ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Friday, December 9, 2011
9:36 a.m.

Location

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

Attending

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

Ray Bladine, Executive Director
Buck Forst, Information Technology Specialist
Kristina Gomez, Deputy Executive Director
Stu Robinson, Public Information Officer

Bruce Adelson, Legal Counsel
Joseph Roth, Legal Counsel

Reported By:
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Certified Court Reporter #50162

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PROCEEDINGS

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: Good morning. This meeting of the Arizona Independent Redistricting Commission will now come to order. Today is Friday, December 9th, and the time is 9:36 a.m.

Let's begin with the Pledge of Allegiance.

(Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: We'll begin with roll call.
Vice-Chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Vice-Chair Herrera.

(No oral response.)

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

(No oral response.)

CHAIRPERSON MATHIS: We have a quorum.

We are expecting Vice-Chairman Herrera a little later.
And I don't think Commissioner Stertz can make it today.

Other folks around the table include our mapping consultant, Willie Desmond and Ken Strasma. We have legal counsel, Joe Roth and Bruce Adelson. And other staff in the room include Kristina Gomez, our deputy executive director.

Our chief technology officer, Buck Forst. And I think that's it for staff. And then Marty Herder is our court reporter taking an accurate transcript of today's proceedings.

So we'll go ahead and move to the next item on the agenda, which says presentation on the draft congressional and legislative maps by members of the Arizona state legislature.

We did that earlier this week on Wednesday. So number three, discussion, direction to mapping consultant and possible action regarding adjustments to draft congressional districts and possible action regarding adoption and certification of final congressional districts. The next item of course is the same thing, but for the legislative map.

And I will defer to our mapping consultant to let us know what they'd like us to start with.

We gave them some direction yesterday, and
Mr. Desmond can let us know what they were able to accomplish last night.

WILLIE DESMOND: Okay. So the only new change I have for today is a slight modification to the LD 26 change, and that was to just grab that last 900 people in the Dobson Ranch area.

We also printed up during the break yesterday and distributed the change reports for the Show Low, Winslow switch, along with the Arizona strip portion, so we could re-discuss that if you like.

And then we also -- we have plenty of time, so if there's any other scenarios that you'd like to explore, we can do that.

And then if there are future modifications that you would like me to start working on this weekend, we can discuss that.

But, if it's all the same, I guess we should just start with the LD 26, the report that you have in front of you.

CHAIRPERSON MATHIS: Just a question. With regard to the Show Low change, you were going to have one map, and maybe you did this yesterday on the change report, where the Colorado City stuff and the Show Low was all on one map, I thought.

WILLIE DESMOND: Yes. And that I did distribute
yesterday.

CHAIRPERSON MATHIS: That's the one.

WILLIE DESMOND: That's the one. So those three changes are all reflected in that change report, and we can go over how that looks.

CHAIRPERSON MATHIS: Okay. Good.

WILLIE DESMOND: If you'd like to start there, or if you would like to start with Legislative District 26.

CHAIRPERSON MATHIS: Yeah, let's start there.

WILLIE DESMOND: Okay.

VICE-CHAIR FREEMAN: Which document are we making reference to again? Is it VRA LD 26 version three?

WILLIE DESMOND: No, that is entitled Winslow, Show Low, Arizona strip.

VICE-CHAIR FREEMAN: Okay.

WILLIE DESMOND: I distributed it yesterday. I do have an additional copy here, and I can use that -- I have two, I have copies if anyone needs it.

So you can see the districts that are affected here are Districts 5, 6, and 7.

District 5 takes on 10,503 people, moving its population deviation from negative 2.1 percent up to positive 2.8 percent.

District 5 is not a voting rights district. So it is not -- there's nothing we really need to report there.
District 6 goes from a population deviation of plus 1,762 people to a negative deviation of 920 people, positive .8 percent to negative .4 percent.

And then District 7, which is the voting rights district, goes from a population deviation of about 2700, a negative 2700, to a deviation of negative 10,574, or 5 percent. That is a voting age -- or a majority-minority district, Native American district.

The voting age Native American percentage goes from 61.9 percent up to 62.4 percent.

The total Native American population goes from 63.7 up to 65.2, gaining 1.4 percentage points.

CHAIRPERSON MATHIS: Do you mind showing us on the map the changes?

WILLIE DESMOND: Sure.

So the first change is this section, Mohave County, is clipped out of District 7 and added to District 5.

Basically this is kind of following the direction that Mr. Adelson has given us, that removing non-Hispanic White voters to be beneficial to the voting rights district.

Additionally District 7 loses some, some areas here. Specifically Winslow, and Winslow West, some of the unincorporated areas surrounding it.
Joseph City started in District 6 and remains in District 6.

So, these are the only two census places that move.

In order to equalize the population, Show Low is then added into District 7, keeping it with Pinetop-Lakeside.

So that's -- those are the three changes.

CHAIRPERSON MATHIS: Mr. Adelson, do you have any thoughts on the majority-minority district and what it does to that?

BRUCE ADELSON: Madam Chair, I think as we had, as we had started to talk about this yesterday, the -- in the percentages, in the metrics that the Department of Justice will look at under Section 5, the metrics are favorable as far as population.

I think as you go further down and look at the results of some of the elections, like the '04 presidential, '06 secretary of state, and '08 presidential, and the mine inspector, there is some difference as far as effectiveness.

The -- although the minority candidate of choice continues to win in those four elections, the margin of victory has declined.

The margin of victory is not that significant
The key factors in population are the, as you know, the VAP, voting age population, the overall Native American population.

These are, these are changes that typically is very important to get the input of the affected minority community. In this district it would be the Native American community.

So the -- one of the things that we had talked about yesterday was seeing the -- what the population is in Show Low, for example, to see how that -- what the demographics are as far as the racial makeup of the community.

WILLIE DESMOND: I can show you those numbers right now.

So, in Show Low, in Wagon Wheel, and the areas that are also affected has a Hispanic voting age population of 10.4 percent, a non-Hispanic White percentage of 84.31 percent, and a non-Hispanic Native American percentage of 3 percent.

BRUCE ADELSON: Madam Chair, does this change report, does this also reflect moving Winslow from -- is that from District 7 to District 6?

WILLIE DESMOND: Yes.

BRUCE ADELSON: Can you do the population for
Winslow too, please?

    WILLIE DESMOND:  Yes.

    (Brief pause.)

    WILLIE DESMOND:  This change, which isn't quite everything, but I don't think these areas have any population, is 10,000 people.

    Of that, it has a Hispanic voting age population of 30.1 percent, or 31 percent, basically, a non-Hispanic White percentage of 38.5, and a non-Hispanic voting age Native American percentage of 21.7.

    BRUCE ADELSON:  Thank you.

    You know, this is a good example of comparing the demographics of two communities that are, of course, very relevant to this change.

    You have one community that has a very large non-Hispanic or Anglo -- a non-Hispanic White or Anglo population in Show Low.

    And Window Rock -- I'm sorry, not Window Rock. Winslow has a population that's lower non-Hispanic White and higher in Native American.

    So one of the things that Justice would look at is, does the swap, does that dilute minority voting strength, which here would be Native American voting strength. Does the swap reduce, hinder, weaken, or diminish the minority's opportunity to elect candidates of choice,
meaning the Native Americans' opportunity to elect candidates of choice.

    The electoral -- electoral margins in four of the five demonstrated races did decline with this change. As I said, the decline is not that significant.

    This is one of those changes in a way that could be on a tipping point in a sense that if minorities in the district argued strongly that this dilutes their voting strength and their concern that the change may impair their opportunity to elect over the next decade, that is something that Justice would look at quite seriously and then do the analysis to determine whether or not they agree with that point.

    But this is a very good example, because the minority populations in both municipalities are so different of exactly what Justice will do in determining retrogression, whether intentional or accidental, in swapping these two municipalities between this district and District 6.

    CHAIRPERSON MATHIS: Thank you.

    Mr. Strasma, do you have anything you wanted to add to this?

    KENNETH STRASMA: Yes, if I could, harkening back to yesterday's conversation where we discussed the fact that there's only the one Native American district, so that
bulking up its percentages didn't really raise packing
issues, because there wasn't the ability to make a second
district.

And, Mr. Adelson, is my understanding correct from
yesterday that this does appear to be very solidly an
ability to elect district, with or without those changes?

BRUCE ADELSON: I agree.

I think that draft District 7, with the
percentages, just putting aside what we have today, does
appear to be a very favorable district.

I think that when I said that this is on the, on
the margin, as far as swapping these municipalities, this is
not a situation where you go from 60 percent ability to
elect in the metric elections to 45 percent.

So the difference is not overwhelmingly
significant as to reveal clear retrogression.

But because there is a reduction in performance,
even though there is an increase in the proportions of
Native American, for example, voting age and total
population, this is something that if it -- if this -- for
example, and hypothetically if the Commission approved this,
this would be something that Justice would think a lot
about.

Because under the regulations, the regulations
talk about any reduction, diminution, or weakening of
minorities' ability to elect.

And although the margins are strong as far as electoral performance, it is something that they would take a second look at, particularly if the minority community in the district opposed the change.

But I do agree with Mr. Strasma that this does appear to be a strong district. That's why this is a -- it's a difficult issue in the sense that there is some reduction.

This could, this could be determined in part by the -- what the minority community in the district had to say and whether or not Justice agreed with them, as far as the swapping of municipalities.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Sure.

COMMISSIONER McNULTY: Mr. Adelson, so, is the regulation that diminution against anything that might have been possible as distinct from a diminution against the benchmark?

BRUCE ADELSON: Madam Chair, Commissioner McNulty, that's a -- that goes to the heart of the issue.

The regulations have been strengthened in part because the Voting Rights Act was strengthened in 2006.

This would be something -- if I were sitting at the department today and this was presented to me, and
assuming, and this is, this is a very significant caveat, that the minority community had a very strong opposition to this, this would be something that we would -- I'd have to look at a lot.

Now, I can't say that in the end it would or would not be a cause for a question. But because there is a reduction, even though it's slight, if the minority community weighed in heavily opposing the change, then this would involve at the department additional discussion and analysis.

It's hard to say in the end necessarily what the decision would be. I think that that would be somewhat implicated in part by perhaps the rest of the map and perhaps other metrics that the department would look at.

But, this, this would involve additional conversation.

I would -- if this had been presented to me, I would call the minority community in the district and speak to as many people as possible who, assuming they objected to this, in addition to perhaps analyzing a couple of other elections to see whether there's any significant difference.

But, in the end, because the electoral performance is still strong, this is not something, as I said, where the electoral performance goes from being able to elect to not
being able to elect.

Which is a significant consideration.

So, this, this would definitely involve other
conversation, but, as I said, one of the key factors here is
what does the minority community in the district think about
this.

That is a very significant point that the
department would look at.

CHAIRPERSON MATHIS: Other comments from others
commissioners?

Mr. Freeman.

VICE-CHAIR FREEMAN: Just so I understand the
change report, the change report reflects two changes, one,
the Winslow, Show Low swap, and, two, the removal of the
portions of Mohave County north of the Colorado River from
that proposed LD.

So -- and I would think that the slight uptick in
native voting age population is probably attributable more
to the losing of the population in Mohave County.

Is that something Justice is going to look at?

They're going to -- because one change perhaps masks the
effects of another change.

BRUCE ADELSON: Commissioner Freeman, Madam Chair,
I think that's an excellent point, in that the demographics
in the Colorado River area are very heavily non-Hispanic
White.

So I think that that -- the department -- I'm completely confident that the department would be very favorably disposed to that change.

Also, the move of that community back into Mohave County I know is favored by the people who live there.

So, that, that change would be viewed differently in the sense that there would likely be no minority opposition to the change, because -- excuse me, because of the demographics of that area.

So, I take your point that that -- that, that is a different type of issue in that there would not be any likely minority opposition, Native American opposition, to moving the Colorado community back into Mohave County.

(Brief pause.)

CHAIRPERSON MATHIS: Yeah. Mr. Desmond, yesterday you presented the change report that removes the non-reservation portions of Mohave County. Right?

And it was just those in isolation so we could see what those changes did to number -- to District 7?

WILLIE DESMOND: Correct.

District 7 and District 5.

CHAIRPERSON MATHIS: And five.

So what are your thoughts, Mr. Strasma and
Mr. Adelson, on proposed changes for further evaluation with regard to this?

BRUCE ADELSON: Madam Chair, I think as we had talked about yesterday, I'm very supportive of moving the changes that the Commission wants to consider to the next step for analysis. Because whatever changes are being considered will have to go to that next step, even if the changes -- the Commission decides eventually not to consider certain changes.

So my view is to take a, a less conservative approach when it comes to submitting things for analysis, since it will have to be done anyway.

If this is something that the Commission wants to consider, then I certainly would endorse going to that analysis stage.

I think what's also important is that, given that, to entertain as the Commission has been doing comments from people in the community, that may be helpful in deciding what direction to eventually go.

But I certainly endorse what Mr. Strasma had said yesterday about getting the additional analysis that we would need to meet our burden.

KENNETH STRASMA: And I would second that, that if the Commission supports this change, I think it would be good to submit it for further analysis and make this change...
part of the working map going forward.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I think we have representatives of the Navajo Nation here today, and I wonder if it makes sense to reserve a final decision on this until we've heard from them.

Mr. Adelson is telling us that it's going to turn on their perspective or it may well turn on their perspective.

And we may have others here who have comments about this district also.

I think we also wanted to include the Schultz flood area, or wanted to consider including the Schultz flood area in LD 6.

And as I look at that change report, that doesn't have any significant consequence from a minority standpoint. So we may want to include that also before we submit this district for analysis.

