Thursday, December 8, 2011
11:13 a.m.

Location

Phoenix-Airport
Crowne Plaza Holiday Inn
4300 East Washington
Phoenix, Arizona 85034

Attending

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

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

Kristin Windberg, Legal Counsel
Bruce Adelson, Legal Counsel

Reported By:
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Certified Court Reporter #50162

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PROCEEDINGS

(Whereupon, the public session commences.)

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

The time is 11:13 and today is Thursday, December 8th.

So let's begin with the Pledge of Allegiance.

(Pledge given.)

CHAIRPERSON MATHIS: We'll begin with roll call.

Vice-chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Vice-Chair Herrera.

VICE-CHAIR HERRERA: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

(No oral response.)

CHAIRPERSON MATHIS: I believe Commissioner Stertz
is going to be dialing in for a portion of this meeting, so
I think Kristina Gomez will be checking into this.

Other folks at the table will include our mapping
consultant, Willie Desmond and Ken Strasma today. Our legal
counsel, Kristin Windtberg and Bruce Adelson.

Other folks from our staff include Kristina Gomez,
our Deputy Executive Director. Our Chief Technology
Officer, Buck Forst.

And our court reporter, Marty Herder, is taking a
transcript of today's proceedings.

I think that's all in the room.

So we'll move to the next item on the agenda,
which we've already had the presentation by the Arizona
State Legislature. We had that yesterday. So we'll move to
number three, discussion directed to mapping consultant and
possible action regarding adjustments to drafting
congressional districts, and possible action regarding
adoption and certification of final congressional districts.

And yesterday we talked about how it would be good
to, with Bruce Adelson here, to go over those voting rights
districts again, both on the congressional and legislative
maps. But I open it to other Commissioners if they have
other things they want to talk about first or any comments
you want to make.

VICE-CHAIR FREEMAN: Madam Chair, I think we
should focus on -- my preference would be to focus on getting the voting rights districts, those issues nailed down and in good shape, so we know what we're dealing with, with respect to the maps.

CHAIRPERSON MATHIS: Sounds good to me, too. Any other comments from other Commissioners?

COMMISSIONER McNULTY: I agree.

CHAIRPERSON MATHIS: Okay. So it sounds like that's where we would like to begin.

Now, I ask our mapping consultant and Bruce to see if that's appropriate to start there.

KENNETH STRASMA: Yes, Madam Chair, that would be our recommendation.

We discussed earlier last week the concept of having the Commission give tentative lock-in to some of the changes to the voting rights districts so that Dr. King and the rest of the team can work on the more in-depth analysis that will be required for the DOJ submission.

And this tentative lock-in doesn't in any way -- wouldn't in any way tie the Commission's hands. It's not the same as final approval. But as we're moving through these districts, if you give the tentative lock-in approval to some of these changes that we're discussing, from then on when we're discussing other changes they would be made based on that change map, so that we don't have a system with the
maps bifurcating into a whole bunch of other versions.

That would be our recommendation.

There have been a number of conceptual changes discussed.

We've prepared several of those for today and wanted to start with what we feel are some fairly non-controversial consensus changes that -- that we would like to propose to the Commission.

And I'll turn it over to Mr. Desmond.

WILLIE DESMOND: Okay. The first thing we prepared today is simply a one-sided change. You should have your change reports in your packets.

This one is called Approved Voting Rights Act of LD 7.

It's a change that's been incorporated in several of the other plans that we've looked at so far, but we split it out just so you could evaluate what it does.

Basically, what this change does, let me plug in my computer, is it removes the non reservation portions of Mohave County from the Native American voting rights district.

By taking those non tribal areas out, we're able to increase the -- both the minority percentage and the Native American percentage by about two-and-a-half points.

The areas we're specifically talking about are up
here in Mohave County. It's kind of the Arizona strip area.

So, as you can see, it's Colorado City, and that area, and then Phoenix, Arizona, Littlefield, Beaver Dam.

The change, if you look at your change report, would remove -- it's a 10,500 person change. So District 5, which started out under-populated, District 5 on the draft map was 4500 under-populated, it's now overpopulated by 5,900 people, a deviation of 2.8 percent.

The other effects to District 5 are mostly a slight reduction of its minority percentages.

District 7, though, if you'll notice, the Native American percentage goes from 63.7 up to 67.1, a 3.3 percent gain.

Voting age number goes for 61.9 up to 64.5.

The mine inspector Prop 200, those voting rights election results really relate more to the Hispanic majority-minority districts, but they also do go up slightly.

This does split one additional census tract and block group, however, we keep more of Mohave County whole.

Looking at the competitiveness, District 5 becomes slightly less competitive, although it would be hard to argue that it started as a competitive district.

The republican percentage, too, goes from 65.4 up to 65.6.
You'll notice there's been a few changes to the change report. I'll let Ken talk about those just really briefly. But there's some additional columns in the population categories.

There's no definitions of what the different indexes mean, and there's a new population from existing districts table at the bottom that he can explain.

Ken.

KENNETH STRASMA: Thank you.

On the first page of the change report, and for anyone following online, I think they are up now or will be up shortly online on the AIRC website, the first section titled Population, there previously we had just the mine inspector race. We have since added the results from 2004 Proposition 200 election, 2004 president, 2006 Secretary of State, and 2008 presidential races.

On the -- and then on the second page of this report, there's a table that shows what old legislative districts gave population for these new legislative districts.

This is probably going to be more of an issue when we look at some of the Hispanic voting rights districts where there's multiple different districts feeding into new ones.

And Mr. Adelson can discuss further where we want
to look at how much a population came from districts that had previously shown the ability to elect a candidate of choice.

One thing I did want to highlight on the first page, the deviation, had been negative 2.1 percent, and negative 1.3 percent for Districts 5 and 7, respectively.

With this change made, the deviation for District 7 goes to negative 6.2 percent.

So it is under-populated, and has a greater deviation.

I will defer to legal counsel on this, but our understanding is that that is in a permissible range with the, with minority districts to be intentionally under-populated, and that that would not be an issue.

So, if Mr. Adelson wants to add to that.

BRUCE ADELSON: Thank you. Excuse me. Good morning, Commissioners, Madam Chair.

I had thought that if you like, that it might be helpful today to go through the chart, which I commend Mr. Desmond and Mr. Strasma, because it really has some very, very significant metrics.

And again, the metrics are made significant because they're Justice -- the Department of Justice says they're significant.

And these are categories that they scrutinize when
they examine plans under Section 5.

So I had thought that it might be helpful as we go through each proposed change, to talk about certain categories, why they're important, and what's important to look at, if that's something that you're interested in my going through.

CHAIRPERSON MATHIS: I think that would be helpful.

Do others agree? Yes.

BRUCE ADELSON: Okay, thank you.

In this change, one thing since it a proposed majority-minority district, the first thing that Justice will look at in comparing the change to the draft is how does this affect the minority population. This is a Native American majority-minority district, so the first thing Justice will look at is the total non Hispanic Native American population.

In the proposal, that percentage goes up almost four full percentage points, that's the proportion increases, because as Mr. Strasma said, this district is under-populated and under the Larios v. Cox decision earlier in 2004, this should be within the permissible range of deviations, yeah.

COMMISSIONER McNULTY: Can I just ask a question so I understand what we're talking about?
The base map for this was the draft or have we made the Winslow-Show Low change for the version.

KENNETH STRASMA: The base map is the draft.

COMMISSIONER McNULTY: Thank you.

BRUCE ADELSON: So in looking at the metrics, you have Native American population increases.

Then after that we would go to the voting age population.

The voting age population for Native Americans also increases.

The number of Hispanic in this district is relatively small. So whether there is a differential between the draft and what we're talking about today, is likely not going to be consequential.

Because Hispanics in this district, numbering in the draft 8.5 percent, are too small to elect a candidate of choice by themselves. They would need to coalition with a larger group to elect.

But in this district, Native American, of course, are the overwhelming majority.

So we have an increase in the overall population.

We have an increase in the Native American voting population.

Then we go to two important categories.

We look at -- and here there's -- and this is --
would be more relevant in a district where the majority is Hispanic population, because we don't have the metric for Native American registration.

So if those -- if that -- this were a majority Hispanic district, we would look at HCVAP, Hispanic CVAP and Hispanic registration to see how those numbers compared with the draft.

Then there would be an additional comparison that we would do with the benchmark.

But just looking at this change order, that would be the relevant comparison to make.

What's particularly significant and really jumps off the page at me on this report, is that in all of the elections, statewide elections, that have been chosen, there is an increase in the support for the minority candidate of choice.

For example, for 2008 the presidential election, the Democratic candidate, the margin of support from the minority community goes up to 62.9 percent.

In the 2010, for example, mine inspector race, for the Democratic candidate the choice of candidate of choice went up 1.5 percent to 65.9 percent.

So what I look at and what the Justice Department would look at is in comparing changes, to see if the metric of electoral performance increased, decreased, stayed the
same, and if it did decrease, what would be the margin of the decrease. And increase, what would be the margin.

But if there is an increase, that is almost something that gets an automatic check, depending upon the district.

So those are the things that I look at, that I looked at at Justice, that Justice is looking at today in order to determine whether a proposal is potentially retrogressive and violative of Section 5.

So what's also significant, going back to the top, on the first page, the District 7 paragraph, non-Hispanic white. That population decreased 3.1 percent.

Now, if the non-Hispanic white population or any of the population does not support candidates of choice, that is viewed very favorably by Justice in looking at a Section 5 -- looking at redistricting from a Section 5 perspective, because that tells us that the jurisdiction took an affirmative approach to enhancing a district's electability by adding residents who would support the candidate of choice, and removing residents who, based on analysis, would not.

So those are -- in just -- in kind of summary fashion, what I always -- what I look at with all these reports and whatever changes are being suggested or proposed, and comparing those to the existing -- your draft
district.

   So I would be happy to answer any questions about just that metric of comparison, but in viewing this from a Section 5 perspective, in my opinion, this is something that would be an enhancement to draft District 7, and would be looked upon favorably by the Department of Justice.

   VICE-CHAIR FREEMAN: Madam Chair.

   CHAIRPERSON MATHIS: Mr. Freeman.

   VICE-CHAIR FREEMAN: Mr. Adelson, I guess another metric that they're going to look at is effectiveness, voter effectiveness, and we don't -- we're not going to know that answer whether the 64 percent is an effective population.

   If there was a concern there, if that's not going to allow minority population to elect candidate of choice, and if there were other ways the minority voting age population could be augmented, is that something that Justice would look at?

   BRUCE ADELSON: Madam Chair, Commissioner Freeman, That's an excellent point.

   In performance, the two main issues that Justice looks at, electoral performance/effectiveness. And the minority populations that we talked about.

   One of the reasons that there are additional elections on the change report here, is we discussed the concern that Justice will analyze several elections per
district to determine effectiveness.

    So having a range of elections allows us to look
at not only different years, but different candidates to
gauge the support of the minority communities.

    So in looking at those, and going to your
effectiveness point, the district does appear to be an
effective district based on the electoral performance in
these trial elections that we have.

    And with the additional analysis that will be
done, that more in-depth analysis will get to the core of
your question, and will answer as definitively as we can
statistically the effectiveness of the district.

    Let's assume that that analysis suggested a
problem with the effectiveness.

    Then that would be something that we would need to
look at and address, because that would be a question that
Justice would have.

    That question would be so significant they would
not call to ask about that. They would write a letter. And
that letter being a request for additional information.

    When Justice calls to ask for clarification, those
calls usually go to relatively minor issues, or maybe a
technical issue with the data that's been sent. Maybe it
wasn't in the proper format.

    But Justice -- in my experience, I never call
about a significant issue.

That was something that we put that in a letter. And that letter, as we talked about, stops the 60-day review clock, the jurisdiction is then on a 60-day clock to get Justice the information it wants.

If the jurisdiction cannot do that or the information is insufficient, then Justice will object, which is what we did nine years ago.

So does that answer your question about effectiveness?

VICE-CHAIR FREEMAN: Yeah, and I guess the -- the answer would be either, if there was a concern on effectiveness, either we've done the best we can. It can't be done. And I don't know what the implication would be with that answer. Or it can be done. You guys just didn't explore it well enough.

Does Justice do their own mapping and try to do things themselves?

BRUCE ADELSON: Madam Chair, Commissioner Freeman. That is an important part of the Section 5 process. Justice will design its own map. Justice will also look at the maps you considered and -- and approved throughout your process.

Let's assume that Change A of District B. In additional analysis that district is determined to be
ineffective, and the changes that are made to try to make it effective just don't work.

Then Justice will not preclear a plan like that if it compares unfavorably to the benchmark. But Justice will look at all the iterations that you have worked on and approved, then Justice will do its own map to see, in answer to your question, whether the change, or whether it can be done.

Because there are situations, although I don't think they confront the Commission, that retrogression is unavoidable.

You could have made an argument about that in New Orleans because of the -- the tragedies there and Louisiana. I don't believe the State made that argument in their redistricting, although they may have.

If there's unavoidable retrogression that's a separate issue, the burden of establishing that is huge.

In my career, no one ever made the point that we have to discriminate because we can't help it. No one ever said that.

And if anybody had, we would have looked at that with a lot of circumspection and really put them through the hoops to make sure that there was absolutely no way that they could avoid -- couldn't avoid retrogression.

Thank you.
CHAIRPERSON MATHIS: Any other questions on this or comments?

This may be a question for legal counsel. I'm not sure. But the deviation from ideal population, what we've determined that to be, what is an acceptable range?

BRUCE ADELSON: Madam Chair, unfortunately, there is no black letter absolute this deviation is okay.

But the deviations are across the entire plan, across all 30 districts.

So, arguably, you could have deviation, I wouldn't recommend this, a 15 percent in one district, and two in another district. And the average is not going to be 15 percent across the plan.

So it's across the plan.

And in the various districts, of course, that I've looked at, and the various changes that are being suggested, I haven't seen any deviation that is hugely out of whack. But because there is no bright line, absolutely you must do the tasks. Just like many things, there's no absolute guarantee as far as liability in a court setting.

From a deviation -- deviation from Justice's standpoint, Justice only views that as significant if you're violating the Voting Rights Act. So if you have a substantial deviation, or small deviation, and that results in retrogression, that's something that Justice cares about.
that. But if you have an 8-percent deviation or a 9-percent deviation, without retrogression, that's not an issue for Justice.

That may be an issue from a liability standpoint for private individuals, but Justice focuses on discrimination as is detailed in the Voting Rights Act. That's what their primary concern would be.

CHAIRPERSON MATHIS: Thank you.

KRISTIN WINDTBERG: And I, Madam Chair, would add to that, but I think there have been previous discussions with this Commission trying to keep the overall deviations close to the deviations that were in the benchmark.

So I would echo what Mr. Adelson is saying, that you need to keep this in mind as you're looking at all of the changes that you're making as to the amount of deviation district by district, but that one single district having a deviation of 6.2 is probably not going to be end all, be all. But I would keep it in mind as you're looking at all the changes you go through.

BRUCE ADELSON: Madam Chair, if I could add a point.

I agree with that. The Larios v. Cox, the federal court decision from 2004, that basically said that jurisdictions cannot assume that 10 percent deviation is safe harbor in. But the court did not establish 7.5 or
8 percent as a new safe harbor.

I generally like to receive deviations in roughly the 5-percent range.

However, there have been jurisdictions that I've worked with in this redistricting cycle where the majority-minority districts deviation was higher than that, because we intentionally under-populated in order to comply with Section 5.

CHAIRPERSON MATHIS: Thank you both.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Mr. Adelson, can you do me a favor and explain in some detail the reason for under-populating a majority-minority district to comply with Section 5? Because I -- even if the -- excuse me -- the Navajo Nation and Native American leaders may have an issue with the, with the higher deviation, higher above the 5 percent which we talked about -- we never agreed to. We discussed it.

So, if you were trying to convince them, not that you are, what would you say to the peoples in District 7 and explain the deviation from the population?

BRUCE ADELSON: Madam Chair, Commissioner Herrera.

I think if you had ten precincts, all of which were 100 percent Native American, you wouldn't have to
deviate from population. Because there would be districts outside the reservation or precincts, where there will be a mixture of people from different backgrounds.

So if you have a precinct that is 75 percent Anglo and 25 percent Native American, if you add that to the district, that is going to skew the numbers.

It may not make the district less of an effective district, but the -- if there were a deviation of 10, 15 percent, that would be something that would be inadvisable.

But 6 percent is well within the range, in my opinion, of what Lario suggested.

And I don't think that they -- if the goal is 5 percent, that 1.2 percent is just not significant statistically to seriously implicate the one person, one vote requirement of the Constitution.

But that also goes to the one point that I think is important to make, legislatively compared to the congressional districts, of course, as we know, there can be no population deviation under the -- with the congressional districts. That's not to same, of course, with the legislative ones.

So the Commission has a lot more leeway in enhancing districts and making sure that they are not susceptible to retrogression, because you don't have that constitutional no population deviation mandate.
VICE-CHAIR HERRERA: Thank you.

BRUCE ADELSON: Thank you.

CHAIRPERSON MATHIS: Mr. Strasma or Mr. Desmond, I'm not sure, either one of you, if you could walk us through that new chart that we provided in these reports, the population from existing 2010 districts, just to go through that.

WILLIE DESMOND: Sure. All right. I just wanted to say one more thing about deviation quickly, is this change doesn't have to be for this district, and either, you know, we just think this is a step in the right direction. A lot of these changes I will discuss today. There can be things that will further enhance Voting Rights Act later on. It's just incremental steps. It's possible that the deviation could be improved later on and that could be another additional change.

It's also possible that you could walk these things back.

If other things come to light and you don't agree with this, you could always undo anything that gets changed. But I'll leave it to Ken to explain this.

KENNETH STRASMA: If you look at the second page of the report titled Improve VRA LD 7, at the bottom section, the bottom table is entitled Population From Existing (2010) Districts. And we have a rather long title
there because I know it's going to get confusing when we begin talking about, you know, if we were just to say old districts, does that mean the draft districts that we're changing, the word district. So the existing districts mean districts that were in place on the last election.

The first column that the new LD, so you see we have three rows for LD 5, and five rows for LD 7.

And then existing LD, that's the 2010.

So you see the lion's share of LD 5 comes from existing LD 3.

It's 94.8 percent of the new LD 5 voting age population came from existing LD 3.

That segment of the population was 11.7 percent voting age Hispanic, as these tables are going to be more applicable in the Hispanic voting rights districts.

I wanted to point out that does not mean the entirety of the old district was 11.7 percent Hispanic.

It's that segment that went into the district.

The next column gives the same thing, voting age minority percent. So the total minority percent of the portion of existing LD 3 that went into LD 5, was 16.2 percent minority.

The next two columns are -- tell us what percent of the new district's voting age Hispanic population, so percentage of new district HisVAP. That's short for
Hispanic voting age population.

So of the fairly small voting age Hispanic population in new LD 5, 88 percent of it came from existing LD 3.

The next column over, percent of new district minority VAP, that's the same thing for total minority voting age population.

And the final two columns tell us the number of minority candidates that ran in those existing LDs, so there was one minority candidate who had run in existing LD 3.

And final column, minority candidates elected, it tells us that no minority candidates had been elected, had been successful in a general election in LD 3.

Jumping down to the top of the section for new LD 7, which is the ones that are more of interest here, you'll see that the lion's share of the population, 53.9 percent, comes from existing LD 3. That's in the benchmark of the Native American -- I'm sorry, LD 2.

So the 53.9 percent of the new district's voting age population is from the old benchmark Native American District LD 2.

If you look at the middle column, the percent voting age minority, 97 percent, that shows us an overwhelming minority, in this case Native American. And then in the percent of new district minority VAP, 7845,
that tells us that 70.5 percent of new LD 7’s Native American pop, they’re called minority pop, came from the old benchmark district.

So although the roughly 54 percent of the total voting age population came from old LD 2, it’s 70.5 percent of the total minority population.

And then the final columns, as to effectiveness of the old district, it shows us that there were ten minority candidates, eight of whom were successful in benchmark LD 2.

So the bulk of this population is coming from an old legislative district that had been effective in electing minority candidates.

The next lines down just tell us the next largest share of the population in new LD 7 comes from old LD 5.

And, likewise, down the line, these are all sorted by total voting age population, so the largest contributors to the new districts were all sorted toward the top of these charts.

BRUCE ADELSON: Excuse me, Madam Chair, if I could add something to what Mr. Strasma said.

The last two columns are very important, and they go to Commissioner Freeman’s comments about effectiveness.

In analyzing the districts, Justice will look to see what districts they came from.

In the current United States of America versus
State of Texas preclearance litigation in Washington, Justice has used the term mobilized minority voters to mean those voters or residents, I should say, who come from districts where they currently can elect candidates of choice, and are then placed in new districts that are proposed to be majority-minority districts.

So Justice has defined those residents as mobilized minority residents.

That's not a term that we used before, but that is a term that they're using now.

But this is a very crucial part of the analysis, looking to see where the new residents come from.

So if, for example, in majority-minority district, District 7, let's assume that none of the districts where the new residents come from currently can elect.

That would be an issue and a question that Justice would want answered.

Now, that's not the case here, because the majority of people in the new district have been able to elect 80 percent minority candidates of choice.

