

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

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:
Marty Herder, CCR
Certified Court Reporter #50162

Phoenix, Arizona
December 8, 2011
11:13 a.m.

P R O C E E D I N G S

(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

1 is going to be dialing in for a portion of this meeting, so
2 I think Kristina Gomez will be checking into this.

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

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

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

11 I think that's all in the room.

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

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

25 VICE-CHAIR FREEMAN: Madam Chair, I think we

1 should focus on -- my preference would be to focus on
2 getting the voting rights districts, those issues nailed
3 down and in good shape, so we know what we're dealing with,
4 with respect to the maps.

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

7 COMMISSIONER McNULTY: I agree.

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

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

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

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

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

1 maps bifurcating into a whole bunch of other versions.

2 That would be our recommendation.

3 There have been a number of conceptual changes
4 discussed.

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

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

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

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

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

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

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

25 The areas we're specifically talking about are up

1 here in Mohave County. It's kind of the Arizona strip area.

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

4 The change, if you look at your change report,
5 would remove -- it's a 10,500 person change. So District 5,
6 which started out under-populated, District 5 on the draft
7 map was 4500 under-populated, it's now overpopulated by
8 5,900 people, a deviation of 2.8 percent.

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

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

14 Voting age number goes for 61.9 up to 64.5.

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

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

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

24 The republican percentage, too, goes from 65.4 up
25 to 65.6.

1 You'll notice there's been a few changes to the
2 change report. I'll let Ken talk about those just really
3 briefly. But there's some additional columns in the
4 population categories.

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

8 Ken.

9 KENNETH STRASMA: Thank you.

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

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

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

25 And Mr. Adelson can discuss further where we want

1 to look at how much a population came from districts that
2 had previously shown the ability to elect a candidate of
3 choice.

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

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

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

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

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

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

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

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

25 And these are categories that they scrutinize when

1 they examine plans under Section 5.

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

7 CHAIRPERSON MATHIS: I think that would be
8 helpful.

9 Do others agree? Yes.

10 BRUCE ADELSON: Okay, thank you.

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

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

24 COMMISSIONER McNULTY: Can I just ask a question
25 so I understand what we're talking about?

1 The base map for this was the draft or have we
2 made the Winslow-Show Low change for the version.

3 KENNETH STRASMA: The base map is the draft.

4 COMMISSIONER McNULTY: Thank you.

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

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

9 The voting age population for Native Americans
10 also increases.

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

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

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

21 So we have an increase in the overall population.

22 We have an increase in the Native American voting
23 population.

24 Then we go to two important categories.

25 We look at -- and here there's -- and this is --

1 would be more relevant in a district where the majority is
2 Hispanic population, because we don't have the metric for
3 Native American registration.

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

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

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

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

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

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

23 So what I look at and what the Justice Department
24 would look at is in comparing changes, to see if the metric
25 of electoral performance increased, decreased, stayed the

1 same, and if it did decrease, what would be the margin of
2 the decrease. And increase, what would be the margin.

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

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

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

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

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

1 district.

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

7 VICE-CHAIR FREEMAN: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Freeman.

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

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

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

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

23 One of the reasons that there are additional
24 elections on the change report here, is we discussed the
25 concern that Justice will analyze several elections per

1 district to determine effectiveness.

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

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

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

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

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

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

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

25 But Justice -- in my experience, I never call

1 about a significant issue.

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

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

9 So does that answer your question about
10 effectiveness?

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

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

19 BRUCE ADELSON: Madam Chair, Commissioner Freeman.

20 That is an important part of the Section 5
21 process. Justice will design its own map. Justice will
22 also look at the maps you considered and -- and approved
23 throughout your process.

24 Let's assume that Change A of District B. In
25 additional analysis that district is determined to be

1 ineffective, and the changes that are made to try to make it
2 effective just don't work.

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

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

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

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

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

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

25 Thank you.

1 CHAIRPERSON MATHIS: Any other questions on this
2 or comments?

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

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

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

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

14 So it's across the plan.

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

21 From a deviation -- deviation from Justice's
22 standpoint, Justice only views that as significant if you're
23 violating the Voting Rights Act. So if you have a
24 substantial deviation, or small deviation, and that results
25 in retrogression, that's something that Justice cares about

1 that. But if you have an 8-percent deviation or a 9-percent
2 deviation, without retrogression, that's not an issue for
3 Justice.

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

8 CHAIRPERSON MATHIS: Thank you.

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

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

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

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

1 8 percent as a new safe harbor.

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

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

9 CHAIRPERSON MATHIS: Thank you both.

10 VICE-CHAIR HERRERA: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Herrera.

12 VICE-CHAIR HERRERA: Mr. Adelson, can you do me a
13 favor and explain in some detail the reason for
14 under-populating a majority-minority district to comply with
15 Section 5? Because I -- even if the -- excuse me -- the
16 Navajo Nation and Native American leaders may have an issue
17 with the, with the higher deviation, higher above the
18 5 percent which we talked about -- we never agreed to. We
19 discussed it.

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

23 BRUCE ADELSON: Madam Chair, Commissioner Herrera.

24 I think if you had ten precincts, all of which
25 were 100 percent Native American, you wouldn't have to

1 deviate from population. Because there would be districts
2 outside the reservation or precincts, where there will be a
3 mixture of people from different backgrounds.

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

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

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

12 And I don't think that they -- if the goal is
13 5 percent, that 1.2 percent is just not significant
14 statistically to seriously implicate the one person, one
15 vote requirement of the Constitution.

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

22 So the Commission has a lot more leeway in
23 enhancing districts and making sure that they are not
24 susceptible to retrogression, because you don't have that
25 constitutional no population deviation mandate.

1 VICE-CHAIR HERRERA: Thank you.

2 BRUCE ADELSON: Thank you.

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

8 WILLIE DESMOND: Sure. All right. I just wanted
9 to say one more thing about deviation quickly, is this
10 change doesn't have to be for this district, and either, you
11 know, we just think this is a step in the right direction.

12 A lot of these changes I will discuss today.
13 There can be things that will further enhance Voting Rights
14 Act later on. It's just incremental steps. It's possible
15 that the deviation could be improved later on and that could
16 be another additional change.

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

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

22 KENNETH STRASMA: If you look at the second page
23 of the report titled Improve VRA LD 7, at the bottom
24 section, the bottom table is entitled Population From
25 Existing (2010) Districts. And we have a rather long title

1 there because I know it's going to get confusing when we
2 begin talking about, you know, if we were just to say old
3 districts, does that mean the draft districts that we're
4 changing, the word district. So the existing districts mean
5 districts that were in place on the last election.

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

8 And then existing LD, that's the 2010.

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

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

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

16 I wanted to point out that does not mean the
17 entirety of the old district was 11.7 percent Hispanic.
18 It's that segment that went into the district.

19 The next column gives the same thing, voting age
20 minority percent. So the total minority percent of the
21 portion of existing LD 3 that went into LD 5, was
22 16.2 percent minority.

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

1 Hispanic voting age population.

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

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

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

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

14 Jumping down to the top of the section for new
15 LD 7, which is the ones that are more of interest here,
16 you'll see that the lion's share of the population,
17 53.9 percent, comes from existing LD 3. That's in the
18 benchmark of the Native American -- I'm sorry, LD 2.

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

22 If you look at the middle column, the percent
23 voting age minority, 97 percent, that shows us an
24 overwhelming minority, in this case Native American. And
25 then in the percent of new district minority VAP, 7845,

1 that tells us that 70.5 percent of new LD 7s Native American
2 pop, they're called minority pop, came from the old
3 benchmark district.

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

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

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

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

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

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

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

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

25 In the current United States of America versus

1 State of Texas preclearance litigation in Washington,
2 Justice has used the term mobilized minority voters to mean
3 those voters or residents, I should say, who come from
4 districts where they currently can elect candidates of
5 choice, and are then placed in new districts that are
6 proposed to be majority-minority districts.

7 So Justice has defined those residents as
8 mobilized minority residents.

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

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

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

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

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

21 That is a very significant bit of information.

22 But these two columns, and I think we'll talk
23 about that more as we go on today, will have more play in
24 other discussions that we have. But that is a very, very
25 important part of the analysis, and, in fact, that led to

1 one of the districts that we objected to nine years ago.

2 We determined that the State could not prove that
3 mobilized minority voters existed in enough quantity, in a
4 proposed majority-minority district, because 20 to
5 30 percent of minority voters, as I recall, came from a
6 district where they could not elect minority candidates of
7 choice.

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

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

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

16 CHAIRPERSON MATHIS: Okay. Thank you.

17 Any questions? Commissioner McNulty.

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

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

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

1 benchmark District 2.

2 The performance of the Native American candidates
3 was overwhelming as far as success in the general election.

4 This was not a district where minority candidates
5 ran in large numbers in the primaries and were defeated by
6 Anglos, for example.

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

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

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

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

22 BRUCE ADELSON: Yes, I think, Madam Chair,
23 Commissioner McNulty, yes, that is an important metric that
24 we have to show Justice that we've looked at this, it chose
25 X, therefore, we concluded that the district is effective.

1 Because they will do all of the things that we
2 will be saying they will do. That is, we've discussed. If
3 we don't do it, we don't have an answer when they do it.

4 And that's not a question that they're going to
5 ask over the phone. That's a request for additional
6 information.

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

10 COMMISSIONER McNULTY: Benchmark.

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

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

18 The Native American candidate was a candidate of
19 choice of the Native American population, received
20 73 percent of the vote district wide.

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

24 VICE-CHAIR FREEMAN: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Freeman.

1 VICE-CHAIR FREEMAN: Could either Mr. Adelson or
2 Mr. Strasma remind me what criteria do you apply in deciding
3 which elections to look at for evaluating these?

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

8 In the Texas case they've analyzed up to five
9 elections per majority-minority district.

10 So I look at that as, in a way, as a benchmark for
11 us to look at in moving forward.

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

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

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

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

23 KENNETH STRASMA: And if I may expand on the
24 question of how the races were selected, in many cases it
25 will be a candidate of the same race as the dominant race in

1 the district being analyzed, but not always.

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

5 I mentioned last week the homogeneous precinct
6 analysis we did, where we look at precincts that are
7 90 percent plus either Hispanic or Native American. It
8 gives us a very quick sense of who those communities were
9 supporting in particular races, and that's how we're able to
10 demonstrate that mine inspector 2010 the Hispanic candidate
11 was the candidate of choice of both the Hispanic community
12 and the Native American community.

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

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

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

22 In 2004 there was not a minority candidate
23 statewide.

24 We looked at the presidential race and found that
25 John Carey was the candidate of choice of both Hispanic and

1 Native American voters based on homogeneous precinct
2 analysis. That's one of the more in-depth analysis. Once
3 we have a tentative lock-in, we'll have to demonstrate by
4 district by district that that was the case.

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

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

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

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

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

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

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

20 The change that we're talking about today, is
21 74.2 percent.

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

1 majority-minority district.

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

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

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

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

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

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

22 If there was a chance of having too much Native
23 American population in that district at the expense of
24 another, that would be a different matter, and things would
25 get more complicated than when we're talking about Hispanic

1 districts where it's not necessarily the case that the
2 highest possible Hispanic percent is always what's
3 desirable, because that might come at the expense of other
4 districts.

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

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

11 There's just not sufficient population.

12 So that if you took a significant part of the
13 Native American population and put it in another district,
14 that would be a problem. Because you are then retrogressing
15 the interest of Native American voters to elect candidates
16 of choice.

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

20 VICE-CHAIR FREEMAN: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Freeman.

22 VICE-CHAIR FREEMAN: Madam Chair, can I ask,
23 another benefit is it insulates, getting the number higher,
24 because it insulates us from possible other issues with
25 effectiveness as well, which we don't know the answer and

1 won't know until the sort of election.

2 BRUCE ADELSON: Madam Chair, Commissioner Freeman.

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

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

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

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

23 BRUCE ADELSON: One of the examples of Arizona
24 over Texas, because in Texas many more minority run for
25 statewide offices than in Arizona, so we are somewhat

1 limited in elections that we can choose.

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

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

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

10 BRUCE ADELSON: Presidential.

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

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

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

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

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

25 Right now the indexes that are on your reports are

1 just all races according to the years weighted equally.

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

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

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

19 KENNETH STRASMA: I thank you for reminding me.

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

24 So in 2004, I believe, where there were two
25 different unexpired terms being filled, and Democrats did

1 not field a full slate of candidates, it's impossible to
2 compare the total between those two, so those were not
3 included.

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

8 VICE-CHAIR FREEMAN: Thank you.

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

11 VICE-CHAIR HERRERA: I -- I don't mind. I think
12 it's a good idea to do that, but it would be an additional
13 index. It would not replace, I think, index -- any of the
14 ones that are currently -- I think it's index two that
15 weighs 2008, 2010 elections evenly, statewide elections.

16 BRUCE ADELSON: Correct.

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

21 KENNETH STRASMA: It would be number six.

22 And I would -- that would be my preference as
23 well, just to avoid confusion, that we keep the existing
24 indexes as they are numbered, and as new permutations are
25 added, that we add a new number.

1 And you'll note the revised reports have
2 footnotes, so we don't have to remember what all these
3 different versions are. We'll continue to footnote all
4 these.

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

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

10 COMMISSIONER McNULTY: Yes.

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

12 VICE-CHAIR FREEMAN: Yes.

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

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

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

21 CHAIRPERSON MATHIS: That would be great.

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

24 VICE-CHAIR HERRERA: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Herrera.

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

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

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

10 BRUCE ADELSON: Madam Chair, Commissioner Herrera,
11 I did.

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

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

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

23 So to the extent that the numbers are -- are not a
24 retrogressive issue, just looking at it in the -- in --
25 apart from looking at the specific numbers, then that might

1 not be a retrogression.

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

4 Do they have an opinion about swapping
5 municipalities?

6 Is that an opinion that relates to retrogression?

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

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

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

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

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

25 From Justice's standpoint, they have to allege

1 retrogression. If they don't, then they're just not issues
2 that Justice will take into account.

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

5 VICE-CHAIR HERRERA: Thank you.

6 COMMISSIONER McNULTY: Madam Chair.

7 CHAIRPERSON MATHIS: Go ahead.

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

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

20 BRUCE ADELSON: Thank you, Commissioner McNulty.
21 That, I didn't know.

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

25 Now that has -- this does not have the full

1 listing of the elections that the change report that we've
2 been talking about has, but just in looking at it quickly,
3 what this -- the change proposes lowering the non-Hispanic
4 white population by 2.3 percent.