WILLIE DESMOND: One thing to keep in mind there is that would remove a few thousand more people from District 7. With these changes, District 7 is becoming even more underpopulated.

It's at 10,574. With these changes, I think it would probably be somewhere around 13,000, 14,000 with that
change. So the deviation would grow more.

   If you like, I can prepare that quickly and just
show you what that would do to the total population.

   I won't have the full change report, but I can
show you how that would work.

COMMISSIONER McNULTY: I think that would be
helpful.

Do others?

CHAIRPERSON MATHIS: Sure. That's fine.

(Brief pause.)

WILLIE DESMOND: Looking at an earlier change
report, I was thinking it looks like moving the Schultz
flood area moves roughly 2400 people from District 7 into
District 6.

   So it would put District 7 at a population
deviation of about 13,000 people. I believe that's about
six and a half percent.

   So that's just one other thing to consider with
that change.

COMMISSIONER McNULTY: But that move doesn't have
significant Native American population.

WILLIE DESMOND: Moving that area from District 7
into District 6, actually it increases the Native American
percentage of District 7 by about .7 percent, or
seven tenths of a percent.
Of the 2400 people that are moved, 1850 are non-Hispanic White.

So it is a largely non-minority group of people in that affected Schultz flood area.

So the change would just further increase the Native American percentage in that district.

COMMISSIONER McNULTY: I see Mr. Adelson nodding.

CHAIRPERSON MATHIS: Yeah.

COMMISSIONER McNULTY: That seems like a good thing.

BRUCE ADELSON: Commissioner McNulty, Madam Chair, I think I'm going to have to, like, hide under the table.

But this is also -- let's look at this compared to the other things, the changes that we're talking about, just as far as population.

This is similar to the Colorado River community move, where the population is overwhelmingly non-Hispanic White.

So from a retrogression standpoint, this really does not appear to be retrogressive. Like the Colorado switch.

Because the population is overwhelmingly non-Hispanic White, and the Native American population in the jurisdiction -- in the district increases.

So, if there's no tie to retrogression or
potential retrogression, that this is -- this is not
something that the department would be concerned about,
because it doesn't relate to issues within the department's
Section 5 review jurisdiction.

WILLIE DESMOND: So, just to confirm, it does move
about 2,450 people from District 7 to District 6.

Of that 2450 people, there's a voting age
population of 1846. That is, 159 are non-Hispanic -- or are
Hispanic. 1440 of the 1850 are non-Hispanic White.

So this change does remove a higher percentage
of non-Hispanic White voting age people than, than the
District 7 is.

CHAIRPERSON MATHIS: Does that include all of the
Schultz flood people?

WILLIE DESMOND: This is the narrow -- narrow one
that we prepared.

It includes all of the people, but not all of the
land.

CHAIRPERSON MATHIS: Any comments or questions
from commissioners on this?

I think Ms. McNulty's suggestion to maybe take
some public comment now might make some sense.

We've got a number of sheets, and there is a lot
of interest in this area, and we could use some guidance
from folks impacted.
And so, if that sounds good -- I don't know, Mr. Freeman, do you agree?

VICE-CHAIR FREEMAN: Yes.

CHAIRPERSON MATHIS: Okay. Why don't we do that. Let's see what time it is.

It's 10:09, and we've got about ten sheets right now.

So let's just go through some of these, and then we'll see where we want to go afterwards with this LD 7.

Richard Lunt, chairman Greenlee County Board of Supervisors.

RICHARD LUNT: Richard Lunt, L-U-N-T.

CHAIRPERSON MATHIS: You're a professional. You know to spell your name in the microphone.

I meant to say that beforehand. When you come up to address the Commission, please spell your last name so that our court reporter gets an accurate transcript.

RICHARD LUNT: Well, once again, hope everyone had a good holidays, and welcome back, Commissioner Mathis.

And I've been here several times, as you well know. This is very important to our area, and I would like to address what is happening with LD 7.

As you know Greenlee County is put in LD 7, and we feel that if that -- if we continue to be in LD 7, we will have no voice.
We feel like, you know, we have counties around us that have the same interest. We're -- we have Freeport-McMoRan in our county, the second largest open pit mine in the world. It produces eight percent of the world copper.

We are a contributing county, but we are, we are considered a frontier county.

There's only less than 8500 people in Greenlee County, and -- but we are very active.

And we feel like what you're doing with LD 7, it just doesn't work for us.

We feel like we could go, you know, west, with Graham County, who we share a lot of the same services.

You know, we've learned to stretch our buck the best way we can, and, you know, a lot of times it means counties getting together and sharing services to better serve our constituents. And we feel here in the proposed maps, you've split us. They're mining. We're farming. We have the same water issues.

We just feel this is unacceptable to us.

You know what, you can move 8500 people anywhere on the map, and it's -- we're, we're just a little speck. And we would really, really like being moved into another district.

You know, as many of you, I've been here many
times, so you know this is important.

And I'm sure you guys feel like the ducks at a shooting gallery. I mean, everybody's got their guns pointed at you.

And, you know, you volunteered for this.

And my sympathy goes with you, but, anyway, but I also feel like the starfish on the seashore. You know, a little boy is throwing the starfish back into the sea, and someone says, well, hey, you can't make a difference. The little boy picks up the starfish and throws it back into the sea and says to that starfish, I made a difference.

And that's the way we feel in Greenlee County. You know, it makes a difference to us.

We're that starfish, and we're wanting to be thrown back into the sea.

Because we feel like the proposed legislative District 7 is leaving us out on the seashore.

Anyway, thank you so much.

I know you -- it's just what you want to hear is me come and once again beg you to change, but, please, let us be that starfish you throw back into the sea, because it does matter to us.

And, you know, I'm traveled a lot of distance to come to be before you, this Commission, several times. And I hope that my voice doesn't fall on deaf ears, because it
is important to me and my constituents.

And, once again, thank you for what you do. I, I feel for you guys, you know.

I mean, time and time again, and thank you for your service.

But, please, consider what we'd like to do in Greenlee County. Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Vince Leach, representing self, from Saddlebrooke.

VINCE LEACH: Madam Chair, I think I'm from LD 26.

CHAIRPERSON MATHIS: Oh, okay.

VINCE LEACH: On the edge, so if I can defer until open comment or the discussion on LD 26, I would appreciate that.

CHAIRPERSON MATHIS: Sure. Our next speaker is Doris Clatanoff, representing self, from Saddlebrooke.

DORIS CLATANOFF: Thank you, Madam Chair. My name is Doris, D-O-R-I-S, Clatanoff, C-L-A-T-A-N-O-F-F.

And I am here today to ask that you return the proposed LD 8 legislative draft map you had before the current one.

We were pleased with, with -- I think it was the October map that you had for the proposed LD 8 that was compact, it was concise, it placed us in an area where we
felt that we did have a commonality and a community of interest.

Now the new proposed map loses the compactness.

It is actually a couple of communities of interest placed together.

Because if you look at the community of Maricopa, they identify with Phoenix. We're from Saddlebrooke. We identify more with Tucson and the southern part of Pinal County, although we can also very easily identify with Globe and other parts of Pinal County.

And I couldn't help but wonder this morning as I was listening to you, how it reflected the past when I listened to the decisions that you are making.

And this particularly ties in with the minorities. And you might think, you know, what does that Anglo woman know about stereotyping.

Well, in 1951, my contract for teaching stipulated that if I were to be married, my contract would be terminated immediately.

In 1988, I was a professor at a college in Texas. I applied for a position of the dean of the College of Arts and Sciences.

I was told, Doris, the guys like you, but they're not ready for a woman dean.

The state of Texas had legislation that stipulated
that you could not discriminate against minorities but you
could discriminate against women.

As a chair of the women's commission for the Texas
faculty association, I made sure that that changed.

Now, that was over 20 years ago.

So if -- today I almost feel that I am being
reversely discriminated against because I am being placed in
a community where Saddlebrooke is supposed to be competing
with Maricopa, where we are not going to have competition
anymore.

And this bothers me.

That's one of the reasons.

But mainly because of the compactness, and because
of the fairness. I think fairness to both Republicans and
Democrats, I would like to see that you return to the
October proposed legislative district map.

Thank you for that map and keep it.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Richard Brinkley, representing
self, from Pinal County.

RICHARD BRINKLEY: I'll be speaking to Legislative
District 26.

CHAIRPERSON MATHIS: Okay. I'll put you in that
pile.

Richard Miranda, state representative,
representing Arizona Minority Coalition.

 REPRESENTATIVE RICHARD MIRANDA: Good morning, everyone. Richard Miranda, last name spelled M-I-R-A-N-D-A. And I am here on behalf of the Arizona Minority Coalition.

 And it's my understanding -- I tried to stay here the other day, but it took too long so I had to leave. But I got a couple phone calls and e-mails. There was a proposal to put the town of Guadalupe, and I'm not sure if that's still going on, because I didn't see it up there, to put it in the next district, which would be Tempe. And in speaking with the town of Guadalupe this morning, they're getting a letter written again expressing their concerns if that was to happen, and to keep that in the district that it is associated with in south Phoenix.

 And then speaking on the Voting Rights Act -- and I did want to tell you also, it's a very hard job that you do, and I think you've put a lot of time and effort into it.

 And, you know, naturally not everyone's going to be happy with it, but quite a few people.

 But there are requirements that you have to do. And so that would be, you know, making sure that the Voting Rights Act is followed.
And so I feel, if that's still an idea that's floating out there, my thoughts to you would be that it's going to be hard enough, I think, to get the map as their written right now to get past DOJ.

It's not going to be a rubber stamp here. They're still going to have questions, and they're still going to try and see whether or not everything -- you know, Voting Rights Act is protected and people have the ability to elect a candidate of choice.

If you were to put -- if the idea is still being floated out there that you put the town of Guadalupe in the demographics of the Tempe area, you're even making it less likely.

It's, you know, next to -- you know, I'm not sure if it's going to be successful at all.

It just -- you would -- you're putting in some demographics that are entirely different with the rest of Tempe.

And so, you know, you know, the maps as drawn right now are still going to have some very legitimate questions concerning the Voting Rights Act.

And, again, if that were to happen, the mountain would even get steeper if you did put the town of Guadalupe in with Tempe.

So, I was expecting -- I just got on the phone
with them this morning. I was expecting somebody from the
city council to be here. And they still very well may be
coming.

I know they had a letter that they had already
drafted and maybe was just trying to get all the city
councilors to, to sign off before they get here.

So those were my comments. And I'm not sure what
the idea is out there still.

CHAIRPERSON MATHIS: Any questions?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I know this is public

comment, but I appreciate the opportunity to ask

Representative Miranda a question.

You say that the demographics are just completely
different and it would be inappropriate to put the town of
Guadalupe with Tempe.

Can you, can you expand upon that or would you
defer to city council? I -- help me understand why that is.

REPRESENTATIVE RICHARD MIRANDA: Well, I know
we've had the town of Guadalupe here, and, and, you know, I

am sure the map people have given you the demographic, but

I'll do it again.

It's entirely -- 99 percent minority population,
mmost Yaqui and Latino decent.
And, you know, it doesn't take far, just a couple blocks, for you to go from that part of town, and then go into the next neighborhood that it's entirely different.

And so I think DOJ would be very concerned if that were to happen.

It would be disenfranchising a population of almost 6,000 people.

We're not talking census blocks of, you know, non-descriptive type of -- we're talking about DOJ. So that's why, that's why we're bringing it up.

You are talking about 6,000 people DOJ is going to be extremely, extremely concerned about.

And if you were to relocate that entire 6,000 people, this, you know, this community, and you still have to get the Department of Justice to approve the map, you're making, again, the mountain a lot bigger, so...

VICE-CHAIR FREEMAN: Entirely different from the surrounding areas of Tempe, or is it also entirely different than the associated areas in south Phoenix, or are there some similarities there?

REPRESENTATIVE RICHARD MIRANDA: I think there's -- again, I think we presented the argument both at South Mountain Community College, in Glendale, and I spoke a little bit in Maryvale.

But, again, that community is very much similar to
if you go into south Phoenix.

You know, you have families that grew up in Guadalupe, and now their families have moved into south Phoenix.

And it isn't just the -- there's families that have been there for generations, way before you had Arizona Mills, way before you had all this development around there. And have always felt their own community.

So, you know, to take that community and put that with the rest of that area that's east of it and southeast of it and north of it, you know, you're asking DOJ to approve that and I don't think that's going to happen.

CHAIRPERSON MATHIS: Other questions or comments?

(No oral response.)

REPRESENTATIVE RICHARD MIRANDA: Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Carole Klopatek, from Fort McDowell Yavapai Nation.

CAROLE KLOPATEK: Madam Chair, I specifically had some questions with regard to District 24, or so I'm not sure whether it's appropriate to speak now or wait to make those comments --

CHAIRPERSON MATHIS: If you like to, it's up to you. We can do it later too.

CAROLE KLOPATEK: Why don't I wait until we get to
that.

CHAIRPERSON MATHIS: Okay.

Our next speaker is Nolan Larson from Navajo White Mountain area.

NOLAN LARSON: Nolan Larson, L-A-R-S-O-N.

I've been a lifelong resident of the White Mountains. I'm a business owner up there.

A little better?

I own a trash company, so I'm a little bit of a fish out of water right now. I'm more comfortable behind a business picking up trash than addressing you today, so I have a few notes to help me stay focused here.

I employ 25 people. They reside in the towns of Snowflake, Taylor, Heber-Overgaard, Show Low, Pinetop, and Lakeside.

I'm also a member of the Real Arizona Development Committee, and we meet trying to bring economic development to our cities and counties in that area.

I regularly attend meetings with elected officials and other businesses and civic leaders in my area, and work on economic development issues and conduct my business.