That is a very significant bit of information.

But these two columns, and I think we'll talk about that more as we go on today, will have more play in other discussions that we have. But that is a very, very important part of the analysis, and, in fact, that led to
one of the districts that we objected to nine years ago.

We determined that the State could not prove that mobilized minority voters existed in enough quantity, in a proposed majority-minority district, because 20 to 30 percent of minority voters, as I recall, came from a district where they could not elect minority candidates of choice.

And we decided that the State had not proven that by including them in this majority-minority district, that was not discriminatory.

CHAIRPERSON MATHIS: So have we done this effectiveness measure calculation on each of the voting rights districts on the leg map.

KENNETH STRASMA: Yes. This consists of the change reports for all of the districts.

CHAIRPERSON MATHIS: Okay. Thank you.

Any questions? Commissioner McNulty.

COMMISSIONER McNULTY: Madam Chair, yes, two questions. Remind me what the benchmark is in LD 7, please.

And the second question, these are general election results only. Would you talk about primaries in the context of LD 7?

BRUCE ADELSON: If I could jump in quickly, Madam Chair, Commissioner McNulty. I looked at the primary election results parenthetically last night for the
benchmark District 2.

The performance of the Native American candidates was overwhelming as far as success in the general election. This was not a district where minority candidates ran in large numbers in the primaries and were defeated by Anglos, for example.

That is true in other districts, and that is -- can be an issue of concern. But here this District 4, as the chart indicates, an 80 percent of the elections, elected candidates of choice.

And if you look at the Native American candidates who were elected, they're margins are very significant. Even in the event that an Anglo candidate won, that candidate's margin was also significant compared to the non candidate of choice.

So I think your -- I -- I think your point, I think that's very important to focus on. This district is a -- the benchmark district is a largely performing district both in the primaries and in the general.

COMMISSIONER McNULTY: And we'll be addressing that in our submission?

BRUCE ADELSON: Yes, I think, Madam Chair, Commissioner McNulty, yes, that is an important metric that we have to show Justice that we've looked at this, it chose X, therefore, we concluded that the district is effective.
Because they will do all of the things that we will be saying they will do. That is, we've discussed. If we don't do it, we don't have an answer when they do it. And that's not a question that they're going to ask over the phone. That's a request for additional information.

And on a statewide redistricting, a request for additional information can be an objection working 75 days down the road.

COMMISSIONER McNULTY: Benchmark.

KENNETH STRASMA: And Commissioner McNulty, as to the question about the benchmark for this district, it is -- existing LD 2 is the benchmark to which we're comparing this, which had a 58.9, almost 59 voting age population Native American population.

Perhaps more importantly, a strongly demonstrated ability to elect in 2008 for State Senate.

The Native American candidate was a candidate of choice of the Native American population, received 73 percent of the vote district wide.

In 2010 the candidate for the Native American candidate for Secretary of State received 79 percent of the vote district wide.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.
VICE-CHAIR FREEMAN: Could either Mr. Adelson or Mr. Strasman remind me what criteria do you apply in deciding which elections to look at for evaluating these?

BRUCE ADELSON: Madam Chair, Commissioner Freeman. Justice will -- there was no hard and fast rule when we did this nine years ago as far as the number of elections.

In the Texas case they've analyzed up to five elections per majority-minority district. So I look at that as, in a way, as a benchmark for us to look at in moving forward.

I think that there may be situations where there are additional elections we may need to look at, and maybe situations where that's not necessary.

The Section 5 regulations don't specify a specific number. Often that number is informed by issues surrounding the district.

So here, in using the statewide elections that Mr. Strasman has included, I think gives us a good sense of the effectiveness up to this point.

The additional analysis will reveal whether or not there are issues with that, and we need to look at.

KENNETH STRASMA: And if I may expand on the question of how the races were selected, in many cases it will be a candidate of the same race as the dominant race in
the district being analyzed, but not always.

That's usually the candidate of choice, but we need to be able to demonstrate through election results analysis that that person was the candidate of choice.

I mentioned last week the homogeneous precinct analysis we did, where we look at precincts that are 90 percent plus either Hispanic or Native American. It gives us a very quick sense of who those communities were supporting in particular races, and that's how we're able to demonstrate that mine inspector 2010 the Hispanic candidate was the candidate of choice of both the Hispanic community and the Native American community.

In 2010 the Native American candidate for Secretary of State in benchmark LD 2 was the candidate of choice of the Native American.

In 2008 President Obama, a minority candidate, was African-American, Hispanic, Native American, but homogeneous precinct analysis demonstrated he was the strong candidate of choice of both Hispanic and Native American communities.

In 2006 we looked at the Secretary of State's race again.

In 2004 there was not a minority candidate statewide.

We looked at the presidential race and found that John Carey was the candidate of choice of both Hispanic and
Native American voters based on homogeneous precinct analysis. That's one of the more in-depth analysis. Once we have a tentative lock-in, we'll have to demonstrate by district by district that that was the case.

The only one of these elections listed here that's less clear is the Proposition 200.

Proposition 200 in 2004 was that no votes was clearly the vote of choice of the Hispanic community, but was much closer among the Native American community.

I believe that Native Americans voted a 49 percent in favor of Proposition 200.

So it's more -- more -- closer to a 50/50 race.

So that's just a little background on how those races were chosen.

BRUCE ADELSON: And if I could go back to Commissioner McNulty's comment about the benchmark.

If you look at the important metrics, the benchmark District 2, for example, is 69.6 percent minority percentage of voting age population.

The change that we're talking about today, is 74.2 percent.

So the literal comparison to the benchmark, and this is, frankly, one of the easiest districts to do that, because we have a majority-minority Native American district now in the benchmark, and a draft Native American
majority-minority district.

So looking -- comparing the numbers for these two districts is much easier than it might be in -- with another district.

Another example in your draft map has total minority percentage above the benchmark. The change brings it higher.

The benchmark number is 74.4 percent minority percentage of total population. The change that we're talking about today brings it to 77.8 percent.

So the key benchmark numbers, as I see them, work quite well. There's no number that's problematical. You're matching or exceeding the benchmark in the key metrics that Justice will look at.

KENNETH STRASMA: And if I might add another thing that is unique about the Native American district is there is only one and only potential for one.

And so that makes this analysis a little simpler that making that number higher is, and Mr. Adelson can correct me if I'm overstating this, but unambiguously good in the eyes of DOJ.

If there was a chance of having too much Native American population in that district at the expense of another, that would be a different matter, and things would get more complicated than when we're talking about Hispanic
districts where it's not necessarily the case that the
highest possible Hispanic percent is always what's
desirable, because that might come at the expense of other
districts.

BRUCE ADELSON: And I think it, excuse me, just to
go a step beyond. I think that's very important. This is
not a situation where you have what's called packing.

Racial packing under Section 2 of the Voting
Rights Act is what Mr. Strasma said, there cannot be two
majority minority Native American districts.

There's just not sufficient population.
So that if you took a significant part of the
Native American population and put it in another district,
that would be a problem. Because you are then retrogressing
the interest of Native American voters to elect candidates
of choice.

So because there's just not the population for
two, it does make the analysis somewhat easier and less
complicated than in other districts.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Madam Chair, can I ask,
another benefit is it insulates, getting the number higher,
because it insulates us from possible other issues with
effectiveness as well, which we don't know the answer and
won't know until the sort of election.

BRUCE ADELSON: Madam Chair, Commissioner Freeman.

Absolutely. I think this is an example of a
district that we -- since you can't have Section 2 packing
issue, I agree with you, that if you raise the population of
Native Americans, raise the proportion of Native Americans,
lower the proportion of non versus Anglo voters, all of that
is very positively significant and will be viewed that way
by Justice.

VICE-CHAIR FREEMAN: Let me go back to choice of
election. The way I understand it, you chose those
elections because they have those qualities that you
described, which are equal information as to whether
minority population can elect a candidate of choice.

In 2004 you had to use the presidential election
because it was statewide. There was no minority candidate
running. And I suppose you chose that over the senatorial
race because Senator McCain was running unopposed, so that
election didn't give you any meaningful information; is that
correct?

KENNETH STRASMA: That's correct. The Senate race
was extremely lopsided and didn't give us results.

BRUCE ADELSON: One of the examples of Arizona
over Texas, because in Texas many more minority run for
statewide offices than in Arizona, so we are somewhat
limited in elections that we can choose.

Using an election where a minority is running for office is typically ideal, that that person is running as a major party candidate.

Over the last decade there just haven't been that many people who have done that. So when we can find that, that is an excellent election to use as an analysis.

VICE-CHAIR FREEMAN: Otherwise, statewide elections are --

BRUCE ADELSON: Presidential.

A senatorial election can be used if the contest were close.

In a lopsided contest that always gives me pause, because that can skew the results.

VICE-CHAIR FREEMAN: By the way, not on the topic of voting rights analysis, but that senatorial election isn't included in the competitiveness indices, is it?

KENNETH STRASMA: It is included in the competitive indices. They include all statewide partisan races, and I flagged that issue earlier via e-mail.

I do think it would be interesting to take a look at some races that -- dropped races that are a buffer or below a certain threshold, and also some Commissioners have raised the concept of weighting different years differently.

Right now the indexes that are on your reports are
just all races according to the years weighted equally.

VICE-CHAIR FREEMAN: I think it would make some
sense, given how lopsided that would be, whether it was
lopsided one way or the other, that that not be included,
because it skews the results, like you said, and -- and that
might not be the only election.

I don't know if the Secretary's -- Corporation
Commission, all of the Corporation Commissions were
included, but I think I vaguely remember the Commission
being expanded during the last ten years, and the Democrats
not running a full slate in one election, so I can see that
skewing the results. And there might be elections on the
other side that might skew the results toward the Democrats
because Republicans didn't run a candidate.

I think it's -- certainly, if we're going to get
meaningful data out of those indices, I think it's something
that should be looked at and those outlier elections sort of
tossed from the mix.

KENNETH STRASMA: I thank you for reminding me.

I should clarify that for a Corporation
Commissioner, only races where an equal number of candidates
from both parties were running for the given seat were
included.

So in 2004, I believe, where there were two
different unexpired terms being filled, and Democrats did
not field a full slate of candidates, it's impossible to
can not compare the total between those two, so those were not
included.

And I would be happy to run some versions of the
numbers excluding races above or below specific thresholds,
and run those by you to see if those are revised indexes
that should be considered.

VICE-CHAIR FREEMAN: Thank you.
VICE-CHAIR HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: I -- I don't mind. I think
it's a good idea to do that, but it would be an additional
index. It would not replace, I think, index -- any of the
ones that are currently -- I think it's index two that

BRUCE ADELSON: Correct.

VICE-CHAIR HERRERA: And I am okay with that,
using it as a variation as a version we can look at, and the
one that Commissioner Freeman is recommending, it would be
number five, I think or six. Is it six now we're up to?

KENNETH STRASMA: It would be number six.

And I would -- that would be my preference as
well, just to avoid confusion, that we keep the existing
indexes as they are numbered, and as new permutations are
added, that we add a new number.
And you'll note the revised reports have footnotes, so we don't have to remember what all these different versions are. We'll continue to footnote all these.

VICE-CHAIR HERRERA: I would be in favor of that, so I think that would be great.

CHAIRPERSON MATHIS: Does everyone agree that the good thing to do is add an additional competitive index to the mix and throw out outliers.

COMMISSIONER McNULTY: Yes.

CHAIRPERSON MATHIS: Mr. Freeman, you're good?

VICE-CHAIR FREEMAN: Yes.

CHAIRPERSON MATHIS: Okay. So I guess we'd like another competitive index, throwing out the outliers.

Do you need additional directions on which ones or what thresholds?

KENNETH STRASMA: I think it might be best if I were to report back to the Commission, perhaps Monday, showing what races were below or above a specific threshold, and get further direction with those numbers in front of us.

CHAIRPERSON MATHIS: That would be great.

Okay. Any other thoughts on this proposed enhancement of LD 7?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: As the -- I'm assuming probably Bruce Adelson has not had a chance to review the proposed changes that were recommended by, I think Commissioner McNulty recommended moving Winslow out of District 7 and swapping it with Show Low.

And I believe that the Winslow area has a higher Native American population.

So I wanted to see if you've had a chance to review those proposed changes.

BRUCE ADELSON: Madam Chair, Commissioner Herrera,

I did.

I will apologize for having the changes in many ways were flowing together for me.

I have to look at the specific change report, but referencing what you had mentioned, one issue, one question for Justice would be in swapping municipalities, looking at the minority populations of both, looking to see whom they supported in elections, was there some -- a coalition with Native Americans, for example, in one city or both, or one or the other.

So those are all our metrics that they will look at.

So to the extent that the numbers are -- are not a retrogressive issue, just looking at it in the -- in -- apart from looking at the specific numbers, then that might
not be a retrogression.

But what's also important is looking at the issue of what's the minority community's opinion?

Do they have an opinion about swapping municipalities?

Is that an opinion that relates to retrogression?

And, actually, that's something that I wanted to mention, too.

Nine years ago I spoke to dozens of people in Arizona, minority legislators, minority coalitions, counsel for the coalition, minority residents, about various concerns or questions they had with the prior Commission's redistricting.

If their concerns were not retrogressive, if they did not allege that we are not going to be able to elect who we want, that really was not an issue for us.

So while we would get letters, e-mails, faxes and phone calls, many of them were just not relevant to, legally, to what we were doing, and, frankly, what Justice has jurisdiction over.

So there will always be, in any redistricting, and I certainly have seen this this year at the local level, people are not happy with various things, for various reasons.

From Justice's standpoint, they have to allege
retrogression. If they don't, then they're just not issues that Justice will take into account.

So I will look at the change and perhaps we could -- we can discuss that as we go forward.

VICE-CHAIR HERRERA: Thank you.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Go ahead.

COMMISSIONER McNULTY: I would just like to make the comment that the way the Colorado City change arose, the concept of the Colorado City change was a way to mitigate any impact of making the Show Low-Pinetop, Show Low-Winslow swap, so we're discussing it independently, but that's not how it arose in our discussions.

It arose because we had -- for a number of reasons -- or I had. I'll speak for myself. I had wanted to look at that because for a number of reasons pertaining to the six criteria, and the Colorado City -- removing Colorado City from LD 7 removed racially polarized voters and made the impact of the Winslow-Show Low change less significant.

BRUCE ADELSON: Thank you, Commissioner McNulty.

That, I didn't know.

And I have the change report for legislative draft change, Winslow-Show Low block equivalency; was that the change? Okay.

Now that has -- this does not have the full
listing of the elections that the change report that we've 
been talking about has, but just in looking at it quickly, 
what this -- the change proposes lowering the non-Hispanic 
white population by 2.3 percent.

There's an increase in the Native American and 
Hispanic population, both voting age and total population. 

There's a decrease in the non-Hispanic white 
population, voting age population 2.1 percent, which is 
pretty relatively significant.

The election, the mine inspector election, has, 
although the candidate did not win, the minority candidate 
of choice, the measure of performance does increase 
marginally.

So one of the things that I would look to, and 
that Justice will ask, or like we were talking about 
earlier, what is the relative minority population between 
the two communities.

And the bottom line is, does -- the two bottom 
lines, does the switch impair, weaken, reduce, diminish the 
ability of minority voters in this district to elect whom 
they want.

And then I would also look to see what are the 
comments, concerns, of the minority population. 

Do they support the change? Do they not support 
the change? And if they do not, is their non support a
retrogression argument? Is it another argument?

So those would be the issues that I would like to -- that I would look to, and that Justice will look to.

COMMISSIONER McNULTY: Thank you.

I guess my question is, can you prepare something that shows all three of those changes, the Show Low-Winslow and Colorado City, so we can actually analyze it, you know, in context.

KENNETH STRASMA: Yes.

COMMISSIONER McNULTY: Since that what we had originally used.

KENNETH STRASMA: Yes, Commissioner, we can do that. I guess if we can get some preference from the Commission, would your preference be to give tentative approval to this change, and then tomorrow we would look at the second change? Or table this change for now and come back tomorrow to look at them as a package.

VICE-CHAIR FREEMAN: Madam Chair.

COMMISSIONER McNULTY: What is the significance of doing it the other way, from your perspective?

KENNETH STRASMA: Either way works from our perspective.

COMMISSIONER McNULTY: Either way works for me.

My only concern is that I'd like to look at the totality, because that's how they arose, and it does achieve
some objectives, you know, we had talked about. I think Mr. Gorman talked yesterday about Native Americans in Flagstaff, and they can't be put in LD 7. They just can't be.

And my perspective is, and I know the Native American community has testified on several occasions that they're not concerned about competitiveness, but I am concerned, frankly, about Native Americans and others in Flagstaff who want a responsive representative.

So we've heard a great deal of comment from Flagstaff about their goal being to have a district in which there are people who have to pay attention to all the constituents in order to get elected.

Native Americans are one of those constituents.

I'm trying to balance all of the criteria. And that's one of them, paying attention to how we can best achieve a district which is balanced, which is competitive, and in which a representative would be required to pay attention to Native Americans' concerns as well as other constituent concerns.

CHAIRPERSON MATHIS: I would note, too, that we just received some input from the Flagstaff Chamber of Commerce.

I don't know if the Commissioners have had a chance to review that. It just came in today or yesterday.
And I raise it because it's interesting, with what Mr. Adelson just said, about a claim of retrogression causes the Justice Department, you know, flags go up and they look into it.

They essentially, the Flagstaff Chamber of Commerce, makes the claim of retrogression for themselves, which -- and so, I was kind of curious how that gets brought into things with the Department of Justice. How they're going to deal with a claim like that.

BRUCE ADELSON: Madam Chair, that's a very interesting question.

And now that you mention it, as I recall, I did -- did that come in last night? Yeah, I think.

CHAIRPERSON MATHIS: I don't remember the day, but yes, today or yesterday.

BRUCE ADELSON: Yes. And I was preparing for my early morning flight from the Midwest today. I think it was the last thing I did last night, as I recall, reading that letter.

The retrogression concept relates to minorities, be they Hispanics, for example, Asian Americans, Native Americans.

So if an entity or organization is claiming retrogression on the part of Anglos, that is not something that the Department is going to look at to the same extent
as if, let's say, the Hopi Tribe claimed that the retrogression in a specific plan, mainly because the Voting Rights Act passed in 1965 in an effort to give minorities the opportunity to elect whom they wanted, when at the time, particularly in the deep south, that was not viewed as something that was possible.

So the Department will -- the Department reads everything that comes in related to redistricting, but that's not something under the Voting Rights Act that the Justice Department will look at in the same way as they would, as I said, if an Indian Nation claimed retrogression in a per vote.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: My question -- I was not going to ask this question, but I think it's very -- it's been coming up and it's, I think it's -- it's kind of similar to the question that Madam Chair had asked you about, you know, the -- the City of Flagstaff Chamber of Commerce claiming retrogression.

The issue of packing in Section 2, we've been hearing for at least a full week now the issue of hyper packing Republicans.

Is that an issue that the, that the Department of Justice is concerned with in Section 2?
BRUCE ADELSON: Madam Chair, Commissioner Herrera.

The packing issue under Section 2 relates to race, it doesn't relate to partisanship.

I recognize that I'm presuming that under state law there's an issue because of your competitiveness provision of the Constitution, that that's an issue. But that's not going to be an issue for preclearance, because it doesn't involve retrogression of a minority racial or language disability to elect their candidates of choice.

VICE-CHAIR HERRERA: Thank you.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: It's my understanding one of the underlying purposes of the Voting Rights Act is to assure that racial minorities have the opportunity to elect candidates of their choice, and presumably, a policy underlying that, is that the representative will be more responsive to their -- their concerns.

I understand that there is a significant Navajo population within the City of Flagstaff.

I don't understand why that's impossible to locate those individuals, and possibly put them in the proposed LD 7 to further enhance the numbers there.

Also, I also would like to look at other ways that could possibly boost those numbers. Ten years ago the Hopi
reservation was extracted from within the Navajo
reservation, and that district became well known as the Hopi
cloud, and could we not explore creating something we could
call this go-round, the Apache cloud, and drop the corridor
south in Navajo County, taking census blocks, linking the
northern part of that district to the Apache reservation,
and that would further, I think, boost the percentages. And
then what population we'd lose from Apache County, attempt
to make up by identifying that Navajo population within the
city of Flagstaff and adding it to that district.

I think that would maximize the potential voting
age population, native voting age population in the proposed
LD 7.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: You know, I am -- I am --
when we put together these maps, especially the area of
District 7 and District 6, because, you know, the
majority-minority issue with the Native American population,
I want to make sure that they -- that they get what they
need to be able to represent -- excuse me -- elect -- elect
somebody of their choice.

And I -- I mean, I really do -- I think, myself, I
think I made pretty clear that I care about the Native
American population, but I also care about the city of
Flagstaff, and that they, in the comments they made.

So I would have a huge issue with the comments that Commissioner Freeman just made.

You know, it's a balancing act. You know, like I said, I want to meet the majority-minority and the Voting Rights Act. But extending an arm or reaching into the City of Flagstaff, you know, there's a reason why the people, the Native American people, moved to Flagstaff. They feel a part of Flagstaff. And so I would have an issue with that. I would have an issue with that.