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

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

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

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

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

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

24 Do they support the change? Do they not support
25 the change? And if they do not, is their non support a

1 retrogression argument? Is it another argument?

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

4 COMMISSIONER McNULTY: Thank you.

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

9 KENNETH STRASMA: Yes.

10 COMMISSIONER McNULTY: Since that what we had
11 originally used.

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

18 VICE-CHAIR FREEMAN: Madam Chair.

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

21 KENNETH STRASMA: Either way works from our
22 perspective.

23 COMMISSIONER McNULTY: Either way works for me.

24 My only concern is that I'd like to look at the
25 totality, because that's how they arose, and it does achieve

1 some objectives, you know, we had talked about. I think
2 Mr. Gorman talked yesterday about Native Americans in
3 Flagstaff, and they can't be put in LD 7. They just can't
4 be.

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

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

14 Native Americans are one of those constituents.

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

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

24 I don't know if the Commissioners have had a
25 chance to review that. It just came in today or yesterday.

1 And I raise it because it's interesting, with what
2 Mr. Adelson just said, about a claim of retrogression causes
3 the Justice Department, you know, flags go up and they look
4 into it.

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

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

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

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

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

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

23 So if an entity or organization is claiming
24 retrogression on the part of Anglos, that is not something
25 that the Department is going to look at to the same extent

1 as if, let's say, the Hopi Tribe claimed that the
2 retrogression in a specific plan, mainly because the Voting
3 Rights Act passed in 1965 in an effort to give minorities
4 the opportunity to elect whom they wanted, when at the time,
5 particularly in the deep south, that was not viewed as
6 something that was possible.

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

13 VICE-CHAIR HERRERA: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

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

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

24 Is that an issue that the, that the Department of
25 Justice is concerned with in Section 2?

1 BRUCE ADELSON: Madam Chair, Commissioner Herrera.
2 The packing issue under Section 2 relates to race,
3 it doesn't relate to partisanship.

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

10 VICE-CHAIR HERRERA: Thank you.

11 VICE-CHAIR FREEMAN: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Freeman.

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

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

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

24 Also, I also would like to look at other ways that
25 could possibly boost those numbers. Ten years ago the Hopi

1 reservation was extracted from within the Navajo
2 reservation, and that district became well known as the Hopi
3 cloud, and could we not explore creating something we could
4 call this go-round, the Apache cloud, and drop the corridor
5 south in Navajo County, taking census blocks, linking the
6 northern part of that district to the Apache reservation,
7 and that would further, I think, boost the percentages. And
8 then what population we'd lose from Apache County, attempt
9 to make up by identifying that Navajo population within the
10 city of Flagstaff and adding it to that district.

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

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Herrera.

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

23 And I -- I mean, I really do -- I think, myself, I
24 think I made pretty clear that I care about the Native
25 American population, but I also care about the city of

1 Flagstaff, and that they, in the comments they made.

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

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

10 I would have an issue with that.

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

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

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

22 I think compactness is important. It's one of the
23 criteria. Keeping community of interest is another
24 criteria. And there's ways to fulfill those requirements,
25 as I have done in my proposed changes. And I think if we

1 bring up the Native American population to 63 percent in the
2 proposed changes, which is up from 59, I think, in the
3 original, or in the current map, so we're doing -- we're on
4 our way and we've done, I would say, a darn good job of
5 doing it without -- without reaching into Flagstaff, which I
6 think would be a bad idea.

7 VICE-CHAIR FREEMAN: Madam Chair.

8 CHAIRPERSON MATHIS: Commissioner Freeman.

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

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

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

21 VICE-CHAIR HERRERA: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: Yeah. I wasn't, you know, as
24 I stated to Mr. Freeman yesterday, that I am entitled to my
25 own opinion, and -- and that's why I created the maps that I

1 did, and he obviously was opposed to them.

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

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

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

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

12 They didn't bring it up.

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

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

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

24 I don't think there's anybody in this, in this
25 panel, on this Commission, that probably cares more about

1 the Native American people than I do. And I made it pretty
2 clear from the beginning that they do have a representative
3 in me.

4 VICE-CHAIR FREEMAN: Madam Chair.

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

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

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

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

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

25 I'm guessing, but possibly we can look at the map

1 and go over that.

2 VICE-CHAIR FREEMAN: Sure.

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

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

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

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

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

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

21 COMMISSIONER McNULTY: Madam Chair.

22 CHAIRPERSON MATHIS: Ms. McNulty.

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

25 I'm not sure that will -- I don't think it's going

1 to take that much time to run it in totality. Let's look at
2 it that way. That was the concept that resulted in, you
3 know, the idea of the Colorado City move, so let's look at
4 the concept that we had in mind in totality, and see if it
5 works. Then that way we're not spending time going over it
6 and over it again.

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

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

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

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

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

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

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

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

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

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

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

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

20 COMMISSIONER McNULTY: Making the swap.

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

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

25 WILLIE DESMOND: Yes.

1 COMMISSIONER McNULTY: Just for the record,
2 Pinetop and Show Low are almost indistinguishable. These
3 are not separate communities. These are one. Not that that
4 is determinative.

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

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

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

14 COMMISSIONER McNULTY: Are you sure?

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

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

19 So District 5, again, gains -- 5 gains 10,500
20 people. It was previously under-populated by 2.1 percent.

21 Following the addition of Mohave County, it goes
22 up to 2.8 percent over-populated.

23 District 6 loses 2,682 people. It started out
24 overpopulated by .8 percent. It ends up under-populated by
25 .4 percent.

1 And then District 7 goes from negative 1.3 percent
2 population deviation down to a 5 percent population
3 deviation.

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

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

12 COMMISSIONER McNULTY: Madam Chair.

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

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

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

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

24 WILLIE DESMOND: I think the one I did provide you
25 with was the one with Colorado City.

1 There was only one with the Show Low swap and
2 Colorado City was part of it.

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

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

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

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

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

20 BRUCE ADELSON: Vice Chair.

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

23 CHAIRPERSON MATHIS: With Chairman Lupe --

24 BRUCE ADELSON: Well, okay.

25 CHAIRPERSON MATHIS: -- who had wanted to be at

1 the meeting but couldn't make it.

2 BRUCE ADELSON: I see.

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

9 Because my recollection is that Winslow has about
10 25 percent Native American population.

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

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

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

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

25 And also I'll work with Commissioner Freeman to

1 explore the possibility of pulling in some Native American
2 population from Flagstaff and removing some of the native
3 population from Apache County, depending on how complicated
4 that is. I'll probably have that tomorrow.

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

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

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

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

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

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

23 I'm sure Marty has it already.

24 Any other comments on this particular aspect,

25 LD 7?

1 I don't see my time. Check the time here.

2 12:33.

3 Do folks want to take a break?

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

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

8 How late are we planning to go today?

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

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

13 CHAIRPERSON MATHIS: How do you all feel?

14 COMMISSIONER McNULTY: Let's take a break.

15 VICE-CHAIR FREEMAN: Sounds good to me.

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

18 VICE-CHAIR HERRERA: Half hour.

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

21 (Brief recess taken.)

22 CHAIRPERSON MATHIS: Recess is over.

23 I don't think the audio is on.

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

25 We're back in public session.

1 I'd like to also mention that Commissioner Stertz
2 let us know that he is watching online, so he will call in
3 if he has anything that he would like to add.

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

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

11 WILLIE DESMOND: We're good.

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

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

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

19 This is the same change that was presented on the
20 5th, but you do have a new packet with the additional
21 columns and additional information included.

22 Just to kind of go into exactly what this is, it's
23 not a major change. It's simply just removing some of the
24 worst areas from LD 24, putting them into Legislative
25 Districts 23 and 28, respectively.

1 I can go into exactly where those areas are, or we
2 can just discuss it on the change report.

3 This is titled LD 24 V2 at the top.

4 Or maybe it just says LD 24.

5 It just says LD 24.

6 Excuse me.

7 So you can see what this change does.

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

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

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

16 District 23, which started out under-populated by
17 6,375 people gains 5,346 people, bringing that district
18 closer to ideal population. The deviation goes from
19 negative 3 percent down to negative .5 percent.

20 District 24, the voting rights district, goes from
21 a .2 percent population deviation, down to a 3.5 percent
22 population deviation. That's kind of following the advice
23 of Mr. Adelson, legal counsel, that a good way to improve
24 these is to remove the least desirable parts of them,
25 addition by subtraction.

1 District 28 gains 2,581 people. Deviation goes
2 from .4 up to 1.6.

3 Still within our acceptable range.

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

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

9 The competitiveness of Districts 23 and 28 is
10 affected.

11 Twenty-three becomes slightly less Republican.
12 Slightly more competitive. But still probably a very safe
13 Republican seat.

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

16 Very little population was moved in District 28.

17 And it doesn't have a major effect.

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

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

24 Again, we don't know that this is the total change
25 that needs to happen, but it's a step in the right

1 direction.

2 BRUCE ADELSON: Madam Chair, before we go to the
3 map, if I could explain again what this change report --
4 some specifics that the Justice Department will be looking
5 at. If I can just look at the overall district, the
6 district has more than 33 percent VAP from the benchmark
7 District 17 and 11. Those are the current legislative
8 districts.

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

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

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

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

23 So we'll need to, in anticipating the Department
24 of Justice, have an answer for them about who these people
25 are and why they are a legitimate aspect of

1 majority-minority district.

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

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

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

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

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

24 So those are some special things that I wanted to
25 bring up, that I am looking at the change in looking at the

1 benchmark, the overall population, that these are things
2 that Justice will have questions about.

3 CHAIRPERSON MATHIS: Thank you, Mr. Adelson.

4 Any comments or questions?

5 COMMISSIONER McNULTY: I do have a question.

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

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

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

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

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

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

25 The 971 people, 852 of them are Native American.

1 In the mine inspector's race they supported the
2 Hispanic candidate at a rate of about 80 percent.

3 So this is an -- and I believe when Ms. O'Grady
4 spoke about this earlier in the week, she said -- she
5 acknowledged that the area would like to have been moved to
6 District 23. But currently we're looking for ways to
7 improve 24. So it's not an easy swap for us to remove this
8 area, but it's something that we can look at in the context
9 of these change reports, how much it does impact, if that
10 works.

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

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

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

22 To your point about the reservation.

23 I think there is a concern about where the
24 district is on all the numbers. I had mentioned before that
25 I think it could be -- raise more questions if the minority

1 population decreases. Because I certainly agree that this
2 is a district that needs to be enhanced, rather than
3 diminished.

4 COMMISSIONER McNULTY: Thank you.

5 BRUCE ADELSON: Thank you.

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

8 VICE-CHAIR FREEMAN: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Freeman.

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

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

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

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

1 County.

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

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

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

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

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

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

23 I know they yield before the Voting Rights Act in
24 getting improved metrics in all ten districts, or at least
25 all the districts in Maricopa County.

1 BRUCE ADELSON: Madam Chair, Commissioner Freeman.

2 Just to respond some way to your point.

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

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

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

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

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

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

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

25 So those would be things that, again,

1 respectfully, I would suggest as might be a way to see if
2 that could be an additional enhancement to 24.

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

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

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

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

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

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

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

25 If they need to see it, they need to satisfy that

1 they're not being done for a discriminatory purpose or have
2 a discriminatory effect.

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

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

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

15 And I am not suggesting using all of them.

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

21 Thank you.

22 CHAIRPERSON MATHIS: Mr. Strasma.

23 KENNETH STRASMA: So, and Mr. Desmond can bring up
24 those areas. Just for further -- I think it would be useful
25 if we could separate out some issues, and this is probably a

1 good example of what we are going to see in the coming
2 districts.

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

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

10 BRUCE ADELSON: Madam Chair.

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

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

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

25 I think that locking it in and doing additional

1 analysis, I think that that's a good idea.

2 The only point that I would make is that I am
3 anticipating that there will be additional changes that
4 should be made to 24, mainly to narrow the difference
5 between some of these numbers and the benchmark. That
6 narrowing will likely further enhance performance.

7 Now, we're not talking about a five, six,
8 seven percent difference.

9 If you can increase things by a point, point and a
10 half, that's huge.

11 And that will narrow the difference with the
12 benchmark, make this less of a question for Justice, and,
13 indeed, if they do have a question about it, we have a very
14 ready response.

15 So with that in mind, I certainly agree with
16 Mr. Strasma as far as moving forward.

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

20 Thank you.

21 CHAIRPERSON MATHIS: Other questions or comments
22 on this?

23 VICE-CHAIR FREEMAN: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Freeman.

25 VICE-CHAIR FREEMAN: Perhaps expanding on what I

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

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

12 BRUCE ADELSON: Commissioner Freeman and Madam
13 Chair.

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

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

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

23 I mean, that's like borderline. That's if -- so
24 in a situation like that, I think Justice would say if they
25 drew a map, or if someone presented a map where the metrics

1 were 58, 59 percent, Justice would say, well, why did they
2 do that?

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

6 If there's a map that has an average election
7 success rate for minority candidates of choice, let's say,
8 59 percent, and there's an alternative that has 59.2
9 percent. That's not something that Justice will care about
10 in its review, because they are likely not determining
11 retrogression.

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

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

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

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

23 There are areas that have a higher racial
24 concentration, but do more damage in ability to elect than
25 necessarily do in improving the overall HVAP number.

1 That's not to say that there's not places where
2 it's possible.

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

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

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

10 The number here is the Democratic Hispanic
11 candidate in the mine inspector's race. So bringing in
12 these areas, we're bringing in areas, the top one is about
13 50 percent. This block group only happens to have a few
14 hundred people in it, I believe.

15 Yeah. About 900.

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

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

22 It's very strong crossover voting areas.

23 It's been a balancing act between trying to
24 increase the minority percentage without decreasing the
25 ability to elect.

1 Talking about 24, and you can see some of the --
2 the changes here, so the change that we're proposing here,
3 and you have reflected in your change report, is to remove
4 these four block groups.

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

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

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

12 It's the same thing here, 44 percent and
13 42 percent.

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

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

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

23 So while there are minority groups that live here,
24 they just don't vote much. That's been the trade-off and
25 that's what we've been trying to balance. So . . .

1 CHAIRPERSON MATHIS: So there's some minority
2 population in 25 that borders 24 that I'm curious about what
3 that does in terms of adding that to 24.