I'm here because I recognize that there's a growing concern that our communities are not being placed in a position to succeed in the legislative process.

My primary concern is a situation taking place
within the communities of Show Low and its neighboring communities of Pinetop and Lakeside.

During the last ten years, our communities and their interests have been addressed, and our citizens have had representation that fits us well.

As I look at the legislative draft map, I see that you put Show Low and Pinetop-Lakeside in two separate districts. This definitely is a problem with the communities of interest, compactness, and contiguous factors.

I also have seen several proposals which place Pinetop-Lakeside and Show Low in the new LD 7, which is dominated by the Native American communities.

I don't see much reason for this. And these are the two reasons.

The Commission has been looking at minority voting rights for the Native Americans, and LD 7 is what you have developed to satisfy that segment of the population of northern Arizona.

Based on that data associated with your maps, there are more than enough voters to elect a candidate of their choosing. However, if you follow through with what you're planning to do, Pinetop and Show Low, the voters of these areas, would be swallowed up and effectively silenced.
I live in a community that has a right to be counted at the ballot box. We should not be an afterthought in the minds of those who run our elected offices. Based on what I see, elected representatives from LD 7 would have absolutely no accountability to our communities because it will not need their votes to win an election.

It is clear that Pinetop-Lakeside and Show Low are better served by being in the same legislative district as Flagstaff. This course of action would not be my first choice, but it most definitely keeps the votes of my community relevant.

Therefore I ask for two things. In every circumstance you keep Show Low in LD 6. And, two, make every effort to add Pinetop-Lakeside into LD 6 to preserve the communities of interest, compact geography, and contiguous nature of our two communities.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is David Tenney, Navajo County Supervisor.

SUPERVISOR DAVID TENNEY: Good morning. My name
is David Tenney, T-E-N-N-E-Y.

I'm a lifelong resident of the White Mountains. I currently serve as supervisor on the Navajo County Board of Supervisors representing District 4.

Which includes Show Low, Heber-Overgaard, and Taylor, a few other unincorporated communities in between all those.

I've been serving there for the last seven years, and I also currently serve on the executive board of the County Supervisors Association.

This is, I believe, the third time that I've come to a -- I should -- maybe it's the first time I've come to testify, because the first two you came up there into the Pinetop area.

Good choice to come out here. It's a bit cold up there this time of year. So thank you for allowing me. It was about six below the other day when I got up. A little nicer this morning when I left the hotel. So thank you for allowing us to travel down today.

I have testified before this body, and I am here again in my capacity as leader of these communities, to try to help explain some of the things that we feel like we need from this, from this process.

I spoke previously about how much we have appreciated and enjoyed the last ten years, what we call our
ECO district, or the Eastern Counties Organization, the counties of Navajo, Apache, Greenlee, Graham, and Gila have all been in the same district last ten years and had service well.

I feel there is no doubt that there was wisdom exercised on the part of your predecessors when they formed that district ten years ago, because it did give a very strong rural voice in the legislative process.

One example I could give you is, if not for that district, the state certainly wouldn't have ever come to know the speaker of the house named Jake Flake, the late Jake Flake.

I know many of you here know who he was and what an impact he had on the legislative process and on the overall well-being of the state of Arizona. And he was elected by that district.

And with some of the proposed changes, that certainly would not have been something that he would have been able to do.

Anyway, I have advocated for keeping that district similar to what we have had the last ten years. I recognize that that's not going to be possible.

So the next step we took was the second time I testified to advocate for not splitting Show Low and the Pinetop-Lakeside communities.
However, I must say that in doing so, it was not my imagination that you put us back together in LD 7, but you put us back together in LD 6.

Sometimes it feels like, as Supervisor Lunt expressed earlier, that sometimes we feel like our population is being used for nothing more than to fill those population numbers and not realize that we are a block of citizens and voters who have had a relevant voice in the legislative process and who deserve one going forward.

I do believe if the proposal to move both Show Low and Pinetop into the new LD 7, that then those voters would be overwhelmed and would be effectively silenced due to the fact that elected representation from that area would have no accountability to the voters of that area because they would not be the ones crucial to them being elected.

I believe it is clear that the residents of Pinetop–Lakeside and Show Low are better served if they're allowed to be in one district. But if that is not possible, by all means it is better to leave Show Low in District 6 than to move Show Low into District 7.

So those are my, my two asks today.

If at all possible, move Pinetop into six with Show Low, because of so much that we share between those two communities.

But if that's not possible, then first and
foremost to leave the community of Show Low in the new
proposed LD 6.

That is my request today. And I also thank you
for what you do. It has been a crazy ride for you, folks.
I know it has.

And my wife will probably shoot me if this makes
the newspaper, because I always say stuff that she wishes I
hadn't, but I will liken what you do to, to someone who wets
themself in a dark suit. You get a warm feeling, but nobody
really notices.

And that's kind of the job you guys have got. And
I recognize that.

And there's no reporters here, I hope.

CHAIRPERSON MATHIS: There are.

SUPERVISOR DAVID TENNEY: Okay.

Can you have that stricken from the record,
Madam Chair?

Anyway, I hope you understand what I'm saying. I
do recognize the tenuous situation you find yourself in.
And you are getting harped at and yelled at from every side.
And we recognize that.

And so first and foremost, I thank you for your
service. As a public servant myself, I recognize that
that's not always easy, especially when you get paid the big
bucks that you guys are getting paid for this, for this gig
you have.

So thank you for what you do.

If at all possible, if you can see to it to leave -- if you find a way to get Pinetop back in Show Low with six, that would be great. If not, by all means we request that Show Low be allowed to remain as proposed previously was on the maps in LD 6 along with the Flagstaff area.

Thank you for very much, and I will stand for any questions you might have.

CHAIRPERSON MATHIS: Thank you.

Any questions?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Thanks for your service too.

SUPERVISOR DAVID TENNEY: Thank you.

CHAIRPERSON MATHIS: Our next speaker is Judith Dworkin, representing Navajo Nation.

(Whereupon Vice-Chair Herrera arrives.)

JUDITH DWORIGIN: Good morning. Judith Dworkin. Last name is spelled D-W-O-R-K-I-N.

And I am actually here -- I represent the Navajo Nation, but I'm here to read a letter from the Hopi Tribe chairman.

December 8, 2011, Arizona Redistricting
Dear Redistricting Commission, the Hopi Tribe has been made aware that the commissioners are proposing a revision to the draft Legislative District 7 and moving Winslow into Legislative District 6.

The Hopi Tribal Council objects to this revision and does not support this change.

The Hopi Tribe has an interest in this area. We own property and ranches within and around the Winslow area. Winslow's population includes a substantial Native American population, who would be able to elect a candidate of their choice only if they are located in District 7.

Hopi continues to uphold the position that all Hopi lands remain in the same district.

We understand that the Apache tribes may also be interested in including Show Low in LD 7. Perhaps there is a way to include both Winslow and Show Low.

We believe that Navajo Nation may have already introduced a map that does that.

We ask that you consider our position and urge you to retain Winslow in LD 7.

And it's signed, since sincerely by the chairman of the Hopi Tribe.

And I have copy -- I have the original for the record and copies for all of the commissioners.
CHAIRPERSON MATHIS: Great.

JUDITH DWORKIN: That's the full amount of my comment this morning.

    Thank you.

CHAIRPERSON MATHIS: Thank you.

I think Ms. Gomez will take that from you. Thank you very much.

JUDITH DWORKIN: I'll give one to the commissioners.

CHAIRPERSON MATHIS: Sure.

Our next speaker is Brad Lundahl, representing city of Scottsdale.

BRAD LUNDAHL: Good morning, Madam Chair. I'm also here for Legislative District 23, 24. I didn't know if you wanted to take testimony now or wait. I'm happy either way.

CHAIRPERSON MATHIS: It's up to you.

BRAD LUNDAHL: I'll go ahead and get it out of the way then.

CHAIRPERSON MATHIS: Okay.

BRAD LUNDAHL: I see the mic guy coming toward me. I'm Brad Lundahl, L-U-N-D-A-H-L. I'm the government relations director for the city of Scottsdale.

And I'm here today -- our city council on Tuesday night adopted a resolution pertaining to the legislative
district maps. And they requested that I bring that resolution to you today and deliver it to you.

Essentially the resolution requests that the legislative district map be redrawn to place Scottsdale in one legislative district.

Currently we're split up into two, with the split occurring on the southern portion of Scottsdale.

The emphasis from the city council was to move that southern portion of the city back into the main part or back into the main map.

They felt that splitting that southern portion of Scottsdale definitely got away from the community of interest parameter.

So with that, I've got copies of the resolution that I've brought for you, and I'd be happy to answer any questions.

CHAIRPERSON MATHIS: Thank you.

Any questions?

(No oral response.)

CHAIRPERSON MATHIS: Okay. We'll take those copies.

Our next speaker is Michael Mandell, attorney for Coconino County.

MICHAEL MANDELL: My name is Michael Mandell, M-A-N-D-E-L-L. I'm an attorney representing Coconino
I just wanted to thank the Commission for including or talking to include the Schultz flood area into LD 6, in those changes. And I just wanted to again reiterate our support for that change.

CHAIRPERSON MATHIS: Thank you.

Any questions on that one?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Thank you.

Our next speaker is Pete Bengtson, representing self, from Pima.

PETE BENGTSON: It's Peter Bengtson, B-E-N-G-T-S-O-N.

I feel I've gamed the system or lucked out to show up and get called to speak right away.

I wanted to commend the Commission for CD 2.

That's my new congressional district. I'm very happy with it. It's compact, contiguous.

It seems to be very competitive.

In addition, it maintains the communities of interest of the military bases in the western foothills.

The other thing I wanted to mention, the first time I attended these meetings was a June 30th meeting in Tucson. And it was pretty scary to me. And a lot of Tea Party folks beat on the Commission and especially
Strategic Telemetry.

I've been trying to only come to one meeting a week, so I've been watching it on TV.

And I'm really impressed with how carefully Strategic Telemetry is to always get direction from the Commission on any proposed changes that are made.

They're -- I think they're to be commended for that. They're making it very obvious that they're not inserting themselves in any way into the mapping process. All the direction is coming from the commissioners.

And that's all I need to say.

Thank you.

CHAIRPERSON MATHIS: Thank you.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Our next speaker is Gino Turrubiartes, from the town of Guadalupe.

GINO TURRUBIARTES: Very well pronounced there, chairwoman.

CHAIRPERSON MATHIS: Thanks.

GINO TURRUBIARTES: My name is Gino, G-I-N-O, last name is Turrubiartes, T-U-R-R-U-B-I-A-R-T-E-S.

I'm the community development director for the town of Guadalupe.

Dear IRC Commission, the town council of Guadalupe voted and requested that we stay in Legislative District 16
as presented by Senator Leah Landrum Taylor and Representative Richard Miranda to the IRC in previous meetings.

The town of Guadalupe finds commonality with its neighbors to the west, south Phoenix, and Laveen.

The town council of Guadalupe would also like to support the congressional maps proposed by the Hispanic Coalition for Good Government.

To that end, we would also like to note that the Town of Guadalupe has successfully worked together with the City of Tolleson on economic development for both of our communities, and we share a lot of commonality within our well-established community.

I ask that the IRC include the town of Guadalupe called with its neighboring communities to the west on both legislative and congressional districts.

Gracias and thank you for your hard work. We recognize the challenges that you continue to have in front of you.

Is this something -- would you like me to give that to Ms. Gomez?

CHAIRPERSON MATHIS: Yes, please.

And are there any questions on this?

(No oral response.)

CHAIRPERSON MATHIS: Okay.
GINO TURRUBIARTES: Have a great day.

CHAIRPERSON MATHIS: Thank you. You, too.

My last request to speak form, so far, is from Leonard Gorman, executive director of the Navajo Nation Human Rights Commission.

LEONARD GORMAN: Madam Chair, and members of the Commission, good morning. Leonard Gorman. First name L-E-O-N-A-R-D, last name Gorman, G-O-R-M-A-N.

I have a map that's being provided to you on legislative district -- draft map Legislative District 7. And it's entitled Native American adjustments December 9, 2011.

First I just want to point out that Navajo Nation has been an intimate participant in this -- in your discussions since you started your meetings earlier this year. And we've made submissions, comments, and recommendations about Navajo Nation's concerns and points that it wishes to be incorporated into the legislative district in which the Navajo Nation is located.

We've also talked to you extensively about the compliance with the Voting Rights Act, Sections 2 and 5, the state of Arizona being a covered jurisdiction.

We've presented to you ample amount of information in our opinion that Navajo people that live on the Navajo Nation are complicated when election day comes about,
especially when the Navajo Nation election happens on the same day as the state election.

And we recognize that there are times in which Navajo voters are disenfranchised simply because we have to travel distances from polling place to polling place to complete their participation in elections.

Since your second round of meetings started back on -- in the latter part of November, 2011, Navajo Nation also reassessed based on some of the comments and recommendations that Navajo Nation heard, and submitted the new map on Monday, December 5, in which our effort is, is of primary concern to ensure that the voters of the Navajo Nation are appropriately protected, their voting rights are appropriately protected, and that competitiveness is either secondary or fourth or fifth down the list of concerns of the Navajo Nation.

The second part of the concern is the community of interest. In relationship to the geographic areas, Navajo Nation has clearly demonstrated throughout the course of several months that it has landholdings off the Navajo Nation, and these are the efforts of long-term plan basis by the Navajo Nation to ensure that sacred places, sacred lands are appropriately cared for into the future. And those are some of the reasons why Navajo Nation is making strategic effort to ensure that lands that the
people have held traditionally are appropriately considered.