I think there are ways that we could do -- I think we're doing a good job of meeting the needs of the Native American population in, as we said, the Navajos and all the other tribes on what we're doing now.

I think that our map is pretty close to what they want. Their map isn't -- isn't telling us, or their proposed maps, what they're -- what they've shown us, I don't -- I don't think they've put a tentacle into Flagstaff. I'm certain of that.

And I would be opposed to that. I think probably the Navajo Nation would be opposed to that as well.

I think compactness is important. It's one of the criteria. Keeping community of interest is another criteria. And there's ways to fulfill those requirements, as I have done in my proposed changes. And I think if we
bring up the Native American population to 63 percent in the
proposed changes, which is up from 59, I think, in the
original, or in the current map, so we're doing -- we're on
our way and we've done, I would say, a darn good job of
doing it without -- without reaching into Flagstaff, which I
think would be a bad idea.

VICE-CHAIR FREEMAN:  Madam Chair.

CHAIRPERSON MATHIS:  Commissioner Freeman.

VICE-CHAIR FREEMAN:  Of course a response to all
of that, there are people in eastern Arizona which are not
respected whatsoever.

But, if I'm not allowed to have the mapping
consultants explore different ideas on mapping, just let me
know now so I can stop wasting my time.

CHAIRPERSON MATHIS: You can have opportunity to
explore your ideas, and I suggest that you provide -- I
don't know if you have detailed notes, Mr. Freeman, as to
how you would accomplish that, but if you can -- or if not,
if you just want the mapping consultant to try something,
they can, and see what those analysis and splits looks like.

VICE-CHAIR HERRERA:  Madam Chair.

CHAIRPERSON MATHIS:  Mr. Herrera.

VICE-CHAIR HERRERA:  Yeah. I wasn't, you know, as
I stated to Mr. Freeman yesterday, that I am entitled to my
own opinion, and -- and that's why I created the maps that I
did, and he obviously was opposed to them.

He that's why -- he can create his own maps, of course, and he should.

But any changes that I made to the -- especially District 7, were I think in line with what the Native American populations have been wanting and asking from us.

I didn't create my own new ideas that Mr. Freeman just came up with.

This is something that he came up with, not the City of Flagstaff, the people that will be affected, not the Navajo Nation that will be affected as well.

They didn't bring it up.

It's Commissioner Freeman, and I -- I -- those are his ideas that kept coming up from, I don't know where he brought this from. This is something that's completely new to me.

And I think he -- I think he does care about keeping communities of interest intact.

So this is another reason why I find this proposal that he's recommending strange, because it's going to be obviously breaking up communities of interest. It's going to be making splits. So I -- I'm -- that's why I bring up these issues to him. I'm definitely concerned.

I don't think there's anybody in this, in this panel, on this Commission, that probably cares more about
the Native American people than I do. And I made it pretty clear from the beginning that they do have a representative in me.

VICE-CHAIR FREEMAN: Madam Chair.

That idea came from the people of eastern Arizona, and it was, the idea was brought up at one of our Commission hearings. And it does keep communities of interest in eastern, rural eastern Arizona together.

So I would like the idea explored, out of respect those people, and see what we can come up with.

CHAIRPERSON MATHIS: Did you want to have the mapping consultant try it out, try some ideas or do you have some specific ideas?

VICE-CHAIR FREEMAN: I'd be happy to talk with Mr. Desmond to maybe flush out what I explained on the record a little after today's hearing.

WILLIE DESMOND: Yeah, we can talk during a break or afterwards, just so I get the general conceptual idea. You're looking for high density Native American areas in Flagstaff and surrounding communities, pulling those into seven to try to raise the total Native American percentage, and then to balance that population that's added in, removing, to the extent possible, the non tribal areas of Apache County, putting those with District 6 most likely.

I'm guessing, but possibly we can look at the map
and go over that.

VICE-CHAIR FREEMAN: Sure.

CHAIRPERSON MATHIS: How do Commissioners feel about the Show Low-Winslow swap? I guess we need to look at that tomorrow, what that looks like in totality with the proposed LD 7 enhancement.

WILLIE DESMOND: You do have the change report from the 5th from the Show Low-Winslow swap.

CHAIRPERSON MATHIS: I do have that in front of me.

WILLIE DESMOND: So that is something we have looked at. We can bring that map back up and go over those changes, if you like. What we don't have is the expanded report.

I would say that the majority of the expanded report applies more so to Hispanic voting rights districts, but I'll let Ken and Bruce call for that issue.

If you like, I can bring up that change. This change to District 7 that's here was reflected in that Show Low-Winslow swap.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I would prefer to look at it in the totality.

I'm not sure that will -- I don't think it's going
to take that much time to run it in totality. Let's look at it that way. That was the concept that resulted in, you know, the idea of the Colorado City move, so let's look at the concept that we had in mind in totality, and see if it works. Then that way we're not spending time going over it and over it again.

WILLIE DESMOND: Well, just to show you what that change did look like, up on the screen now you see that District 6 uses this portion of Show Low. Also Wagon Wheel goes into District 7.

District 6 then makes up that population it lost by taking Winslow -- Winslow west of the unincorporated areas surrounding there.

The final change is just that change to District 5 and 7 right here, moving Colorado City and the non tribal portions of Mohave County to District 7, the voting rights district.

We discussed the population deviation in this change today that is somewhat mitigative. The total deviation I believe in District 7, the total deviation in seven is 10,574 in this plan. Exactly 5 percent. So somewhat less than the 6.2

That is done if you just do the population in Mohave District 5.

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

VICE-CHAIR HERRERA: I would like to see those changes in its -- all together. I think it would make sense for us to review them.

But I'm also interested in hearing from the Navajo Nation on the proposed changes, especially from where we're swapping Winslow for Show Low, to see how they feel it affects -- or, maybe it does retrogress, but I would like to hear from them, whether it be now or during public comment.

WILLIE DESMOND: Also, I believe on Monday a member from the Apache reservation was here, and made their comments. Check the record on that also, specifically about Show Low.

COMMISSIONER McNULTY: Madam Chair, what were those comments? I wasn't here Monday.

WILLIE DESMOND: I believe they wanted to keep Show Low with the reservation, but I can't say.

I think they were in favor of including Show Low in the district.

COMMISSIONER McNULTY: Making the swap.

WILLIE DESMOND: I'm not sure if they were comfortable losing Winslow or not.

COMMISSIONER McNULTY: Okay. But they wanted Show Low to be included with Pinetop?

WILLIE DESMOND: Yes.
COMMISSIONER McNULTY: Just for the record, Pinetop and Show Low are almost indistinguishable. These are not separate communities. These are one. Not that that is determinative.

WILLIE DESMOND: Just so I understand, would you like me to re-run the change report with the new information on it, or is the one that you received on the 5th adequate?

COMMISSIONER McNULTY: The change report that reflects three changes; moving Show Low, moving Winslow and removing Colorado City.

WILLIE DESMOND: And that's -- that's the one that was distributed on the 5th. Those three changes are all incorporated there.

COMMISSIONER McNULTY: Are you sure?

WILLIE DESMOND: Yes. That's the map we have up right now.

For the effect, the districts are five, six and seven.

So District 5, again, gains -- 5 gains 10,500 people. It was previously under-populated by 2.1 percent. Following the addition of Mohave County, it goes up to 2.8 percent over-populated.

District 6 loses 2,682 people. It started out overpopulated by .8 percent. It ends up under-populated by .4 percent.
And then District 7 goes from negative 1.3 percent population deviation down to a 5 percent population deviation.

What we don't have -- what you haven't been supplied with is the change report from the additional columns that have been added in.

You do have it. It has the Hispanic registration, Hispanic CVAP mine inspector. It does not have the additional races for 2004, 2006, 2008, and it does not have the final population data table that lists where the old districts came from.

COMMISSIONER McNULTY: Madam Chair.

WILLIE DESMOND: I can probably -- I have an additional copy here in my binder. I can give that to you right now if you want to look at it, or I can re-run it and have more copies of it available tomorrow.

COMMISSIONER McNULTY: I wasn't here on the 5th so that kind of explains why I was a step behind.

What I was thinking of was the change report you gave me for the swap, which was the map before that, without Colorado City.

So I would like a copy of it, and I would like you to re-run it with all the metrics.

WILLIE DESMOND: I think the one I did provide you with was the one with Colorado City.
There was only one with the Show Low swap and Colorado City was part of it.

COMMISSIONER McNULTY: Okay. I wasn't here that day. Would you mind giving me another copy.

CHAIRPERSON MATHIS: I do think we need to find out what the transcript says for our meeting on the 5th with regard to Show Low, and what people thought, because I don't know if my notes are accurate. But I remember Chairman Lupe was mentioned by, I think, Mr. Titla, who was speaking.

And I have written down: Maintain Show Low with district it's in, as their input. So I don't know if that's accurate. So we really need to check the record and make sure that we understand where people's desires were on that.

BRUCE ADELSON: Madam Chair, when you mention Mr. Titla, he's the general counsel for the San Carlos Apaches. So the San Carlos Apaches came, not the White Mountain Apaches.

CHAIRPERSON MATHIS: That's correct, and John Bush, I think, also.

BRUCE ADELSON: Vice Chair.

VICE-CHAIR FREEMAN: He -- he had mentioned that he had had a conversation --

CHAIRPERSON MATHIS: With Chairman Lupe --

BRUCE ADELSON: Well, okay.

CHAIRPERSON MATHIS: -- who had wanted to be at
the meeting but couldn't make it.

BRUCE ADELSON: I see.

One other thing, if I could suggest, which might be helpful, if we could get the population 2010 census data comparison just between Show Low and Winslow, based on race, not with any of the metrics, but just so we can see what the total population is, minority population, Hispanic, VAP, you know, the typical categories.

Because my recollection is that Winslow has about 25 percent Native American population.

I don't know what the number is for Show Low, but I think that would be valuable just so we can put them side by side to see what the differences are, if any.

CHAIRPERSON MATHIS: So for tomorrow, with regard to this, any additional work that we are asking our mapping consultant to do on the Show Low-Winslow, and the enhancement of LD 7? Or if you guys want to recap what your understanding is, is there any additional?

WILLIE DESMOND: For tomorrow we'll have prepared an updated change report for the change that is the three-way change, that includes, like, the Colorado City.

Change report that is just between Show Low-Winslow without Colorado City, so you can see effects of that one change.

And also I'll work with Commissioner Freeman to
explore the possibility of pulling in some Native American
population from Flagstaff and removing some of the native
population from Apache County, depending on how complicated
that is. I'll probably have that tomorrow.

The other two I know I can have for tomorrow. I
I'll work with you so I can get the other one tomorrow.

CHAIRPERSON MATHIS: And the other would be a
detailed analysis of Show Low in terms of its Native
American population.

BRUCE ADELSON: Madam Chair. If it doesn't have
to be detailed, in fact, if someone could just pull up the
census website, we can talk about population. We can talk
about that today.

They have all the information that we need. If we
could have someone just to log on, print out the sheets, and
then we can all look at what the population is.

It's really just the base population, so we can
get an idea of the differences between the two
municipalities.

CHAIRPERSON MATHIS: Okay. And then we'll also
check the transcript from the 5th, just to see what that
says.

I'm sure Marty has it already.

Any other comments on this particular aspect,
I don't see my time. Check the time here.

12:33.

Do folks want to take a break?

I don't know if people are hungry or if you want a longer break for -- just to get a snack or something.

VICE-CHAIR HERRERA: Madam Chair, I just have a question.

How late are we planning to go today?

CHAIRPERSON MATHIS: I think we have to be out of this room by 5:00, so we can't go longer than 5:00.

VICE-CHAIR HERRERA: I would like a break. So I'm okay with a break if you guys are okay with a break.

CHAIRPERSON MATHIS: How do you all feel?

COMMISSIONER McNULTY: Let's take a break.

VICE-CHAIR FREEMAN: Sounds good to me.

CHAIRPERSON MATHIS: How long? A 15-minute break or half-hour break.

VICE-CHAIR HERRERA: Half hour.

CHAIRPERSON MATHIS: Okay. We're going to take a half-hour break. It's 12:34 p.m. and we'll be back at 1:05.

(Brief recess taken.)

CHAIRPERSON MATHIS: Recess is over.

I don't think the audio is on.

Recess is over. The time is 1:20 p.m.

We're back in public session.
I'd like to also mention that Commissioner Stertz let us know that he is watching online, so he will call in if he has anything that he would like to add.

With that, we were before lunch talking about the enhancements to LD 7, and some ideas that we want to explore for tomorrow.

I think our mapping consultant has everything they need with regard to that. Is that correct? Is there anything that we need to go back and revisit before the break?

WILLIE DESMOND: We're good.

CHAIRPERSON MATHIS: We're good? So what's the next thing that we would like to talk about, mapping consultant?

KENNETH STRASMA: We'd like to discuss some potential improvements to LD 24.

WILLIE DESMOND: You should have a packet, a change report in your folders from today, for LD 24.

This is the same change that was presented on the 5th, but you do have a new packet with the additional columns and additional information included.

Just to kind of go into exactly what this is, it's not a major change. It's simply just removing some of the worst areas from LD 24, putting them into Legislative Districts 23 and 28, respectively.
I can go into exactly where those areas are, or we can just discuss it on the change report.

This is titled LD 24 V2 at the top.

Or maybe it just says LD 24.

It just says LD 24.

Excuse me.

So you can see what this change does.

It's designed to increase the Hispanic CVAP, Hispanic registration, the total minority percentage, total voting age minority percentage.

It also increases the 2004 presidential, 2006 Secretary of State, Democratic, 2008 presidential, mine inspector, and decreases the Proposition 200 yes, which is what we're trying to do.

Like I said, it's not a major change.

District 23, which started out under-populated by 6,375 people gains 5,346 people, bringing that district closer to ideal population. The deviation goes from negative 3 percent down to negative .5 percent.

District 24, the voting rights district, goes from a .2 percent population deviation, down to a 3.5 percent population deviation. That's kind of following the advice of Mr. Adelson, legal counsel, that a good way to improve these is to remove the least desirable parts of them, addition by subtraction.
District 28 gains 2,581 people. Deviation goes from .4 up to 1.6.

Still within our acceptable range.

If you wanted to talk about the non-voting rights implications, this has very few changes to the splits.

The only thing that happens is one additional census block group becomes unsplit, so slightly better there.

The competitiveness of Districts 23 and 28 is affected.

Twenty-three becomes slightly less Republican.

Slightly more competitive. But still probably a very safe Republican seat.

District 28 becomes very slightly less Republican, from 56 percent Republican, on index two, to 59.9.

Very little population was moved in District 28.

And it doesn't have a major effect.

District 24, the voting rights district, does have a point more Democratic, but that's a result. That .4 more Democratic compared to the -- correlates with the .4 Democratic mine inspector's race.

Are there questions about this, or do you want to see specifically the streets and areas that are moved?

Again, we don't know that this is the total change that needs to happen, but it's a step in the right
BRUCE ADELSON: Madam Chair, before we go to the map, if I could explain again what this change report -- some specifics that the Justice Department will be looking at. If I can just look at the overall district, the district has more than 33 percent VAP from the benchmark District 17 and 11. Those are the current legislative districts.

Either of those districts elect candidates of choice. So that's one question for Justice, putting 33 percent VAP in this district, does that create a retrogression; does that create an issue?

So that's something that we've certainly been talking about, and something that we'll need to answer.

In this district it relies upon a significant Anglo crossover to support minority candidates of choice.

So that would be another question, too, showing who those voters are. Their history in supporting candidates would be important because if you have 20, 30, 40 percent, perhaps, of crossover Anglo support, that's large. So that's a lot more than having five or 10 percent. That's a significant number.

So we'll need to, in anticipating the Department of Justice, have an answer for them about who these people are and why they are a legitimate aspect of
majority-minority district.

In comparing the draft 24 to the benchmark, that race, I think some additional questions, for example, the H -- before the change that we're talking about, the Hispanic CVAP was 21 percent.

Under the benchmark there is no district that has that low of a CVAP.

Now, that by itself is not retrogressive and is not suggestive of a per se legal problem, but it is a question that we'll need to answer for the Department. With -- the Department will look at this and say, wow, that CVAP is lower than in any of the benchmark districts. So we have to look at this more. See what the Commission told us to allay our concerns that minorities in this district can elect.

That, also, similar concern with the Hispanic VAP and Hispanic registration. Those numbers are all -- don't compare favorably to the benchmark.

So that's why in going back to what Commissioner Freeman had said earlier, looking at the effectiveness of the district, looking at the election results is absolutely crucial, because that can allay concerns about some of these numbers by showing that the district is an effective one.

So those are some special things that I wanted to bring up, that I am looking at the change in looking at the
benchmark, the overall population, that these are things
that Justice will have questions about.

CHAIRPERSON MATHIS: Thank you, Mr. Adelson.

Any comments or questions?

COMMISSIONER McNULTY: I do have a question.

I think in the Sue Gerard changes that you -- we
had looked at a little bit, one of the changes had been
something that the Fort McDowell and Salt River Pima Indian
tribe had requested, which was to move their reservations
from 24 to 23. It was 971 people.

Have we considered that? Have we lost track of
that? I don't want that to fall through the cracks, because
we had, I think, wanted to at least consider whether we
could do that.

WILLIE DESMOND: What I can do is tell you what
that population is exactly, and kind of how that would
affect.

So, you know, if this change was -- the changes,
I'll tell you in a second, are based off the draft map.
They're based off where this one ended. So I can go back to
the draft map if you want.

Removing the Fort McDowell reservation from
District 24, removes 971 people.

Of that 971 people, they are about -- one second.

The 971 people, 852 of them are Native American.
In the mine inspector's race they supported the Hispanic candidate at a rate of about 80 percent. So this is an -- and I believe when Ms. O'Grady spoke about this earlier in the week, she said -- she acknowledged that the area would like to have been moved to District 23. But currently we're looking for ways to improve 24. So it's not an easy swap for us to remove this area, but it's something that we can look at in the context of these change reports, how much it does impact, if that works.

BRUCE ADELSON: If I could, Madam Chair, Commissioner McNulty.

Just to amplify on that, I think that we've discussed before that the draft for draft District 4, draft District 24 and draft District 26, in our opinion, needs more attention than some other districts.

So I think that in looking at the metrics for the change for today, I mean all the metrics are very favorable as far as effectiveness, minority population, a portion of reduction in non-Hispanic white population, so all of the metrics are very favorable.

To your point about the reservation.

I think there is a concern about where the district is on all the numbers. I had mentioned before that I think it could be -- raise more questions if the minority
population decreases. Because I certainly agree that this is a district that needs to be enhanced, rather than diminished.

COMMISSIONER McNULTY: Thank you.

BRUCE ADELSON: Thank you.

CHAIRPERSON MATHIS: Any other comments or questions on what Mr. Desmond just presented?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Then what I'm hearing is there's probably some residual concern about at least a few of the voting rights districts that have been constructed, and when I look at the population percentages in that part of the valley, I mean, and the number of census blocks that they encompass, there's probably a function -- the number of combinations we could come up with is probably some function of the number of census blocks.

It might be that number raised to the factorial of that number.

So there's a lot of different ways that these combinations can be -- these districts can be put together, and I guess I have some concern.

I know that the Commission worked, I think it was about two hearings, maybe it was two and a half, to construct the voting rights districts in urban Maricopa
County.

This District 24, as I recall, was sort of leftover population that we sort of said, Ah ha, that can be a potential coalition district.

And we kind of stumbled into the tenth district by accident.

As it turns out, at least based on the preliminary voting rights analysis the Commission has, that analysis suggests -- my reading of it suggests that it could be effective. Or the preliminary analysis is that it is effective.

But I'm just wondering if -- it's not a very good looking district. We would like to honor the respects of the Fort McDowell Apaches and the Salt River. They have expressed a desire to be linked with Scottsdale.

Right now we need them in that District 24 to get the metrics as high as possible, and they still need to be improved.

But, there are other ways that can be explored to combine those populations so that you get districts that look more compact, and comply in other ways with the other criteria.

I know they yield before the Voting Rights Act in getting improved metrics in all ten districts, or at least all the districts in Maricopa County.
BRUCE ADELSON: Madam Chair, Commissioner Freeman.

Just to respond some way to your point.

Yes, I agree that the metrics do suggest that it is an effective district based on electoral people performance.

And the additional analysis will, excuse me, enable or inform our additional conclusion about that.

I think that the -- my question with the numbers, when you have a district that appears to be effective with election performance, that's obviously very important.

DOJ looks at two things, numbers and performance / effectiveness. So, to the extent that the numbers can be improved so that they mirror even more so performance, that would be ideal.

But your point about additional alternatives, one of the thoughts that I had, respectfully, that I would like to bring up, is that in draft District 25 and 28, there are blocks of HVAP of over 50 percent.

Now, these are, as I understand, not from benchmark districts where minorities can currently elect.

However, one thing that occurred to me, since the HVAP is 50 percent plus, arguably there may be more electoral history and more evidence of effectiveness there than in a district with, let's say, 20 percent HVAP.

So those would be things that, again,
respectfully, I would suggest as might be a way to see if
that could be an additional enhancement to 24.

And maybe that would also go to your point with
the shape of the district and communities of interest.