4 WILLIE DESMOND: Right here?

5 CHAIRPERSON MATHIS: Yeah.

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

9 Like, for instance, this area. If we were to add
10 this to District 24, that would move 1200 people. Those
11 1200 people are -- they look to be about maybe 60 percent
12 Hispanic, however, they only supported the mine inspector at
13 a 30 percent rate.

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

17 BRUCE ADELSON: Madam Chair, if I could.

18 CHAIRPERSON MATHIS: Go ahead.

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

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

24 BRUCE ADELSON: Well, let's just imagine this
25 academically.

1 Let's say five elections, one metric decreases,
2 but the other metrics increase.

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

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

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

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

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

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

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

17 CHAIRPERSON MATHIS: I want you to say --

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

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

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

25 Now, they're not just so radically different to

1 cause me to call up my boss and say: Call the Attorney
2 General and tell him we're going to object to this.

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

5 Because let's say I have a district with 75
6 percent Hispanic population, but let's say the CVAP is only
7 35 percent. So the number is a elusive.

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

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

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

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

25 That's something that is standard for any good

1 submission, is providing Justice with answers to as many of
2 the questions as can be anticipated. That's a guarantee
3 that they will ask that.

4 So we do have responses.

5 Not everybody does.

6 I'm saying favorable responses.

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

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

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

15 CHAIRPERSON MATHIS: Thank you.

16 KENNETH STRASMA: If I could expand on that.

17 Although 24 is shaky compared to what the benchmark on some
18 numbers, on others effectiveness primarily is higher than
19 the benchmark, so we do have -- we'll need to highlight that
20 in our DOJ submission, and highlight why we think it's
21 better under a number of measures.

22 I also did want to bring up, although we don't
23 have it on the screen, we looked at president '08 in those
24 same areas to see if the low turnout Hispanic did benefit.
25 They did not, even in a presidential year turn out, although

1 the gap was less, they still reduced performance of the
2 district. So there is no low-hanging fruit for 24 that
3 would be gathered without impacting the performance.

4 CHAIRPERSON MATHIS: And that includes looking in
5 24 to take some voters out?

6 KENNETH STRASMA: It does.

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

9 There is a fairly significant 54 percent white
10 crossover vote in support of the mine inspector in draft LD
11 24 as it's currently configured. So by losing those
12 crossover white voters in favor of the Hispanic voters with
13 very low turnout, we ended up actually negatively impacting
14 the district.

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

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

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

23 Registration is fairly new. That's something they
24 really looked at significantly in the Texas litigation,
25 something that just came up in the last few weeks.

1 So that's part of the reason we've been talking
2 about registration as an additional metric, because they're
3 looking at it. And they're looking at it more than we did.
4 That was not as significant a part of our review nine years
5 ago as it may be today.

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

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

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

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

21 That's just not true.

22 And I think we'll see in another district today
23 that with CVAP being relatively low, that's going to impact
24 turnout. So turnout is, when you are looking at both
25 groups, is very important to realize that groups by race

1 turn out at different rates, and not everybody turns out at
2 the same rate.

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

5 We did find areas to remove.

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

11 VICE-CHAIR FREEMAN: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Freeman.

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

16 WILLIE DESMOND: We'll discuss changes to District
17 26 in a little while.

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

21 In all of those changes, we did nothing that would
22 take population from any of the other voting rights
23 districts. After further consulting with Mr. Adelson, and
24 looking at the numbers more, we do have changes, version two
25 changes, to 26 and to District 4 that would remove

1 population from some of the other voting rights districts.
2 We can talk about those today.

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

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

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

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

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

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

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

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

25 So that's where we started in this whole analysis.

1 Sounds like that's where we'll finish.

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

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

10 But it's entirely up to you.

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

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

16 CHAIRPERSON MATHIS: Commissioners, what do you
17 think.

18 VICE-CHAIR FREEMAN: Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Freeman.

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

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

1 know.

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

6 CHAIRPERSON MATHIS: Other comments from other
7 Commissioners?

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

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

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

17 VICE-CHAIR HERRERA: The report that we provided,
18 according to me, it's pretty strong as it is now. I mean it
19 -- the -- the 2010 -- the 2010, the mine inspector's race
20 59.7 percent of the votes.

21 The 2008 presidential got 61.4.

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

23 So, I'm always cautious when you want to make them
24 even better. Because what it'll do is, it will be a ripple
25 effect. And it will, obviously, effect the other

1 surrounding areas. If you want to make 28 more competitive,
2 it might affect 28, might affect some other districts, so
3 I'm...

4 BRUCE ADELSON: Commissioner Herrera, Madam Chair.
5 We've had many conversations about the concern
6 with packing under Section 2, racial packing.

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

12 The CVAP in this district is low.

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

14 There is no benchmark district that has CVAP that
15 low.

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

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

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

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

1 effectiveness.

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

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

7 So I take your point exactly.

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

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

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

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

22 So the H -- the Hispanic CVAP is going to be lower
23 because the Hispanic population there is depending on the
24 white crossover votes. So it's not, it's not like they're a
25 truly majority-minority district.

1 Since they weren't, that the Hispanic can't elect
2 who they want, they're depending heavily on the non Hispanic
3 voters to cross over and help elect someone of their
4 choosing.

5 BRUCE ADELSON: Commissioner Herrera. Madam
6 Chair.

7 Exactly. This is a coalition district.

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

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

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

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

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

1 candidate of choice.

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

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

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

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

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

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

22 VICE-CHAIR HERRERA: Thank you.

23 BRUCE ADELSON: You're welcome.

24 COMMISSIONER McNULTY: Madam Chair.

25 CHAIRPERSON MATHIS: Commissioner McNulty.

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

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

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

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

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

23 VICE-CHAIR FREEMAN: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Freeman.

25 VICE-CHAIR FREEMAN: I'm uncomfortable with

1 anything called tentative lock-in, because it just becomes
2 the locked in.

3 CHAIRPERSON MATHIS: Thank you. I am too.

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

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

8 Yeah.

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

11 CHAIRPERSON MATHIS: Okay.

12 VICE-CHAIR HERRERA: I'm sorry. Madam Chair.

13 Mr. Freeman, can you explain?

14 You said you objected?

15 VICE-CHAIR FREEMAN: Yeah, I did explain.

16 I am uncomfortable with anything called a
17 tentative lock-in, because it just sounds like to me that as
18 it's locked in.

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

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

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

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

8 COMMISSIONER McNULTY: Madam Chair.

9 CHAIRPERSON MATHIS: Ms. McNulty.

10 COMMISSIONER McNULTY: Mr. Freeman, I understand
11 what we need to do is get this before Dr. King for analysis.

12 If we change the name temporary lock-in to submit
13 for analysis, does that solve your issue or are you going to
14 object to that also.

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

17 CHAIRPERSON MATHIS: Okay.

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

21 KENNETH STRASMA: Madam Chair.

22 I would like to clarify, though, that this would
23 then become the working map, become these all do have ripple
24 effects. and we can't have 20 different versions being
25 analyzed at the same time. So that is -- if we can call it

1 submit for analysis but further changes would be made to the
2 map, the draft map with this change.

3 CHAIRPERSON MATHIS: Any thoughts on that,
4 Commissioners?

5 VICE-CHAIR FREEMAN: That's fine.

6 CHAIRPERSON MATHIS: Okay.

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

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

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

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

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

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

24 Those types of changes we could do again, but the
25 changes to District 26 are pretty strong we feel.

1 I don't know if Mr. Adelson wants to go through
2 them right away or if you would like me to go through
3 changes to the voting rights district, and then some of the
4 ripple effects to the other districts of the area, you can
5 do that also.

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

10 BRUCE ADELSON: Madam Chair, if I could just give
11 a little background from Justice's perspective, looking at
12 26. 26 does not include any minority voters from any
13 benchmark districts where they can elect.

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

18 Looking at some of the other metrics, this has
19 17.6 percent HCVAP, which is the lowest in the draft.

20 It's also the lowest compared to the benchmark.
21 Same with Hispanic registration.

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

24 So looking at that, that's something that, again,
25 that's something Justice will have a question about.

1 In looking at the election results for mine
2 inspector, for example, one of the things that struck me is
3 that Hispanics, Native Americans and African-Americans in
4 this district, although they did support the minority
5 candidate for mine inspector, also, to me, supported the
6 Anglo candidate for mine inspector to a surprising degree.

7 38 percent for Hispanics, 39 percent for Native
8 Americans, and 41 percent for African-Americans.

9 So I'm just wondering what the reason is for that.

10 Is there -- are they not as strong in supporting
11 certain minority candidates of choice as in other districts?

12 And, again, that -- that is a question that
13 Justice will have, so we'll need to have a response to that.

14 The change that we're talking about in changing
15 Guadalupe from 27 to 26, 27 based on the numbers and
16 performance appears to be a stronger district than 26.

17 And appears to have population that can be shed in
18 order to strengthen another district.

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

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

25 The election results all increase in the

1 proportion for the minority candidate of choice.

2 The Hispanic population increases.

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

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

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

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

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

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

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

25 Does this change do that and does not do it,

1 apparently, to the detriment, from a retrogressive
2 standpoint, of draft 27.

3 CHAIRPERSON MATHIS: Thank you.

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

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

14 For what that's worth.

15 CHAIRPERSON MATHIS: Other questions or comments
16 on this one?

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

20 WILLIE DESMOND: Yes.

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

23 CHAIRPERSON MATHIS: Oh, yeah.

24 WILLIE DESMOND: So again, the green line is the
25 old district. The black line is the new district.

1 I believe the Dobson Ranch area is right about
2 here.

3 So it's that and more.

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

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

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

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

18 VICE-CHAIR FREEMAN: And east of that.

19 COMMISSIONER McNULTY: And east of that.

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

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

24 COMMISSIONER McNULTY: Where is Baseline?

25 WILLIE DESMOND: Baseline is the old district

1 line.

2 The new district line goes up to Southern Avenue.

3 It comes down at Canton.

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

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

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

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

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

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

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

20 We could remove that little portion.

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

23 VICE-CHAIR HERRERA: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Herrera.

25 VICE-CHAIR HERRERA: The changes to the Dobson

1 Ranch, are they being done to improve 26?

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

4 KENNETH STRASMA: The Dobson Ranch.

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

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

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

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

16 WILLIE DESMOND: Yes.

17 VICE-CHAIR HERRERA: Thank you.

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

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

22 COMMISSIONER McNULTY: Madam Chair, my thought
23 would be given that this is something that Mr. Desmond has
24 done to improve 26, and coincidentally, we got comment from
25 the public yesterday, as well, that we look at addressing

1 this little piece also to accomplish both things at once.

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

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

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

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

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

14 COMMISSIONER McNULTY: What about 18?

15 WILLIE DESMOND: Eighteen will be over by about
16 11,000 people.

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

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

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

25 COMMISSIONER McNULTY: You can look at it tonight

1 when you do the other.

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

4 CHAIRPERSON MATHIS: Great.

5 Any other questions on 26?

6 (No oral response.)

7 CHAIRPERSON MATHIS: Okay. Move on.

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

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

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

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

19 BRUCE ADELSON: Madam Chair, if I could, just as
20 before, just a little background. Draft four has 90 percent
21 VAP from benchmark districts, where minorities cannot
22 currently, or do not currently elect candidates of choice.
23 So there's a question about that.

24 Also, as in the draft, there are three elections,
25 '04 pres, '06 Secretary of State, and '08 pres, that the

1 minority candidate of choice lost.

2 So that's a performance effectiveness issue.

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

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

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

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

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

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

23 So in the enhancements that have been proposed,
24 what's very interesting to me is in the '04 presidential
25 election, the '06 Secretary of State election, and the '08

1 presidential election, those elections now, the minority
2 candidates of choice win.

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

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

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

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

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

24 That's something extremely significant.

25 This change appears to be a very positive

1 enhancement and answers more of the questions that Justice
2 will have.

3 CHAIRPERSON MATHIS: Thank you.

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

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

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

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

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

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

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

24 But under Section 5, the issue is can minorities
25 elect? If they do elect, then that ability is recognized.

1 If you're looking from a benchmark comparison
2 perspective, you can arguably replace the weak benchmark
3 district with a weak new district.

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

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

9 It's a very inexorable comparison to the
10 benchmark.

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

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

19 That's not what the law says.

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

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

24 BRUCE ADELSON: Commissioner McNulty, as I said, I
25 think that the changes are all very positive. And certainly

1 changes that, on the surface, I endorse, and that I think
2 are essential in proving -- satisfying our burden to prove
3 that there's no retrogression. And the -- the performance
4 results across the board show that minorities are electing
5 candidates of choice.

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

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

11 VICE-CHAIR HERRERA: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Herrera.

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

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

24 I mean, we've got Gadsden, Yuma, San Luis,
25 99 percent Hispanic probably. Good chunks of Yuma are

1 Hispanic. So I'm curious to see where we're going to pull
2 those extra people from.

3 BRUCE ADELSON: Commissioner Herrera and Madam
4 Chair, that's the devil in the details somewhat in
5 redistricting. One of the things that I thought about in
6 looking at the map is, that in draft 11 and draft 13 have
7 between them about 25,000 so-called mobilized Hispanics from
8 benchmark districts where they can elect.

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

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

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

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

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

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

25 I think this is a very positive enhancement.

1 To the extent an additional enhancement can be
2 done remains to be seen.

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

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

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

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

23 Because this district didn't start with a very
24 strong HVAP number. The other numbers did have a very low
25 ability to elect. We weren't necessarily worried about

1 adding minority population in, but removing low minority
2 areas out of it, so we could help.

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

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

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

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

15 And, you know, looking at the 2008 presidential,
16 2006 Secretary of State, 2004 presidential, those numbers
17 were all below 50 percent in the draft district.

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

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

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

25 So because District 3 lost a little population, it

1 had to take a little population, did that from District 9.

2 In Tucson.

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

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

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

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

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

17 WILLIE DESMOND: Well, if you look -- we stopped
18 -- we did because District 4 now has a deviation of almost
19 9600 people.

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

25 I stopped where I did, just because we did get

1 three-and-a-half points better on the aspects that we were
2 really -- what we were trying to improve.

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

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

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

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

15 WILLIE DESMOND: Absolutely.

16 COMMISSIONER McNULTY: While Willie's doing that,
17 so do I understand this correctly, we have a total 18 voting
18 age minority population now of 66.7 percent in this
19 district, a total Hispanic voting age population Hispanic
20 65.7 percent; a total minority population of 71.4 percent?

21 WILLIE DESMOND: That's correct.

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

25 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.
3 And then it goes over here at Drexel.