Likewise, the Hopi Nation has accompanied the Navajo Nation in expressing strong concerns about lands they have purchased off their nation in areas surrounding the city of Winslow.

We have joined the Hopi Nation to express those concerns.

Additionally the Navajo Nation has met oftentimes with the Apache Nations. Specifically the San Carlos Apache have been very supportive of the Navajo Nation's maps that have been submitted.

So, today concerns are being expressed about communities in Greenlee, and Show Low, and also concerns about the Schultz fire/flood area.

So as we go through this map that I'm sharing with you, the Navajo Nation, again, is listening to the comments and recommendations that are being offered by not only folks that are now in the legislative district, proposed District 7, but also the surrounding -- immediate surrounding areas.

And Navajo Nation has made many compromises. And, again, today we submit to you a map that we believe illustrates another compromise, at the same time making every effort to protect the Native American voting age population in the proposed Legislative District 7.
We all know that that particular district is a protected district.

It has to go through the scrutiny of the U.S. Department of Justice.

So all of the iterations and comments that Navajo Nation has made certainly would be on the desktop of whomever that person is going to be to review your recommendation.

And we appreciate all of the opportunities and comments and also the renditions that were provided and continue to be provided by, by your mapping firm.

I think the Navajo Nation, the Navajo people, are in the best position to determine what is in their best interest. And the Navajo Nation Human Rights Commission has been given that responsibility while consulting with elected officials back on the Navajo Nation to present these stated positions.

Again, this is the position as of December 9, 2011.

So as we go through the map, for the northwest corner, we do take out the area in Mohave County, as was presented to you earlier when the Winslow, Show Low switch was presented to you.

We continue to incorporate the Havasupai, Hualapai nations, along with the Navajo Nations'
Big Boquillas Ranch in, in Coconino County.

The area that we are recommending the adjustment is in the southern area, the southern rim of Grand Canyon.

There is a voting district that the Navajo Nation is willing to release into now the draft proposed District 6.

It's a population of 2,000 -- over 2,000 people in that area.

We're willing to work with that.

But as you go down south from there, we have made the adjustments from your draft District 7 map to also tweak on the western side of the Espil Ranch, and also give that population to District 6.

In the northeast area of Flagstaff, we had proposed originally, which is in the draft map, to also give Doney Park to Legislative 6.

We also made the recommendation based on the requests from Coconino County to include the Timberline and Fernwood area based on the map that was shared with the Navajo Nation by Coconino County.

So the iteration that was projected on the screen earlier that represents the narrow Schultz fire area, that does not, that does not represent the Navajo Nation's proposal in that area.

It grabs land areas that are now permitted to the
Navajo Nation under the Espil Ranch. The Navajo Nation opposes that rendition.

    Now, as we go towards the Winslow area, along the interstate, the Hopi ranches are included in this proposal, as it is in the draft map.

    As the Hopi Nation submitted its letter, the Navajo Nation continues to support the effort to ensure that these lands that have been purchased by the Hopi Nation and also by the Navajo Nation be incorporated into Legislative District 7.

    So we continue to state that position.

    In the area where Holbrook and Joseph City are located, we have worked with the Navajo County in their efforts to redraw their districts.

    The Navajo County, as the chairman has presented to you earlier, the Navajo Nation has diligently worked with the County and their redistricting committee to come up with a plan that both the County and the Navajo Nation find is satisfactory.

    In our work with them, the District 1, in the Navajo County, the southern boundary runs north of the city of Holbrook. The recommendation from the Navajo Nation is to simply follow that southern boundary of District 1 in Navajo County for Legislative District 7.

    So that is the adjustment that we have also made
from the draft District 7 to the December 5th proposal.

We still run the district boundary seven along the path of the Navajo County line to the highway that runs from Show Low to Apache County.

We use that highway and go westward, and go around the city limits of Show Low.

And then this is where we also make the adjustment today.

Our recommendation is to pick up the city limits of Linden to be incorporated into Legislative District 7.

The remainder of the district boundary around the White Mountain and the San Carlos Apache Nations and their lands remain the same.

Our proposal also is, from the December 5th, to remove the entirety of Greenlee County from Legislative District 7.

We certainly would like to have an opportunity to resuscitate some of these areas that have been commented on earlier today. However, as we have indicated time and time again, that we are very concerned about the Native American voting age population.

That is the factor that, for Navajo Nation, that directs how the mapping should be done. Secondarily, third, fourth, and fifth, areas of concerns, compactness,
contiguity, communities of interests, competitiveness, those are also factors that Navajo Nation hopes to take into consideration.

So with that presentation, I think the Navajo Nation has made ample efforts to work not only with this Commission, but also comments and recommendations that have been offered to this honorable Commission by members of the public, by members -- dignitaries from various agencies, the counties, the cities, to, to seek a plan that they feel -- that they would feel comfortable with.

We've made that effort to the state.

So with that, I stand for questions, Madam Chair.

CHAIRPERSON MATHIS: Thank you very much.

Any questions for Mr. Gorman?

COMMISSIONER McNULTY: Do you have a block equivalency file of this map that we could give to Mr. Desmond?

LEONARD GORMAN: Madam Chair, Commissioner McNulty, yes, we can forward the -- either the equivalency or the shapefiles to your mapping consultant.

COMMISSIONER McNULTY: Okay.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Were you finished, Ms. McNulty?
COMMISSIONER McNULTY: I was going to ask if you had done the same kind of analysis on this map that, that we've done, but if you can give the file to Mr. Desmond, we can do that.

Thank you.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Mr. Gorman, this map that we just went over is different from the one we went over on the 5th of December; correct? Slight modifications?

LEONARD GORMAN: Madam Chair, members of the Commission, Commissioner Herrera, as I pointed out, there's only two differences from the December 5th map that we submitted to the one that's dated December 9th.

The areas that are different is in the South Rim of the Grand Canyon. That is the voting district of the population a little over 2,000 that would be extracted out of District 7.

In its place the community, the city limits of Linden would be added to District 7 that is west of Show Low.

VICE-CHAIR HERRERA: The reason I ask is that it was at yesterday's meeting one of the commissioners proposed to increase the voting age population for Navajo Nation in District 7, to go into -- to start going into Flagstaff and take population there. And I don't see you doing that on
this map.

So, is it safe to assume that you're not in favor of that?

LEONARD GORMAN: Madam Chair, members of the Commission, Commissioner Herrera, we will make the comment when that issue comes on the table for litigation.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Any other questions for Mr. Gorman?

(No oral response.)

LEONARD GORMAN: Thank you.

CHAIRPERSON MATHIS: Thank you very much. That was my last request to speak form -- oops, maybe not.

Oh, okay.

I think Mr. Leach would like to speak. He spoke a little bit earlier, from Greenlee -- oh, this Mr. Leach, I'm sorry, a different person.

VINCE LEACH: Madam Chair, Leach, L-E-A-C-H, Vince.

Is there going to be a discussion presentation on -- as confusing maybe to, obviously with all you dealing with the maps, also members of the public. I live in -- currently in LD 26.

Is the discussion that's forthcoming on the
current LD 26 or the LD 26 that is now proposed by the Commission?

Because I want to speak to where I currently live. So that's where I want to address my remarks, so that's the reason, please, please, if you -- if I may have you straighten me out.

CHAIRPERSON MATHIS: Sure. No problem.

We -- right now we're -- we've been focusing as a Commission on making adjustments to voting rights districts so that we can all agree upon different things to propose for further analysis from our racially polarized voting expert, who's doing some work on these maps from a voting rights' perspective.

We are though taking comment on just other districts as well.

We won't be necessarily presenting anything on the LD 26 area. We can certainly pull it up though on the map --

VINCE LEACH: My specific question, if I may, Madam Chair, is, does LD 26 refer to the current LD 26 or to the LD 26 -- I see Mr. Herrera shaking his head no. It would, it would be to your new LD 26.

CHAIRPERSON MATHIS: Correct.

VINCE LEACH: Then with the chair's permission, I would like to say a few comments now.
CHAIRPERSON MATHIS: Sure.

VINCE LEACH: Madam Chair, members of the Commission, and those that I have had the privilege of meeting in prior meetings, it's good to be here in Phoenix.

Let me go back, if I may, a few meetings ago where I addressed the Commission in Casa Grande and we talked about communities of interest.

Living in Saddlebrooke at that time, there was some discussion about moving us completely north into Casa Grande and possibly Phoenix. And I am pleased that the Commission so far has seen fit to keep us, at least Saddlebrooke and Oro Valley, together as a community of interest.

My concern is thus that what I see from LD 8 from the map that was approved in, in October, to what I'm seeing is proposed now for the Saddlebrooke, Oro Valley area, is a complete breakage of that group.

While Oro Valley and Saddlebrooke still remain together, you now have put us potentially in with Maricopa and dragging us further north basically into the Phoenix metro market.

We argued -- those of us in Saddlebrooke have argued that vehemently at the county level, as the county level has done the same thing in taking our district and making it basically a dogleg out of it and making it very
much non-community of interest.

In south Tucson, I spoke with the Commission about the competitiveness of where we stand.

I haven't seen any numbers on the new proposed change on LD 8, but it is foreign to me how you can take the Saddlebrooke, Oro Valley area, which is primarily of the R nature, and combine it with Maricopa, which is of the R nature, the Republican nature, and make that so Republican that it would seem to me that those that have -- carry a D behind their name certainly would be disenfranchised in that area.

And my word to the Commission would be I have heard competitiveness, competitiveness, competitiveness since this has started. And I'm having problems understanding how you can pack an area, such as the proposal would indicate, and make it highly Republican, and, in fact, putting two sitting senators of the R nature together, and call that being more competitive.

I'm sure that there will be some definition from that as we, as we go forward.

Moving on to a Phoenix meeting where we had all kinds of problems getting everybody hooked up on the computer and the telephones and one thing or the other, and Mr. Freeman chaired that along with Mr. Herrera trying to get everybody connected.
I talked the three-minute length we were given in that meeting about what seemingly the Commission is trying to do with working with mathematical numbers.

We had a very long, very interesting presentation by ST.

You remarked that they -- and you went through the types of maps, the circular maps, and how the perfect district would be set up.

And my, my point at that meeting and my argument at that meeting is it seems as though the Commission, and certainly the mathematicians on the Commission, seem to want to reduce everything down to a mathematical equation.

We have to remember that the situation coming out of Washington, the situation coming out of Phoenix, and certainly the situation in my home county where we're looking at being $60 million in debt, in debt beyond the rainy day fund, it would seem to me that you can play with mathematical equations all the day long, but the fact of the matter is if you don't have good governance, the fact is those people will be thrown out.

I don't care if they're D's, if they're R's, or if they're I's or if they're PNBs.

And so, you know, we can balance this on mathematical and we can take it to DOJ all we want, but the fact is I would think that the Commission wants to be very,
very careful, you know, in looking forward and saying this is how we're going to do it ten years out.

You've heard that from me before.

But you're taking information, for example, a miner -- the department of mine inspections in 2010 and trying to equate that out to something in 2020, is, is beyond, certainly beyond the scope of what this mind can handle.

My message, my request today is that you leave LD 8 as it was proposed in October, and not make it -- the bottom of Saddlebrooke and Oro Valley the bottom part of a windshield wiper, where we were basically included in over to San Manuel, up through Winkleman, Hayden, and the copper corridor, and take us away from the Maricopa.

I do thank you for the extended time today. And with that, if anyone has any questions, I'd be pleased to answer them.

CHAIRPERSON MATHIS: Thank you.

Any questions?

(No oral response.)

CHAIRPERSON MATHIS: Thank you.

VINCE LEACH: Okay.

CHAIRPERSON MATHIS: Okay. Thank you.

Did the other two folks that opted to decline want to speak now by chance, Richard Brinkley and Carole
Klopatek?

Okay. Richard Brinkley, representing self, from Pinal County.

RICHARD BRINKLEY: My name is Richard Brinkley. I'm from southern Pinal County.

I am a bit perplexed.

The Commission has called for public comment on proposed changes to LD 8 and 11.

In fact, I saw a map on that this morning.

Yet the Commission as failed to provide the public with the detailed data supporting the changes, and now I'm asked to respond before the changes are even made public in this hearing.

As a result, the proposed map changes for LD 8 and 11 failed to pass the proverbial sniff test for the following reasons.

Casa Grande is split.

Where is the community of interest criteria.

Where are the backup data supporting the split.

The absence of voter spread numbers speaks volumes regarding the lack of transparency of this process.

Where are the backup data.

The criteria of compactness has been ignored.

Where is the rationale for abandoning compactness criteria.
Hyperpacking of either party within a legislative district is not competitive. On the contrary, it's anti-competitive.

I would hate to see this Commission endorse anti-competitive criteria.

As a result, I respectfully urge the Commission to keep the proposed maps of October, 2011, for LD 8 and 11.

Thank you. And I'll answer any questions you may have.

CHAIRPERSON MATHIS: Thank you.

Any questions?

(No oral response.)

CHAIRPERSON MATHIS: Thank you.

And, Carole Klopatek, do you --

CAROLE KLOPATEK: I'll wait.

CHAIRPERSON MATHIS: Okay.

We'll have another public comment at the end of the day, which is normally when we do do public comment, but today we just thought it would be helpful given all this talk about LD 7 and any proposed changes.

So thank you for everyone one who did provide input on that. And we really did prior your help.

The time is 11:09.

Do we want to take a quick break at all?

Okay. Just a five-minute break, and we'll be back
shortly.

The time is 11:09.

(Brief recess taken.)

CHAIRPERSON MATHIS: Okay. We'll enter back into public session.

The time is 11:36 a.m.

