefully able to participate as often as we have in the past throughout the course of your discussions and iterations and public comment.

Again, thank you very much for allowing the Navajo Nation Human Rights Commission to provide comments. Thank
Have a wonderful evening.

CHAIRPERSON MATHIS: Thank you, Mr. Gorman. I have a quick question. I'm not sure I understood this, and you may reference to it, and I wondered if you could just explain it again.

But you made the distinction between Navajo Nation elections and state elections.

Can you talk about that a little bit more in your purpose for bringing that up?

LEONARD GORMAN: The Navajo Nation has its own election process.

And the elections take place every two years.

So, for example, the first year, first cycle election may be voting local elections at the tribal office. Tribal officers normally have about four or five positions at the tribal level, but they also have school board members as elected positions locally.

So they alternate between local elections and also the Navajo national elections where the legislature of the Navajo Nation plus the president, vice president positions.

So, let's say, the first year as, say, 2010, we just had the presidential election along with the legislative election.

Next year we will have local officials election.
So along those time frames, also state elections occur.

And oftentimes those state elections, at the location and polling places may be within the same regional area. However, precinct boundaries for Navajo elections are different from state's precinct boundaries.

There are many places in which they overlap, so a group of Navajos may be asked to travel a distance away from a polling place for the Navajo Nation election but may be required to go across to another precinct area to cast their ballots for the state election.

So those are some of the confusing aspects that exist.

Simply because the state's, the state election does not respect totally the Navajo Nation's precincts.

CHAIRPERSON MATHIS: Okay. Thank you. I appreciate that.

Any other comments, questions?

All right. Thank you.

I think I have another couple more.

Steve Muratore, publisher Arizona Eagletarian.

STEVE MURATORE: Thank you, Madam Chair, commissioners.

I had a specific issue with a boundary on -- for the congressional draft map.
Right now at where the 101 and the 202 intersect in the east valley, about a mile north of that is McKellips Road.

And you have a little part of -- it's about a block north, it extends about a block north of McKellips and about a quarter to a half mile west of the 101, that little notch that has a couple of hundred people right now in CD 6.

I'd like to see that area moved to CD 9.

It would help to alleviate the current overpopulation in CD 6 and would restore the franchise of voting for that area, which is not nearly as overwhelmingly Republican as the rest of CD 6.

So that's -- I've mentioned that before in public testimony, but I wanted to make sure you guys thought about it now.

Thanks.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Janet Regner, consultant for Coconino County.

JANET REGNER: Good evening, commissioners. And I too would like to welcome you all back and thank you again for all your work.

And also congratulate Commissioner Freeman.

My name is Janet Regner, and I'm a consultant for Coconino County. And I simply wanted to reiterate from the
second round of public hearings of what you heard in Flagstaff as well as Cottonwood, that on behalf of the Coconino County Board of Supervisors that you include the Schultz fire and flood area in the Flagstaff legislative district, and that would be Fernwood and Timberline areas, as well.

And as has been stated several times in public testimony by the residents of that area, that is a very, very important planning district now.

The recovery from that fire and flood is going to be multi-year. And so it's, it's extremely important to the residents of that area that they be all in the same Flagstaff legislative district.

So I just wanted to -- I know that Mr. Stertz was unable to be there in Flagstaff and hear that directly, although you probably heard it online, so I just wanted to reiterate that.

Thank you very much.

CHAIRPERSON MATHIS: Thank you.

Is there anyone else who would like to address the Commission?

(No oral response.)

CHAIRPERSON MATHIS: All right. Well, thank you, public, for sticking with us and providing your input tonight.
That just leaves adjournment on the agenda. And
the time is 7:38 p.m., so this meeting is adjourned.
And we'll meet again tomorrow at 1:00 p.m. here.
(Whereupon, the meeting adjourned.)
BE IT KNOWN that the foregoing proceeding was taken before me, Marty Herder, a Certified Court Reporter, CCR No. 50162, State of Arizona; that the foregoing 128 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 8th day of December, 2011.

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