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

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

9 So this area here did give -- did lose a point in
10 its Hispanic voting age population. It went from 51.2 to
11 50.2.

12 We felt comfortable taking that down, because when
13 you look at the total minority of District 3, it went from
14 67.7 down to 57.2, and when you look at some of the ability
15 to elect statistics, they're very, very strong.

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

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

22 If you look at the benchmark, the number, minority
23 numbers, the HVAP, the draft numbers all exceed the
24 benchmark. So with the numbers, this is an example of the
25 district with numbers, plus electoral performance,

1 effectiveness, it seems to be better than the benchmarks.

2 So this is a situation, especially with the
3 enhancements, where you meet both tests.

4 And this is something that will be -- will be
5 relatively easy even if Justice would just initially
6 literally just compare the benchmark to the draft, which
7 they will do. And they can check the metrics and see
8 higher, higher, higher.

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

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

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

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

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

25 There's a couple reasons we didn't touch that to

1 start out.

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

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

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

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

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

16 VICE-CHAIR HERRERA: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

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

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

25 VICE-CHAIR HERRERA: Correct, but I -- I mean, I

1 think I heard Mr. Adelson correctly that he feels
2 comfortable with that deviation, and based on the -- on the
3 data that we have in front of us now, I -- I -- the reason I
4 bring that up, I think I would -- I would like for us, if
5 needed, for us to remove population from northern, you know,
6 from the northern part of District 4 and put it into the
7 southern part of District 13.

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

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

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

24 But, again, these changes that we're discussing
25 today, you -- there's three things you could do essentially.

1 We could just scrap them.

2 We can change them slightly.

3 We can adopt them.

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

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

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

12 COMMISSIONER McNULTY: Madam Chair.

13 CHAIRPERSON MATHIS: Ms. McNulty.

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

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

19 It was somewhere in that little arm, I think.

20 That looks like it.

21 WILLIE DESMOND: Right here?

22 COMMISSIONER McNULTY: Yeah. What happens to
23 that?

24 WILLIE DESMOND: That's in Buckeye. Let me grab
25 that and tell you what that would do.

1 COMMISSIONER McNULTY: That would significantly
2 improve the compactness of 13 if we moved that away.

3 WILLIE DESMOND: That's about 8400 people.

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

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

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

11 So that would increase, looking at the mine
12 inspector race, just as a, that area, there's 476 votes for
13 the Hispanic candidate, and the mine inspector race there's
14 817 votes for the non Hispanic mine inspector race.

15 So that would lower.

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

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

24 COMMISSIONER McNULTY: Have you done that with
25 other areas, Hispanic areas in 13?

1 CHAIRPERSON MATHIS: That's what I was going to
2 ask, the further east part in 13.

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

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

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

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

14 WILLIE DESMOND: Yeah, you're only talking about
15 500 people. And I believe it was the same thing.

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

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

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

25 So you kind of have to go across that district, do

1 that, and as you notice, it is all Avondale. And if it's
2 kept whole, there was reluctance to do that necessarily.

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

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

8 CHAIRPERSON MATHIS: Okay. Thank you for that.

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

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

16 This is Los Altos Avenue.

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

18 So that did move 10,875 people into District 3.

19 It was one of the more Hispanic areas of
20 District 9.

21 And as you can see, it wasn't enough to mitigate
22 the changes of what came out of District 4, but it did kind
23 of lessen the flow to District 3.

24 District 3 still has a very good ability to elect.

25 Looking at the change report, the changes to

1 District 9 and District 11, I think are minimized, both in
2 terms of the population compilations and the -- the
3 competitiveness and stuff. So it did have some minor
4 effects on those districts. But overall, nothing too
5 dramatic, nothing as significant as the help that was done
6 to District 4.

7 COMMISSIONER McNULTY: Madam Chair.

8 CHAIRPERSON MATHIS: Ms. McNulty.

9 COMMISSIONER McNULTY: Is that the consensus of
10 the legal team and mapping team that you would recommend
11 that we submit this for analysis.

12 WILLIE DESMOND: Yes.

13 BRUCE ADELSON: Commissioner McNulty, I second
14 that. I certainly agree that this could be submitted for
15 analysis.

16 COMMISSIONER McNULTY: I would support that. I've
17 looked at the changes that you just showed us last night in
18 Tucson and they make sense.

19 CHAIRPERSON MATHIS: Comments from other
20 Commissioners?

21 Can we go ahead and, without objection, move
22 forward to submit these changes for more analysis? I forget
23 the actual term, the phrase.

24 VICE-CHAIR FREEMAN: Submit for analysis.

25 CHAIRPERSON MATHIS: Submit for analysis.

1 Without objection, can we go ahead and direct our
2 mapping consultant to submit these for analysis that we just
3 discussed on LD 4, and the ripple effects as presented in
4 the change report?

5 (No oral response.)

6 Hearing none, great. Thank you.

7 CHAIRPERSON MATHIS: I thought we would just take
8 a quick break. Five minutes. Which usually means ten
9 minutes. And it's 2:58 p.m.

10 Thank you.

11 (Brief recess taken.)

12 CHAIRPERSON MATHIS: We'll enter back into public
13 session.

14 The time is 3:18 p.m.

15 And we were going through potential changes for
16 further analysis. I think we're up to LD 2; is that our
17 next one Mr. Desmond?

18 KENNETH STRASMA: That is correct.

19 We touched on this change earlier.

20 There's a significant amount of public comment
21 about keeping Cochise County whole, and that can be done in
22 LD 2 with the swap between Cochise County and Green Valley.
23 Now, this has an effect of reducing the minorities percent
24 in LD 2.

25 So the question that we've been having to analyze

1 since last week is, does it reduces the effects to the
2 extent that it would be considered retrogressive.

3 My opinion of this is that it does not. Even
4 though the district is reduced, it is still solidly in the
5 middle of the pack for our ten districts. It is
6 significantly higher in terms of minority population and
7 electoral strength, and the districts that were in that area
8 before, and, so, that because it, in my mind, it isn't
9 retrogressive in terms of ability to elect, wouldn't raise a
10 DOJ flag and does meet some of the other criteria that makes
11 me think this would be a good change.

12 Now, Bruce, in his role as voice of caution here,
13 probably wants to raise that leg.

14 BRUCE ADELSON: Thank you, Madam Chair, and thank
15 you for that introduction.

16 Yes, I can concede that when it comes to Section 5
17 redistricting, I tend to be very conservative when it comes
18 to potential changes. This is one of the districts, and Mr.
19 Kanefield and I discussed this yesterday, and I know we have
20 somewhat of a divergence of opinion, I think that this is
21 one of those districts, the changes, that really, it's
22 essential that we have that additional level of analysis,
23 because that will lead us in either direction and prove out
24 what we need to prove out.

25 I think that, excuse me, initially, to look at

1 quickly, if you look at the districts this came from,
2 district benchmark 29 and benchmark 25 combined, that's
3 about 80 percent of the draft district comes from those two
4 districts, benchmark District 29 is a solid
5 majority-minority district. Non minority candidates of
6 eight were elected so overwhelmingly they can elect. 25 is
7 somewhat weaker as far as the ability to elect.

8 So since this is made up of the constituent parts
9 of two majority-minority districts, one of the first places
10 to go as you look at the current benchmark.

11 In the current benchmark of 29 and 25 -- oh,
12 excuse me. I was looking at the wrong chart.

13 Looking at the numbers for draft LD 2 with the
14 change, we have concerns about the minority percentages
15 coming down compared to the benchmark districts of 29 and
16 25.

17 Because, as I said, this is an amalgam of the two,
18 arguably, when we decide which district this matches up with
19 the benchmark, it could be those two districts, since they
20 make up the vast majority of District 2.

21 So my, excuse me, from our perspective, is that,
22 yes, we're being cautious about this, we're not prepared to
23 say that the changes are not problematic.

24 But again, as we've been talking about, certainly
25 we would endorse sending this for additional analysis,

1 because as we've discussed, all the districts, the voting
2 rights districts, the Section 5 districts, will need this
3 additional analysis.

4 So the additional analysis could very well answer
5 the question, is this change problematic or not. So,
6 certainly from that standpoint we would endorse having the
7 initial analysis submitted, that this be submitted for
8 additional analysis, so that we can make that determination
9 or get that answer sooner than later.

10 Thank you.

11 CHAIRPERSON MATHIS: Thank you.

12 Any thoughts from Commissioners?

13 COMMISSIONER McNULTY: So if we submit it for
14 analysis and determine there are issues, we already know
15 where to go to find additional voters should we need to.

16 BRUCE ADELSON: Commissioner McNulty, Madam Chair,
17 I think that's a great point.

18 This is one of those changes that if the analysis
19 comes back suggesting that there are issues, the potential
20 fix is more readily apparent than it might be in another
21 district because of the changes proposed.

22 I agree with that.

23 COMMISSIONER McNULTY: And I also understand that
24 we have difference of opinion on the legal team about
25 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.

1 We could look at that right now.

2 It goes by census block groups, so using census
3 blocks we could definitely, yeah, smooth it out.

4 COMMISSIONER McNULTY: Madam Chair, Mr. Desmond.

5 I kind of know that area and I know that we --
6 when we first did this draft we didn't smooth it out, and
7 there are some areas in the Huachuca -- the south Huachuca
8 Ash Canyon around Palominas that I know we can remove that
9 would help address some of the public comment that we got.

10 CHAIRPERSON MATHIS: Do we need to do that before
11 the additional analysis or what's the preferred route?

12 COMMISSIONER McNULTY: I think what Mr. Adelson is
13 suggesting is that we go ahead and remove the tail for
14 additional analysis, and see if it works, see if the
15 district works without it, with Green Valley in LD 2 and
16 with Bisbee and Douglas in LD 1; is that right?

17 BRUCE ADELSON: Commission McNulty, Madam Chair.

18 Yes, in order to get a definitive answer
19 statistically, that is the way we would suggest going.

20 Because if -- if the Commission determined that
21 this was a change of course that you wanted to make
22 permanent, then we would need to do the same level of
23 analysis.

24 So this way we can get an answer sooner than we
25 might further down the road.

1 CHAIRPERSON MATHIS: But if we need to keep the
2 tail, we would do the analysis, too, of that smoothed out
3 version of that?

4 WILLIE DESMOND: What I can do is have a change
5 report that cuts the tail off. I can also prepare for
6 tomorrow what it would look like if we smoothed it out. And
7 you can see that side by side.

8 CHAIRPERSON MATHIS: Well, I'm thinking of it more
9 from an analysis standpoint, if we had to keep the tail, so
10 we have the final numbers on what the smoothed out version
11 is, if that's the direction that we need to go ultimately.

12 WILLIE DESMOND: Why don't I just prepare that
13 tomorrow to see what that would look like.

14 And if you guys feel comfortable either completely
15 eliminating it, going with a smoothed out version, leaving
16 it the way it is, we can at least compare those three things
17 side by side and see how it would look.

18 BRUCE ADELSON: Madam Chair, before I forget, one
19 of the additional issues with this district is that, excuse
20 me, Justice, in comparing the proposed plan, the adopted
21 plan, the benchmark, they'll look at the highest performing
22 district as far as all the numbers, and the lowest
23 performing district.

24 Right now this district is -- has the highest
25 Hispanic CVAP of any of the draft districts, 49.7 percent.

1 With the change, that's not true anymore.

2 Under the benchmark, the highest CVAP, HCVAP, is
3 52.8 percent.

4 Again, that difference is not necessarily really
5 problematic, but it is a question that Justice can have.

6 So doing this additional analysis will also answer
7 that question, too.

8 But that's something that had struck us as being
9 not necessarily readily apparent from looking at all the
10 numbers as far as retrogression, but the fact that it's
11 about three points lower than the highest HCVAP is a
12 question that we'll need to answer, and this additional
13 analysis could very well do that.

14 CHAIRPERSON MATHIS: Anything else on LD 2?

15 WILLIE DESMOND: Well, then I will work to have a
16 change report ready for a scaled-down version of the tail.

17 Is there anything I should know in doing that?
18 Any areas that would be important to incorporate in District
19 1 with the rest of Cochise County? Or just basically kind
20 of hug the border the best I can, grabbing Bisbee and
21 Douglas?

22 COMMISSIONER McNULTY: Yeah, I think we want to
23 remove as much of Palominas as we can, and hug the border
24 there, if that makes sense. Those are the comments that we
25 got.

1 WILLIE DESMOND: Okay.

2 CHAIRPERSON MATHIS: I have a question before you
3 go on, though, on that, Mr. Adelson.

4 How does public comment from people in those
5 communities impact how Justice is going to view this.

6 BRUCE ADELSON: Madam Chair, that's a great
7 question, in the sense that it really reveals part of the
8 process from Justice's standpoint.

9 When Justice gets the submission, often there are
10 already comments waiting that haven't been reviewed until
11 the plan comes in.

12 So the plan comes in.

13 Then Justice starts looking at the comments, and
14 then, of course, more comments will come in.

15 Justice has a very narrow focus.

16 If the comments do not raise issues of
17 retrogression, if the comments are we want to keep our
18 county whole. We don't want to be part of this district, we
19 want to be part of another.

20 Justice will see two things.

21 Are they raising issues that are -- they have
22 jurisdiction over as far as redistricting review.

23 And do they -- are there issues, you know, kind of
24 behind the scenes, in the sense that by keeping us whole,
25 for example, is that retrogressive.

1 So they look at it in both respects.

2 But if you can imagine if Justice gets, let's say,
3 500 comments for statewide redistricting, I would say
4 typically 20 percent raise retrogressive issues or raise
5 other issues that could lead Justice to do an investigation
6 of a particular jurisdiction, a county, for example, after
7 redistricting is over.

8 For the most part, the comments do not in -- do
9 not involve issues that Justice has jurisdiction over at
10 all, or race issues that are part of the Section 5 review.

11 Often comments made by groups that are very
12 familiar with the process, more often than not, they really
13 hone in exactly on retrogression. They understand it.

14 They understand the Section 5 review process.

15 So, in short, if the comment doesn't involve
16 retrogression, Justice does not review it as part of the
17 preclearance.

18 If the comment raises issues that could relate to
19 retrogression, then Justice takes that very seriously and
20 will conduct its own investigation.

21 CHAIRPERSON MATHIS: But what if minority groups
22 in those areas just don't want to be in those areas and it
23 has -- there's no retrogression, but they want to be with
24 Cochise County.

25 BRUCE ADELSON: Madam Chair, I think that if -- if

1 a group, a minority group wants to be in a different
2 district, Justice will look at it, look at that comment to a
3 significant degree, if by going into that other district or
4 staying in another district, if that causes retrogression.