And the public comment I received is very helpful. I think Mr. Desmond is working on pulling up the shapefile that Mr. Gorman submitted, with the new Navajo Nation adjustments for LD 7.

How far would you say we are from that, Mr. Desmond?

WILLIE DESMOND: I have the file and can show you the outline.

The issue right now is that I haven't been able to load it as a plan yet to totally analyze the effects on the other districts.

So I would say maybe five more minutes until I have it.

CHAIRPERSON MATHIS: Okay.

WILLIE DESMOND: And then I can hand it off to Ken, and he can be cranking away on that.

CHAIRPERSON MATHIS: Okay. Thanks.

Do commissioners have any thoughts on what we just heard during public comment?
VICE-CHAIR FREEMAN: Just a question.
Have we been posting on the website the proposed
changes, including the proposed changes by the
Navajo Nation?

BUCK FORST: Everything is current through today.
VICE-CHAIR FREEMAN: You posted today's
December 9th version from Mr. Gorman.
BUCK FORST: Yes, it's on there now.

CHAIRPERSON MATHIS: And that goes for all the
other changes that they've been working on? They're
updated? Good.
BUCK FORST: Yes. They're sorted by date.
CHAIRPERSON MATHIS: Okay.

Ms. McNulty?

COMMISSIONER McNULTY: I think that means that the
LD L 11 change is posted.

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: Thank you.

WILLIE DESMOND: I can show you how those are, but
there's four types of files for each one of the changes.
There's a block equivalency report so that if you have
mapping software and want to load it on your own computer
you can do that.

There is a JPEG, that is kind of a picture of the
map, just so you can kind of roughly see where the change
There's the Google maps, KMZ file, so that if you want to load the change and compare it to the draft district, you can look at it in Google maps.

And then there is the PDF, which is the same exact change report that you guys receive when we present a new change.

And those are available for each one of the ones that have been discussed on the website.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: There isn't any question about a comment, but I do have a question about some of the proposed changes that we were talking about yesterday with the majority-minority districts and ways to improve them. When are we going to be able to hear presentation on how those will look?

CHAIRPERSON MATHIS: I believe that the ones that we talked about yesterday we agreed would be proposed for further analysis.

And so are you asking when will we get that further analysis?

My understanding is it could take at least two weeks, so I don't know.

I'll ask.
WILLIE DESMOND: And I should also mention the changes that were submitted for analysis yesterday led us to having a new working map, so a new baseline that we're working off of.

If you go to the maps page on the website, there is a section on the top that says working maps. So what that is, is it's the draft maps with those changes that we submitted for analysis.

And those are available as a -- it's a block equivalency file, as a shapefile, as a Maptitude map file. And there's also a short Word document that lays out what the starting point was and what changes were made to it to get to that working map.

But Ken will talk more about Dr. King's analysis.

KENNETH STRASMA: I was just going to confirm what, what Chairwoman Mathis said. That it will be a week or two probably.

I expect Monday to have a better sense of the time line on the changes that we've submitted today and yesterday.

CHAIRPERSON MATHIS: Thank you.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: This is for Mr. Strasma.

What can we do -- is there anything -- actually is
there anything we can do on our part to make that a one week
as opposed to two week?

So is there anything we can do at our end to limit
that to one week?

KENNETH STRASMA: I don't believe there's anything
that you as commissioners can do to speed Dr. King's
process.

The one thing that will help is to the extent that
we can get any changes that we're contemplating to voting
rights districts nailed down today, that gets us, you know,
two more days over the weekend for processing that we --
discussed on Monday, so I would encourage you to do whatever
possible to come to a tentative at least conclusion on
voting rights districts today.

VICE-CHAIR HERRERA: Thank you.

COMMISSIONER McNULTY: Madam Chair, Mr. Strasma,
I'm looking at what we did yesterday.

It looks like we need to talk about LD 26, LD 7,
which we just spoke about, and LD 2 today.

Is that right?

KENNETH STRASMA: Yes. We do have a minor change
for LD 26 prepared.

And I believe we're close, close on that, and the
Commission will probably be -- and, and also there is some
more discussion on the LD 2 change.
COMMISSIONER McNULTY: Okay. So we'll get to both of those things.

WILLIE DESMOND: I do have the Navajo Nation Human Rights Commission map loaded now.

I'm running it on my computer, and Ken is going to do so also.

So we'll keep track of where that is as soon as the change report is ready.

Once the change report is ready, I won't be able to print copies for you obviously, but we can discuss some of those changes right now.

Before we do that though, I can show you, you know, just emphasize some of the changes that the Navajo Nation submitted.

One thing I'd like to note is that it's a slightly different area of the Schultz fire/flood area, so it's not to go into the Espil Ranch at all.

Also, and I don't know if this was mentioned, this proposed District 7 does have Greenlee County removed.

So Greenlee County would then go with district -- District 1.

We're considering the changes to Cochise and Green Valley. We're going to need to pay attention to that.

I believe that change left District 1 slightly higher. So that District 1 then become overpopulated by about
3300 people.

Adding Greenlee County into that also would add another 9 or 10,000 people. So it would be a pretty high population deviation.

Just one thing to keep in mind is that these changes where they do overlap sometimes can have unintended consequences with higher population deviations than we necessarily thought looking at the changes depending on one item or another.

CHAIRPERSON MATHIS: Can you just point to the areas of change on the map, Mr. Desmond? Just for visual purposes.

WILLIE DESMOND: Sure.

So, starting with changes to the -- there's one change I did not get, so I have to add that in also.

The change would be to remove this area of Mohave County.

Additionally there are some changes here in Coconino County.

I don't believe there's -- they're in any census place. Maybe a little portion here in Parks.

A little section of Parks there is added into District 6.

So District 6 goes a little bit there.

Also District 6 goes here at the Schultz flood
area.

Additionally District 6 takes in Sun Valley -- or District 7, I mean. District 7 takes in Sun Valley.

And also takes in Show Low and Linden, Arizona. And then also the border changes here slightly, also taking in some of this unincorporated area.

CHAIRPERSON MATHIS: And now Greenlee County is completely out of seven? Or not.

WILLIE DESMOND: Yes, also Greenlee is. I'll just come up with that.

So Greenlee County goes from District 7 into District 1.

If you would just give me one second, I'm going to work this plan so Ken can run the numbers on it.

CHAIRPERSON MATHIS: Chairman Lunt left too early. He'll be happy with that change, if that's what the Commission decides.

(Brief pause.)

WILLIE DESMOND: Any other questions I can answer without using my computer?

COMMISSIONER McNULTY: I think we need the change report in order to make any real progress on this.

There is a business center here too where we could -- if we could load it into the computer, we could print out the change report.
CHAIRPERSON MATHIS: Mr. Bladine, maybe, or Ms. Gomez can help us with that in terms of getting the change report printed on this, so that we can look at it for today.

WILLIE DESMOND: It will be about five, ten minutes before the change report is ready. And then we'll have Ms. Gomez, Mr. Bladine, go find a place to print it, I guess, quickly.

In the meantime, is there other questions I can answer about this change, or should we just kind of table this for a moment while we wait for that to finish running?

CHAIRPERSON MATHIS: I'll ask Mr. Adelson and Mr. Strasma. Is there any comments you wanted to make now or would you rather wait until we have the map?

KENNETH STRASMA: No. Nothing from me until we're able to see the data and change report.

CHAIRPERSON MATHIS: Okay.

BRUCE ADELSON: Madam Chair, certainly when the report is ready we can comment on that and the other comments that are associated with it altogether.

CHAIRPERSON MATHIS: Okay.

Anything from commissioners?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.
VICE-CHAIR FREEMAN: That change, if adopted, wholesale would, I believe, include Show Low and Linden in LD 7, whereas I believe before it was only Pinetop-Lakeside. Can we also look at a map if Show Low, Pinetop-Lakeside being placed in proposed LD 6?

WILLIE DESMOND: Yes, I can look at that. Let me just quickly tell you how many people are in that area.

(Brief pause.)

WILLIE DESMOND: So, in Show Low and Linden are roughly 16,700 people. So adding them into District 6 would work with the rest of these changes, because District 6 is, is underpopulated here. It's 9,912 people underpopulated. So we can also run a change report. That would make District 6 slightly overpopulated but within our comfortable margin.

As soon as this one is finished, I will prepare that also. That's, again, both are going to take a little time. I don't know if you want to take a quick break so we can get these ready, or if we'll just do these in the background while you discuss other matters.

CHAIRPERSON MATHIS: Are there other changes or suggestions that people have?
COMMISSIONER McNULTY: Would we want to hear the public comment that we haven't heard yet?

CHAIRPERSON MATHIS: Sure.

I think there's only one, Carole Klopatek. That would be great.

COMMISSIONER McNULTY: We'll be moving on to LD 26 pretty soon, so that would make sense.

CHAIRPERSON MATHIS: Great.


Madam Commissioner, commissioners, thank you for allowing me to appear again before you.

Fort McDowell has previously provided testimony, written, oral testimony. We've met with the Commission. We've met one on one with individuals. We've met with attorneys. We've met with the staff.

And we want for thank you for allowing us to provide you information based on -- new information that we have to give you today.

We have stated in the past that Fort McDowell in terms of the congressional legislative district, we appreciated being in Congressional District 6 as opposed to being in Congressional District 1, which is a large rural district, because, quite frankly, the Nation doesn't feel
that they are a part of or have a community of interest with Congressional District 1.

We feel that being part of the Phoenix metropolitan and Maricopa County area, that we share boundaries not only with Salt River Pima Maricopa, with other municipalities, with Fountain Hills, with Scottsdale.

We're working partners.

We have jointly formed numerous IGA. We have various mutual aid agreements, development agreements. Our children go to neighboring schools. We've formed strategic economic alliances, tourism bureaus, and joint tourism ventures.

We've jointly resolved transportation issues and received funding for that.

So basically resource allocations.

And so we are basically part of a group in the east valley who very strongly connect in a lot of different ways.

So, as a result of becoming such bonded neighbors, we like this. Basically Fort McDowell, Scottsdale, Fountain Hills, we like this.

So when we discussed our request and asked IRC to realign Fort McDowell in a legislative side to be in District 23, as opposed to District 24, we gave all of those reasons as we did for the congressional district.
Now, when the Nation proposed changes to the map, we were talking about the total population for Fort McDowell of 971 people, moving them from Legislative 24 to Legislative District 23, of which only 614 people are of voting age.

Now, if you look at it from a standpoint of what this equates to, it's about 23 percent of the total population would move from Legislative District 24 to Legislative District 23.

Now, rough analysis based on the draft map shows that LD 24's deviation from the target district population would decrease from .3 to minus 2.5, while LD 24 would go from .2 to minus .2.

And that's without tweaking the map.

The Hispanic voting age population would decrease by only 85 people -- or, excuse me, 86 people, or .165 percent.

Moreover, although we haven't calculated this, since the current alignment of Legislative District 24 is currently overpopulated by 517 people, this would help to alleviate or even out the population in Legislative District 24.

In our opinion, this move would not impact the ability to elect.

Now, although this change in our opinion has
now -- we feel we have negligible effect on both districts
requiring no further changes or at maximum requiring a very
minor tweak that can be easily accomplished, we had heard on
December 5th and then we had also heard on December 7th at
the IRC business meetings that it may -- may not be
something that this Commission is in support of the Nation's
request.

Now, from what we understand is that there haven't
been any tweaks to the map, the draft map, and with the
mapping consultant. And that's meaning moving any certain
populations or tracts or data analysis or change reports
that have been done in order to accommodate our request.

Now, last month, as I said, you know, we had, we
had met before, and there were comments that were made to us
saying, no, this change is, is so minor, we really can't see
this is really going to have much of an effect.

And so we were under the impression that this was
going to be fine.

Now, the only rationale that we heard why we may
be denied this, within our population may have the ability
to enhance Legislative District 24 as a majority-minority
district.

Now, we understand this concern.

However, what was also stated in the IRC meetings,
business meetings, is that absolute population numbers are
not the only governing criteria, standard, or legal
threshold to construct districts that can commonly uphold
the Voting Rights Act.

Now, from our point of view, in not accommodating
or finding a means to accommodate the Nation, the current
alignment places the burden of this district squarely on the
shoulders of an entire sovereign nation.

Now, if you indulge me for a moment, I would like
to read something that the president would like me to go
ahead and read into the record.

And I want to read it exactly the way he had
phrased it.

That we would like to share with IRC Fort McDowell
Yavapai Nation's deep seated appreciation, commitment, and
knowledge of the Voting Rights Act and what voting means to
the people of the Nation.

As you are aware, Native Americans were denied a
legal right to vote for a very, very long time.

In the 1940s Mr. Frank Harrison, a gentleman and a
veteran of Fort McDowell Yavapai Nation, was denied the
right to vote after he came back from serving his country
from World War I -- excuse me, World War II.

Why, because, quote unquote, he was Indian.

In the meantime, we observed that more Yavapai
elders were in need of assistance following the war.
Despite having paid their fair share of taxes through their payroll deductions, they were repeatedly denied services from the federal or services from the state or federal benefits that were so desperately needed.

Essentially the Yavapai people were paying taxes but denied representation.

In order to combat these injustices, on November 8th, 1947, Mr. Harrison joined by then chairman -- Yavapai Chairman Mr. Harry Austin who walked all the way from Fort McDowell Yavapai Nation from the reservation to Maricopa County Recorder's Office to register to vote, where they were summarily denied any type of voter registration.

The suit was filed, and eventually the Arizona Supreme Court unanimously allowed them their constitutional right to vote.

This decision led the way for all Native Americans across the U.S. to enjoy the most basic and fundamental right of American citizens. The right to vote.