And I think what's important, too, with
communities of interest and municipalities, splitting census
blocks and splitting count cities from Justice's standpoint.

Justice will view splits like that, if they see
them, as raising the question for them, does this mean --
are they doing this to discriminate? Are they doing it to
retrogress?

Because, frankly, a lot of jurisdictions around
the country do that.

Once they determine that that is not correct, that
these were done to further legitimate redistricting goals
and to comply with the Voting Rights Act, then they will not
look at that as problematic.

But there were certainly jurisdictions in the last
cycle, though not in Arizona, that had a habit of splitting
all of these various entities, and I think they did it to
discriminate, to dilute minority voting strength, which is
contrary to Section 5.

So it's kind of a duality from Justice's
standpoint.

If they need to see it, they need to satisfy that
they're not being done for a discriminatory purpose or have a discriminatory effect.

Once they determine that they're not, then they go about their further analysis, and that is not something that they will consider as being retrogressive.

CHAIRPERSON MATHIS: So, Mr. Adelson, are you suggesting, did I get this, that we look at 25 and 28 for pockets of high HVAP?

BRUCE ADELSON: Yes, that was something that I, in looking at the various charts that I have, and looking online, that was just the thought that I had, that perhaps there might be some additional population that we could capture from these blocks. I think the total number of voters is like 10,000, 11,000.

And I am not suggesting using all of them.

But to the extent that we can continue the enhancement so that the difference between the benchmark HCVAP, for example, and the draft is lessened, more to the credit of the Commission. It relieves -- it answers the question, which I think is very important.

Thank you.

CHAIRPERSON MATHIS: Mr. Strasma.

KENNETH STRASMA: So, and Mr. Desmond can bring up those areas. Just for further -- I think it would be useful if we could separate out some issues, and this is probably a
good example of what we are going to see in the coming
districts.

I believe Mr. Adelson would agree that these
proposed minor changes to 24 are beneficial.

So, if the Commission was to take action today, we
would definitely recommend making these changes. That does
not close the door on any dramatic changes down the road,
but I think it would be helpful if we could adopt these
changes and move forward with that as a new working map.

BRUCE ADELSON: Madam Chair.

I certainly agree with that. I think the changes,
in looking at the change report, are all very positive from
a Section 5 standpoint.

Electoral performance is enhanced, minority
population is increased. The difference is narrowed with
the benchmark.

So I think these are all very favorable changes.
And certainly from my perspective, if the Commission is
interested in, as you were saying earlier, locking in the
Voting Rights Act districts, pending further analysis,
because the further analysis is going to be rather detailed
and complicated, with the view that things can be changed as
analysis reflects, because the analysis could resolve some
of the questions that we're talking about.

I think that locking it in and doing additional
analysis, I think that that's a good idea.

   The only point that I would make is that I am
   anticipating that there will be additional changes that
   should be made to 24, mainly to narrow the difference
   between some of these numbers and the benchmark. That
   narrowing will likely further enhance performance.
   
   Now, we're not talking about a five, six,
   seven percent difference.
   
   If you can increase things by a point, point and a
   half, that's huge.

   And that will narrow the difference with the
   benchmark, make this less of a question for Justice, and,
   indeed, if they do have a question about it, we have a very
   ready response.
   
   So with that in mind, I certainly agree with
   Mr. Strasma as far as moving forward.

   But as I said, my thought is that 24 will need
   that additional enhancement so that we can narrow the
   difference to a greater degree.

   Thank you.

   CHAIRPERSON MATHIS: Other questions or comments
   on this?

   VICE-CHAIR FREEMAN: Madam Chair.

   CHAIRPERSON MATHIS: Mr. Freeman.

   VICE-CHAIR FREEMAN: Perhaps expanding on what I
was saying before, one concern would be, that I would have, 
unless there's been some deal cut that I don't know about 
with minority groups and DOJ, or something like that, I can 
see -- I could conceive of other groups looking really hard 
at the configurations of these districts and perhaps coming 
up with a map that provides the same number of districts in 
Maricopa County, but are all substantially strengthened, 
that look significantly better than 24 does, or than 26 
does.

And if that were to be sent to Justice after we 
sent our maps there, does that cause a problem for us?

BRUCE ADELSON: Commissioner Freeman and Madam 
Chair.

That's a question -- that's a question that 
regularly comes up in redistricting.

Justice will take that and carry it to the point 
that you suggest.

If Justice is determining that there is a 
retrogression issue, or that the effectiveness of a district 
is very marginal and questionable, in a case like that, 
let's just say, for example, that in this district all the 
election metrics were 49 percent, 48 percent, 47 percent.

I mean, that's like borderline. That's if -- so 
in a situation like that, I think Justice would say if they 
drew a map, or if someone presented a map where the metrics
were 58, 59 percent, Justice would say, well, why did they do that?

That's more of an issue, and it's a very important point. It's more of an issue if Justice determines that there's a problem.

If there's a map that has an average election success rate for minority candidates of choice, let's say, 59 percent, and there's an alternative that has 59.2 percent. That's not something that Justice will care about in its review, because they are likely not determining retrogression.

If they find a problem, they find something is ify, they find the jurisdiction has not met its burden, then that can be a huge issue.

WILLIE DESMOND: I do have some -- I can show you some of the areas in 28 and 25.

Just to, I guess, a point is that there are areas that we can pick up that would help increase the minority percentages.

The problem is whether we looked at ways of doing that. For every point, let's say, we gain in HVAP, we lose two-points in mine inspector ability to elect.

There are areas that have a higher racial concentration, but do more damage in ability to elect than necessarily do in improving the overall HVAP number.
That's not to say that there's not places where it's possible.

Right here, this is the border between 25 and 26 with 24 on top.

The darker the shade of green the more the total minority population is, minority voting age population. So you can see there are some areas that are darker green.

But when we start to bring those in, none of these areas are above 50 percent on mine inspector race.

The number here is the Democratic Hispanic candidate in the mine inspector's race. So bringing in these areas, we're bringing in areas, the top one is about 50 percent. This block group only happens to have a few hundred people in it, I believe.

Yeah. About 900.

And that would be a net loss on our mine inspector index.

In the south, there's areas that we could lose, you know. Some of the changes we'll discuss in 26 coming up are areas that have a very low minority population, but these areas have 52, 56 mine inspector index.

It's very strong crossover voting areas.

It's been a balancing act between trying to increase the minority percentage without decreasing the ability to elect.
Talking about 24, and you can see some of the --
the changes here, so the change that we're proposing here,
and you have reflected in your change report, is to remove
these four block groups.

As you can see by the shading, they're fairly low
minority percentage and also it's one of the lowest for the
mine inspector.

This is tight, 46 percent, 43 percent, 43 percent.

So finding areas on the edges that are both not
heavily minority and low support for the mine inspector are
what we're trying to remove here.

It's the same thing here, 44 percent and
42 percent.

By removing these six block groups, we're able to
increase about a point.

We'll go into this more when we look at 26,
because 26 is the one that really has more of a Hispanic
area around, but again, just to emphasize, these areas here
are higher minority percentage than the areas to the south.

But they're about 20 percent less support for the
mine inspector there when you look at actual election
results.

So while there are minority groups that live here,
they just don't vote much. That's been the trade-off and
that's what we've been trying to balance. So...
CHAIRPERSON MATHIS: So there's some minority population in 25 that borders 24 that I'm curious about what that does in terms of adding that to 24.

WILLIE DESMOND: Right here?

CHAIRPERSON MATHIS: Yeah.

WILLIE DESMOND: Well, just to go into those areas, I'll turn on the census place quickly. You can see this is in Mesa.

Like, for instance, this area. If we were to add this to District 24, that would move 1200 people. Those 1200 people are -- they look to be about maybe 60 percent Hispanic, however, they only supported the mine inspector at a 30 percent rate.

That is an overall gain for the Hispanic percentage in the district, but it would be a bigger overall drop in the ability to elect for the district.

BRUCE ADELSON: Madam Chair, if I could.

CHAIRPERSON MATHIS: Go ahead.

BRUCE ADELSON: Willy, do you have the election results for the '04 pres, '08 pres, and '08 Secretary of State?

WILLIE DESMOND: I'm sorry, I don't. I will have that tomorrow.

BRUCE ADELSON: Well, let's just imagine this academically.
Let's say five elections, one metric decreases, but the other metrics increase.

If there's a net gain in the metrics, then maybe that is something that could be viable.

But if there's a net loss, I certainly agree that gaining population and losing effectiveness can be problematic.

I think because the district is showing effectiveness across the board, that is very significant.

So if with the other elections factored in, if most of them show something positive, then I think that's something, respectfully, to consider.

And if not, that's probably something to avoid.

CHAIRPERSON MATHIS: Is it safe to say that effectiveness trumps HVAP?

BRUCE ADELSON: Well, Madam Chair. In a way --

CHAIRPERSON MATHIS: I want you to say --

BRUCE ADELSON: I know. I know. In a way, that's like the million dollar question.

I think, frankly, if I were still with Justice and I was looking at this, my first thought would be the numbers are not positive.

And I'm not talking about performance. Looking at the benchmark.

Now, they're not just so radically different to
cause me to call up my boss and say: Call the Attorney
General and tell him we're going to object to this.

The effectiveness, in a sense, can trump the
numbers.

Because let's say I have a district with 75
percent Hispanic population, but let's say the CVAP is only
35 percent. So the number is a elusive.

The number isn't the determinant, it is the
result.

I would be much more concerned with if the results
were marginal or they did not reveal effectiveness.

The fact that they do, and, hopefully, the
additional analysis will confirm that, that's something in
the submission that we could really make a big point over.
But the fact that the numbers are low relative to the
benchmark, is something that we will have to anticipate in
the submission, including information to allay Justice's
concerns.

That's why I said before, with this district
relying on Anglo crossover support, having information to
show who those Anglos are, the dependability as far as their
voting history, and their likelihood and continued
likelihood to support candidates of choice would be
important.

That's something that is standard for any good
submission, is providing Justice with answers to as many of
the questions as can be anticipated. That's a guarantee
that they will ask that.

So we do have responses.

Not everybody does.

I'm saying favorable responses.

So that is just something that as we move forward, and certainly when we get to the point of doing the submission, that we'll need to have information that addresses that specifically.

So does that -- so in a sense, I agree with you, that performance can trump numbers.

I'm just hesitant to say that that would be true all the time.

CHAIRPERSON MATHIS: Thank you.

KENNETH STRASMA: If I could expand on that. Although 24 is shaky compared to what the benchmark on some numbers, on others effectiveness primarily is higher than the benchmark, so we do have -- we'll need to highlight that in our DOJ submission, and highlight why we think it's better under a number of measures.

I also did want to bring up, although we don't have it on the screen, we looked at president '08 in those same areas to see if the low turnout Hispanic did benefit. They did not, even in a presidential year turn out, although
the gap was less, they still reduced performance of the
district. So there is no low-hanging fruit for 24 that
would be gathered without impacting the performance.

CHAIRPERSON MATHIS: And that includes looking in
24 to take some voters out?

KENNETH STRASMA: It does.

We looked at Mr. Adelson's suggestion, looking for
white voters who could be removed under-populated district.

There is a fairly significant 54 percent white
crossover vote in support of the mine inspector in draft LD
24 as it's currently configured. So by losing those
crossover white voters in favor of the Hispanic voters with
very low turnout, we ended up actually negatively impacting
the district.

BRUCE ADELSON: That's a very good point. If I
could jump in, Madam Chair, with turnout.

Turnout, when Justice Department issued their
redistricting guidance earlier this year, they made a point
of emphasizing their voter history, voter turnout, voter
registration are crucial aspects to a Section 5 submission.

They did not stress this as much nine years ago,
but we certainly looked at turnout in history.

Registration is fairly new. That's something they
really looked at significantly in the Texas litigation,
something that just came up in the last few weeks.
So that's part of the reason we've been talking about registration as an additional metric, because they're looking at it. And they're looking at it more than we did. That was not as significant a part of our review nine years ago as it may be today.

But the key point with turnout, which is also very relevant, typically, in the United States, and this is true in Arizona, minorities turn out generally at a lower rate than Anglos.

There are many reasons for that, but it is an accepted fact that turnout generally among minorities is lower.

So that taking Mr. Strasma's point, if we have a district that, let's say, is 90 percent minority, arguably that district may turn out at a lower rate than a 90 percent Anglo district.

So that is a very important factor. There are a lot of jurisdictions around the country that get into difficulty presuming that if we put in a lot of minorities that guarantees they can elect.

That's just not true.

And I think we'll see in another district today that with CVAP being relatively low, that's going to impact turnout. So turnout is, when you are looking at both groups, is very important to realize that groups by race
turn out at different rates, and not everybody turns out at the same rate.

WILLIE DESMOND: Just to go back to your question a second ago.

We did find areas to remove.

Taking out these almost 8,000 people, does give us a net in everything, both in the minority percentages, and at the mine inspector race, so there are some areas to remove population. What's difficult is finding areas to add.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: One thing that was not looked at was taking population from 27, 30 or 19 and have the ripple effect to move across to the west?

WILLIE DESMOND: We'll discuss changes to District 26 in a little while.

If you recall, we did some changes to 4, 24 and 26 that were presented on the 2nd, at the first time you guys had these change reports.

In all of those changes, we did nothing that would take population from any of the other voting rights districts. After further consulting with Mr. Adelson, and looking at the numbers more, we do have changes, version two changes, to 26 and to District 4 that would remove
population from some of the other voting rights districts. We can talk about those today.

We have not yet done a version two of this LD 24 change.

This is the same change that we discussed on the second, and it's possible that we're going to want to look at taking population from other districts down the road.

The reason we brought this one back up is because we think it's a fairly straightforward, fairly simple population swap.

We're not saying this gets us all the way.

I don't know that we all totally agree on that. But we do all think that this is a step in the right direction.

COMMISSIONER McNULTY: Madam Chair, Mr. Adelson, and Willie.

I think I would just like to add that we did, when we first configured this district 24, look very carefully at all those other districts and whether we could move population from there.

We spent probably two or more days just trying to -- just examining those other voting rights districts, and trying to decide whether if we move population out, it would reduce effectiveness.

So that's where we started in this whole analysis.
Sounds like that's where we'll finish.

CHAIRPERSON MATHIS: Any other questions or comments before we move to the next?

WILLIE DESMOND: I guess, from our perspective, is this a chance that we can kind of pencil in as the working draft, or should we still -- as we do consider other changes, I think it would be good if we could consider this something that would likely happen, so you can see how additional changes would reflect on this.

But it's entirely up to you.

CHAIRPERSON MATHIS: And when you say this, you're talking about the change to LD 24 to enhance 24.

WILLIE DESMOND: Yes, the enhancement to 24 would then become the new baseline, essentially, the new working map.

CHAIRPERSON MATHIS: Commissioners, what do you think.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I would say just any changes that improve the effectiveness of these voting rights districts is something that we would pursue, and I would just say let's just keep track of it.

Those are changes of the earlier issue, but they might be ones that we have to retreat on later. I don't
I know.

It sounds like there's going to be many more, I would think, or hope, more permutations of these or iterations of these voting rights districts, so let's just track it.

CHAIRPERSON MATHIS: Other comments from other Commissioners?

COMMISSIONER McNULTY: I'm comfortable with what you're proposing.

KENNETH STRASMA: Madam Chair, we had used earlier the term tentative lock-in. If I might suggest, if the Commission felt comfortable voting or directive, whatever you prefer, that we consider this the tentative lock-in of a voting rights district change.

CHAIRPERSON MATHIS: Mr. Herrera, do you have anything to say?

VICE-CHAIR HERRERA: The report that we provided, according to me, it's pretty strong as it is now. I mean it -- the -- the 2010 -- the 2010, the mine inspector's race 59.7 percent of the votes.

The 2008 presidential got 61.4.

So these are -- I think they're pretty good.

So, I'm always cautious when you want to make them even better. Because what it'll do is, it will be a ripple effect. And it will, obviously, effect the other
surrounding areas. If you want to make 28 more competitive, it might affect 28, might affect some other districts, so I'm...

BRUCE ADELSON: Commissioner Herrera, Madam Chair.

We've had many conversations about the concern with packing under Section 2, racial packing.

As you know, I certainly share that, and my interest is that federal law be satisfied, of course. So that while I agree with you that the performance indexes are favorable, the reason that I'm looking at enhancement, there are several reasons.

The CVAP in this district is low.

It's under the, in the draft, it's 21 percent.

There is no benchmark district that has CVAP that low.

Now, as I said, that does not by itself mean there's retrogression.

But because of that, and because Justice will see that, to the extent that we can enhance performance, that offsets the numerical question.

So if the, if that number, and some of the other numbers, like, for example, Hispanic registration were not where they are, I would be less concerned.

But I view this as something that is needed for the Department to understand, yes, they're proving
effectiveness.

They have dealt with this issue numerically to show us X, Y and Z.

They buttress this to the extent that they can, and also showing us that the crossover support is strong and here are the reasons why.

So I take your point exactly.

I think that if the, if the CVAP and the Hispanic VAP were higher, I would be less concerned.

But because of where they are, I think it's important to make it very clear to them we've noticed that, we've recognized it, and this is what we've done to deal with it.

VICE-CHAIR HERRERA: One of the things that I -- that I was, as I mentioned, I was opposed to creating ten because I felt that we needed to first create nine good ones.

This is -- I knew the problem we were going to face. I mean, I could tell. But the, this particular district isn't a majority district, it's a coalition district.

So the H -- the Hispanic CVAP is going to be lower because the Hispanic population there is depending on the white crossover votes. So it's not, it's not like they're a truly majority-minority district.
Since they weren't, that the Hispanic can't elect who they want, they're depending heavily on the non Hispanic voters to cross over and help elect someone of their choosing.

BRUCE ADELSON: Commissioner Herrera. Madam Chair.

Exactly. This is a coalition district.

With a coalition district you need to show perhaps even more that the white crossover support is strong, will support candidates of choice, to what extent that they do, and to have as strong a core as you can of your largest minority group in the district as far as VAP is concerned, and CVAP.

So to the extent that those numbers can be improved, all the better.

This is so -- so this is not an example to me of something that is a maybe, frankly.

This is something that I think is more essential to offset that difference with the benchmark, so that when Justice opens the package and starts looking at it, and says 21 percent HCVAP, boy, that's lower than the benchmark.

Then they reach the next paragraph and see, oh, their performance is X. They clearly are showing that white crossover support is strong and that there is a continuum of election results that shows very clear results for the
candidate of choice.

If this were like 52.2 percent, that would be a different issue. But that's just not showing up in the election results.

The election results have been strengthened by the changes, which is very positive and goes to the point that I was making. So that as far as locking in this, I think that in discussing that, to me, the point -- one of the reasons to do that is to advance the additional analysis, because that's going to take time.

That is analysis that we absolutely have to have so that we can look at it.

It's something, again, Justice is going to do, so we have to do it.

We have to make sure that there aren't any issues and all the questions have been satisfied.

So to that extent, and I think also for purposes of the record, and for any of my friends at the Department of Justice that are watching, that this is temporary pending analysis, and that things can change if they need to later on down the line, if the analysis so informs.

VICE-CHAIR HERRERA: Thank you.

BRUCE ADELSON: You're welcome.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Commissioner McNulty.
COMMISSIONER McNULTY: Also for the benefit of Mr. Adelson's friend at the Department of Justice watching, I think Mr. Strasma and Desmond have made pretty valiant efforts to search within and around the district, as they said, for either other Hispanic populations that would not, by adding them, dilute effectiveness, and for racially polarized voters that they could remove. And it sounds like they're comfortable that they have hunted through the neighboring areas and that the likelihood of that is not great.

So having said all those many things, I'm comfortable with tentatively locking this in.

CHAIRPERSON MATHIS: And when I hear Mr. Adelson use the term essential, that gives me great comfort.

So to the extent you can use that on any of these proposed changes going forward, because then I'll know.

I know Mr. Stertz isn't here, but I'm hoping he will call in and suggest his -- what his vote is. But I would say, without objection, we should go ahead and do a tentative lock-in on these proposed changes for 24, as indicated in this change report that we were handed today, and move forward.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I'm uncomfortable with
anything called tentative lock-in, because it just becomes the locked in.

CHAIRPERSON MATHIS: Thank you. I am too.

VICE-CHAIR FREEMAN: So maybe a roll call vote is appropriate on this one.

CHAIRPERSON MATHIS: Great. So I think there's consensus on this one.

Yeah.

VICE-CHAIR FREEMAN: I think you misunderstood. I object.

CHAIRPERSON MATHIS: Okay.

VICE-CHAIR HERRERA: I'm sorry. Madam Chair. Mr. Freeman, can you explain? You said you objected?

VICE-CHAIR FREEMAN: Yeah, I did explain. I am uncomfortable with anything called a tentative lock-in, because it just sounds like to me that as it's locked in.

I'm in favor of just tracking the changes we make and going forward, and I don't really see the necessity of having a motion at this point, but if that's what the rest of you want to do, that's fine.

I would just -- my vote would be nay at this point.

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

VICE-CHAIR HERRERA: This would be a good time to practice the votes, because it still will happen eventually. So if you want to do it now, I'm happy for this to be the start of many votes, many small votes that we'll take to come up with our final versions of the congressional and legislative map.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Mr. Freeman, I understand what we need to do is get this before Dr. King for analysis. If we change the name temporary lock-in to submit for analysis, does that solve your issue or are you going to object to that also.