5 Often minority groups will advocate certain
6 positions that have nothing to do with retrogression.

7 We want to be -- we want our town kept whole.

8 We are a community of interest with X group.

9 While that by itself doesn't seem to raise any
10 issues of retrogression, if by doing that Justice determines
11 that is retrogressive, that's different.

12 Justice, of course, takes everybody's comments
13 seriously, and takes comments from minority groups and
14 minority residents very seriously, because of the way the
15 Voting Rights Act is structured.

16 But the comments have to relate to what Justice
17 has jurisdiction over.

18 And from a Section 5 standpoint, it's a very
19 narrow review. It's retrogression.

20 There are things that can suggest retrogression,
21 like racial packing, for instance, diluting minority groups,
22 that is going to be suggestive of retrogression. But,
23 excuse me, there could be all kinds of issues.

24 One example is, let's say as part of a
25 redistricting process Justice determines that there are

1 issues about the minority language compliance.

2 Unless that relates to retrogression, Justice has
3 no jurisdiction to base an objection solely on that. It has
4 to have a ground in retrogression or Justice cannot object.

5 CHAIRPERSON MATHIS: Ms. McNulty.

6 COMMISSIONER McNULTY: Chairwoman Mathis, just to
7 look at the reverse of that, Mr. Strasma said that this
8 district isn't, in his opinion, retrogressive, and at the
9 same time we did have in Sierra Vista minorities testifying
10 that they wanted to remain with Sierra Vista -- I mean with
11 Cochise County, which is where those communities now are, I
12 think.

13 So, I mean, it won't -- you talked a lot about the
14 fact that minorities do contact Justice Department, and they
15 are heard from if they have concerns. So it seems like it
16 can't hurt that, A, it's not retrogressive, and B, that the
17 minorities in Cochise County wanted to stay the way we've
18 proposed it in this revised draft.

19 BRUCE ADELSON: Commissioner McNulty, Madam Chair.

20 If the additional analysis proves as conclusively
21 as statistics allow that this is not retrogressive then that
22 removes the issue.

23 Clearly, and I agree with you, if that, coupled
24 with minority groups in the jurisdiction favor the change,
25 all the better.

1 I think that going back to what we were talking
2 about before, I take a very conservative approach to this,
3 and I would -- in short, I don't want to take any chances.

4 So even if I am unduly conservative and cautious,
5 I would much rather do that than say, well, okay, it looks
6 okay, let's go ahead.

7 I never do that.

8 So I'm being, very conservative, very cautious.

9 I want to make sure it's nailed.

10 And when it's nailed as much as we can determine,
11 we have met our burden, and then we can go forward.

12 CHAIRPERSON MATHIS: When you say it's nailed,
13 it's nailed from a Section 5 standpoint. Does that include
14 Section 2, too?

15 Because here's my concern, that those people in
16 the tail, that they don't want to be in that tail, and they
17 don't want to be pulled into this other district, they can
18 come up with a Section 2 claim, and I am concerned about
19 that.

20 BRUCE ADELSON: Madam Chair, that's a very
21 important point.

22 Flip it around. If you're talking about Section 2
23 then, arguably, this change shouldn't be made, because
24 you're -- are you diluting minority voting strength by
25 reducing the number of minorities in the district from 66.4

1 Hispanic to 59.4?

2 That's something that will be -- the analysis will
3 show that. The analysis is going to determine, as much as
4 we can through statistics, what the answer is.

5 So, unfortunately, in redistricting there never is
6 redistricting without legal challenges and lawsuits and
7 alleging all kinds of things.

8 I've certainly seen in this redistricting season
9 some fascinating claims in other states that I never heard
10 of. And, frankly, the courts never heard of and rejected.
11 But, if you look at just in Illinois and Texas, I think
12 between the two states there have been more than 20 lawsuits
13 challenging redistricting. That's part of the process,
14 unfortunately.

15 CHAIRPERSON MATHIS: Okay. Other comments or
16 questions? It's clear that we need more analysis on the
17 tail, so we all have more consensus from everybody as to the
18 direction we should move in.

19 Any other comments before we do anything else?

20 Okay. Thank you all for your thoughts on that.

21 So now are there congressional changes to talk
22 about?

23 WILLIE DESMOND: Yes, there are two changes that I
24 gave you guys yesterday, but I do have packets today that
25 have all the additional voting rights columns.

1 They are the changes submitted by the Hispanic
2 Coalition For Good Government.

3 We broke down the pages to District 7, so they are
4 independent. Is there a preference before we start? Maybe
5 we'll start with District 3? HCFGCD3 V-2.

6 The reason for the dash 2 is because it's newer of
7 the report.

8 As you'll see, the area that was -- I'll wait for
9 it to load.

10 This change should have a zero person population
11 deviation. It did make District 3 four-tenths of a percent
12 more Hispanic, about half a percent more voting age
13 Hispanic.

14 Looking at the different ability to elect
15 measures, we have overall improved also in District 3.

16 This isn't a change that we prepared again, this
17 is from the Hispanic Coalition For Good Government,
18 something that they would like to see happen.

19 There's slightly more of an area taken in Tucson,
20 and some of the unincorporated areas to the northwest of
21 Tucson are taken out of District 3.

22 CHAIRPERSON MATHIS: Can you go into the street
23 level detail?

24 WILLIE DESMOND: Sure.

25 So starting with what was added in Tucson to

1 District 3, the old district line ran, Interstate 10, until
2 it hit South Campbell Road.

3 It went north there.

4 This goes north at Alvernon, follows East Aviation
5 Highway until it meets up with Campbell Road again.

6 So it's this portion right here.

7 That's added.

8 The area that is removed from three to balance
9 that population is out here. There are no major roads
10 there, but the previous line kind of ran through, not
11 necessarily along streets, but just along census block
12 groups.

13 Excuse me, it used to run along streets here. Now
14 it just runs along census block groups.

15 So previously it went up at North Floyd. Then it
16 went up at Alvernon.

17 This change was all in a non incorporated area.

18 Are there questions about it? I'm not sure what
19 the thought process was or the letter contemplated that
20 came, so...

21 CHAIRPERSON MATHIS: Didn't we receive another
22 letter from them, too.

23 WILLIE DESMOND: The second letter was basically
24 just a copy of the changes they were making. That's why we
25 have a second version.

1 Because from the text of the letter, I made the
2 changes that I thought they were suggesting, but there was
3 some further refinement, I believe.

4 CHAIRPERSON MATHIS: Okay.

5 WILLIE DESMOND: If there's no questions, I'll go
6 to changes in Congressional District 7.

7 As you'll see, this change affects three more of
8 our districts. It affected 5, 6, 7, 8 and 9.

9 There is now some population deviation in some of
10 these districts, but nothing very extreme. I think the
11 highest is six, or 91 people in District 6.

12 So I'll start with -- with the changes between 7
13 and 9, I guess. So District 7 took population from District
14 9. It used to run kind of up 143 here.

15 Now it goes over to Priest, to Mill Avenue.

16 I'm not sure which road this is.

17 Up 51st.

18 Over at McDowell.

19 Now goes -- continues up here at 45th then over at
20 Thomas Road. Used to go all the way up McDowell until it
21 hit 32nd.

22 The other area it took population was here between
23 Central and Seventh Avenue.

24 It now goes up just past Camelback, where it used
25 to go over at Indian School.

1 District 9 then needs to make up population.

2 It takes from District 6, this area.

3 And also District 7 sheds population to both
4 District 6 and District 9 in this area.

5 So starting with what District 7 gives up, it used
6 to run at Northern Avenue, between North Seventh Avenue and
7 North 43rd. Instead of going all the way up to Northern,
8 now it runs to Glendale.

9 So this portion between 27th to 43rd goes to
10 District 6, the portion between 27th and 7 goes to
11 District 9.

12 Additionally, District 9 took more population from
13 District 6.

14 At 27th it goes up to Olive instead of Northern.

15 And then at 19th it goes up to, it looks like
16 Mountain View Road.

17 The changes to District 5 are very minor. I'm not
18 even sure where they are. Only moving two people. So it's
19 more of a population balance.

20 Additionally, the changes to District 8 seemed
21 fairly minor, but, let's see.

22 It looks like right here.

23 I'm not really sure where it loses population.
24 But again, it's only a few people.

25 So any other questions about this?

1 COMMISSIONER McNULTY: Are these the changes that
2 the Hispanic Coalition For Good Government said if we made
3 they would then support our preclearance application?

4 WILLIE DESMOND: I'm not sure.

5 KENNETH STRASMA: As far as I know, it was
6 presented as a request but not with any ultimatum along
7 those lines.

8 VICE-CHAIR HERRERA: I would hope not.

9 BRUCE ADELSON: Madam Chair, if I could
10 respectfully suggest something. Because it's easier with
11 the congressional because there are so few districts
12 compared to the legislative.

13 If we could have a chart that compares the draft
14 to the benchmark and all the metrics, that would be very
15 helpful to look at that. Because I think the districts seem
16 to match up well.

17 They don't match up necessarily in every category.

18 So if there are categories where there isn't a
19 match, or the draft is less than the benchmark, I think that
20 we should highlight that.

21 Also, the additional analysis would also run, have
22 the election results in the benchmark districts so that we
23 could compare the benchmark on the '08 presidential result
24 to the reconfigured election analysis that Strategic
25 Telemetry has done.

1 That would be -- that's an important part of the
2 determination of retrogression, and would be an important
3 part for us going forward to make sure that we have
4 highlighted anything we need to when we have answers to the
5 questions we need.

6 Thank you.

7 COMMISSIONER McNULTY: So, Madam Chair,
8 Mr. Adelson, Mr. Desmond, Mr. Strasma, you're recommending
9 that we submit these two for analysis at this point?

10 KENNETH STRASMA: I guess I should pose that
11 question to Mr. Adelson, if the comparison to the benchmark,
12 would that be sufficient for you to form an opinion on the
13 advisability of these?

14 BRUCE ADELSON: Madam Chair, Mr. Strasma, that
15 is -- you're really trying to pin me down.

16 KENNETH STRASMA: I know better than to hold you
17 to that.

18 BRUCE ADELSON: The comparison to benchmark is
19 essential. So to the extent we can have that, yes, that
20 would answer a lot of questions.

21 One of the things I would like to see is the
22 election results run against the benchmark results, so we
23 can compare that to the reconfigured analysis. That, plus
24 the metric by metric comparison with the benchmark would
25 certainly go a long way in answering a lot of questions.

1 I want to go back to something I mentioned before.

2 To the -- do you know, to the extent there are
3 voters, any significant numbers of -- sorry. I keep using
4 that word -- of residents in the draft districts who are
5 currently not in congressional districts where they can
6 elect? Do you have any sense of what those numbers are?

7 KENNETH STRASMA: We can find that out as well.

8 BRUCE ADELSON: I think that would be important,
9 too. Because it's so easy, as far as numbers, to just have
10 something right in front of us and compare. We can come to
11 a much faster, I think, tentative resolution, as far as
12 whether they look -- looks pretty good, which I think that
13 they do, from what I've seen.

14 But this additional level of information will just
15 bring us one step further that we need to go.

16 COMMISSIONER McNULTY: Can we do that tonight?

17 KENNETH STRASMA: Yes, we can do that tonight and
18 report back tomorrow.

19 COMMISSIONER McNULTY: Okay. I would like to go
20 back to my question about the Hispanic Coalition For Good
21 Government. We did get testimony from the Hispanic
22 Coalition for Good Government that they were going to be
23 sending a letter, and that these were their final changes,
24 and if we made those changes, they would no longer have
25 objection.

1 So, I wasn't trying to be facetious, that is, in
2 fact, what they testified. And I believe these resolve, at
3 least based on that testimony, resolved any outstanding
4 issues they had on what we proposed on the congressional
5 maps.

6 BRUCE ADELSON: I think comments like that are
7 very important in the record.

8 That is something that we should have pulled so we
9 can highlight that.

10 COMMISSIONER McNULTY: I have that highlighted in
11 my notes, so I'll find that for you.

12 BRUCE ADELSON: That's great, because that's
13 something we can prominently talk about so that the Justice
14 knows that the, arguably, the largest minority coalition
15 that has approached the Commission about the congressional
16 lines, approves the map. I think that's very important.

17 COMMISSIONER McNULTY: Thank you.

18 CHAIRPERSON MATHIS: Any other comments or
19 questions?

20 WILLIE DESMOND: One note. These changes, they
21 don't seem like they do any harm to the voting rights
22 aspects of these two districts, so we will do the
23 side-by-side comparison with the benchmarks. But, you know,
24 using these change reports and looking at those numbers,
25 they -- they're definitely not negative changes to the

1 majority-minority districts.

2 BRUCE ADELSON: Madam Chair, I certainly would
3 agree with that. In looking at the data on the change
4 report, that the change does certainly seem to be an
5 enhancing change, and the numbers don't suggest anything
6 that's problematic.

7 WILLIE DESMOND: If you wanted to make these
8 submitted for analysis, we feel comfortable doing that.

9 It's up to you.

10 We can wait until tomorrow with the side-by-side
11 comparison. This certainly doesn't make them worse.

12 CHAIRPERSON MATHIS: Now, how do Commissioners
13 feel about proposing these for more analysis?

14 This is for CD 3.

15 Without objection, I would propose we move forward
16 and submit these for more analysis.

17 And then we'll be also getting the additional
18 side-by-side comparison for tomorrow.

19 (No oral response.)

20 CHAIRPERSON MATHIS: Okay. Hearing none, so we
21 can jump to CD 7.

22 KENNETH STRASMA: Was the submitted for more
23 analysis apply to the changes to both CD 3 and CD 7?

24 VICE-CHAIR HERRERA: For both.

25 CHAIRPERSON MATHIS: Oh, I'm sorry. I thought we

1 hadn't really discussed seven in totality. Did I miss that?
2 Maybe I just blanked out there.

3 I didn't think we had gone over this version 2.2
4 for CD 7.

5 WILLIE DESMOND: I'm sorry. We did just go
6 through seven. I'd be happy to go through it again.

7 CHAIRPERSON MATHIS: No. They were good. I guess
8 I should restate my without objection then. It would be for
9 CD 3 and for CD 7, in terms of submitting those forward for
10 more analysis.