Thus we are well aware of what it means to protect the rights of everyone.

The Nation requests this move from LD 24 to LD 23 as we provided the information to support our findings and recommendations. We truly feel not only allowing for analysis or accommodating this very minor change will
disenfranchise an entire sovereign nation.

It feels as if you're basically slighting the voters in a sovereign nation, basically how Fort McDowell feels.

And they fought so hard for these rights to vote, and yet nobody's listening.

Now, instead we see efforts being put on minority coalitions or other individuals, and work is being performed and requisite analysis, change reports, they're all being done.

But nobody is looking at what Fort McDowell has presented.

Now, from president, again, I want to quote him.

I am a tribal elder and I am an elected official that's been serving for over 44 years at the pleasure of the citizens of the small but proud community of Fort McDowell Yavapai Nation. I can attest that I along with my fellow council members understand the needs, the desires of our people.

While the Nation is deeply sad and frustration -- frustrated by this, we sincerely trust you will provide a means to accomplish our request and perform the analysis you have performed and made accommodations for others.

We greatly appreciate it.

Thank you. That was the comment.
And I just need to add is that when we were looking at our tribal council and we were looking at the number of years that our current tribal council has over 200 years of elected experience.

People come in their door every single day. They don't just have once a month meetings. They don't have just once a week.

They are dealing with their individuals every day. So they know what their people want.

So that's basically what I had to say today. And if you have any questions, I'll be happy to answer.

And I will go ahead, and there's the actual signed report is being sent over, the original copy, to the chairwoman and any additional information I can go ahead and provide. Any questions?

CHAIRPERSON MATHIS: Thank you.

Any questions?

COMMISSIONER McNULTY: I do have one question, Madam Chair.

Ms. Klopatek, you're here on behalf of the Fort McDowell Nation.

I understand from that that the Salt River tribe is satisfied to stay in District 24. Is that correct?

CAROLE KLOPATEK: Yes. And we have had multiple,
multiple, multiple meetings in terms of, you know, where --
in making sure the congressional district, legislative
district, and we've met with the three urban tribes, and met
with Gila River, and we are all comfortable and we all agree
in all of the principles which we put forth today.

COMMISSIONER McNULTY: Thank you.

CAROLE KLOPATEK: Anything else?

CHAIRPERSON MATHIS: Any other questions?

(No oral response.)

CAROLE KLOPATEK: Thank you very much.

CHAIRPERSON MATHIS: Okay. Thank you.

Is there anyone else from the public who wanted to
address us?

(No oral response.)

CHAIRPERSON MATHIS: Okay. We'll check in with
Mr. Desmond and see how things are coming.

WILLIE DESMOND: Ms. Gomez has the change report
to the map that the Navajo Nation submitted today to print.

Commissioner Freeman, I looked at making Show Low
and Lakeside -- or, I'm sorry, Linden in District 6. And
while District 6 can take that population and only have a
deviation of positive 6500 people, that does affect
District 7 to a very large amount that I just didn't, didn't
see at first.

So that District 7 would then be underpopulated by
26,501 people, a deviation of negative 12.44 percent.

So for Show Low and Linden to stay in District 6 with this change, District 7 would need to makeup population somewhere.

One possible place to do it is again to pick up Greenlee. That would add -- I can show you this on the screen.

So with Show Low, Linden in District 6, District 7 is underpopulated by 26,501 people.

District 7 picks up that -- some population.

In Greenlee, that would add 8,437 people.

District 7 would still be underpopulated by 18,064, a deviation of negative 8.48 percent.

So it's likely that they would have to make up a little bit more population somewhere else.

So --

VICE-CHAIR FREEMAN: And then, Mr. Desmond, if Show Low, Pinetop-Lakeside remain split, what was the population deficit for LD 7?

WILLIE DESMOND: Well, right here, as we -- as it is right now, it is remained split if you add Pinetop also into District 6, so that those areas stay together. But in the non majority-minority district, District 7 then is underpopulated by 36,000 people.

So --
VICE-CHAIR FREEMAN: Okay.
WILLIE DESMOND: So, if we're going to --
VICE-CHAIR FREEMAN: We're not communicating.
If Pinetop-Lakeside stays in LD 7 and Show Low stays in LD 6.
WILLIE DESMOND: That's, that's this scenario here, underpopulated by 26,000.
VICE-CHAIR FREEMAN: What's the percent?
WILLIE DESMOND: 12.44 percent underpopulated.
When you add Greenlee back in, that drops to 8.48 percent underpopulated.
VICE-CHAIR FREEMAN: Okay. And that's also accepting all the other changes.
WILLIE DESMOND: All the other changes, yeah.
VICE-CHAIR FREEMAN: Okay.
WILLIE DESMOND: So, and then, you know, obviously the current map doesn't have a deviation in District 6 or District 7 that high.
And I was printing it, but I can show you some of the change report if that's helpful, or we can just wait for it to be printed.
CHAIRPERSON MATHIS: No, go ahead.
WILLIE DESMOND: Okay. So the districts that are affected with this map that was submitted by the Navajo Nation are one, five, six, and seven.
District 1 goes from a population deviation of negative 2.4 percent to a population deviation of positive 1.5 percent.

It's not a voting rights district.

We can look at what effects that would have on its splits of competitiveness in a second.

But as far as the other categories, those probably aren't very applicable.

District 5, again this is taking in the Arizona strip portion of Mohave County, goes from 4500 people underpopulated, or 2.1 percent, to overpopulated by about 6,000 people, or 2.8 percent.

Again, not a voting rights district.

District 6, in this scenario, loses 11,674 people.

So District 6 goes from a population deviation of positive .8 percent to a population deviation of negative 5.5 -- or negative 4.7 percent.

So it's underpopulated by 9,912 people.

District 7, the voting rights district, goes from a population of -- deviation of negative 1.3 percent to a population deviation of negative 4.7 percent.

It is a voting rights district. So the population deviation is a little less troubling there, if we could justify it.

The Native American percentage goes from 63.7 up
to 65.9.

The voting age Native American percentage goes from 61.9 up to 63.1.

The total minority voting age goes from 71.9 up to 70 -- down to 71.3.

So the district did become less Hispanic, but it became more Native American.

As far as the ability to elect indicators that we have here, it was fairly strong on all of those before, and it -- although it lost a little bit, it remained very strong. But it did --

CHAIRPERSON MATHIS:  Go ahead.

KENNETH STRASMA:  Although the ability to elect races that are programmed in here are primarily focused on candidate of choice for Hispanic districts.

In another race that we wanted to look at specifically for this district was secretary of state 2010, where their Democratic candidate was very clearly the candidate of choice for the Navajo Nation community. Getting more than, I believe, 88 percent in, 90 percent in Native American precincts.

Under the old Legislative District 2, that candidate received 78.7 percent of the vote.

Old Legislative District 2 was underpopulated, had to grow, so it's not possible to maintain that level under
the draft map.

That vote was 68.4 percent. And under this version two that we got today, it goes down slightly to 66.9 percent.

So it's still a very strong ability to elect, although down slightly.

CHAIRPERSON MATHIS: Can you scroll up to one?

WILLIE DESMOND: Yes.

CHAIRPERSON MATHIS: And that's due to the change of Greenlee County and 8400 people; right?

WILLIE DESMOND: Correct.

So basically the changes to Legislative District 1 and Legislative District 5 are Legislative District 1 picked up a population of Greenlee County, Legislative District 5 picked up the population of the Arizona strip.

They did not lose anything in this change. It's just adding more, adding more in.

You can also -- I can show you the splits quickly. So there was a few more split census tracts, block groups, reservations, and tribal subdivisions with this change.

If you would like to look at the competitiveness also, you can see that District 1 became slightly less Republican, although it's probably a fairly non-competitive
District 5 became slightly more Republican, but, again, probably not more competitive.

District 6 became about a point to 1.3 percent more Democratic, making it slightly more competitive.

Using index two, District 6 has a Republican percentage of 54.1 after this change and a Democratic percentage of 45.9. That's a little bit closer to 50/50 from 55.4 Republican, 44.6 Democrat.

And then District 7 becomes about a point to a point and a half less Democratic.

Again, that's probably not a change you necessarily like to see, but as Ken mentioned, it's still very safe in the ability to elect.

And then for the last chart showing where the populations come from. I'm not sure what this all looked like before.

Once you have the printed out copy, you can study those for yourself.

Are there other questions about the change report, or should we go back to the map?

We also haven't fully explored ways, I guess, for Commissioner Freeman to add more population into District 7, so that the -- so that Show Low and Pinetop -- or that Show Low and Linden can remain in District 6 with this
CHAIRPERSON MATHIS: Any comments or questions on this change report?

COMMISSIONER McNULTY: Madam Chair, it looks like the population -- the addition of population to CD 1 is actually a good thing -- not CD 1, LD 1.

WILLIE DESMOND: It is a good thing, based off of the deviation from the draft map.

However, if you -- when we discuss keeping Cochise County whole and adding Green Valley in, that will, that will add more population to that legislative district also, which might take you too high.

COMMISSIONER McNULTY: Okay. Thank you.

CHAIRPERSON MATHIS: Any other comments, questions? Do we want to talk about the voting rights part of it?

BRUCE ADELSON: Madam Chair, yes, with looking at the change reports that are on the screen, let's look at some of the metrics.

Willie, could you please scroll down to District 7.

Let's look at some of the significant figures and comparing them with the benchmark.

The total minority population in the proposal that's on the screen is higher than the benchmark.
The minority VAP is higher than the benchmark.

The -- I don't have figures for -- Ken, do you have the figures under the benchmark for the Native American total population and VAP, please?

KENNETH STRASMA: Okay. Just a moment.

BRUCE ADELSON: So those figures are higher.

I think -- let's talk, if we could, about the municipalities.

With -- Willie, in this, the proposals that's on the screen, this keeps Winslow in draft LD 7?

WILLIE DESMOND: Correct.

BRUCE ADELSON: I think that, you know, like we were talking about before with comparing the two populations as far as the racial percentages in each, there's an additional consideration is one of the reasons in talking about many of the things that have come up is that the Navajo Nation has lost population over the last decade.

With Winslow -- keeping Winslow in the district, respectfully I would suggest, is beneficial over the next decade because that potentially insulates the Commission and the state from retrogression by effect claims. In other words, accidental retrogression.

So if the other, the other metrics are better than the benchmark or at least the same, the fact that the electoral performance declines marginally is not something
that in this configuration concerns me as much as previously, primarily because of by keeping Winslow that is an additional safeguard to population lost over the next decade.

What's also significant is that with this proposal by the Navajo Nation, while proposals by Indian nations and minority organizations are not necessarily dispositive to the Department of Justice, because sometimes they can be retrogressive themselves, if a recommendation from a minority group or Indian nation is -- which they endorse is not retrogressive, then respectfully I would suggest that that be given consideration.

The department would also look at that favorably in the sense that if you just look at the electoral performance, one of the things that the department would do, if the electoral performance declines marginally as it does on the screen, the department would also view the fact that this has been submitted by the Navajo Nation.

The department would call the Nation and discuss the changes. Presumably the Nation endorsed the changes and said that they would support them, then the department would conduct an analysis to confirm. And then if the department determines there's no retrogression, then would proceed.

So my sense is that this appears to be
non-retrogressive. And retaining Winslow in the district, my belief is significant. So that it does appear to me that this change being endorsed by the Nation is -- does not raise any issues that the department would have under Section 5.

So respectfully I would say that -- and I want to get the benchmark numbers from Ken. But this, this does appear to be a change that is salutary and would not be problematic under Section 5.

Ken, do you have the numbers?

KENNETH STRASMA: Yes, I do. It does appear to improve the benchmark from -- in the benchmark district, the total Native American population is 58.9 percent of total population.

And a voting age population, 62.9.

The voting age population goes up to 63.1 in this proposal, and the total population Native American up to 65.9.

BRUCE ADELSON: Yes, Madam Chair, I think that that just confirms the other benchmark numbers, so that if the -- if a specific district has the metrics that either meets or exceeds the benchmark, that is extremely beneficial and is looked favorably upon by the Department of Justice.

CHAIRPERSON MATHIS: Thank you.
Any comments from Mr. Strasma?

KENNETH STRASMA: I believe this change looks good.

CHAIRPERSON MATHIS: Thank you.

Any comments from commissioners?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Perhaps not directly on topic, but I was noticing U.S. Census Bureau just released the new American community survey data. Is that being used and employed by us? Is that being incorporated into our data set?

KENNETH STRASMA: No, that's not incorporated in these numbers.

VICE-CHAIR FREEMAN: Is that something that we're going to need to do to incorporate before we make any final submission?

KENNETH STRASMA: I do not believe so.

The most recent ACS data we've had is from the '07 through '09 rolling of American community survey data. The ACS is released on a rolling basis, and so there will always be new data, not all of which will be included in our submission.

If there is anything new, different, or noteworthy, that would be something we would want to take
into account.

And I would defer to Mr. Adelson if there is anything specific that DOJ would add in that regard.

BRUCE ADELSON: Madam Chair, Commission Freeman, on that, that point, the ACS data, I agree. It says released on a rolling basis.

Some of the data can be relevant. Some of the data might not be.

If there is particular data as ACS continues to roll out information that's relevant to the submission, certainly that would be something to consider.

One of the things that the ACS does that is not necessarily in the regular sense is that it might relate to, for example, language proficiency, which wouldn't necessarily be determinative with what we're doing.

But I certainly agree with Mr. Strasma, that if information is disclosed by ACS over the next period of time until the submission is made, we can certainly determine if any of that data would be relevant for this submission.

CHAIRPERSON MATHIS: Other comments from other commissioners?