VICE-CHAIR FREEMAN: I would be fine if we just call it submit for analysis.

CHAIRPERSON MATHIS: Okay.

Shall we call it submit for analysis then? I think we'll have no objection if we do it that way. Does that work?

KENNETH STRASMA: Madam Chair.

I would like to clarify, though, that this would then become the working map, become these all do have ripple effects. and we can't have 20 different versions being analyzed at the same time. So that is -- if we can call it
submit for analysis but further changes would be made to the map, the draft map with this change.

CHAIRPERSON MATHIS: Any thoughts on that, Commissioners?

VICE-CHAIR FREEMAN: That's fine.

CHAIRPERSON MATHIS: Okay.

WILLIE DESMOND: All right. The next set of changes that we've prepared for today are titled LD 26 V2.

As mentioned earlier, we did -- this change to 24 was the one that we had suggested on the second.

This change to District 26 goes further than the changes we had suggested on the second, and it moved more population into District 26.

Notably, this change puts Guadalupe into District 26 from District 27.

It also incorporates some of the changes that we heard yesterday, what is the name, the - what is the neighborhood there, Dobson Ranch, is also removed. I believe we had public comment on that yesterday that happened to just kind of go along with this. It just worked out that way, but that's another change here.

There's some small changes between 17 and 18 in order to balance population.

Those types of changes we could do again, but the changes to District 26 are pretty strong we feel.
I don't know if Mr. Adelson wants to go through them right away or if you would like me to go through changes to the voting rights district, and then some of the ripple effects to the other districts of the area, you can do that also.

The other thing that's important to note is that the Maricopa County portion of the Gila River reservation is then added into District 27. So we split that reservation in half, which is something that they had asked us to do.

BRUCE ADELSON: Madam Chair, if I could just give a little background from Justice's perspective, looking at 26. 26 does not include any minority voters from any benchmark districts where they can elect.

This is the only district in the draft map that includes no so-called mobilized minority voters. So that is something that Justice will look at. Again, it is a question that they will have.

Looking at some of the other metrics, this has 17.6 percent HCVAP, which is the lowest in the draft.

It's also the lowest compared to the benchmark.

Same with Hispanic registration.

Minority VAP, the numbers, the raw numbers in this district, some of them don't measure well against benchmark.

So looking at that, that's something that, again, that's something Justice will have a question about.
In looking at the election results for mine inspector, for example, one of the things that struck me is that Hispanics, Native Americans and African-Americans in this district, although they did support the minority candidate for mine inspector, also, to me, supported the Anglo candidate for mine inspector to a surprising degree. 38 percent for Hispanics, 39 percent for Native Americans, and 41 percent for African-Americans.

So I'm just wondering what the reason is for that. Is there -- are they not as strong in supporting certain minority candidates of choice as in other districts? And, again, that -- that is a question that Justice will have, so we'll need to have a response to that.

The change that we're talking about in changing Guadalupe from 27 to 26, 27 based on the numbers and performance appears to be a stronger district than 26. And appears to have population that can be shed in order to strengthen another district.

Going back to what Madam Chair had said earlier, this is a change that I view as an essential change, because it doesn't appear to weaken 27 to a retrogressive extent and appears to significantly improve 26.

If you look at the metrics on the change report, the metrics are extremely favorable.

The election results all increase in the
proportion for the minority candidate of choice.

   The Hispanic population increases.

   HCVAP increases by one-and-a-half percent, which is significant.

   The crossover Anglo population decreases by more than 7000 people, 2.9 percent, which is very significant.

   So that the metrics in this district, from a Section 5 perspective, all appear to be very positive, and clearly strengthen the district.

   So I view, as I said, 26 as a district that needs to be enhanced from the standpoint of what Justice will be asking questions about.

   But in going back to what we were saying before, largely the election metrics in this district are favorable in indicating that there is an opportunity to elect, and that minorities do have an ability to elect here.

   The change appears to strengthen that ability, which is always a very positive aspect as far as Justice is concerned.

   We'll need -- frankly, we will need to look at this further to enhance it to the extent that we can. But I view this as similar to the changes that we were talking about with 24, that I don't think that this is optional to enhance 26. I think it's essential.

   Does this change do that and does not do it,
apparently, to the detriment, from a retrogressive standpoint, of draft 27.

CHAIRPERSON MATHIS: Thank you.

KRISTIN WINDTBERG: And just to add to what Mr. Adelson just said, Mary had previously indicated, at least to me, I don't know if she's spoken about this to the group, that while she agrees that this change would certainly improve minority performance in LD 26 and in that LD 27 would remain an effective majority-minority district, she wouldn't go quite as far as to say it's a necessary change.

She thinks it certainly will improve things, but it's your call to make the change.

For what that's worth.

CHAIRPERSON MATHIS: Other questions or comments on this one?

Mr. Desmond, you did do the Dobson Ranch change? That's what this change includes? Could you just point that out on the map again.

WILLIE DESMOND: Yes.

It's that and a little more is being removed from District 26. So that's down here in the Tempe Mesa area.

CHAIRPERSON MATHIS: Oh, yeah.

WILLIE DESMOND: So again, the green line is the old district. The black line is the new district.
I believe the Dobson Ranch area is right about here.

So it's that and more.

And these were the -- the areas of the district that were the lowest minority and the lowest support in the mine inspector, so the best areas to remove.

Unlike the change to District 24, we did also again add population in for the first time in one of these changes, and that population was the portion of Guadalupe and the little portion of Tempe that was in District 27 before.

CHAIRPERSON MATHIS: Thoughts from Commissioners? Is this one that we want to submit for change, or what are your thoughts?

COMMISSIONER McNULTY: Could you put the geography on so we can actually see where Dobson Ranch is? Marty's pointing out that it's I-60 and the 101.

VICE-CHAIR FREEMAN: And east of that.

COMMISSIONER McNULTY: And east of that.

VICE-CHAIR FREEMAN: Does anyone have their map from yesterday, because I was looking for that.

WILLIE DESMOND: So 60 and 101 are right here. And I believe the area of Dobson Ranch.

COMMISSIONER McNULTY: Where is Baseline?

WILLIE DESMOND: Baseline is the old district
The new district line goes up to Southern Avenue.

It comes down at Canton.

So I think the only portion that we received yesterday on the map that isn't included here, is this little portion right here.

The change that was suggested -- the change that was suggested, went up from Baseline, up to 60, and then over to here. And I guess that is -- I'm not sure where that is.

That's where it came down, is right here.

So there's this little portion right here is where we're missing.

This is all additional removed population past what they asked for yesterday.

COMMISSIONER McNULTY: And why are we -- why did we not include that little area?

WILLIE DESMOND: This change was not based off of this public comment. It just kind of happened.

We could remove that little portion.

COMMISSIONER McNULTY: I would suggest that we look at removing it and see if that changes our --

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The changes to the Dobson
Ranch, are they being done to improve 26?

WILLIE DESMOND: Yes, the changes were done to improve 26.

KENNETH STRASMA: The Dobson Ranch.

WILLIE DESMOND: I'm not sure. I think they just wanted to keep their area together. It just happens to kind of mesh up with what we had looked at.

VICE-CHAIR HERRERA: I mean, who -- which Commissioner proposed that change?

WILLIE DESMOND: The original change here was just under the direction to see if we can improve majority-minority districts, and the obvious place to start doing that to 26 happened to be in this area.

VICE-CHAIR HERRERA: So it was being done to improve 26, then, is that right?

WILLIE DESMOND: Yes.

VICE-CHAIR HERRERA: Thank you.

WILLIE DESMOND: Removing that additional area would remove 862 people.

And I can have a change report on that additional area ready for tomorrow, if that's helpful.

COMMISSIONER McNULTY: Madam Chair, my thought would be given that this is something that Mr. Desmond has done to improve 26, and coincidentally, we got comment from the public yesterday, as well, that we look at addressing
this little piece also to accomplish both things at once.

CHAIRPERSON MATHIS: I would agree. Any other comments on that, or objections?

COMMISSIONER McNULTY: What does that do to us in terms of population balance? Can we make that change without a corresponding change elsewhere?

WILLIE DESMOND: Well, it will move almost 900 people into District 18.

District 18 is overpopulated by almost 10,000 people previously, so it will be a deviation of about 5.2 percent or so.

District 17 is currently overpopulated by -- with -- with these changes by 5300 people.

COMMISSIONER McNULTY: What about 18?

WILLIE DESMOND: Eighteen will be over by about 11,000 people.

So it's possible to balance some more population between 17 and 18 in here, that will bring both those numbers to a more even deviation and be below 5 percent for both.

COMMISSIONER McNULTY: Okay. I suggest maybe we look at that.

WILLIE DESMOND: We can look at that quickly right now, if you like.

COMMISSIONER McNULTY: You can look at it tonight
when you do the other.

    WILLIE DESMOND: We'll do that tonight and have
the report for you tomorrow morning then.

    CHAIRPERSON MATHIS: Great.

Any other questions on 26?

    (No oral response.)

    CHAIRPERSON MATHIS: Okay. Move on.

    WILLIE DESMOND: The next change we have prepared
today are changes to Legislative District 4.

And Mr. Adelson, as we have mentioned, looking at
the districts, the voting rights districts, the ones that
were troubling to us on a, like a population standpoint for
Districts 24 and 26.

    District 4 has a very strong population, minority
population, however, we were a little concerned about the
performance there and the ability to elect.

    So these changes are really designed to improve on
that ability to elect.

    BRUCE ADELSON: Madam Chair, if I could, just as
before, just a little background. Draft four has 90 percent
VAP from benchmark districts, where minorities cannot
currently, or do not currently elect candidates of choice.

    So there's a question about that.

    Also, as in the draft, there are three elections,
'04 pres, '06 Secretary of State, and '08 pres, that the
minority candidate of choice lost.

So that's a performance effectiveness issue.

So with that in mind, the -- and also this is an example we were talking about before with a district that seems to have a large minority population, but relatively low HCVAP.

The minority population in this district is pretty high. The total minority is more than 69 percent. The total minority VAP is 64 percent.

But the HCVAP, the citizen voting age population, is about 40 percent.

So the number as a whole, minority population looks great, but then when you look at the CVAP, you see that it, as I said, it's illusory.

By just using that number, which the State of Texas tended to do in their preclearance, which secures the reality behind the numbers, that there is a significant proportion of those people who were not eligible to vote.

So, therefore, putting a large number of people like that together, and not doing additional analysis, is going to lead to a problem, which is what the Texas -- State of Texas found.

So in the enhancements that have been proposed, what's very interesting to me is in the '04 presidential election, the '06 Secretary of State election, and the '08
presidential election, those elections now, the minority candidates of choice win.

So that across the board with the results, election results, as far as elections of individual, the minority candidates of choice now win according to this proposed change in District 4, which is extremely significant.

So not only does that occur, of course, but the HCVAP goes up, the total minority goes up, Hispanic population goes up, the non-crossover Anglo goes down.

So again, I think this is a net gain. It's a very significant gain.

And I also view this as an essential change, because the -- in order to make -- in order to dot all the I's for Justice, this dots a lot of them, because it takes away the issue of the performance across a couple elections and now flips them so the elections have a very positive result.

So if Justice sees a district that has a very large apparently minority population, then a much lower CVAP population, they'll wonder about effectiveness. But then you go into the elective results and you can prove, okay, minority candidates of choice won in over five elections.

That's something extremely significant.

This change appears to be a very positive
enhancement and answers more of the questions that Justice
will have.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER McNULTY: Madam Chair, is it not also
important to look at what is this replacing?

It seems to me, in the context of this district,
that that's extremely significant. I was just looking to
see who represents this district now.

I believe it's Russ Jones, Lynne Pancrazi and Don
Shooter, and I don't see any minority representation there
at all right now.

So I question whether this district was an
effective district at all, and we're certainly replacing it
with something that is.

BRUCE ADELSON: Commissioner McNulty, Madam Chair,
I think that's a very important point.

One of the things we discussed, of course, as
you're aware, is the nine versus ten benchmark issue. And
the fact that benchmark 24 did elect Amanda Aguirre over
several elections, to me it doesn't suggest, it proves that
they could elect.

Now, that could be a relatively weak district. It
may not be as strong as other districts.

But under Section 5, the issue is can minorities
elect? If they do elect, then that ability is recognized.
If you're looking from a benchmark comparison perspective, you can arguably replace the weak benchmark district with a weak new district.

I don't think that that's necessarily the best thing to do.

But under Section 5 you are not required to across the board improve the ability to elect or guarantee the ability to elect across all districts.

It's a very inexorable comparison to the benchmark.

So if this district, and this district is made up of benchmark 24 and 25, if those districts are not as strong as, let's say, benchmark 16, for example, then you are matching up a district with a relatively weak benchmark district compared to other ones.

So I think that that often gets obscured in the sense a lot of jurisdictions think from a Section 5 perspective we have to guarantee that minorities can elect.

That's not what the law says.

It's preserving the ability and not weakening, reducing or diminishing the ability to elect.

COMMISSIONER McNULTY: It seems like we're significantly enhancing it.

BRUCE ADELSON: Commissioner McNulty, as I said, I think that the changes are all very positive. And certainly
changes that, on the surface, I endorse, and that I think
are essential in proving -- satisfying our burden to prove
that there's no retrogression. And the -- the performance
results across the board show that minorities are electing
candidates of choice.

Now, the additional analysis, as we've talked
about, will get us more information, and could suggest ways
that we need to go.

But I absolutely agree with you that the change
report does indicate a definite enhancement.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: One of the reasons we made
some of these changes to Yuma, both in the congressional and
legislative side, was because of that racially polarized
voting.

And I think with the changes we made, I think that
will be -- I mean, they're going to be proved -- I mean,
obviously you look at this information and it increases it
substantially. But I'm wondering where, where we're going
to pull the -- the -- more minorities that would improve
this -- this, the data. Where we gonna -- where we going to
get them from?

I mean, we've got Gadsden, Yuma, San Luis,
99 percent Hispanic probably. Good chunks of Yuma are
BRUCE ADELSON: Commissioner Herrera and Madam Chair, that's the devil in the details somewhat in redistricting. One of the things that I thought about in looking at the map is, that in draft 11 and draft 13 have between them about 25,000 so-called mobilized Hispanics from benchmark districts where they can elect.

So that Pinal County does have, in some parts of Pinal County very historic for Hispanic electoral support and Hispanic electoral participation.

So, I mean, those are the two things that have occurred to me.

But, of course, as we're talking about them, respectfully, those are things that I had noticed. But I think as we've been talking about all day, there are lots of potential ways to do this.

And I think that one thing that we have done, which is, as you know, very accepted part of redistricting, is removal. Not just addition.

Now, arguably, if you can do both, that might work, too.

But I think that there often can be many ways to get to the bottom line.

I think this is a very positive enhancement.
To the extent an additional enhancement can be
done remains to be seen.

But I think that, as we were talking about with
the other things that we discussed today, this might be
something that, respectfully, the Commission wants to
consider for that additional analysis that we're going to
need, to see whether or not the questions we have remain
questions, whether they're resolved, whether we need to go
in whatever direction we need. But there's clearly, in my
opinion, this is a -- a very strong enhancement across the
board.

There's nothing that stands out from a Section 5
perspective about this enhancement that's problematic.

WILLIE DESMOND: I can go into some of the -- the
changes that were made, if you want to understand this
better.

I guess, just so you kind of understand the
thought process behind these changes, the additional changes
we suggested to Legislative District 4, were simply removing
some of the areas from Yuma that were very low mine
inspector performing, some of the other kind of highlight
the races that we've been using to check ability to elect.

Because this district didn't start with a very
strong HVAP number. The other numbers did have a very low
ability to elect. We weren't necessarily worried about
adding minority population in, but removing low minority areas out of it, so we could help.

Doing that made some incremental gains. We thought we might need to go a little further. So in order to take out some more of the worse areas, we needed to add something back in.

The area we did add in came from a different majority-minority district, so we took some area from District 3, and in south, in Tucson, and added that in.

And so by adding that population in, which was a very strong population, we were able to then remove a little bit more from Yuma essentially, the bad area.

As Mr. Adelson pointed out, District 4 did go from a 51 percent mine inspector to 54 and a half.

And, you know, looking at the 2008 presidential, 2006 Secretary of State, 2004 presidential, those numbers were all below 50 percent in the draft district.

With this change, they all went up about 15 percent.

This change, more than some of the other ones we've discussed, had more of a ripple effect.

If you look at districts that were affected, Districts 2, 3, 4, 9, 11, 13, 14, and 22, all have some effects from this change.

So because District 3 lost a little population, it
had to take a little population, did that from District 9.

In Tucson.

It also took a little population from District 11
in this unincorporated area, and this tiny -- it gave 11,
shed population to District 11.

In order to -- in order to take out some of the
worst areas from District 3.

When we look at what happened in Yuma, you can
see that a lot of population was shed in some of the areas
in the city of Yuma that were under performing.

So what we're left with in Yuma is still the bulk
of the district, but, what we have is, are the areas that
are both highly minority and supportive of the Hispanic
candidates of choice.

CHAIRPERSON MATHIS: Have all of the portions of
Yuma that are under performing been removed?

WILLIE DESMOND: Well, if you look -- we stopped
-- we did because District 4 now has a deviation of almost
9600 people.

It's possible to take out a few more people, but
without more clarification from Mr. Graves or Kanefield and
whether they feel comfortable with the deviation, not
necessarily from the Justice Department perspective, but
from a constitutional criteria here.

I stopped where I did, just because we did get
three-and-a-half points better on the aspects that we were
really -- what we were trying to improve.

CHAIRPERSON MATHIS: I guess I'm just wondering if it's better to remove what you can to the extent possible in Yuma and then deal with whatever adjustments are in Tucson, to achieve the same.

WILLIE DESMOND: Well, I would say, you know, that three-and-a-half points we gained. Where we just removed areas from Yuma, version one, that got us about a point, might be I could go 1.2 percent.

The areas that we increased in Tucson really increased a lot, too.

CHAIRPERSON MATHIS: Can we see a zoom-in on the south Tucson area? I'm just curious where that is.

WILLIE DESMOND: Absolutely.

COMMISSIONER McNULTY: While Willie's doing that, so do I understand this correctly, we have a total 18 voting age minority population now of 66.7 percent in this district, a total Hispanic voting age population Hispanic 65.7 percent; a total minority population of 71.4 percent?

WILLIE DESMOND: That's correct.

Just so we're clear, the old border between three and four, this isn't necessarily straight here, it went up a little bit further.

Now it goes to Valencia. This looks like it's
1 12th Avenue, goes up a little further to Valencia, it goes
2 up until, this isn't a road, it's next to CLL Santa Cruz.
And then it goes over here at Drexel.

3 I'll make this a little -- so again, the green is
where we started out, the black is where we are. So this
portion was added in right here.

4 The effect to District 3 was that District 3 did
lose a point in its HVAP.

5 So this area here did give -- did lose a point in
its Hispanic voting age population. It went from 51.2 to
50.2.

6 We felt comfortable taking that down, because when
you look at the total minority of District 3, it went from
67.7 down to 57.2, and when you look at some of the ability
to elect statistics, they're very, very strong.

7 So it's not ideal to take this population out of
District 3, but we really felt it was necessary to bring
District 4 up to a place where it was above 50 percent on
all the ability to elect indicators that we were using.

8 BRUCE ADELSON: Madam Chair, Commissioner McNulty
had raised the point with the benchmark District 24.

9 If you look at the benchmark, the number, minority
numbers, the HVAP, the draft numbers all exceed the
benchmark. So with the numbers, this is an example of the
district with numbers, plus electoral performance,
effectiveness, it seems to be better than the benchmarks. So this is a situation, especially with the enhancements, where you meet both tests. And this is something that will be -- will be relatively easy even if Justice would just initially literally just compare the benchmark to the draft, which they will do. And they can check the metrics and see higher, higher, higher.

So going to your point, yes, looking comparing this to the benchmark, it does certainly seem to be -- to be more effective district.

CHAIRPERSON MATHIS: But there's no way to achieve the outcome that we got by just dealing more with Yuma and District 4, but we have to go into three to achieve this sort of outcome? That's what I'm curious about.

WILLIE DESMOND: I looked quite a bit at dealing with just Yuma.

There is Hispanic population there. What this district needs is votes. And these votes pretty much had to come from Tucson.

I'm happy to take another look at it and see if there's something we can do in perhaps Maricopa County. It does go up to Maricopa County. It does border a voting age population there. I think its district 19.

There's a couple reasons we didn't touch that to
start out.

    First of all, District 19 isn't as strong as 3 is, so there's a better candidate to share some population.

    Also, District 19 runs right along the county border of Avondale, so we didn't necessarily -- there's no splits there. We didn't want to kind of rob population there to start with.

    We can look more at that, but, just considering the districts, it seemed like the most logical best place to do it.

    As you've noticed, as we keep bringing these changes up, it's getting harder and harder and harder, so...

    CHAIRPERSON MATHIS: No, I appreciate that you investigated these other paths, and I just wanted to make sure that that had been done.

    VICE-CHAIR HERRERA: Madam Chair.