11 WILLIE DESMOND: Okay.

12 CHAIRPERSON MATHIS: Okay. Hearing no objection.

13 WILLIE DESMOND: Well, that is, I believe, all the
14 changes that we had prepared for today.

15 CHAIRPERSON MATHIS: Great.

16 WILLIE DESMOND: I'll talk with Commissioner
17 Freeman after the meeting to look at the changes to District
18 6 and 7.

19 I handed out the changes to Districts 5, 6, and 7
20 with the Winslow and Show Low swap. If you guys want to
21 study that more tonight and consider it.

22 Or if you've had a chance to look at those, we
23 could bring that back up now so we can have that for
24 tomorrow.

25 Are there any -- we're going to take a look at

1 District 26 and just incorporate in that little portion of
2 Dobson Ranch, and bring that into District 18. I think that
3 is the only real change for tomorrow, though, besides
4 Commissioner Freeman, if I understand correctly.

5 COMMISSIONER McNULTY: I think also in 26 maybe
6 backing out a little population into 18, maybe some of what
7 we had, other than Dobson Ranch, I think we had backed some
8 stuff out of 26 before in that area, rather than the Dobson
9 Ranch area.

10 We might want to do some equalization of 26 and
11 18.

12 WILLIE DESMOND: Yeah, 17 and 18, actually.

13 Because I think 18 absorbed most of the population
14 from 26, and balancing 17 and 18 a little better, if I
15 remember correctly.

16 COMMISSIONER McNULTY: I'm not as comfortable with
17 that as I am with the 26, 18 idea.

18 Because we've got that -- we've got the boundary
19 of 18 right along Chandler border there, and I don't want to
20 split Chandler again, so...

21 WILLIE DESMOND: I think there was the small
22 portion of Gilbert and it was the balancing that had
23 happened there.

24 COMMISSIONER McNULTY: All right. We'll look at
25 it in the morning, what you've done there is.

1 CHAIRPERSON MATHIS: Do Commissioners have any
2 other things that they would like the mapping consultants to
3 explore either on the congressional or legislative maps?

4 COMMISSIONER McNULTY: I don't have anything else
5 tonight, I don't think.

6 VICE-CHAIR HERRERA: Madam Chair, I don't have
7 any. I'm happy with the changes I proposed yesterday.

8 VICE-CHAIR FREEMAN: Nothing today.

9 I do think it's important that we get the voting
10 rights district issue nailed down, particularly on the
11 legislative side, since it has a substantial ripple effect
12 on all the other 20 districts.

13 CHAIRPERSON MATHIS: Okay.

14 You guys have your marching orders.

15 Any other direction?

16 (No oral response.)

17 CHAIRPERSON MATHIS: Okay. Thank you very much
18 Ken and Willie for your work, and Mr. Adelson for your
19 additional analysis on all that.

20 We appreciate it.

21 Our next item on the agenda is number five,
22 executive director summarizing recent staff activities and
23 respond to Commissioner questions, if Mr. Bladine is ready.

24 RAY BLADINE: Madam Chairman, I don't think it
25 will take us too long to go through the report, but there

1 are some things I wanted to update on.

2 I just sent you out a memo. You'll probably see
3 it later today, talking about travel.

4 I think, as all of you know, we've been working to
5 get all of your travel reimbursement, some that go back to
6 August, September, in -- so that you're properly reimbursed
7 for your expenditures.

8 We had a good meeting yesterday with Clark
9 Partridge, the Controller, and Megan Darian. And I think
10 we're on the right track to get them all processed.

11 It has taken a lot of staff time to go back and
12 make some changes that were different than what we
13 understood policy to be. But I think this time we'll be
14 able to get that done.

15 I'd like to have Kristina take a minute and just
16 kind of update you on staff activities since the end of
17 round two.

18 We have been devoting staff to getting a lot of
19 the records together that we know that you'll need, so I'll
20 let her take a second to do that.

21 KRISTINA GOMEZ: Thank you.

22 Since the end of round two, staff's been extremely
23 busy trying to catch up on all of the public input that the
24 Commission has received since, I believe, the beginning of
25 October.

1 So we have a request from Mr. Stertz to process
2 the public input and to organize it into binders as soon as
3 possible.

4 So after the second round of public hearings, we
5 basically stopped everything to take -- to get those binders
6 out to you all.

7 You have one more binder coming probably in the
8 middle of next week, and that will be binder 15, but the
9 volume isn't as much as the others.

10 So right now, with Catalyst, we're about 1200
11 documents behind, as far as coding, so staff is working on
12 coding every single letter that's been submitted.

13 And we're also working on newspaper articles as
14 well. As you know, we have implemented the newspaper
15 articles within Catalyst to keep track of things.

16 So at the same time, our evening homework is
17 submission items. So in the evening, staff is going through
18 every piece of public input within our binders.

19 We are tracking all of the letters submitted to
20 the Commission for those -- for those folks who have written
21 about Section 5 of the Voting Rights Act.

22 So we're organizing those letters right now.

23 We're also organizing all of the mapping proposals
24 that have been submitted, so we're creating a list of those
25 as well.

1 We're also -- we've been maintaining all of the
2 agendas and the sign-in sheets and the speaker forms.

3 So we're actually cleaning all that up right now.

4 And we hope to get that to the attorneys very soon
5 here.

6 And we are also looking through our website just
7 to make sure that -- that links are working and that things
8 are in order as well.

9 So we have a lot of work going on within the
10 office between coding and getting the documents ready for
11 the submission.

12 But we are working closely with Ms. O'Grady and
13 with Mr. Kanefield, as well, to make sure that -- that
14 we're -- we're all on the same page, so that whenever the
15 Commission does adopt their final map, that the
16 documentation is ready to go to legal staff.

17 CHAIRPERSON MATHIS: Great.

18 Do you have an anticipated date or estimated date
19 for getting all the documents into Catalyst, the 1200?

20 KRISTINA GOMEZ: We're hoping maybe two to three
21 weeks to have it all coded.

22 And that's with staff working full time.

23 Staff has been taken away from Catalyst because of
24 the travel, completing travel and whatnot.

25 So we've been going back and forth with Megan's

1 office on that, but we're hoping that that's done with. So
2 now we can focus our attention on coding.

3 CHAIRPERSON MATHIS: That leads me to the question
4 to Mr. Bladine of whether or not hiring any temporary staff
5 to help with the scanning and uploading of the documents in
6 the Catalyst makes sense, or to do other activities. I
7 don't know.

8 RAY BLADINE: We have seriously talked about that,
9 and I'm prepared to do that. Although, we are catching up,
10 and Kristina and I talked about trying Monday to see if we
11 can get someone to start to help.

12 We have to move things around, because part of the
13 things you need to have to do the Catalyst input is a
14 computer. And right now all of our computers are allocated.

15 But as your point is made, it's true we may be
16 able to use that person to do other things.

17 It looks like by Friday we should have all of the
18 travel caught up. And that's the thing that somewhat got us
19 off of the -- getting the Catalyst updated.

20 But I think it would be -- I guess my answer is,
21 yes, we probably should do it, but we have been reluctant to
22 go ahead and do it thinking that things would get better.

23 But, if no one objects, probably I would go ahead
24 and try to see if we can get someone next week for a couple
25 weeks to help us catch up.

1 CHAIRPERSON MATHIS: Any Commissioners have
2 thoughts on that, or comments?

3 RAY BLADINE: I would just want to mention that
4 Kristina just said, homework. She wasn't kidding about
5 homework. She's been sending books home with people at
6 night, so they can go through and do this recording for the
7 Justice Department. And even Buck, on his spare time, is
8 going through a book and updating.

9 So she is really utilizing. So far, since I've
10 been working on other things, I've escaped. But once she
11 decides that I'm caught up, I won't escape either. But I
12 appreciate you bringing up the temporary, and we'll see if
13 we can't get some help in to get caught up.

14 The other thing that really I had for you today,
15 is reports that are in your package that we sent out to you,
16 and I thought I would just briefly go through them and
17 highlight them.

18 First report I have is basically a summary of all
19 of the hours spent on round one and round two public
20 hearings. And the statistics of public input.

21 As you see on the first page of that memo, we've
22 had 3,258 people sign in to the various meetings that we've
23 had in the hearing part.

24 We've had 1527 request to speak forms completed.
25 7006 public input forms submitted.

1 172 maps submitted.

2 And as you recall, a lot of times when those maps
3 are submitted, takes a lot of work on the part of Strategic
4 to make those that you need to see available online. So
5 that has certainly been, at least to me, a surprise of how
6 many maps that we've had that people submitted.

7 This seems like a low figure to me, but you've
8 spent 87 hours and six minutes in hearings.

9 It seems longer probably because we have to travel
10 to get to those meetings.

11 And afterwards, there's usually time to talk to
12 the citizens.

13 As you can see, and there's a detail sheet behind
14 it that lists each of the locations, the start time, end
15 time, and the total amount of meetings. And I just think
16 that's quite a record that you all should be proud of, that
17 you've given the State of Arizona to go out and listen to
18 people tell you what they wanted to see. And those that I
19 went to, I certainly enjoyed, because it was fun to listen
20 to people who wanted to talk about what was important to
21 them.

22 The second item I have pertains to all of the
23 hours you've spent since you started in meetings and also in
24 executive session. I think this is an interesting document
25 when, as we all know, there's been criticism that we needed

1 to be more transparent.

2 However, if you take a look at the document that
3 lists all of the meetings, the start, end time, and the time
4 in executive session, through September -- and through
5 September because that's when we had the transcripts
6 available, 1645 hours and 23 minutes have been total meeting
7 hours.

8 Of those, only 25 hours and two minutes have been
9 in executive session.

10 And those 25 hours would include the start up
11 executive session hours where you legally were required to
12 be in executive session because of the procurement code.

13 Since then, to my recollection, you have not had a
14 meeting where you've received legal advice on the maps in an
15 executive session.

16 The executive session's only been related to
17 litigation that's going on.

18 So I just want to point that out, because I think
19 it's very important that people understand that you had all
20 of your mapping meetings out in public, and they certainly
21 have been a lot of -- a lot of hours devoted to that.

22 The last report I have, we've had some public
23 information requests from the press about costs for legal
24 services.

25 There is an attached spread sheet and a cover

1 letter from me that talks about the legal costs we've had to
2 date.

3 And this, just so I'm clear, the sheet that I
4 prepared is not what we paid. It's what we know about.

5 So, in other words, I took a list of all the
6 invoices that have been processed and paid, and added to
7 that the invoices that I was aware of that have not been
8 processed, to try to get a sense of what the total was.

9 It was also helpful to me, in taking a look at the
10 budget, what our budget costs might be.

11 Again, as a summary, for general attorney fees we
12 spent about \$357,000.

13 For the Attorney General's action in defending the
14 Commission, we spent \$325,000.

15 To this point, and most of these fees aren't in
16 yet, we spent about 9,800 in defending against the
17 Governor's action.

18 And for public records request, we spent 19,120 in
19 legal fees, and approximately another \$2300 in staff costs,
20 which would be a cost of about 21,000.

21 Now, I know those are understated, because early
22 billings we did not break out the cost other than general.
23 But I think that the total of 713,000 has put a strain on
24 our budget, and I am looking closely at that, and hope
25 tomorrow to talk to Laura about that, or certainly next

1 week.

2 I think that is probably all I have for the
3 executive director's report.

4 I'd be happy to answer any questions.

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: Mr. Bladine, thank you so
8 much. I think we have asked for this information a while
9 back, and it has taken you and the staff a good number of
10 hours to put this together.

11 In considering what's been going on, I'm pleased
12 with the time you took. I don't think it was that long of a
13 time.

14 But what I wanted to address is the issue of the
15 meeting hours and those executive sessions.

16 Do you happen to have information comparing the
17 number of hours we've met in executive session and outside
18 of executive session compared to the previous Commission?

19 RAY BLADINE: I do not have that at this time, but
20 we are working on getting it, and we think that we can pull
21 out that information by really going to the online meeting
22 minutes that were available from the last Commission so we
23 could have that comparison for you.

24 And I do recall you asked for that at the last
25 meeting. And I wasn't sure we could get it. But we think

1 we can do that and have that to you very shortly.

2 VICE-CHAIR HERRERA: I would love to see a
3 comparison. I think it might surprise some people, how few
4 hours we spent in executive session.

5 Because this isn't -- I mean, if you look -- put
6 it with the requirement that we had by SPO to be in
7 executive session when we were deliberating for the
8 attorneys for the mapping consultants, and for other -- for
9 other requirements that they imposed on us, this isn't bad
10 at all. So I'm curious to see the other pieces of
11 information once you have it ready.

12 VICE-CHAIR HERRERA: Thank you so much. This is
13 extremely helpful.

14 RAY BLADINE: I just might mention as a side,
15 since you mention SPO, Kristina and I were up in the SPO
16 office building the other day going to a meeting with the
17 controller, and I noticed the door was open and Jean Clark
18 was in there. So I walked in and sat down like I was going
19 to attend the meeting. And poor Jean's mouth went like,
20 they're back? So I quickly left.

21 I got a hug before I left, but she was very
22 surprised to see us.

23 And I don't she wanted us back.

24 Any other questions I might answer?

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 VICE-CHAIR HERRERA: I have, since the County
3 Attorney's not handling the investigation, what -- are those
4 part the Attorney General's actions, those fees there, or
5 will you have a separate line for the County Attorney?

6 RAY BLADINE: Those are all related to the
7 Attorney General's action that is now transferred over to
8 the County Attorney and Superior Court, but everything
9 relating to that open meeting investigation is in that
10 category.

11 VICE-CHAIR HERRERA: Okay. Thank you.

12 CHAIRPERSON MATHIS: I wonder if there's a way to
13 put on this draft document for legal expenses, like
14 something that indicates through what date?

15 You've got edited and updated 12/2. Does that
16 mean all bills received through 12/2.

17 RAY BLADINE: That's correct.

18 And it's -- we didn't show the dates on that,
19 frankly, just because we were hurrying to get it together.
20 So we took what we knew were invoices paid and those that
21 were in process.

22 So the 12/2 date would be what we had as of that
23 date.

24 But we can certainly provide you something that
25 shows the date of when we received the invoice or the date

1 that it's paid.

2 Most of them now are in process.

3 VICE-CHAIR HERRERA: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Herrera.

5 VICE-CHAIR HERRERA: Mr. Bladine, can you make
6 this information public by putting it on the website?

7 RAY BLADINE: If that's what you so direct, we
8 certainly can.

9 VICE-CHAIR HERRERA: I would -- in my opinion,
10 it's good information for the public to have. Especially as
11 we update that, that would be a good thing.