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Hello.
I like that Greenlee and Graham Counties would be combined in Legislative District 1. I think that's a very positive step.

I know we can't do everything. This is a balancing act, but that would be another advantage of this proposal.

I think that someone sent us last night the testimony of Mr. Titla from the San Carlos Apache Nation and also his reference to Mr. Lupe's desire that Show Low remain in the district with the native -- in the Native American district, so I think this would satisfy that request.

And looking at the competitiveness number, which is important to me, I see that it's the same as in what I had proposed. It's still a Republican district, but it's closer than it might have been. And I appreciate that, that that has been taken into consideration in the proposal also.

CHAIRPERSON MATHIS: Yes. Thanks to Mr. Herder, we received the excerpt on those comments from December 5th. It was very helpful. Thank you.

And we also have this letter from the Hopi Tribe today, dated December 8th, from Chairman Shingoitewa. And he specifies that the tribe does not want to see Winslow moving into LD 6, so...

And I also agree with the comment on Greenlee.
That seems to make a lot of sense.

And we'll have to see what happens down in the corner once we deal with the tail. But for now, it definitely seems like a positive move in the right direction, so...

So, any other further thoughts on this?

Do you have something?

I see you moving, and I think you're going to talk.

COMMISSIONER McNULTY: I'm must playing with my mic.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER McNULTY: I guess my thought would be to move this forward for further analysis at this point, incorporate this in our, in our map and have it analyzed.

CHAIRPERSON MATHIS: I would agree. We heard both from Mr. Strasma and Mr. Adelson, and it seems like a positive change.

And without objection, I would propose moving this forward for additional analysis as well.

VICE-CHAIR FREEMAN: Madam Chair, I'm all for continuing further analysis at every step of the game, but I just want to make clear I don't agree that those should be the final lines.

I just still want to study it and look at -- I
notice we've got it on the website, so I would still like to continue to look at this area of the state.

CHAIRPERSON MATHIS: Okay.

So we'll go ahead and move forward for additional analysis on this proposed change report.

Anything else from our mapping consultant on this that you need from us?

WILLIE DESMOND: On this, no. Since we did just get it recently, I don't have all the files ready for the website.

I would like to go through and just make sure I followed the line and don't have any unassigned census blocks or non-contiguous areas. I might need to clean it up just ever so slightly.

I doubt that that would affect any population. It would more just be a geographic thing.

Depending on what the schedule is for today, if we have a break for lunch or if we adjourn sometime, I will try to get this stuff done today and post it to the website as soon as possible.

I also think it would be good if we are looking at any other changes, specifically the one that Cochise County, to use this as the baseline, so perhaps rerunning change reports with this as the starting point.

But, again, that will take some time.
So, on this, I will just make sure that what we have is correct, and then we'll use this as the new kind of working map that that will be submitted to Dr. King for analysis.

CHAIRPERSON MATHIS: Okay.

So do we want to move to the next LD change report?

WILLIE DESMOND: Okay.

The other one we did today is the changes to Legislative District 26.

We heard some public testimony about this today. Just to bring everyone back up to speed. What's happened here is that Legislative District 26 has given up some population in the Dobson Ranch area and in Tempe and Mesa.

It's picked up population from District 27 and Guadalupe and slightly in Tempe.

District 27 has picked up population then in the Maricopa County portion of the Gila River reservation. And there has been a population balancing between Districts 17 and 18.

So, again, the green line is the old map.

In this case, if you'll notice on your change report, for the first time at the top when it says, when it says old map, it's the leg working map, December 8th, 2011.
So this map does have those changes that were submitted for analysis yesterday included in them.

So, just a note there. It doesn't really affect anything here.

But the green line was the -- is the working map in this case is the draft map.

You can see there is a change where the population between 17 and 18 is balanced.

The district used to run like this.

I will turn on census places.

In Chandler there, in order to balance population, it's a little bit cleaner I think now. It just goes more north-south.

Guadalupe went into District 26.

The difference between what, what's happening here and what happened yesterday is that -- and, Buck, can I get a laser pointer? Is that possible?

Is this portion that occurs right here is also included in District 18 now.

Are there questions about this? Or -- I believe you all have the change report from today that discusses what happens here.

Significantly District 26 becomes about 2.8 percent higher total minority population.

The Hispanic registration district, 26, goes up by
2.9 percent.

Hispanic citizen voting age population goes up by a point and a half.

The voting age total minority goes up by 2.6 percent.

And then all of the indicators of elections are improved by anywhere from a point to two points.

CHAIRPERSON MATHIS: And that also satisfies the request that we had from the Dobson Ranch folks; right?

WILLIE DESMOND: Yes, it does.

And that was just kind of a happy accident.

CHAIRPERSON MATHIS: We like those.

WILLIE DESMOND: Yeah.

COMMISSIONER McNULTY: Do legal counsel have any comments on Guadalupe in light of the comments this morning?

BRUCE ADELSON: Madam Chair, Commissioner McNulty, yes.

One of the things that's very important to remember, and I think that sometimes it's very difficult for a lot -- for many to really appreciate this. The -- really the only issue for the Department of Justice in Section 5 is retrogression.

Now, there are connections to retrogression.

Packing racial minorities, for example, even though that's a Section 2 issue under the Voting Rights Act, can indicate
the presence of retrogression.

Certainly in redistricting as we see today there are blocks and groups of people that are assigned to certain districts that are necessary for many, many reasons.

So that I certainly can appreciate, because I've been looking at redistricting for 11 years, that moving populations around is not always something that pleases everybody.

From the Department of Justice's perspective, the department looks at retrogression. If there is a move that improves, enhances minority voters' opportunities to elect and reduces any suggestion of retrogression, whether now or in the future, that's something that is quite relevant, very important to the department.

So that in looking at the changes on the change report, I certainly agree that the changes in draft 26 are very positive.

Even though the changes in some part may seem relatively small, I think when you increase total minority population as much as is being done, Hispanic population across the board, Hispanic voting age population, particularly HCVAP, Hispanic citizen voting age population, there's almost a three percent increase in Hispanic registration.

So I think that the changes are very positive.
And I certainly, from a Section 5 perspective, view them as very salutary and beneficial.

And were I still with the department, I would certainly view these changes as, as being positive.

If you look at District 27, by contrast District 27 is a, is a very strong district from what the numbers appear to indicate.

If you look at the electoral performance at the bottom of the page, it's a very strong district as far as performance with the four races that are listed, including an individual candidate. All the metrics are very significant, from the mid 60 percent approval up into the 70s. That's, that's a very powerful district. As shown by the electoral performance indicators.

So my opinion is that the change to 26 is very beneficial and would be looked at favorably by the Department of Justice from a Section 5 point of view.

Thank you.

CHAIRPERSON MATHIS: Thank you, Mr. Adelson.

Any comments, Mr. Strasma?

KENNETH STRASMA: I agree that the changes are beneficial. We spent a fair amount of time debating how -- I try to find a stronger word than necessary. What was the word Mr. Adelson used yesterday?

CHAIRPERSON MATHIS: Essential.
KENNETH STRASMA: Essential.

There was some debate as to whether these changes were necessarily essential, and perhaps -- because I feel a good case could be made that draft 26 as it exists could be precleared. But obviously Mr. Adelson is the expert on that, so perhaps pass the question back to him of does it meet the essential bar.

BRUCE ADELSON: Thank you, Mr. Strasma. I always like being put on the spot like that.

Yes, in -- respectfully in my opinion the changes are essential. That I certainly agree that previously the district had a lot of strengths. The district has more strengths and resolved several questions for me.

So in looking at it from the Justice Department's perspective, the changes appear to be only positive. And to the degree that, as we've been talking about, we can eliminate questions and eliminate -- instead -- let me back up.

Instead of saying eliminate questions, have answers to questions, and resolve questions, more to the benefit of the Commission and the state, because then we won't have to deal with situations down the road as the Commission did nine years ago where the answers may not satisfy the Department of Justice.

CHAIRPERSON MATHIS: Thank you.
COMMISSIONER McNULTY: Madam Chair, I noticed that on the District 27 report, the Hispanic population has actually increased.

And I wonder why that is.

And I also think it's important for the record to note that the Maricopa County portion of the Gila River Indian community has been moved into 27 at the request of that community.

It doesn't wholly satisfy a request that they made to be split up and tied to metro legislative districts, but it does -- it's a compromise, and it does partially satisfy that request, and it was done at their request.

KENNETH STRASMA: Bear with us for a minute, please.

CHAIRPERSON MATHIS: We actually can hear from the White Mountain Apache Tribe right now if that would work for folks while you're looking that up, via phone.

Okay. Great.

It's going to be Mr. Jerry Gloshay, Jr.

(Whereupon, the teleconference connection was made.)

CHAIRPERSON MATHIS: Hello. This is the Arizona Independent Redistricting Commission.

Is this Mr. Gloshay?

JERRY GLOSHAY, JR.: Hi. Yes. It's kind of
muffled. I hope you can hear me. But I got a really
difficult time hearing you.

CHAIRPERSON MATHIS: Okay. We can hear you really
well.

Is this Mr. Gloshay?

JERRY GLOSHAY, JR.: I heard that.

CHAIRPERSON MATHIS: Sorry. Is this Mr. Gloshay?

JERRY GLOSHAY, JR.: Yes, this is Jerry Gloshay.

CHAIRPERSON MATHIS: Great. We appreciate you
calling in. And you're representing the White Mountain
Apache Tribe.

JERRY GLOSHAY, JR.: Yes. I can do my part on
behalf of recall from the last conversation from chairman
officially on Monday on this matter.

CHAIRPERSON MATHIS: Wonderful. Thank you for
dialing in and please feel free to proceed.

And if you wouldn't mind spelling your last name
for our court reporter, we have somebody transcribing.

JERRY GLOSHAY, JR.: Jerry is with a J and it ends
with a Y. Gloshay is G-L-O-S-H-A-Y, junior. Jerry Gloshay,
Jr.

CHAIRPERSON MATHIS: Perfect. Thank you.

Feel free to go ahead and proceed.

JERRY GLOSHAY, JR.: Basically from what I gather
from this morning's conversation on what you were all there
for, Chairman Lupe wanted to say that we wanted to have the Independent Redistricting Commission to completely try to enhance the Native American voting age population vote for District 7.

Not just general population, but voting age population of Native Americans within District 7.

And that, in addition, we are in favor, and you may have our last letter of the Navajo Nation proposal, which would involve the native tribes Hopi, Kaibab, Navajo, White Mountain Apache, and San Carlos.

And I may be missing some other tribes, but I don't have all the tribes in front of me. But we wanted to have that and to include the cities of Pinetop-Lakeside and Show Low.

CHAIRPERSON MATHIS: Okay. Thank you.

Are there any questions for Mr. Gloshay from the Commission?

(No oral response.)

CHAIRPERSON MATHIS: Okay.

JERRY GLOSHAY, JR.: Thank you very much.

CHAIRPERSON MATHIS: We appreciate you dialing in. Thank you.

JERRY GLOSHAY, JR.: Have a great day.

CHAIRPERSON MATHIS: You, too. Thank you.

(Whereupon, the teleconference connection was
terminated.)

CHAIRPERSON MATHIS: Okay. Is there anything -- I think you were looking into a question that Ms. McNulty had regarding HVAP.

WILLIE DESMOND: Yes. And I apologize, the change report you have, for whatever reason, did not have one of the changes that was involved in yesterday's.

The only thing we intended to do differently than what you looked at yesterday was just add that little corner of Dobson Ranch.

For whatever reason, the portion of Gila River that's in Maricopa County was left out of the District 27, so there is an additional affected legislative district, District No. 11. And District 27 is slightly different.

It doesn't affect the way that 26, 17, or 18 would look.

I do have copies of yesterday's change report if you would like to see how -- basically the portion from, from yesterday, that is District 11 and District 27, is correct.

The portion from today's report that is 17, 18, and 26 is correct.

And I'm very sorry about that.

So if anybody needs a copy, I do have a few extra I can share with the commissioners if they don't have from
yesterday.

CHAIRPERSON MATHIS: Any questions on that?

WILLIE DESMOND: Basically you're taking about 3,000 people from the Gila River portion, or the Maricopa portion of Gila River reservation and adding them into District 27.

That was something that they asked for. So, so we're following up on that.

It also helps kind of mitigate the population lost in District 27 by giving up Guadalupe to District 26.

If you look at today's report and you want to study some of the non, I guess, voting rights implications of this change, you can look at the effects to Districts 17 and 18.

They are -- basically what happens is that District 18 takes on a lot of District 26's less than ideal population.

That makes District 18 too large.

So then District 18 shares some of that burden with District 17.

So if you'll notice that District 17 and District 18 now have positive population deviations of 3.6 and 4.2 percent respectively in this change.

Are there questions?

I'm sorry for the confusion.
CHAIRPERSON MATHIS: Just so I have this right, so LD 26, version three, that change report --

WILLIE DESMOND: Yes.

CHAIRPERSON MATHIS: -- should have an additional district in it; is that right? Eleven?

WILLIE DESMOND: It should also reflect some changes to District 11 that are fairly minor. But if you're interested in those changes, you can look at those in yesterday's change report, of which we do have extra copies.

CHAIRPERSON MATHIS: All right.

And those were just handed out in case anybody didn't have theirs.

WILLIE DESMOND: Yeah.

CHAIRPERSON MATHIS: Any other questions on this?

(No oral response.)

CHAIRPERSON MATHIS: Well, given that Mr. Adelson used the word essential, the buzz word, I would now propose we, without objection, move forward to submit this for further analysis, this change report.

(No oral response.)

CHAIRPERSON MATHIS: Hearing none, we'll go ahead and do that.