    CHAIRPERSON MATHIS: Mr. Herrera.

    VICE-CHAIR HERRERA: The District 7 is currently a deviation -- ideal deviation -- ideal deviation from the ideal population like negative 6.3? And this one is at negative four -- am I reading correctly?

    WILLIE DESMOND: Well, District 7, because we didn't do anything to it right now, is much lower. It's still at the draft level.

    VICE-CHAIR HERRERA: Correct, but I -- I mean, I
think I heard Mr. Adelson correctly that he feels comfortable with that deviation, and based on the -- on the data that we have in front of us now, I -- I -- the reason I bring that up, I think I would -- I would like for us, if needed, for us to remove population from northern, you know, from the northern part of District 4 and put it into the southern part of District 13.

And if that takes us -- if that deviates the population even more, maybe a percent, I think that -- I mean, I would be comfortable with that, which I think Mr. Adelson would be. I don't see any difference from that and District 7, if it improves the performance, for us to eliminate taking some from District 3, therefore, not creating that mess where, you know, you change one and you basically it was a ripple effect.

WILLIE DESMOND: The other thing I forgot to mention, and it was a consideration when we get into population deviation of four, District 4 has the second highest prison population of any of our legislative draft districts, almost 8,000 people that are in prison in District 4. So a very high negative population deviation.

In addition to that, is something that we were like kind of didn't want to do any changes.

But, again, these changes that we're discussing today, you -- there's three things you could do essentially.
We could just scrap them.

We can change them slightly.

We can adopt them.

Do any of those things, and you can always go back and always add more to it or undo things.

So I'd be happy to look at shedding more population from District 4 to District 13.

One other thing I just want to check, is, I just wanted to make sure that we hadn't given 13 so much that it was over 6 percent or something, but we could probably take a little more population also.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Mr. Desmond, I recall seeing on the map a concentration of Hispanic population kind of in eastern LD 13.

I don't know that I could pick it out, but I wondered if you had taken a look at that?

It was somewhere in that little arm, I think.

That looks like it.

WILLIE DESMOND: Right here?

COMMISSIONER McNULTY: Yeah. What happens to that?

WILLIE DESMOND: That's in Buckeye. Let me grab that and tell you what that would do.
COMMISSIONER McNULTY: That would significantly improve the compactness of 13 if we moved that away.

WILLIE DESMOND: That's about 8400 people.

Of that 8400 people, roughly 55 percent, it looks like, are voting age Hispanic.

I believe that area is last -- actually, it's less than that.

There's 5200 voting age individuals there, 2100 of them are voting age Hispanic. So it's -- I think it's around 40 percent Hispanic.

So that would increase, looking at the mine inspector race, just as a, that area, there's 476 votes for the Hispanic candidate, and the mine inspector race there's 817 votes for the non Hispanic mine inspector race.

So that would lower.

COMMISSIONER McNULTY: Okay. Thanks for answering that question for me, because I've looked at that little pocket for a while and wondered.

WILLIE DESMOND: That's the type of thing, you know, there's changes that we might not have seen that we have been pretty thorough in going around and trying to find, you know, areas around the edges that grew either by taking them in or putting them out.

COMMISSIONER McNULTY: Have you done that with other areas, Hispanic areas in 13?
CHAIRPERSON MATHIS: That's what I was going to ask, the further east part in 13.

WILLIE DESMOND: Yes, we have. There's this area right here, but this is a block group that's very large. It does not have many people, about 900, and it would split 13 in half, so then 13 would have to go up and over. So then you run into congruity problems.

CHAIRPERSON MATHIS: What about the far eastern edge of it?

WILLIE DESMOND: There's very little that's an improvement.

CHAIRPERSON MATHIS: Yeah, there's that little arm that come up darker green, right.

WILLIE DESMOND: Yeah, you're only talking about 500 people. And I believe it was the same thing.

There was 30 votes for the Democratic candidate for the mine inspector, and 32 for the Republican.

As Ken mentioned, there's very little low hanging fruit at this point. When you guys drew these districts, you did a fairly good job of taking in what population made sense.

Again, district 19 is a voting rights district here. The strong areas of that are to its east and northeast.

So you kind of have to go across that district, do
that, and as you notice, it is all Avondale. And if it's kept whole, there was reluctance to do that necessarily.

Just so you can understand the areas, we did take from three, looking at the different shading here, I'll turn the census place off.

You'll see these are very, very strong areas, and they were very, very strong for the candidates of choice.

CHAIRPERSON MATHIS: Okay. Thank you for that.

WILLIE DESMOND: Sure. The one other thing I can show you briefly, is I should make clear the changes to the other districts that are affected.

District 3 does take some from District 9. As a result -- I'll show you that area quickly -- in Tucson, that is, it looks like it went from this Blacklidge Drive, up to, this is Roger Road here, this is Pastime Road.

This is Los Altos Avenue.

I don't think -- I'll tell you how many people.

So that did move 10,875 people into District 3.

It was one of the more Hispanic areas of District 9.

And as you can see, it wasn't enough to mitigate the changes of what came out of District 4, but it did kind of lessen the flow to District 3.

District 3 still has a very good ability to elect.

Looking at the change report, the changes to
District 9 and District 11, I think are minimized, both in terms of the population compilations and the -- the competitiveness and stuff. So it did have some minor effects on those districts. But overall, nothing too dramatic, nothing as significant as the help that was done to District 4.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Is that the consensus of the legal team and mapping team that you would recommend that we submit this for analysis.

WILLIE DESMOND: Yes.

BRUCE ADELSON: Commissioner McNulty, I second that. I certainly agree that this could be submitted for analysis.

COMMISSIONER McNULTY: I would support that. I've looked at the changes that you just showed us last night in Tucson and they make sense.

CHAIRPERSON MATHIS: Comments from other Commissioners?

Can we go ahead and, without objection, move forward to submit these changes for more analysis? I forget the actual term, the phrase.

VICE-CHAIR FREEMAN: Submit for analysis.

CHAIRPERSON MATHIS: Submit for analysis.
Without objection, can we go ahead and direct our mapping consultant to submit these for analysis that we just discussed on LD 4, and the ripple effects as presented in the change report?

(No oral response.)

Hearing none, great. Thank you.

CHAIRPERSON MATHIS: I thought we would just take a quick break. Five minutes. Which usually means ten minutes. And it's 2:58 p.m.

Thank you.

(Brief recess taken.)

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

The time is 3:18 p.m.

And we were going through potential changes for further analysis. I think we're up to LD 2; is that our next one Mr. Desmond?

KENNETH STRASMA: That is correct.

We touched on this change earlier.

There's a significant amount of public comment about keeping Cochise County whole, and that can be done in LD 2 with the swap between Cochise County and Green Valley. Now, this has an effect of reducing the minorities percent in LD 2.

So the question that we've been having to analyze
since last week is, does it reduces the effects to the
extent that it would be considered retrogressive.

My opinion of this is that it does not. Even
though the district is reduced, it is still solidly in the
middle of the pack for our ten districts. It is
significantly higher in terms of minority population and
electoral strength, and the districts that were in that area
before, and, so, that because it, in my mind, it isn't
retrogressive in terms of ability to elect, wouldn't raise a
DOJ flag and does meet some of the other criteria that makes
me think this would be a good change.

Now, Bruce, in his role as voice of caution here,
probably wants to raise that leg.

BRUCE ADELSON: Thank you, Madam Chair, and thank
you for that introduction.

Yes, I can concede that when it comes to Section 5
redistricting, I tend to be very conservative when it comes
to potential changes. This is one of the districts, and Mr.
Kanefield and I discussed this yesterday, and I know we have
somewhat of a divergence of opinion, I think that this is
one of those districts, the changes, that really, it's
essential that we have that additional level of analysis,
because that will lead us in either direction and prove out
what we need to prove out.

I think that, excuse me, initially, to look at
quickly, if you look at the districts this came from, district benchmark 29 and benchmark 25 combined, that's about 80 percent of the draft district comes from those two districts, benchmark District 29 is a solid majority-minority district. Non minority candidates of eight were elected so overwhelmingly they can elect. 25 is somewhat weaker as far as the ability to elect.

So since this is made up of the constituent parts of two majority-minority districts, one of the first places to go as you look at the current benchmark.

In the current benchmark of 29 and 25 -- oh, excuse me. I was looking at the wrong chart.

Looking at the numbers for draft LD 2 with the change, we have concerns about the minority percentages coming down compared to the benchmark districts of 29 and 25.

Because, as I said, this is an amalgam of the two, arguably, when we decide which district this matches up with the benchmark, it could be those two districts, since they make up the vast majority of District 2.

So my, excuse me, from our perspective, is that, yes, we're being cautious about this, we're not prepared to say that the changes are not problematic.

But again, as we've been talking about, certainly we would endorse sending this for additional analysis,
because as we've discussed, all the districts, the voting rights districts, the Section 5 districts, will need this additional analysis.

So the additional analysis could very well answer the question, is this change problematic or not. So, certainly from that standpoint we would endorse having the initial analysis submitted, that this be submitted for additional analysis, so that we can make that determination or get that answer sooner than later.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Any thoughts from Commissioners?

COMMISSIONER McNULTY: So if we submit it for analysis and determine there are issues, we already know where to go to find additional voters should we need to.

BRUCE ADELSON: Commissioner McNulty, Madam Chair, I think that's a great point.

This is one of those changes that if the analysis comes back suggesting that there are issues, the potential fix is more readily apparent than it might be in another district because of the changes proposed.

I agree with that.

COMMISSIONER McNULTY: And I also understand that we have difference of opinion on the legal team about whether this was an effective voting rights district to
1 begin with.

2 I think Mary O'Grady's perspective is that it may
3 not be.

4 BRUCE ADELSON: Under the benchmark?

5 COMMISSIONER McNULTY: Yes.

6 BRUCE ADELSON: Well, this district is made up of
7 like 80 percent benchmark 29 and 25. Both districts elect
8 candidates of choice, 29 especially.

9 I think the main focus of the discussion among the
10 lawyers was focused on benchmark 24, the district where
11 Amanda Gehrig had been elected.

12 I don't think we had the same level of discussion
13 about benchmark 29 and 25.

14 COMMISSIONER McNULTY: Okay.

15 CHAIRPERSON MATHIS: This is probably a minor
16 question, but it's a question I have, nonetheless.

17 I remember Ms. O'Grady also saying something about
18 if we end up -- if we end up keeping this tail, do we smooth
19 it out? I think right now the way it's drawn is census
20 tracts. And I am just curious.

21 I don't know what's around, what borders that, but
22 I'm just wondering...

23 WILLIE DESMOND: I think there's definitely ways.
24 We could smooth it out so it kind of snakes right around the
25 border. It just grabbed Douglas and Bisbee.
We could look at that right now.

It goes by census block groups, so using census blocks we could definitely, yeah, smooth it out.

COMMISSIONER McNULTY: Madam Chair, Mr. Desmond.

I kind of know that area and I know that we -- when we first did this draft we didn't smooth it out, and there are some areas in the Huachuca -- the south Huachuca Ash Canyon around Palominas that I know we can remove that would help address some of the public comment that we got.

CHAIRPERSON MATHIS: Do we need to do that before the additional analysis or what's the preferred route?

COMMISSIONER McNULTY: I think what Mr. Adelson is suggesting is that we go ahead and remove the tail for additional analysis, and see if it works, see if the district works without it, with Green Valley in LD 2 and with Bisbee and Douglas in LD 1; is that right?

BRUCE ADELSON: Commission McNulty, Madam Chair.

Yes, in order to get a definitive answer statistically, that is the way we would suggest going.

Because if -- if the Commission determined that this was a change of course that you wanted to make permanent, then we would need to do the same level of analysis.

So this way we can get an answer sooner than we might further down the road.
CHAIRPERSON MATHIS: But if we need to keep the tail, we would do the analysis, too, of that smoothed out version of that?

WILLIE DESMOND: What I can do is have a change report that cuts the tail off. I can also prepare for tomorrow what it would look like if we smoothed it out. And you can see that side by side.

CHAIRPERSON MATHIS: Well, I'm thinking of it more from an analysis standpoint, if we had to keep the tail, so we have the final numbers on what the smoothed out version is, if that's the direction that we need to go ultimately.

WILLIE DESMOND: Why don't I just prepare that tomorrow to see what that would look like.

And if you guys feel comfortable either completely eliminating it, going with a smoothed out version, leaving it the way it is, we can at least compare those three things side by side and see how it would look.

BRUCE ADELSON: Madam Chair, before I forget, one of the additional issues with this district is that, excuse me, Justice, in comparing the proposed plan, the adopted plan, the benchmark, they'll look at the highest performing district as far as all the numbers, and the lowest performing district.

Right now this district is -- has the highest Hispanic CVAP of any of the draft districts, 49.7 percent.
With the change, that's not true anymore.

Under the benchmark, the highest CVAP, HCVAP, is
52.8 percent.

Again, that difference is not necessarily really
problematic, but it is a question that Justice can have.

So doing this additional analysis will also answer
that question, too.

But that's something that had struck us as being
not necessarily readily apparent from looking at all the
numbers as far as retrogression, but the fact that it's
about three points lower than the highest HCVAP is a
question that we'll need to answer, and this additional
analysis could very well do that.

CHAIRPERSON MATHIS: Anything else on LD 2?

WILLIE DESMOND: Well, then I will work to have a
change report ready for a scaled-down version of the tail.

Is there anything I should know in doing that?
Any areas that would be important to incorporate in District
1 with the rest of Cochise County? Or just basically kind
of hug the border the best I can, grabbing Bisbee and
Douglas?

COMMISSIONER McNULTY: Yeah, I think we want to
remove as much of Palominas as we can, and hug the border
there, if that makes sense. Those are the comments that we
got.
WILLIE DESMOND: Okay.

CHAIRPERSON MATHIS: I have a question before you go on, though, on that, Mr. Adelson.

How does public comment from people in those communities impact how Justice is going to view this.

BRUCE ADELSON: Madam Chair, that's a great question, in the sense that it really reveals part of the process from Justice's standpoint.

When Justice gets the submission, often there are already comments waiting that haven't been reviewed until the plan comes in.

So the plan comes in.

Then Justice starts looking at the comments, and then, of course, more comments will come in.

Justice has a very narrow focus.

If the comments do not raise issues of retrogression, if the comments are we want to keep our county whole. We don't want to be part of this district, we want to be part of another.

Justice will see two things.

Are they raising issues that are -- they have jurisdiction over as far as redistricting review.

And do they -- are there issues, you know, kind of behind the scenes, in the sense that by keeping us whole, for example, is that retrogressive.
So they look at it in both respects.

But if you can imagine if Justice gets, let's say, 500 comments for statewide redistricting, I would say typically 20 percent raise retrogressive issues or raise other issues that could lead Justice to do an investigation of a particular jurisdiction, a county, for example, after redistricting is over.

For the most part, the comments do not in -- do not involve issues that Justice has jurisdiction over at all, or race issues that are part of the Section 5 review.

Often comments made by groups that are very familiar with the process, more often than not, they really hone in exactly on retrogression. They understand it.

They understand the Section 5 review process.

So, in short, if the comment doesn't involve retrogression, Justice does not review it as part of the preclearance.

If the comment raises issues that could relate to retrogression, then Justice takes that very seriously and will conduct its own investigation.

CHAIRPERSON MATHIS: But what if minority groups in those areas just don't want to be in those areas and it has -- there's no retrogression, but they want to be with Cochise County.

BRUCE ADELSON: Madam Chair, I think that if -- if
a group, a minority group wants to be in a different district, Justice will look at it, look at that comment to a significant degree, if by going into that other district or staying in another district, if that causes retrogression.

Often minority groups will advocate certain positions that have nothing to do with retrogression.

We want to be -- we want our town kept whole.

We are a community of interest with X group.

While that by itself doesn't seem to raise any issues of retrogression, if by doing that Justice determines that is retrogressive, that's different.

Justice, of course, takes everybody's comments seriously, and takes comments from minority groups and minority residents very seriously, because of the way the Voting Rights Act is structured.

But the comments have to relate to what Justice has jurisdiction over.

And from a Section 5 standpoint, it's a very narrow review. It's retrogression.

There are things that can suggest retrogression, like racial packing, for instance, diluting minority groups, that is going to be suggestive of retrogression. But, excuse me, there could be all kinds of issues.

One example is, let's say as part of a redistricting process Justice determines that there are
issues about the minority language compliance.

Unless that relates to retrogression, Justice has no jurisdiction to base an objection solely on that. It has to have a ground in retrogression or Justice cannot object.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Chairwoman Mathis, just to look at the reverse of that, Mr. Strasma said that this district isn't, in his opinion, retrogressive, and at the same time we did have in Sierra Vista minorities testifying that they wanted to remain with Sierra Vista -- I mean with Cochise County, which is where those communities now are, I think.

So, I mean, it won't -- you talked a lot about the fact that minorities do contact Justice Department, and they are heard from if they have concerns. So it seems like it can't hurt that, A, it's not retrogressive, and B, that the minorities in Cochise County wanted to stay the way we've proposed it in this revised draft.

BRUCE ADELSON: Commissioner McNulty, Madam Chair.

If the additional analysis proves as conclusively as statistics allow that this is not retrogressive then that removes the issue.

Clearly, and I agree with you, if that, coupled with minority groups in the jurisdiction favor the change, all the better.
I think that going back to what we were talking about before, I take a very conservative approach to this, and I would -- in short, I don't want to take any chances. So even if I am unduly conservative and cautious, I would much rather do that than say, well, okay, it looks okay, let's go ahead.

I never do that. So I'm being, very conservative, very cautious. I want to make sure it's nailed. And when it's nailed as much as we can determine, we have met our burden, and then we can go forward.

CHAIRPERSON MATHIS: When you say it's nailed, it's nailed from a Section 5 standpoint. Does that include Section 2, too?

Because here's my concern, that those people in the tail, that they don't want to be in that tail, and they don't want to be pulled into this other district, they can come up with a Section 2 claim, and I am concerned about that.

BRUCE ADELSON: Madam Chair, that's a very important point.

Flip it around. If you're talking about Section 2 then, arguably, this change shouldn't be made, because you're -- are you diluting minority voting strength by reducing the number of minorities in the district from 66.4
Hispanic to 59.4?

That's something that will be -- the analysis will show that. The analysis is going to determine, as much as we can through statistics, what the answer is.

So, unfortunately, in redistricting there never is redistricting without legal challenges and lawsuits and alleging all kinds of things.

I've certainly seen in this redistricting season some fascinating claims in other states that I never heard of. And, frankly, the courts never heard of and rejected. But, if you look at just in Illinois and Texas, I think between the two states there have been more than 20 lawsuits challenging redistricting. That's part of the process, unfortunately.

CHAIRPERSON MATHIS: Okay. Other comments or questions? It's clear that we need more analysis on the tail, so we all have more consensus from everybody as to the direction we should move in.

Any other comments before we do anything else?
Okay. Thank you all for your thoughts on that.

So now are there congressional changes to talk about?

WILLIE DESMOND: Yes, there are two changes that I gave you guys yesterday, but I do have packets today that have all the additional voting rights columns.
They are the changes submitted by the Hispanic Coalition For Good Government.

We broke down the pages to District 7, so they are independent. Is there a preference before we start? Maybe we'll start with District 3? HCFGGCD3 V-2.

The reason for the dash 2 is because it's newer of the report.

As you'll see, the area that was -- I'll wait for it to load.

This change should have a zero person population deviation. It did make District 3 four-tenths of a percent more Hispanic, about half a percent more voting age Hispanic.

Looking at the different ability to elect measures, we have overall improved also in District 3.

This isn't a change that we prepared again, this is from the Hispanic Coalition For Good Government, something that they would like to see happen.

There's slightly more of an area taken in Tucson, and some of the unincorporated areas to the northwest of Tucson are taken out of District 3.

CHAIRPERSON MATHIS: Can you go into the street level detail?

WILLIE DESMOND: Sure.

So starting with what was added in Tucson to
District 3, the old district line ran, Interstate 10, until it hit South Campbell Road.

It went north there.

This goes north at Alvernon, follows East Aviation Highway until it meets up with Campbell Road again.

So it's this portion right here.

That's added.

The area that is removed from three to balance that population is out here. There are no major roads there, but the previous line kind of ran through, not necessarily along streets, but just along census block groups.

Excuse me, it used to run along streets here. Now it just runs along census block groups.

So previously it went up at North Floyd. Then it went up at Alvernon.

This change was all in a non incorporated area.

Are there questions about it? I'm not sure what the thought process was or the letter contemplated that came, so...

CHAIRPERSON MATHIS: Didn't we receive another letter from them, too.

WILLIE DESMOND: The second letter was basically just a copy of the changes they were making. That's why we have a second version.
Because from the text of the letter, I made the changes that I thought they were suggesting, but there was some further refinement, I believe.

CHAIRPERSON MATHIS: Okay.

WILLIE DESMOND: If there's no questions, I'll go to changes in Congressional District 7.

As you'll see, this change affects three more of our districts. It affected 5, 6, 7, 8 and 9.

There is now some population deviation in some of these districts, but nothing very extreme. I think the highest is six, or 91 people in District 6.

So I'll start with -- with the changes between 7 and 9, I guess. So District 7 took population from District 9. It used to run kind of up 143 here.