12 RAY BLADINE: If I hear no objection, I'll go
13 ahead and have the information posted on the website under
14 one of the categories there that seem appropriate.

15 VICE-CHAIR HERRERA: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Herrera.

17 VICE-CHAIR HERRERA: One more item. The number of
18 times or the outreach that we've done since we started, I
19 think it's extremely impressive, and that's one thing -- I
20 don't know if it will be important to DOJ, probably will be.
21 I think Mr. Adelson can speak about that.

22 But we've gone out of our way to make sure that we
23 have asked people's comments, not only from the majority-
24 minority areas, but throughout, for the entire map. And I
25 think we've done an excellent job of doing, again, of

1 getting the public's input on how the maps should look.

2 I think that's something that the staff should be
3 commended for and something that we should be, I guess,
4 bragging about.

5 I don't know if Mr. Adelson wants to comment. I
6 think you saw those numbers.

7 BRUCE ADELSON: Madam Chair, Commissioner Herrera.

8 As far as outreach, there is a specific Section 5
9 requirement for outreach with redistricting, and that is an
10 important part of submission.

11 I've discussed that with Mr. Bladine and Ms. Gomez
12 about detailing the outreach and explaining where you met
13 and how many groups you met with, and detailing the extent
14 of your outreach, because that is a significant part of your
15 submission.

16 And if it's not there or if it's not as extensive
17 as it needs to be, that can prompt a question.

18 VICE-CHAIR HERRERA: Thank you.

19 RAY BLADINE: Just also as a follow-up, you've
20 asked in the past and we'll have it in the next week, we'll
21 pull off the statistics from our web page that would show
22 what has now, to date, what are the total number of
23 submissions of information, total number of hits. Because
24 that's another way we've had a lot of input, is through the
25 web page. And we'll get you those statistics at another

1 meeting.

2 VICE-CHAIR HERRERA: Don't forget Facebook and
3 Twitter.

4 RAY BLADINE: I did, but I won't.

5 Madam Chair, I think that concludes our report.

6 VICE-CHAIR FREEMAN: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Freeman.

8 VICE-CHAIR FREEMAN: Mr. Bladine, does the number
9 of comments made at public hearings, are those unique
10 comments or are those unique sign ins?

11 RAY BLADINE: I'm not sure where the -- let's see,
12 which statistic. The ones we had here would be request to
13 speak forms. Is that what you're -- the 1500 --

14 VICE-CHAIR FREEMAN: Correct.

15 RAY BLADINE: -- request to speak forms? And
16 which also would mean that all those people spoke, because
17 often they don't stay, but that's the best thing we could
18 find is the number of request to speak forms.

19 So they would be discrete forms, but it would be
20 overstated because not everyone speaks.

21 VICE-CHAIR FREEMAN: And secondly, if Commissioner
22 Herrera knows the number of hours the first Commission spent
23 in executive session, why don't we just spare us the theater
24 and give us that number.

25 I don't think it would be a fair comparison,

1 though, because that Commission was in litigation for six,
2 seven, eight years, and pretty much every hearing after
3 their maps were adopted were in executive session, because
4 they were needed to get legal advice from counsel, which
5 under the open meeting law, which they operated under, they
6 were entitled to do so in executive session.

7 As for the criticism of this Commission, I recall
8 that being levied mainly in the June, July period of this
9 year, and perhaps thereafter. And I don't remember the
10 numbers. The number of hours seems a little off to me,
11 because I remember someone reading somewhere where someone
12 had actually added up. And I thought at that time, June,
13 July, was about -- I want to say -- I'm pulling this out of
14 air, but it was like 37 hours to 37 hours, or something like
15 that, executive versus public session.

16 At least at that point, a lot of our public
17 session was dealing with things like interviewing you.
18 And/or interviewing mapping consultants. Things of that
19 nature.

20 VICE-CHAIR HERRERA: Madam Chair. I apologize.

21 VICE-CHAIR FREEMAN: Go ahead.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: You know, I had -- funny I
24 had, you know, I was not surprised with the numbers that
25 Mr. Bladine gave us.

1 But what I did say, I -- I -- maybe I have a --
2 I'm able to tell the future. I said, you know, once -- once
3 we get this information out, and -- and people find out
4 that: You know what? We weren't in executive session. It
5 wasn't bad at all. As a matter of fact, we were in
6 executive session less than people thought, that there's
7 going to be people making excuses for the other Commission:
8 Oh, well, they were in executive session this much because
9 of this and that.

10 And I -- I proved to be correct that people were
11 going to start making excuses right away at soon as that
12 accusation that the AIRC -- that this AIRC spent more time
13 in executive session than the first one, that -- that was
14 proved wrong, and I think it will be, that the -- that the
15 -- that the excuses would start flying. So I just -- I was
16 just proved right, I guess.

17 RAY BLADINE: Madam Chair, Commissioner Freeman.

18 I also, when I looked at this, recalled what you
19 recalled, that there was a newspaper article that had a
20 higher number. I did -- we -- I looked at this and saw the
21 documentation backing it up.

22 So unless we made some error somewhere, I don't
23 know. We provided the information to the reporter when he
24 did it back then. What the difference could be, I honestly
25 don't know.

1 But if, I guess, the reporter would like to look
2 at this and talk to us, we certainly -- this is what we
3 pulled together from our review.

4 But I do recall when you mentioned it, and I
5 thought about that when I looked at it, that he had a higher
6 number.

7 CHAIRPERSON MATHIS: Any other comments?

8 COMMISSIONER McNULTY: Only that that would not be
9 the first time that something incorrect was reported about
10 the work of this Commission.

11 CHAIRPERSON MATHIS: Any other comments?

12 I am just blown away, frankly, by all this
13 information. Thank you for compiling it. I know it took a
14 lot of time. I thank Lisa Schmelling. I know she's
15 indicated on a lot of these memos that she helped pull a lot
16 of this information. So thanks to her and the rest of the
17 staff.

18 RAY BLADINE: I will pass that on. I think that's
19 why Kristina gave them homework. We had them doing other
20 things.

21 CHAIRPERSON MATHIS: Any other questions for
22 Mr. Bladine or Kristina?

23 VICE-CHAIR HERRERA: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Herrera.

25 VICE-CHAIR HERRERA: I guess it's a question for

1 Mr. Bladine. Have you reached out to the -- maybe to the
2 Capital Times, or other publications that may want to get
3 hold of this information to just clarify or set the record
4 straight in terms of the hours that we met, in terms of the
5 number of people that we reached, especially those two areas
6 that I think there's a -- there's some miscommunication
7 about?

8 RAY BLADINE: We have not, Commissioner Herrera.
9 We presented this for you today, but we certainly can send
10 it out as a press release for information and make people
11 aware of what our statistics are.

12 And we'll do that.

13 VICE-CHAIR HERRERA: Thank you.

14 COMMISSIONER McNULTY: I was going to say, I like
15 that idea, but we put a lot of time in October, and I'd like
16 to see that in the statistics.

17 We're in December now, right?

18 And those statistics don't include all the hours
19 we met in October or November.

20 RAY BLADINE: That's correct.

21 What we basically used was the transcripts, and
22 now we do have more transcripts, so it would not be that
23 hard to update it for -- Marty normally is right on top of
24 it, so I imagine we have all of October. I haven't looked.

25 And we can do that.

1 I saw the court reporter nodding yes, that we do
2 have it all. So we can update it.

3 VICE-CHAIR HERRERA: So, let me just clarify.
4 Some of the numbers would be even more impressive, I guess,
5 once we have October?

6 RAY BLADINE: Or depressing, depending on how you
7 want to look at it, yes, they would show more hours.

8 I also want to just, while I'm reminded of it, a
9 comment, too, part of why we're able to pull this together
10 is Marty has really been very quick to make sure that we get
11 the reports as we need them.

12 When we've been in trouble and the TriCaster
13 didn't work and we missed a recording, he's been very
14 helpful to come along and help us out by getting us Minutes
15 we needed or transcripts right away.

16 So, I think we all -- we all owe a big thanks to
17 Marty for going beyond the call of duty and making sure he
18 was here to help us get through what we need. And
19 personally, I'd like to say: Thank you, Marty.

20 CHAIRPERSON MATHIS: Thank you, Marty.

21 COMMISSIONER McNULTY: Thank you, Marty.

22 Just one thing on the subject of Marty.

23 I think Ms. O'Grady's office at one point had
24 looked at how many pages of public testimony we had received
25 through a certain date, and it was over 7,000 pages of

1 transcribed testimony through -- I'm not sure what date.

2 RAY BLADINE: I do recall that, also.

3 That might be a number that we want to include.

4 VICE-CHAIR HERRERA: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Herrera.

6 VICE-CHAIR HERRERA: Since we're all giving each
7 other a pat on the back, I would be remiss if I don't
8 mention this.

9 I stopped by the office a couple times
10 unannounced, not that I should announce when I'm coming, but
11 I should. But the staff is -- if Kristina isn't there, the
12 staff is just working diligently in putting in long hours,
13 and I can't thank them enough for all the hard work they put
14 in.

15 And hiring an impressive staff. I don't think we
16 thank you guys enough, that if -- if you feel that we do,
17 let me know, but I don't think that we do. Thank you so
18 much for the work that you do, no matter who's looking, you
19 do hard work.

20 RAY BLADINE: Thank you. I would say you all have
21 been very gracious thanking us. I also agree, we just have
22 a very -- we were lucky, you know, to get the staff we have.

23 They're self starters. They work hard. They like
24 doing what they do, and they like providing support to the
25 Commission. And it's really made my job very easy.

1 So -- well, as easy as this job can be.

2 So thank you very much.

3 And we do appreciate the comments.

4 CHAIRPERSON MATHIS: Okay. Any other questions?

5 Thank you again, you guys.

6 Let's see. Our next item on the agenda -- oh,
7 well, there's review and discussion of possible future
8 agenda items. I don't know if there's anything anybody has
9 thought of.

10 We talked about this recently.

11 Anything anybody wanted to raise.

12 RAY BLADINE: Madam Chair, I thought one of the
13 things that -- I will have the updated list from the last
14 time, of agenda items. I started to work on it, but I don't
15 have it today, but I thought maybe we could just double
16 check next week's schedule for meetings, and make sure that
17 we're still -- that still works. And perhaps ask you to all
18 think about for the following week, of sending us what
19 you're availability may or may not be, so we can start to
20 schedule that.

21 I hear giggling over here, like, who wants to meet
22 the week after next.

23 But that's your choice.

24 I do have down for Monday. I don't know, Madam
25 Chair, if you want me to go through this or each of you look

1 individually. I think we put in your packet the dates that
2 we have. And that is what I'll start to produce
3 notification on for the week.

4 And I basically would see a continuation of what
5 we have been doing at these last several meetings, of
6 focusing on the maps and making -- asking mapping
7 consultants for whatever they -- you need to provide that.

8 I don't know of anything specific to add.

9 We could always add those later, but we should try
10 to get something posted for Monday tomorrow, if we can do
11 that.

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: During the meeting last week
15 we were reviewing a map that was proposed or submitted to us
16 by Sue Gerard, a former Republican legislator.

17 And they seemed like -- it seemed like a pretty
18 good map, and, again, we want to take everyone's changes
19 into consideration, especially being that she's a former
20 Republican legislator, it occurred to me, I think, sitting
21 at the Board of the Maricopa Integrated Health Care system,
22 I think, as a Republican, I want to make sure that we had
23 some questions about that particular map. And if we want to
24 invite her to talk about her proposed changes to the
25 legislative map, I think that would be a good idea.

1 CHAIRPERSON MATHIS: Any thoughts from other
2 Commissioners on Mr. Herrera's suggestion?

3 VICE-CHAIR FREEMAN: Madam Chair, I don't know if
4 Commissioner Herrera said the word Republican enough times.

5 VICE-CHAIR HERRERA: Madam Chair. I think that
6 the map that Ms. Gerard had submitted was a good map, and I
7 -- I -- and it is a fact that she's a former Republican
8 legislator. I'm not making that up.

9 And I think she -- that she had submitted the map
10 possibly along with the cooperation of an -- of other former
11 legislators, Republican and Democratic, and that would be
12 good -- to me, that's even more interesting, the fact that
13 not only is she a former Republican legislator, but she is
14 -- possibly submitted the map with the help of other
15 coalition of Democrats and Republicans, and possibly other
16 party members.

17 So to me, that's extremely interesting. But I
18 want to see -- I want to hear more from her.

19 VICE-CHAIR FREEMAN: If I filled out a form and
20 checked the box Democrat, would you listen to more of what I
21 had to say?

22 VICE-CHAIR HERRERA: I'm not understanding.

23 VICE-CHAIR FREEMAN: It's very easy to check a
24 box.

25 VICE-CHAIR HERRERA: So are -- are you saying Sue

1 Gerard is not a Republican?

2 VICE-CHAIR FREEMAN: I don't know what her
3 registration is or not.

4 VICE-CHAIR HERRERA: I think I'm -- I'm -- I'm --
5 this is a fact. She was a former Republican legislator and
6 currently sits on the Board of the Maricopa Integrated
7 Health Care System, or she is a Republican. So if you want
8 her credentials, you may want to ask her. I'm stating a
9 fact.

10 Again, we try to get everyone's input with these
11 maps, not only members of the public, former legislators,
12 current legislators, so I -- I want to be -- I -- part of
13 being a Democrat is being inclusive, and that's why I love
14 being a -- a Democrat, because, like I said, we listen to
15 all opinions, including Republicans, including people from
16 other parties.

17 RAY BLADINE: Madam Chair, may I ask an agenda
18 question here?

19 We will go ahead and post these meetings as
20 they're on here. And we will have the public comment time.

21 And I would think it's under the Chair's
22 discretion if someone comes and she wishes to have that
23 person talk at the front end. We can do that unless you all
24 direct me to do otherwise. I'll put the agenda and we'll
25 certainly invite her to attend.

1 I am curious as to whether or not you are likely
2 to do the Saturday meeting from 9:00 to 9:00.

3 CHAIRPERSON MATHIS: I would highly doubt that we
4 meet for 12 hours, but I'd like to keep that date.

5 RAY BLADINE: Should we do like 9:00 to --

6 VICE-CHAIR HERRERA: Madam Chair, I don't think we
7 should have an end time.

8 If it happens that we start at 9:00 and end at
9 9:00, because that's the amount of information we covered,
10 I'm fine with that.

11 I mean, no, I don't want to work until 9:00
12 o'clock on a Saturday, but if that's what it takes, yes.

13 RAY BLADINE: I just want to double-check and
14 leave it as it is.

15 CHAIRPERSON MATHIS: I'm also wondering,
16 Commissioners, if we can, and I assume I can talk about this
17 on this item, is just an additional date. Do we want to
18 meet on that Monday, the 19th? Two days after through what
19 this schedule is?

20 RAY BLADINE: Would you be thinking that's the
21 one, you'd meet one day that next week?

22 CHAIRPERSON MATHIS: I guess we have to see if
23 people are available.

24 I know the closer we get to the 25th, it's highly
25 unlikely that people will be available. But I just thought

1 that might be one day that we think about.

2 RAY BLADINE: We keep this item on the agenda, we
3 can bring it back and ask the question early next week, if
4 you like.

5 CHAIRPERSON MATHIS: I'll just ask Commissioners
6 to consider that, and if you could check your calendars and
7 see if the 19th is also available to you on Monday.

8 VICE-CHAIR HERRERA: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Herrera.

10 VICE-CHAIR HERRERA: As I suggested when we were
11 thinking about the number of dates, the times we should meet
12 per week, and my recommendation is still that we meet as
13 often as we can, as opposed to trying to meet on Christmas
14 Day.

15 If we don't get what we need to do now, I have a
16 feeling it will end up happening that way.

17 So I don't want to spend Christmas Day with you
18 guys.

19 No offense.

20 CHAIRPERSON MATHIS: Thanks.

21 How about -- I'm just curious. The 14th and 16th
22 next week. I assume there were reasons we couldn't meet
23 those days due to lack of availability.

24 RAY BLADINE: We'll go back and have an answer for
25 you tomorrow. I don't recall right off. We'll take a look

1 at our master list.

2 CHAIRPERSON MATHIS: Okay.

3 RAY BLADINE: I don't think we -- I think you're
4 correct, because I don't think we just didn't meet on a date
5 because we --

6 CHAIRPERSON MATHIS: There was a problem.

7 RAY BLADINE: Right. We'll get you the exact
8 information.

9 I probably also should remind everyone that we
10 have to be out of here at 5:00, and for public comment you
11 may want to turn me off the agenda here.

12 CHAIRPERSON MATHIS: Now, that's a great
13 suggestion. And I am channeling Mr. Stertz. He'll be happy
14 to know -- I know one of his future agenda items is Minutes
15 that we get that cleaned up, so maybe next week those
16 meetings can be on the agenda.

17 RAY BLADINE: I will have added them to future
18 agenda to see what we can do for next week.

19 CHAIRPERSON MATHIS: Okay. Any other final
20 comments?

21 Okay. Thank you again. And I think that takes us
22 to public comment.

23 We don't have anything for agenda item seven
24 assuming legal advice, so we'll go to call for public
25 comment.

1 A few Request to Speak forms.

2 When you come up to the microphone, be sure to
3 spell your last name for us, so we get an accurate
4 transcript. Jenna Kollings, representing Anthem Community
5 Council?

6 JENNA KOLLINGS: Good afternoon, Commissioners.
7 Thanks for the eventual opportunity to speak this afternoon.

8 Thank you for what you're doing. I know you have
9 a difficult task before you.

10 My name is Jenna Kollings, K-O-L-L-I-N-G-S.

11 I'm the CEO for the Anthem Community Council, and
12 representing the Anthem community here today.

13 We in Anthem, to the best of my knowledge, have
14 not really been engaged or involved in the redistricting
15 discussion to this point. But we are now. And I just
16 anticipate you'll be seeing calls coming from our community.

17 Anthem is a master planned community. We're
18 really unique in that we're not an incorporated
19 municipality.

20 We have about 26,000 residents in the north
21 valley, located both west of the I-17, which is the city of
22 Phoenix, and as well as east of I-17, which is
23 unincorporated Maricopa County.

24 Ten years ago during the last redistricting we
25 were barely a blip on the map.

1 We probably only had a handfule of Anthem
2 residents, if any.

3 It's a different scenario now, and we are
4 definitely a community of interest, and would like to be on
5 your radar as you move forward with your maps.

6 We have two major concerns or issues that we'd
7 like to bring to your attention.

8 One, we currently are divided west to east for
9 legislative districts, and we're combined for our
10 congressional district.

11 The proposed maps that you're considering,
12 depending on the map, separates us and perpetuates that
13 division of our community by the I-17.

14 And our second concern, which is an even greater
15 concern, is, I believe it's the latest proposed McNulty
16 amendment, which carves out the east side of our community,
17 and removes us from the north valley, and lumps us in with
18 Yavapai and Mohave Counties.

19 And our chamber is the North Valley Chamber.

20 We're associated with Carefree, Happy Valley,
21 Toronto, and other communities up in that area.

22 And so to remove a portion of our community
23 totally disenfranchises us from the north valley.

24 We're very concerned about it.

25 With that geographical, economical, a number of

1 connections to the north valley, and are concerned that we
2 cannot be effectively represented when combined with
3 Kingman, Yuma and Prescott.

4 So we urge you to take a look at our community,
5 even though we are a little bit unique.

6 It does take a little bit of unique consideration,
7 because of our makeup.

8 Our goal is to keep Anthem united, in terms of our
9 representation, and also as part of the north valley when
10 you move forward with your maps.

11 So that concludes my remarks. Thank you.

12 CHAIRPERSON MATHIS: Thank you very much.

13 Our next speaker is Ray Norris, representing
14 Anthem.

15 A. Good morning.

16 RAY NORRIS: Good morning, Madam Chair,
17 Commissioners.

18 My name is Ray Norris, N-O-R-R-I-S. I'm a member
19 of Anthem Community Board and I am here to represent the
20 residents that have already requested I come and speak on
21 behalf of them. Jenna covered the community, so I won't try
22 to repeat what she said. But it is a very diversified
23 community. Country Club, apartment buildings, inside
24 Phoenix, out in Maricopa County, and it's been our goal on
25 the Council and our staff to be a united community, keep

1 everything together.

2 Not break off.

3 And this would help -- not help us do that.

4 And we would feel that it's an inconvenience to
5 the residents, and I would just say in closing, when I make
6 a decision before my Community Council, I ask is the
7 decision fair for all concerned, is it a benefit to all
8 concerned, and does it build goodwill.

9 I think if we stay in Anthem as one community, not
10 be divided, you will accomplish that. So I hope that's the
11 way it goes. Thank you.

12 CHAIRPERSON MATHIS: Thank you.

13 CHAIRPERSON MATHIS: Our next speaker is Roger
14 Willis, representing self, from Anthem.

15 I'm detecting a theme.

16 ROGER WILLIS: I was just going to mention there's
17 a bit of a trend here.

18 Thank you, Commissioners, for the opportunity to
19 speak to you.

20 I appreciate that you all volunteered your time
21 for this particular task.

22 I don't think I want your task.

23 It's kind of thankless in many respects, so I
24 appreciate that.

25 My comments will sound similar to the last two

1 that you heard. They're not meant to be critical, but they
2 are concerns that our community has.

3 Again, Roger Willis, W-I-L-L-I-S.

4 First, as Jenna has done. she's -- she's trying to
5 make sure that we're all on the same page as far as what our
6 community really is. 26,000 residents, about 25 percent of
7 them in Phoenix, about the other 75 percent of them in
8 unincorporated Maricopa County.

9 The dividing line is good old I-17. Since day one
10 our developer and our residents have strove or strived,
11 whichever word you want to use, to be one unified community.
12 And that's in spite of I-17, as well as the differences in
13 our governance.

14 The reality is that we are economically, socially,
15 culturally, and geographically aligned with the north
16 valley, as well as the city of Phoenix.

17 My concerns along these lines, again, basically,
18 the same as what Jenna mentioned, the Commission approved
19 maps, split Anthem, and prevents us from having a consistent
20 unified voice in these kinds of legislative and
21 congressional matters.

22 And possibly, we could have two opposing voices in
23 these chambers that offset one another and result in
24 essentially no vote for our community.

25 So it's a very -- it's a big concern for us to

1 have a unified voice in these chambers.

2 The second concern was to the proposal to move
3 Anthem from the east side of Anthem from Congressional
4 District 6 to Congressional District 4.

5 It conflicts with our economic, social, cultural
6 and geographic reality that I mentioned earlier.

7 And the reality is also that Anthem has little, if
8 any, commonality with Kingman, Prescott, Payson, and mostly
9 rural areas within the proposed Congressional District 4.

10 So, we all three of us are here to ask the
11 Commission, ask all of you Commissioners to consider this,
12 and to correct both of these issues by recognizing these
13 realities, and uniting Anthem into one legislative district
14 and one congressional district that are an integral part of
15 the growing north valley area.

16 Thank you very much.

17 CHAIRPERSON MATHIS: Thank you.

18 Our next speaker is Kent Foree, Town Attorney
19 Pinetop Lakeside.

20 KENT FOREE: Hello. My name is Kent Foree,
21 F-O-R-E-E. I am the town attorney for Pinetop Lakeside.

22 And at the risk of incurring Mr. Adelson's ire, I
23 want to regress some.

24 Not retrogress really, but, I was listening to the
25 Commission meeting on Monday, and I heard the idea that Show

1 Low and Pinetop want to stay together, which we do.

2 However, if you read the Town of Pinetop's
3 resolution that we gave you in October, it intended to
4 emphasize at that point in time we still felt like there was
5 the opportunity to go back to option one, legislative
6 district map that had east central Arizona still configured
7 pretty much the way it is today, and Legislative District
8 No. 5.

9 And that's what we were primarily emphasizing was
10 that was our first choice.

11 Our second choice was in the event that that
12 traditional, now traditional Legislative District 5 was
13 going to go away, that we suggested that Pinetop Lakeside
14 be moved into District 6 with Show Low.

15 I think if you actually do that switch, you'll
16 find that moves about 10,172 people from District 7 into
17 District 6, which is very similar to moving northern Mohave
18 County area, Colorado City, into District 4.

19 And, I mean, the population shift would be about
20 the same, and everything would be a lot simpler, and you
21 would end up with a better retrogression situation with the
22 Navajo community and a lot simpler shift.

23 I believe representatives from Show Low will be
24 here tomorrow, as well, to speak on that issue.

25 And I think a lot that's been emphasized by the

1 east central people that have spoken before, was intended to
2 not only emphasize our communities of interest, but the
3 interest in keeping together, as the LD 5 kind of area is
4 now, which was option one map that was kind of left at the
5 station as option two map has moved ahead.

6 Are there any questions?

7 Thank you.

8 CHAIRPERSON MATHIS: Any questions?

9 (No oral response.)

10 CHAIRPERSON MATHIS: Okay. Thank you.

11 Our last or at least my last Request to Speak form
12 is Steve Muratore, publisher for Arizona Eagletarian.

13 I couldn't say it.

14 STEVE MURATORE: Thank you, Madam Chair,
15 Commissioners.

16 My name is Steve Muratore, M-U-R-A-T-O-R-E.

17 And I wanted to briefly address for Messrs.
18 Freeman and Stertz, who have this week introduced a Frank
19 Lunt style expression to the lexicon, specifically, hyper
20 packing of Republicans into districts supposedly for the
21 purpose of facilitating development of competitive
22 districts.

23 Besides the fact that their argument is totally
24 unrelated to the Voting Rights Act, I appreciate that
25 Ms. McNulty asked, then, Mr. Stertz specify that his concern

1 is for a hypothetical district with 97 percent Republicans,
2 which, of course, is so absurd I can't believe anybody has
3 or would propose such a thing.

4 Further, according to the questions that Messrs.
5 Freeman and Stertz posed to Mr. Campbell yesterday, it
6 appears that the two are still under the mistaken impression
7 that competitive districts are not feasible without such
8 so-called hyper packing.

9 And I've mentioned this on the record before, I've
10 posted it on my blog, that outside of Maricopa County, which
11 of course Maricopa County does have overall more Republicans
12 than Democrats, outside of Maricopa County, Arizona is
13 relatively balanced between the two major parties.

14 And that in itself warrants establishment of more
15 competitive districts for -- especially for the legislative
16 maps than we currently have proposed.

17 That's the point that I wanted to make.

18 Thank you.

19 CHAIRPERSON MATHIS: Thank you.

20 Is there anyone else who wanted to address the
21 Commission?

22 Mr. Gorman, executive director, Navajo Nation
23 Human Rights Commission.

24 MR. GORMAN: Leonard Gorman, L-E-O-N-A-R-D,
25 G-O-R-M-A-N.

1 There have been a number of iterations presented
2 to the Commission today, yesterday and today, and Navajo
3 Nation does find the comments and recommendations that were
4 presented by, I'll say the Adelson group, this morning, and
5 how the possibilities of LD 7 could be adjusted, falling
6 below the negative five percent deviation.

7 With that presentation, the Navajo Nation
8 continues to examine some of the possibilities, the best
9 opportunities that may be open with the new comments and
10 recommendations provided by Mr. Adelson.

11 The other part is the presentation that was made
12 by Commissioner Herrera along the lines of also having a
13 negative 6 percent deviation.

14 Certainly, we see that there are opportunities
15 that also could be presented with the two negative six
16 deviations, that would perhaps lend to more increased Native
17 American voting age population. So Navajo Nation continues
18 to examine those opportunities, and see where the proper
19 placement of the additional negative 1 percent deviation
20 would be more beneficial in that respect.

21 So we continue to examine those areas. And we
22 will be back tomorrow.

23 Thank you.

24 CHAIRPERSON MATHIS: Thank you.

25 Anyone else that wanted to address the Commission?

1 (No oral response.)

2 CHAIRPERSON MATHIS: That leaves just adjournment
3 on the agenda.

4 Before I adjourn, tomorrow we're meeting at 9:00
5 a.m.; is that right? And here or back at the Fiesta Inn?

6 KRISTINA GOMEZ: At the Fiesta Inn.

7 CHAIRPERSON MATHIS: Thank you. 9:00 a.m.
8 tomorrow at the Fiesta Inn. The time is 4:53 p.m. and this
9 meeting is adjourned.

10 Thank you for coming.

11 (Whereupon, the public session ends.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA) ss.
3

4 BE IT KNOWN that the foregoing proceeding was
5 taken before me, Marty Herder, a Certified Court Reporter,
6 CCR No. 50162, State of Arizona; that the foregoing 188
7 pages constitute a true and accurate transcript of all
8 proceedings had upon the taking of said meeting, all done to
9 the best of my skill and ability.

10 DATED at Chandler, Arizona, this 12th day of
11 December, 2011.

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

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