Now it goes over to Priest, to Mill Avenue.

I'm not sure which road this is.

Up 51st.

Over at McDowell.

Now goes -- continues up here at 45th then over at Thomas Road. Used to go all the way up McDowell until it hit 32nd.

The other area it took population was here between Central and Seventh Avenue.

It now goes up just past Camelback, where it used to go over at Indian School.
District 9 then needs to make up population. It takes from District 6, this area. And also District 7 sheds population to both District 6 and District 9 in this area.

So starting with what District 7 gives up, it used to run at Northern Avenue, between North Seventh Avenue and North 43rd. Instead of going all the way up to Northern, now it runs to Glendale.

So this portion between 27th to 43rd goes to District 6, the portion between 27th and 7 goes to District 9.

Additionally, District 9 took more population from District 6.

At 27th it goes up to Olive instead of Northern. And then at 19th it goes up to, it looks like Mountain View Road.

The changes to District 5 are very minor. I'm not even sure where they are. Only moving two people. So it's more of a population balance.

Additionally, the changes to District 8 seemed fairly minor, but, let's see.

It looks like right here. I'm not really sure where it loses population. But again, it's only a few people.

So any other questions about this?
COMMISSIONER McNULTY: Are these the changes that the Hispanic Coalition For Good Government said if we made they would then support our preclearance application?

WILLIE DESMOND: I'm not sure.

KENNETH STRASMA: As far as I know, it was presented as a request but not with any ultimatum along those lines.

VICE-CHAIR HERRERA: I would hope not.

BRUCE ADELSON: Madam Chair, if I could respectfully suggest something. Because it's easier with the congressional because there are so few districts compared to the legislative.

If we could have a chart that compares the draft to the benchmark and all the metrics, that would be very helpful to look at that. Because I think the districts seem to match up well.

They don't match up necessarily in every category. So if there are categories where there isn't a match, or the draft is less than the benchmark, I think that we should highlight that.

Also, the additional analysis would also run, have the election results in the benchmark districts so that we could compare the benchmark on the '08 presidential result to the reconfigured election analysis that Strategic Telemetry has done.
That would be -- that's an important part of the determination of retrogression, and would be an important part for us going forward to make sure that we have highlighted anything we need to when we have answers to the questions we need.

Thank you.

COMMISSIONER McNULTY: So, Madam Chair, Mr. Adelson, Mr. Desmond, Mr. Strasma, you're recommending that we submit these two for analysis at this point?

KENNETH STRASMA: I guess I should pose that question to Mr. Adelson, if the comparison to the benchmark, would that be sufficient for you to form an opinion on the advisability of these?

BRUCE ADELSON: Madam Chair, Mr. Strasma, that is -- you're really trying to pin me down.

KENNETH STRASMA: I know better than to hold you to that.

BRUCE ADELSON: The comparison to benchmark is essential. So to the extent we can have that, yes, that would answer a lot of questions.

One of the things I would like to see is the election results run against the benchmark results, so we can compare that to the reconfigured analysis. That, plus the metric by metric comparison with the benchmark would certainly go a long way in answering a lot of questions.
I want to go back to something I mentioned before.

To the -- do you know, to the extent there are voters, any significant numbers of -- sorry. I keep using that word -- of residents in the draft districts who are currently not in congressional districts where they can elect? Do you have any sense of what those numbers are?

KENNETH STRASMA: We can find that out as well.

BRUCE ADELSON: I think that would be important, too. Because it's so easy, as far as numbers, to just have something right in front of us and compare. We can come to a much faster, I think, tentative resolution, as far as whether they look -- looks pretty good, which I think that they do, from what I've seen.

But this additional level of information will just bring us one step further that we need to go.

COMMISSIONER McNULTY: Can we do that tonight?

KENNETH STRASMA: Yes, we can do that tonight and report back tomorrow.

COMMISSIONER McNULTY: Okay. I would like to go back to my question about the Hispanic Coalition For Good Government. We did get testimony from the Hispanic Coalition for Good Government that they were going to be sending a letter, and that these were their final changes, and if we made those changes, they would no longer have objection.
So, I wasn't trying to be facetious, that is, in fact, what they testified. And I believe these resolve, at least based on that testimony, resolved any outstanding issues they had on what we proposed on the congressional maps.

BRUCE ADELSON: I think comments like that are very important in the record.

That is something that we should have pulled so we can highlight that.

COMMISSIONER McNULTY: I have that highlighted in my notes, so I'll find that for you.

BRUCE ADELSON: That's great, because that's something we can prominently talk about so that the Justice knows that the, arguably, the largest minority coalition that has approached the Commission about the congressional lines, approves the map. I think that's very important.

COMMISSIONER McNULTY: Thank you.

CHAIRPERSON MATHIS: Any other comments or questions?

WILLIE DESMOND: One note. These changes, they don't seem like they do any harm to the voting rights aspects of these two districts, so we will do the side-by-side comparison with the benchmarks. But, you know, using these change reports and looking at those numbers, they -- they're definitely not negative changes to the
majority-minority districts.

BRUCE ADELSON: Madam Chair, I certainly would agree with that. In looking at the data on the change report, that the change does certainly seem to be an enhancing change, and the numbers don't suggest anything that's problematic.

WILLIE DESMOND: If you wanted to make these submitted for analysis, we feel comfortable doing that. It's up to you. We can wait until tomorrow with the side-by-side comparison. This certainly doesn't make them worse.

CHAIRPERSON MATHIS: Now, how do Commissioners feel about proposing these for more analysis? This is for CD 3. Without objection, I would propose we move forward and submit these for more analysis. And then we'll be also getting the additional side-by-side comparison for tomorrow.

(No oral response.)

CHAIRPERSON MATHIS: Okay. Hearing none, so we can jump to CD 7.

KENNETH STRASMA: Was the submitted for more analysis apply to the changes to both CD 3 and CD 7?

VICE-CHAIR HERRERA: For both.

CHAIRPERSON MATHIS: Oh, I'm sorry. I thought we
hadn't really discussed seven in totality. Did I miss that?
Maybe I just blanked out there.

I didn't think we had gone over this version 2.2
for CD 7.

WILLIE DESMOND: I'm sorry. We did just go
through seven. I'd be happy to go through it again.

CHAIRPERSON MATHIS: No. They were good. I guess
I should restate my without objection then. It would be for
CD 3 and for CD 7, in terms of submitting those forward for
more analysis.

WILLIE DESMOND: Okay.

CHAIRPERSON MATHIS: Okay. Hearing no objection.

WILLIE DESMOND: Well, that is, I believe, all the
changes that we had prepared for today.

CHAIRPERSON MATHIS: Great.

WILLIE DESMOND: I'll talk with Commissioner
Freeman after the meeting to look at the changes to District
6 and 7.

I handed out the changes to Districts 5, 6, and 7
with the Winslow and Show Low swap. If you guys want to
study that more tonight and consider it.

Or if you've had a chance to look at those, we
could bring that back up now so we can have that for
tomorrow.

Are there any -- we're going to take a look at
District 26 and just incorporate in that little portion of Dobson Ranch, and bring that into District 18. I think that is the only real change for tomorrow, though, besides Commissioner Freeman, if I understand correctly.

COMMISSIONER McNULTY: I think also in 26 maybe backing out a little population into 18, maybe some of what we had, other than Dobson Ranch, I think we had backed some stuff out of 26 before in that area, rather than the Dobson Ranch area.

We might want to do some equalization of 26 and 18.

WILLIE DESMOND: Yeah, 17 and 18, actually. Because I think 18 absorbed most of the population from 26, and balancing 17 and 18 a little better, if I remember correctly.

COMMISSIONER McNULTY: I'm not as comfortable with that as I am with the 26, 18 idea. Because we've got that -- we've got the boundary of 18 right along Chandler border there, and I don't want to split Chandler again, so...

WILLIE DESMOND: I think there was the small portion of Gilbert and it was the balancing that had happened there.

COMMISSIONER McNULTY: All right. We'll look at it in the morning, what you've done there is.
CHAIRPERSON MATHIS: Do Commissioners have any other things that they would like the mapping consultants to explore either on the congressional or legislative maps?

COMMISSIONER McNULTY: I don't have anything else tonight, I don't think.

VICE-CHAIR HERRERA: Madam Chair, I don't have any. I'm happy with the changes I proposed yesterday.

VICE-CHAIR FREEMAN: Nothing today.

I do think it's important that we get the voting rights district issue nailed down, particularly on the legislative side, since it has a substantial ripple effect on all the other 20 districts.

CHAIRPERSON MATHIS: Okay.

You guys have your marching orders.

Any other direction?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Thank you very much Ken and Willie for your work, and Mr. Adelson for your additional analysis on all that.

We appreciate it.

Our next item on the agenda is number five, executive director summarizing recent staff activities and respond to Commissioner questions, if Mr. Bladine is ready.

RAY BLADINE: Madam Chairman, I don't think it will take us too long to go through the report, but there
are some things I wanted to update on.

I just sent you out a memo. You'll probably see it later today, talking about travel.

I think, as all of you know, we've been working to get all of your travel reimbursement, some that go back to August, September, in -- so that you're properly reimbursed for your expenditures.

We had a good meeting yesterday with Clark Partridge, the Controller, and Megan Darian. And I think we're on the right track to get them all processed.

It has taken a lot of staff time to go back and make some changes that were different than what we understood policy to be. But I think this time we'll be able to get that done.

I'd like to have Kristina take a minute and just kind of update you on staff activities since the end of round two.

We have been devoting staff to getting a lot of the records together that we know that you'll need, so I'll let her take a second to do that.

KRISTINA GOMEZ: Thank you.

Since the end of round two, staff's been extremely busy trying to catch up on all of the public input that the Commission has received since, I believe, the beginning of October.
So we have a request from Mr. Stertz to process the public input and to organize it into binders as soon as possible.

So after the second round of public hearings, we basically stopped everything to take -- to get those binders out to you all.

You have one more binder coming probably in the middle of next week, and that will be binder 15, but the volume isn't as much as the others.

So right now, with Catalyst, we're about 1200 documents behind, as far as coding, so staff is working on coding every single letter that's been submitted.

And we're also working on newspaper articles as well. As you know, we have implemented the newspaper articles within Catalyst to keep track of things.

So at the same time, our evening homework is submission items. So in the evening, staff is going through every piece of public input within our binders.

We are tracking all of the letters submitted to the Commission for those -- for those folks who have written about Section 5 of the Voting Rights Act.

So we're organizing those letters right now.

We're also organizing all of the mapping proposals that have been submitted, so we're creating a list of those as well.
We're also -- we've been maintaining all of the agendas and the sign-in sheets and the speaker forms. So we're actually cleaning all that up right now. And we hope to get that to the attorneys very soon here.

And we are also looking through our website just to make sure that -- that links are working and that things are in order as well.

So we have a lot of work going on within the office between coding and getting the documents ready for the submission.

But we are working closely with Ms. O'Grady and with Mr. Kanefield, as well, to make sure that -- that we're -- we're all on the same page, so that whenever the Commission does adopt their final map, that the documentation is ready to go to legal staff.

CHAIRPERSON MATHIS: Great.

Do you have an anticipated date or estimated date for getting all the documents into Catalyst, the 1200?

KRISTINA GOMEZ: We're hoping maybe two to three weeks to have it all coded.

And that's with staff working full time. Staff has been taken away from Catalyst because of the travel, completing travel and whatnot.

So we've been going back and forth with Megan's
office on that, but we're hoping that that's done with. So now we can focus our attention on coding.

CHAIRPERSON MATHIS: That leads me to the question to Mr. Bladine of whether or not hiring any temporary staff to help with the scanning and uploading of the documents in the Catalyst makes sense, or to do other activities. I don't know.

RAY BLADINE: We have seriously talked about that, and I'm prepared to do that. Although, we are catching up, and Kristina and I talked about trying Monday to see if we can get someone to start to help.

We have to move things around, because part of the things you need to have to do the Catalyst input is a computer. And right now all of our computers are allocated.

But as your point is made, it's true we may be able to use that person to do other things.

It looks like by Friday we should have all of the travel caught up. And that's the thing that somewhat got us off of the -- getting the Catalyst updated.

But I think it would be -- I guess my answer is, yes, we probably should do it, but we have been reluctant to go ahead and do it thinking that things would get better.

But, if no one objects, probably I would go ahead and try to see if we can get someone next week for a couple weeks to help us catch up.
CHAIRPERSON MATHIS: Any Commissioners have thoughts on that, or comments?

RAY BLADINE: I would just want to mention that Kristina just said, homework. She wasn't kidding about homework. She's been sending books home with people at night, so they can go through and do this recording for the Justice Department. And even Buck, on his spare time, is going through a book and updating.

So she is really utilizing. So far, since I've been working on other things, I've escaped. But once she decides that I'm caught up, I won't escape either. But I appreciate you bringing up the temporary, and we'll see if we can't get some help in to get caught up.

The other thing that really I had for you today, is reports that are in your package that we sent out to you, and I thought I would just briefly go through them and highlight them.

First report I have is basically a summary of all of the hours spent on round one and round two public hearings. And the statistics of public input.

As you see on the first page of that memo, we've had 3,258 people sign in to the various meetings that we've had in the hearing part.

We've had 1527 request to speak forms completed.

7006 public input forms submitted.
172 maps submitted.

And as you recall, a lot of times when those maps are submitted, takes a lot of work on the part of Strategic to make those that you need to see available online. So that has certainly been, at least to me, a surprise of how many maps that we've had that people submitted.

This seems like a low figure to me, but you've spent 87 hours and six minutes in hearings.

It seems longer probably because we have to travel to get to those meetings.

And afterwards, there's usually time to talk to the citizens.

As you can see, and there's a detail sheet behind it that lists each of the locations, the start time, end time, and the total amount of meetings. And I just think that's quite a record that you all should be proud of, that you've given the State of Arizona to go out and listen to people tell you what they wanted to see. And those that I went to, I certainly enjoyed, because it was fun to listen to people who wanted to talk about what was important to them.

The second item I have pertains to all of the hours you've spent since you started in meetings and also in executive session. I think this is an interesting document when, as we all know, there's been criticism that we needed
to be more transparent.

However, if you take a look at the document that lists all of the meetings, the start, end time, and the time in executive session, through September -- and through September because that's when we had the transcripts available, 1645 hours and 23 minutes have been total meeting hours.

Of those, only 25 hours and two minutes have been in executive session.

And those 25 hours would include the start up executive session hours where you legally were required to be in executive session because of the procurement code.

Since then, to my recollection, you have not had a meeting where you've received legal advice on the maps in an executive session.

The executive session's only been related to litigation that's going on.

So I just want to point that out, because I think it's very important that people understand that you had all of your mapping meetings out in public, and they certainly have been a lot of -- a lot of hours devoted to that.

The last report I have, we've had some public information requests from the press about costs for legal services.

There is an attached spread sheet and a cover
letter from me that talks about the legal costs we've had to date.

And this, just so I'm clear, the sheet that I prepared is not what we paid. It's what we know about. So, in other words, I took a list of all the invoices that have been processed and paid, and added to that the invoices that I was aware of that have not been processed, to try to get a sense of what the total was.

It was also helpful to me, in taking a look at the budget, what our budget costs might be.

Again, as a summary, for general attorney fees we spent about $357,000.

For the Attorney General's action in defending the Commission, we spent $325,000.

To this point, and most of these fees aren't in yet, we spent about 9,800 in defending against the Governor's action.

And for public records request, we spent 19,120 in legal fees, and approximately another $2300 in staff costs, which would be a cost of about 21,000.

Now, I know those are understated, because early billings we did not break out the cost other than general. But I think that the total of 713,000 has put a strain on our budget, and I am looking closely at that, and hope tomorrow to talk to Laura about that, or certainly next
I think that is probably all I have for the executive director's report.
I'd be happy to answer any questions.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Mr. Bladine, thank you so much. I think we have asked for this information a while back, and it has taken you and the staff a good number of hours to put this together.

In considering what's been going on, I'm pleased with the time you took. I don't think it was that long of a time.

But what I wanted to address is the issue of the meeting hours and those executive sessions.

Do you happen to have information comparing the number of hours we've met in executive session and outside of executive session compared to the previous Commission?

RAY BLADINE: I do not have that at this time, but we are working on getting it, and we think that we can pull out that information by really going to the online meeting minutes that were available from the last Commission so we could have that comparison for you.

And I do recall you asked for that at the last meeting. And I wasn't sure we could get it. But we think
we can do that and have that to you very shortly.

VICE-CHAIR HERRERA: I would love to see a comparison. I think it might surprise some people, how few hours we spent in executive session.

Because this isn't -- I mean, if you look -- put it with the requirement that we had by SPO to be in executive session when we were deliberating for the attorneys for the mapping consultants, and for other -- for other requirements that they imposed on us, this isn't bad at all. So I'm curious to see the other pieces of information once you have it ready.

VICE-CHAIR HERRERA: Thank you so much. This is extremely helpful.

RAY BLADINE: I just might mention as a side, since you mention SPO, Kristina and I were up in the SPO office building the other day going to a meeting with the controller, and I noticed the door was open and Jean Clark was in there. So I walked in and sat down like I was going to attend the meeting. And poor Jean's mouth went like, they're back? So I quickly left.

I got a hug before I left, but she was very surprised to see us.

And I don't she wanted us back.

Any other questions I might answer?

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

VICE-CHAIR HERRERA: I have, since the County Attorney's not handling the investigation, what -- are those part the Attorney General's actions, those fees there, or will you have a separate line for the County Attorney?

RAY BLADINE: Those are all related to the Attorney General's action that is now transferred over to the County Attorney and Superior Court, but everything relating to that open meeting investigation is in that category.

VICE-CHAIR HERRERA: Okay. Thank you.

CHAIRPERSON MATHIS: I wonder if there's a way to put on this draft document for legal expenses, like something that indicates through what date?

You've got edited and updated 12/2. Does that mean all bills received through 12/2.

RAY BLADINE: That's correct.

And it's -- we didn't show the dates on that, frankly, just because we were hurrying to get it together. So we took what we knew were invoices paid and those that were in process.

So the 12/2 date would be what we had as of that date.

But we can certainly provide you something that shows the date of when we received the invoice or the date
that it's paid.

Most of them now are in process.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Mr. Bladine, can you make

this information public by putting it on the website?

RAY BLADINE: If that's what you so direct, we
certainly can.

VICE-CHAIR HERRERA: I would -- in my opinion,
it's good information for the public to have. Especially as
we update that, that would be a good thing.

RAY BLADINE: If I hear no objection, I'll go
ahead and have the information posted on the website under
one of the categories there that seem appropriate.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: One more item. The number of
times or the outreach that we've done since we started, I
think it's extremely impressive, and that's one thing -- I
don't know if it will be important to DOJ, probably will be.

I think Mr. Adelson can speak about that.

But we've gone out of our way to make sure that we
have asked people's comments, not only from the majority-
minority areas, but throughout, for the entire map. And I
think we've done an excellent job of doing, again, of
getting the public's input on how the maps should look.

I think that's something that the staff should be commended for and something that we should be, I guess, bragging about.

I don't know if Mr. Adelson wants to comment. I think you saw those numbers.

BRUCE ADELSON: Madam Chair, Commissioner Herrera.

As far as outreach, there is a specific Section 5 requirement for outreach with redistricting, and that is an important part of submission.

I've discussed that with Mr. Bladine and Ms. Gomez about detailing the outreach and explaining where you met and how many groups you met with, and detailing the extent of your outreach, because that is a significant part of your submission.

And if it's not there or if it's not as extensive as it needs to be, that can prompt a question.

VICE-CHAIR HERRERA: Thank you.

RAY BLADINE: Just also as a follow-up, you've asked in the past and we'll have it in the next week, we'll pull off the statistics from our web page that would show what has now, to date, what are the total number of submissions of information, total number of hits. Because that's another way we've had a lot of input, is through the web page. And we'll get you those statistics at another
meeting.

VICE-CHAIR HERRERA: Don't forget Facebook and Twitter.

RAY BLADINE: I did, but I won't.

Madam Chair, I think that concludes our report.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Mr. Bladine, does the number of comments made at public hearings, are those unique comments or are those unique sign ins?

RAY BLADINE: I'm not sure where the -- let's see, which statistic. The ones we had here would be request to speak forms. Is that what you're -- the 1500 --

VICE-CHAIR FREEMAN: Correct.

RAY BLADINE: -- request to speak forms? And which also would mean that all those people spoke, because often they don't stay, but that's the best thing we could find is the number of request to speak forms.

So they would be discrete forms, but it would be overstated because not everyone speaks.

VICE-CHAIR FREEMAN: And secondly, if Commissioner Herrera knows the number of hours the first Commission spent in executive session, why don't we just spare us the theater and give us that number.

I don't think it would be a fair comparison,
though, because that Commission was in litigation for six, seven, eight years, and pretty much every hearing after their maps were adopted were in executive session, because they were needed to get legal advice from counsel, which under the open meeting law, which they operated under, they were entitled to do so in executive session.

As for the criticism of this Commission, I recall that being levied mainly in the June, July period of this year, and perhaps thereafter. And I don't remember the numbers. The number of hours seems a little off to me, because I remember someone reading somewhere where someone had actually added up. And I thought at that time, June, July, was about -- I want to say -- I'm pulling this out of air, but it was like 37 hours to 37 hours, or something like that, executive versus public session.

At least at that point, a lot of our public session was dealing with things like interviewing you. And/or interviewing mapping consultants. Things of that nature.

VICE-CHAIR HERRERA: Madam Chair. I apologize.

VICE-CHAIR FREEMAN: Go ahead.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: You know, I had -- funny I had, you know, I was not surprised with the numbers that Mr. Bladine gave us.
But what I did say, I -- I -- maybe I have a --
I'm able to tell the future. I said, you know, once -- once we get this information out, and -- and people find out that: You know what? We weren't in executive session. It wasn't bad at all. As a matter of fact, we were in executive session less than people thought, that there's going to be people making excuses for the other Commission: Oh, well, they were in executive session this much because of this and that.

And I -- I proved to be correct that people were going to start making excuses right away at soon as that accusation that the AIRC -- that this AIRC spent more time in executive session than the first one, that -- that was proved wrong, and I think it will be, that the -- that the -- that the excuses would start flying. So I just -- I was just proved right, I guess.

RAY BLADINE: Madam Chair, Commissioner Freeman.

I also, when I looked at this, recalled what you recalled, that there was a newspaper article that had a higher number. I did -- we -- I looked at this and saw the documentation backing it up.

So unless we made some error somewhere, I don't know. We provided the information to the reporter when he did it back then. What the difference could be, I honestly don't know.
But if, I guess, the reporter would like to look
at this and talk to us, we certainly -- this is what we
pulled together from our review.

But I do recall when you mentioned it, and I
thought about that when I looked at it, that he had a higher
number.

CHAIRPERSON MATHIS: Any other comments?

COMMISSIONER McNULTY: Only that that would not be
the first time that something incorrect was reported about
the work of this Commission.

CHAIRPERSON MATHIS: Any other comments?

I am just blown away, frankly, by all this
information. Thank you for compiling it. I know it took a
lot of time. I thank Lisa Schmelling. I know she's
indicated on a lot of these memos that she helped pull a lot
of this information. So thanks to her and the rest of the
staff.

RAY BLADINE: I will pass that on. I think that's
why Kristina gave them homework. We had them doing other
things.

CHAIRPERSON MATHIS: Any other questions for
Mr. Bladine or Kristina?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I guess it's a question for
Mr. Bladine. Have you reached out to the -- maybe to the Capital Times, or other publications that may want to get hold of this information to just clarify or set the record straight in terms of the hours that we met, in terms of the number of people that we reached, especially those two areas that I think there's a -- there's some miscommunication about?

RAY BLADINE: We have not, Commissioner Herrera. We presented this for you today, but we certainly can send it out as a press release for information and make people aware of what our statistics are.

And we'll do that.

VICE-CHAIR HERRERA: Thank you.

COMMISSIONER McNULTY: I was going to say, I like that idea, but we put a lot of time in October, and I'd like to see that in the statistics.

We're in December now, right?

And those statistics don't include all the hours we met in October or November.

RAY BLADINE: That's correct. What we basically used was the transcripts, and now we do have more transcripts, so it would not be that hard to update it for -- Marty normally is right on top of it, so I imagine we have all of October. I haven't looked.

And we can do that.
I saw the court reporter nodding yes, that we do have it all. So we can update it.

VICE-CHAIR HERRERA: So, let me just clarify.
Some of the numbers would be even more impressive, I guess, once we have October?

RAY BLADINE: Or depressing, depending on how you want to look at it, yes, they would show more hours.

I also want to just, while I'm reminded of it, a comment, too, part of why we're able to pull this together is Marty has really been very quick to make sure that we get the reports as we need them.

When we've been in trouble and the TriCaster didn't work and we missed a recording, he's been very helpful to come along and help us out by getting us Minutes we needed or transcripts right away.

So, I think we all -- we all owe a big thanks to Marty for going beyond the call of duty and making sure he was here to help us get through what we need. And personally, I'd like to say: Thank you, Marty.

CHAIRPERSON MATHIS: Thank you, Marty.

COMMISSIONER McNULTY: Thank you, Marty.

Just one thing on the subject of Marty.

I think Ms. O'Grady's office at one point had looked at how many pages of public testimony we had received through a certain date, and it was over 7,000 pages of
transcribed testimony through -- I'm not sure what date.

RAY BLADINE: I do recall that, also.

That might be a number that we want to include.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Since we're all giving each other a pat on the back, I would be remiss if I don't mention this.

I stopped by the office a couple times unannounced, not that I should announce when I'm coming, but I should. But the staff is -- if Kristina isn't there, the staff is just working diligently in putting in long hours, and I can't thank them enough for all the hard work they put in.

And hiring an impressive staff. I don't think we thank you guys enough, that if -- if you feel that we do, let me know, but I don't think that we do. Thank you so much for the work that you do, no matter who's looking, you do hard work.

RAY BLADINE: Thank you. I would say you all have been very gracious thanking us. I also agree, we just have a very -- we were lucky, you know, to get the staff we have.

They're self starters. They work hard. They like doing what they do, and they like providing support to the Commission. And it's really made my job very easy.
So -- well, as easy as this job can be.
So thank you very much.
And we do appreciate the comments.

CHAIRPERSON MATHIS: Okay. Any other questions?
Thank you again, you guys.

Let's see. Our next item on the agenda -- oh, well, there's review and discussion of possible future agenda items. I don't know if there's anything anybody has thought of.

We talked about this recently.
 Anything anybody wanted to raise.

RAY BLADINE: Madam Chair, I thought one of the things that -- I will have the updated list from the last time, of agenda items. I started to work on it, but I don't have it today, but I thought maybe we could just double check next week's schedule for meetings, and make sure that we're still -- that still works. And perhaps ask you to all think about for the following week, of sending us what you're availability may or may not be, so we can start to schedule that.

I hear giggling over here, like, who wants to meet the week after next.

But that's your choice.

I do have down for Monday. I don't know, Madam Chair, if you want me to go through this or each of you look
individually. I think we put in your packet the dates that we have. And that is what I'll start to produce notification on for the week.

And I basically would see a continuation of what we have been doing at these last several meetings, of focusing on the maps and making -- asking mapping consultants for whatever they -- you need to provide that. I don't know of anything specific to add.

We could always add those later, but we should try to get something posted for Monday tomorrow, if we can do that.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: During the meeting last week we were reviewing a map that was proposed or submitted to us by Sue Gerard, a former Republican legislator.

And they seemed like -- it seemed like a pretty good map, and, again, we want to take everyone's changes into consideration, especially being that she's a former Republican legislator, it occurred to me, I think, sitting at the Board of the Maricopa Integrated Health Care system, I think, as a Republican, I want to make sure that we had some questions about that particular map. And if we want to invite her to talk about her proposed changes to the legislative map, I think that would be a good idea.
CHAIRPERSON MATHIS: Any thoughts from other Commissioners on Mr. Herrera's suggestion?

VICE-CHAIR FREEMAN: Madam Chair, I don't know if Commissioner Herrera said the word Republican enough times.

VICE-CHAIR HERRERA: Madam Chair. I think that the map that Ms. Gerard had submitted was a good map, and I -- I -- and it is a fact that she's a former Republican legislator. I'm not making that up.

And I think she -- that she had submitted the map possibly along with the cooperation of an -- of other former legislators, Republican and Democratic, and that would be good -- to me, that's even more interesting, the fact that not only is she a former Republican legislator, but she is -- possibly submitted the map with the help of other coalition of Democrats and Republicans, and possibly other party members.

So to me, that's extremely interesting. But I want to see -- I want to hear more from her.

VICE-CHAIR FREEMAN: If I filled out a form and checked the box Democrat, would you listen to more of what I had to say?

VICE-CHAIR HERRERA: I'm not understanding.

VICE-CHAIR FREEMAN: It's very easy to check a box.

VICE-CHAIR HERRERA: So are -- are you saying Sue
Gerard is not a Republican?

VICE-CHAIR FREEMAN: I don't know what her registration is or not.

VICE-CHAIR HERRERA: I think I'm -- I'm -- I'm -- this is a fact. She was a former Republican legislator and currently sits on the Board of the Maricopa Integrated Health Care System, or she is a Republican. So if you want her credentials, you may want to ask her. I'm stating a fact.

Again, we try to get everyone's input with these maps, not only members of the public, former legislators, current legislators, so I -- I want to be -- I -- part of being a Democrat is being inclusive, and that's why I love being a -- a Democrat, because, like I said, we listen to all opinions, including Republicans, including people from other parties.

RAY BLADINE: Madam Chair, may I ask an agenda question here?

We will go ahead and post these meetings as they're on here. And we will have the public comment time.

And I would think it's under the Chair's discretion if someone comes and she wishes to have that person talk at the front end. We can do that unless you all direct me to do otherwise. I'll put the agenda and we'll certainly invite her to attend.
I am curious as to whether or not you are likely to do the Saturday meeting from 9:00 to 9:00.

CHAIRPERSON MATHIS: I would highly doubt that we meet for 12 hours, but I'd like to keep that date.

RAY BLADINE: Should we do like 9:00 to --

VICE-CHAIR HERRERA: Madam Chair, I don't think we should have an end time.

If it happens that we start at 9:00 and end at 9:00, because that's the amount of information we covered, I'm fine with that.

I mean, no, I don't want to work until 9:00 o'clock on a Saturday, but if that's what it takes, yes.

RAY BLADINE: I just want to double-check and leave it as it is.

CHAIRPERSON MATHIS: I'm also wondering, Commissioners, if we can, and I assume I can talk about this on this item, is just an additional date. Do we want to meet on that Monday, the 19th? Two days after through what this schedule is?

RAY BLADINE: Would you be thinking that's the one, you'd meet one day that next week?

CHAIRPERSON MATHIS: I guess we have to see if people are available.

I know the closer we get to the 25th, it's highly unlikely that people will be available. But I just thought
that might be one day that we think about.

RAY BLADINE: We keep this item on the agenda, we can bring it back and ask the question early next week, if you like.

CHAIRPERSON MATHIS: I'll just ask Commissioners to consider that, and if you could check your calendars and see if the 19th is also available to you on Monday.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: As I suggested when we were thinking about the number of dates, the times we should meet per week, and my recommendation is still that we meet as often as we can, as opposed to trying to meet on Christmas Day.

If we don't get what we need to do now, I have a feeling it will end up happening that way.

So I don't want to spend Christmas Day with you guys.

No offense.

CHAIRPERSON MATHIS: Thanks.

How about -- I'm just curious. The 14th and 16th next week. I assume there were reasons we couldn't meet those days due to lack of availability.

RAY BLADINE: We'll go back and have an answer for you tomorrow. I don't recall right off. We'll take a look
at our master list.

    CHAIRPERSON MATHIS: Okay.

    RAY BLADINE: I don't think we -- I think you're correct, because I don't think we just didn't meet on a date because we --

    CHAIRPERSON MATHIS: There was a problem.

    RAY BLADINE: Right. We'll get you the exact information.

    I probably also should remind everyone that we have to be out of here at 5:00, and for public comment you may want to turn me off the agenda here.

    CHAIRPERSON MATHIS: Now, that's a great suggestion. And I am channeling Mr. Stertz. He'll be happy to know -- I know one of his future agenda items is Minutes that we get that cleaned up, so maybe next week those meetings can be on the agenda.

    RAY BLADINE: I will have added them to future agenda to see what we can do for next week.

    CHAIRPERSON MATHIS: Okay. Any other final comments?

    Okay. Thank you again. And I think that takes us to public comment.

    We don't have anything for agenda item seven assuming legal advice, so we'll go to call for public comment.
A few Request to Speak forms.

When you come up to the microphone, be sure to spell your last name for us, so we get an accurate transcript. Jenna Kollings, representing Anthem Community Council?

JENNA KOLLINGS: Good afternoon, Commissioners. Thanks for the eventual opportunity to speak this afternoon.

Thank you for what you're doing. I know you have a difficult task before you.

My name is Jenna Kollings, K-O-L-L-I-N-G-S.

I'm the CEO for the Anthem Community Council, and representing the Anthem community here today.

We in Anthem, to the best of my knowledge, have not really been engaged or involved in the redistricting discussion to this point. But we are now. And I just anticipate you'll be seeing calls coming from our community.

Anthem is a master planned community. We're really unique in that we're not an incorporated municipality.

We have about 26,000 residents in the north valley, located both west of the I-17, which is the city of Phoenix, and as well as east of I-17, which is unincorporated Maricopa County.

Ten years ago during the last redistricting we were barely a blip on the map.
We probably only had a handful of Anthem residents, if any.

It's a different scenario now, and we are definitely a community of interest, and would like to be on your radar as you move forward with your maps.

We have two major concerns or issues that we'd like to bring to your attention.

One, we currently are divided west to east for legislative districts, and we're combined for our congressional district.

The proposed maps that you're considering, depending on the map, separates us and perpetuates that division of our community by the I-17.

And our second concern, which is an even greater concern, is, I believe it's the latest proposed McNulty amendment, which carves out the east side of our community, and removes us from the north valley, and lumps us in with Yavapai and Mohave Counties.

And our chamber is the North Valley Chamber.

We're associated with Carefree, Happy Valley, Toronto, and other communities up in that area.

And so to remove a portion of our community totally disenfranchises us from the north valley.

We're very concerned about it.

With that geographical, economical, a number of
connections to the north valley, and are concerned that we
cannot be effectively represented when combined with
Kingman, Yuma and Prescott.

   So we urge you to take a look at our community,
even though we are a little bit unique.

   It does take a little bit of unique consideration,
because of our makeup.

   Our goal is to keep Anthem united, in terms of our
representation, and also as part of the north valley when
you move forward with your maps.

   So that concludes my remarks.  Thank you.

CHAIRPERSON MATHIS:  Thank you very much.

   Our next speaker is Ray Norris, representing
Anthem.

A.  Good morning.

RAY NORRIS:  Good morning, Madam Chair,
Commissioners.

   My name is Ray Norris, N-O-R-R-I-S.  I'm a member
of Anthem Community Board and I am here to represent the
residents that have already requested I come and speak on
behalf of them.  Jenna covered the community, so I won't try
to repeat what she said.  But it is a very diversified
community.  Country Club, apartment buildings, inside
Phoenix, out in Maricopa County, and it's been our goal on
the Council and our staff to be a united community, keep
everything together.
  
  Not break off.
  
  And this would help -- not help us do that.
  
  And we would feel that it's an inconvenience to
the residents, and I would just say in closing, when I make
a decision before my Community Council, I ask is the
decision fair for all concerned, is it a benefit to all
concerned, and does it build goodwill.

  I think if we stay in Anthem as one community, not
be divided, you will accomplish that. So I hope that's the
way it goes. Thank you.

  CHAIRPERSON MATHIS: Thank you.
  
  CHAIRPERSON MATHIS: Our next speaker is Roger
Willis, representing self, from Anthem.
  
  I'm detecting a theme.
  
  ROGER WILLIS: I was just going to mention there's
a bit of a trend here.

  Thank you, Commissioners, for the opportunity to
speak to you.
  
  I appreciate that you all volunteered your time
for this particular task.
  
  I don't think I want your task.
  
  It's kind of thankless in many respects, so I
appreciate that.
  
  My comments will sound similar to the last two
that you heard. They're not meant to be critical, but they are concerns that our community has.

Again, Roger Willis, W-I-L-L-I-S.

First, as Jenna has done, she's -- she's trying to make sure that we're all on the same page as far as what our community really is. 26,000 residents, about 25 percent of them in Phoenix, about the other 75 percent of them in unincorporated Maricopa County.

The dividing line is good old I-17. Since day one our developer and our residents have strove or strived, whichever word you want to use, to be one unified community. And that's in spite of I-17, as well as the differences in our governance.

The reality is that we are economically, socially, culturally, and geographically aligned with the north valley, as well as the city of Phoenix.

My concerns along these lines, again, basically, the same as what Jenna mentioned, the Commission approved maps, split Anthem, and prevents us from having a consistent unified voice in these kinds of legislative and congressional matters.

And possibly, we could have two opposing voices in these chambers that offset one another and result in essentially no vote for our community.

So it's a very -- it's a big concern for us to
have a unified voice in these chambers.

The second concern was to the proposal to move Anthem from the east side of Anthem from Congressional District 6 to Congressional District 4.

It conflicts with our economic, social, cultural and geographic reality that I mentioned earlier.

And the reality is also that Anthem has little, if any, commonality with Kingman, Prescott, Payson, and mostly rural areas within the proposed Congressional District 4.

So, we all three of us are here to ask the Commission, ask all of you Commissioners to consider this, and to correct both of these issues by recognizing these realities, and uniting Anthem into one legislative district and one congressional district that are an integral part of the growing north valley area.

Thank you very much.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Kent Foree, Town Attorney Pinetop Lakeside.

KENT FOREE: Hello. My name is Kent Foree, F-O-R-E-E. I am the town attorney for Pinetop Lakeside.

And at the risk of incurring Mr. Adelson's ire, I want to regress some.

Not retrogress really, but, I was listening to the Commission meeting on Monday, and I heard the idea that Show
Low and Pinetop want to stay together, which we do.

However, if you read the Town of Pinetop's resolution that we gave you in October, it intended to emphasize at that point in time we still felt like there was the opportunity to go back to option one, legislative district map that had east central Arizona still configured pretty much the way it is today, and Legislative District No. 5.

And that's what we were primarily emphasizing was that was our first choice.

Our second choice was in the event that that traditional, now traditional Legislative District 5 was going to go away, that we suggested that Pinetop Lakeside be moved into District 6 with Show Low.

I think if you actually do that switch, you'll find that moves about 10,172 people from District 7 into District 6, which is very similar to moving northern Mohave County area, Colorado City, into District 4.

And, I mean, the population shift would be about the same, and everything would be a lot simpler, and you would end up with a better retrogression situation with the Navajo community and a lot simpler shift.

I believe representatives from Show Low will be here tomorrow, as well, to speak on that issue.

And I think a lot that's been emphasized by the
east central people that have spoken before, was intended to
not only emphasize our communities of interest, but the
interest in keeping together, as the LD 5 kind of area is
now, which was option one map that was kind of left at the
station as option two map has moved ahead.

Are there any questions?
Thank you.
CHAIRPERSON MATHIS: Any questions?
(No oral response.)
CHAIRPERSON MATHIS: Okay. Thank you.

Our last or at least my last Request to Speak form
is Steve Muratore, publisher for Arizona Eagletarian.

I couldn't say it.

STEVE MURATORE: Thank you, Madam Chair,
Commissioners.

My name is Steve Muratore, M-U-R-A-T-O-R-E.
And I wanted to briefly address for Messrs.
Freeman and Stertz, who have this week introduced a Frank
Lunt style expression to the lexicon, specifically, hyper
packing of Republicans into districts supposedly for the
purpose of facilitating development of competitive
districts.

Besides the fact that their argument is totally
unrelated to the Voting Rights Act, I appreciate that
Ms. McNulty asked, then, Mr. Stertz specify that his concern
is for a hypothetical district with 97 percent Republicans, which, of course, is so absurd I can't believe anybody has or would propose such a thing.

Further, according to the questions that Messrs. Freeman and Stertz posed to Mr. Campbell yesterday, it appears that the two are still under the mistaken impression that competitive districts are not feasible without such so-called hyper packing.

And I've mentioned this on the record before, I've posted it on my blog, that outside of Maricopa County, which of course Maricopa County does have overall more Republicans than Democrats, outside of Maricopa County, Arizona is relatively balanced between the two major parties.

And that in itself warrants establishment of more competitive districts for -- especially for the legislative maps than we currently have proposed.

That's the point that I wanted to make.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Is there anyone else who wanted to address the Commission?

Mr. Gorman, executive director, Navajo Nation Human Rights Commission.

There have been a number of iterations presented to the Commission today, yesterday and today, and Navajo Nation does find the comments and recommendations that were presented by, I'll say the Adelson group, this morning, and how the possibilities of LD 7 could be adjusted, falling below the negative five percent deviation.

With that presentation, the Navajo Nation continues to examine some of the possibilities, the best opportunities that may be open with the new comments and recommendations provided by Mr. Adelson.

The other part is the presentation that was made by Commissioner Herrera along the lines of also having a negative 6 percent deviation.

Certainly, we see that there are opportunities that also could be presented with the two negative six deviations, that would perhaps lend to more increased Native American voting age population. So Navajo Nation continues to examine those opportunities, and see where the proper placement of the additional negative 1 percent deviation would be more beneficial in that respect.

So we continue to examine those areas. And we will be back tomorrow.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Anyone else that wanted to address the Commission?
(No oral response.)

CHAIRPERSON MATHIS: That leaves just adjournment on the agenda.

Before I adjourn, tomorrow we're meeting at 9:00 a.m.; is that right? And here or back at the Fiesta Inn?

KRISTINA GOMEZ: At the Fiesta Inn.

CHAIRPERSON MATHIS: Thank you. 9:00 a.m. tomorrow at the Fiesta Inn. The time is 4:53 p.m. and this meeting is adjourned.

Thank you for coming.

(Whereupon, the public session ends.)

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DATED at Chandler, Arizona, this 12th day of December, 2011.

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