WILLIE DESMOND: Great.

CHAIRPERSON MATHIS: Does that conclude all of our voting rights enhancements?
KENNETH STRASMA: One more thing, back to the Navajo Nation map that was adopted for further analysis. We do now have the hard copy just so that commissioners have that for their records.

CHAIRPERSON MATHIS: Oh, great. The change report. Good.

COMMISSIONER McNULTY: Madam Chair, I think we submitted LD 24 for analysis yesterday, but given the testimony today from the Fort McDowell Nation, I wonder if we could just discuss the implications of moving that 971 people to LD 23 and get Mr. Adelson's reaction to that.

CHAIRPERSON MATHIS: This would be for LD 24?

COMMISSIONER McNULTY: I believe it would involve moving 971 Native Americans out of LD 24 into LD 23.

I don't want to set a precedent for rescinding a submittal for analysis, but at the same time it's such a small change and it is something that we had discussed yesterday.

BRUCE ADELSON: Madam Chair, Commissioner McNulty, if -- Madam Chair, would you like me to comment on that?

CHAIRPERSON MATHIS: That would be great. And these changes I think are the ones outlined in the November 1st letter from Fort McDowell Yavapai Nation.

BRUCE ADELSON: In looking at what the Nation talked about today as far as the changes, the change in --
with the voting age population of about 600 people, the discussion that the HVAP decreases, and forgive me if I don't have the exact number, by, I believe it was, under 50 people, moving the Nation into 23, and looking at -- well, before I, before I get into that, I mean, District 24 as we've talked about, it is important to enhance the district as far as several of the metrics that we've discussed.

The -- what I would respectfully suggest is given the numbers of people that we heard about today that go to the issue of retrogression and the Section 5 review by the Department of Justice, what I would suggest is looking to see that all these numbers match up, so that if the loss is as small as it is given that it's a Native American population rather than a Hispanic population, and the Hispanic population is the majority minority in the district, that makes it less of an issue potentially for the department.

So what I would respectfully suggest is that we take the new information that's been given today as far as the specific population, have that confirmed. And if, indeed, the numbers are as small as indicated, I would respectfully suggest that this would not be something that the department would view negatively, because the change is potentially quite marginal.
I mean, one of the things that I would think would be very important is that we would have to do the -- make sure under the election performance metrics that they don't really change.

And if, indeed, the removal of the Nation does not change the electoral performance, then I think that this would not be a Section 5 issue for the department, but certainly for the record and for the due diligence of the Commission, as well as to prove to the department that there's no retrogression, either accidental or intentional.

Getting that confirmation is very important. If we do have it, as I said, I would respectfully suggest that this would not be a change that would be viewed problematically by the department.

CHAIRPERSON MATHIS: Thank you.

So given that, Ms. McNulty, are you suggesting that we propose that additional piece to be considered for further analysis?

COMMISSIONER McNULTY: Yes, I would make that suggestion.

VICE-CHAIR FREEMAN: Are we analyzing two scenarios, one with the Fort McDowells in and one without?

COMMISSIONER McNULTY: I would propose only to analyze the scenario which assuming the numbers are confirmed, as Mr. Adelson said, we would be analyzing
District 24 with the Salt River community in District 24, but the Fort McDowell community moved out into District 23.

MR. STRASMA: If I may, for awesome additional information, although it is a very small in terms of population, because it's more than 90 percent minority, Native American, it does decrease the district's overall total minority percent by about half a percent.

That was one of the things that I wanted to flag for Mr. Adelson. I know that's one of the many things that would be looked at.

BRUCE ADELSON: Madam Chair, I appreciate that that is important information. That's why we need to run all the numbers.

If the electoral performance does not really change, then I think that the department would not necessarily look on the .5 decrease as being retrogressive or significant.

If, for example, the electoral performances would, let's say, decrease by a point or two points or three points, that would be significant.

But assuming that that is not the case, and we'll have the analysis to confirm that, the drop in the minority population would likely not be dispositive as far as the department under the Section 5 analysis.

WILLIE DESMOND: Just, just so everyone
understands, this is 971 people.

    Of that, 96.1 percent are minority, either Hispanic, Native American.

    Looking at the 2010 mine inspector's race, there is 128 votes cast. One hundred of them went for the Hispanic candidate. Twenty-eight were cast for the non-Hispanic candidate.

    Removing this would change District 24's total minority percentage. As of yesterday's change, it was at 54.9 percent. Moving this would make it, I believe, around 54.5 percent, 54.4 percent. So it's about half a, half a percentage point of the district from earlier.

    BRUCE ADELSON: Madam Chair, if I could add on to that.

    If you look at the changes that we had discussed yesterday, the -- even if the Nation is removed, the minority population is still higher than the original draft number.

    I would be interested also when looking at the electoral performance to see by contrast the 2010 secretary of state race, as well as the presidential elections, to see how we measure up too, because -- and also turnout. If turnout is relatively low in the Nation, I mean, that would be -- that's an important factor too. Because that might indicate that this would not have a negative effect on the
district as far as Section 5.

WILLIE DESMOND: The secretary of state race tracks just about at the same rate as the mine inspector race.

The mine inspector Democratic candidate received 100 votes. The secretary of state race, the Democratic candidate received 102 votes. The Republican received 28 for mine inspector. Republican received 30 for the secretary of state.

So...

BRUCE ADELSON: Madam Chair, what about the presidential in '08 and '04?

WILLIE DESMOND: Presidential in '08, the Democratic candidate received 151 votes, the Republican received 64 votes, so about 60 percent.

BRUCE ADELSON: In '08?

WILLIE DESMOND: That is '08.

BRUCE ADELSON: What about '04.

WILLIE DESMOND: I do not have '04 loaded right now.

BRUCE ADELSON: I think in -- turnout seems to be relatively low, although the minority candidate of choice is the favored candidate, the numbers of voters apparently is about a hundred. So how that factors into all the numbers, we'll get confirmation, but it certainly appears from what
we're talking about that there are not significant blocks of people and numbers of people that would be potentially retrogressive.

So, as I suggested earlier, once we get all the confirmation of the numbers infused into the change report and see how it looks, if things look as they seemed to indicate now, this, in my opinion, does not appear to be an issue that would be a problem for the Department of Justice in the Section 5 review.

CHAIRPERSON MATHIS: Thank you.

Other comments?

KENNETH STRASMA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Strasma.

KENNETH STRASMA: Following up on Commissioner McNulty's, I believe it was, question on if we would be submitting two maps. Or perhaps it was Commissioner Freeman.

My suggestion, because I would like to avoid that, as I've said all along, avoid having more than one working map. It sounds like Mr. Adelson is relatively comfortable with this change, assuming there are no red flags.

So perhaps what I would suggest if the Commission feels this is a change they want to make, that this be adopted and submitted for analysis.

We will do some of the quicker analysis that
Mr. Adelson was talking about of turnout and other elections. Assuming there are no major red flags raised by that, we would go ahead for the more in-depth analysis and keep -- have this be our -- part of our working map.

If there were any red flags when we discuss the initial numbers with Mr. Adelson this weekend, we would bring that information back to the Commission on Monday.

BRUCE ADELSON: Madam Chair, I certainly agree with that.

And I think for me one of the most central numbers is that the number of voters who have voted for the minority candidate of choice all appears to be around 100.

That number is just going to be too low to have any district-wide impact.

Now, I think that that's also a distinction between this and some of the other things that we've discussed. In the other potential moves and alterations, the numbers were much higher, in the thousands. So when you're talking about, about 100 people, from a turnout perspective, given the size of the district, that's not going to tip the district in any direction.

CHAIRPERSON MATHIS: Thank you.

Well, then without objection, I propose we go ahead and submit this for further analysis, this particular change.
WILLIE DESMOND: Okay.

CHAIRPERSON MATHIS: Okay. I think we're going to lose a commissioner right now at 1:00 p.m.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I apologize. I know I was looking -- when Mr. Desmond earlier talked about lunch, I panicked, and that's why I stepped away to talk to Mr. Bladine, because I was under the understanding our meeting today terminated at 1:00 o'clock. And I wanted to confirm that I wasn't just imagining that. And he did confirm that commissioners had been told that.

And although I was in my office briefly on Monday morning, I have not seen my office since then. And I did in reliance on that end time schedule a few things this afternoon I just cannot get out of, so I apologize. I will have, to the public, I will have to excuse myself.

CHAIRPERSON MATHIS: No problem. Thank you for being here.

And are there any other items that -- any direction to the mapping consultant that you need from the Commission?

I just would like to get that before Mr. Freeman leaves, if there is anything.
KENNETH STRASMA: There was some discussion as the meeting was breaking up yesterday about the Cochise County LD 1 situation.

My summary would be that we did not find any alternatives that seemed to improve the split.

We are looking at narrowing the tail, making the shape seem a little less odd.

With that in mind, you know, perhaps the Commission would want to direct us to submit for further analysis the change keeping Cochise County whole and also with one minor amendment that because of some of the changes today that might affect population, that Mr. Desmond might need to look at some suggestions if the population deviation is wider than would be accepted -- acceptable, and we would come back to you with those on Monday.

CHAIRPERSON MATHIS: Any thoughts from commissioners on that?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: You know, when I look at CD 1, not only is it an odd looking -- it's -- legislative district, but it also has a high Hispanic voting age population. I think my opinion too high.

And I feel like we need to address that issue with that arm appear extends out into Cochise, that, you know,
maybe we can do away with that.

And then I think look at some of Mr. Strasma's recommendations with all the changes we made. We may be able to fix that.

So I think that's something that's worth looking into.

CHAIRPERSON MATHIS: Okay. Any other comments on that?

COMMISSIONER McNULTY: Mr. -- can you tell us what the deviation is right now with the addition of Greenlee County? Just so we can be thinking about how significant an issue it is and thinking over the weekend about how -- whether and how we would want to address it.

WILLIE DESMOND: So, district -- District 1, if you were to keep Cochise County whole, keep everything else about the same, has a positive deviation of 3,330.

If we add in, add in Greenlee County, that deviation would go to 11,776, or 5.52 percent.

COMMISSIONER McNULTY: That's a total.

WILLIE DESMOND: That would be the total.

COMMISSIONER McNULTY: 11,776.

WILLIE DESMOND: 11,776, positive deviation of 5.52 percent.

COMMISSIONER McNULTY: Madam Chair, Mr. Adelson, can we justify the deviations in non majority-minority
districts that result from changes to majority-minority districts? I mean, is that -- I'm not familiar enough with that case law.

I know it's not a Department of Justice issue.

BRUCE ADELSON: Madam Chair, Commissioner McNulty, the -- in deviating from the absolute equivalency, the -- typically courts will look at whether you have a rational basis for doing so.

So a non-rational basis, of course, would just be putting population and dumping them into the district, so to speak, without consideration for all the factors that you have to contract.

So having a deviation in approximately the five percent range, if that is done in part to satisfy the Voting Rights Act, would likely not be considered problematic in a -- by a court.

The -- what's also true, as I said, from the federal perspective, having a deviation anyway around the five percent, around five percent is arguably not problematic.

Even under the Larios v. Cox case, although that court that the 10 percent accepted deviation was probably not acceptable anymore, the court did not pinpoint what would be.

Five percent is something that I typically
I recommend as my benchmark in working with local jurisdictions with redistricting. So ordinarily I think five percent, all things being equal, would be okay.

COMMISSIONER McNULTY: Thank you. So we aren't too far off here.

And I guess I would just like to put on the record that the deviation that Mr. Desmond just described is a result of a change that was made at the request of the Navajo Nation to improve the majority-minority district LD 7.

CHAIRPERSON MATHIS: Any other comments on this?

(No oral response.)

CHAIRPERSON MATHIS: Okay. So we want to go ahead and explore this idea over the weekend, and so you'll come back on Monday and let us know what we might do here.

Is that correct?

KENNETH STRASMA: We could -- I guess I could ask for clarification.

Is this at least LD 2 portion something that we would want to make part of our working map going forward and submit for further analysis this weekend?

CHAIRPERSON MATHIS: The LD 2 piece?

KENNETH STRASMA: Uh-hmm.

CHAIRPERSON MATHIS: Yes --

VICE-CHAIR HERRERA: Madam Chair, I --
CHAIRPERSON MATHIS: -- I would.

VICE-CHAIR HERRERA: I just want to make sure that we're talking about the same thing.

You're talking about the arm that extends into Cochise?

KENNETH STRASMA: Right. So what's outlined in green is the existing draft map. And so under the proposed change, LD 2 would stop at the Cochise County border, and Cochise would be entirely in LD 1.

VICE-CHAIR HERRERA: Sure. And we'll have to see -- and I know -- you know, I have a lot of respect for Mr. Adelson. I know sometimes he can be a little cautious, maybe sometimes hypercautious, if I can use that word. It's a new word now.

But I just don't like the way that looks. It's a -- it's, it really is an ugly district.

And then also, like I said, it does, in my opinion, pack Hispanics into District 2, so -- and affecting other districts surrounding it. So I want to make sure that we look at it extensively and come up with a better solution.

BRUCE ADELSON: Madam Chair, Commissioner Herrera, I take the hypercautious -- I'm going to tell my wife that. See what she has to say.

I think that as we talked about yesterday, I think
it's -- I'm very open to moving forward, and having seen what the analysis shows, and then going on from there.

And certainly in discussing this with Mr. Kanefield, although we have questions about that, let's see how -- what the analysis shows.

And if the analysis resolves the questions, then so be it. Because I think that what, what is, what is very important, I think it's very incumbent upon me to make the point for the record is that we're doing these analyses to not only help the Commission and the state of Arizona satisfy its burden of proof, but also make clear that these issues are not being done to retrogress or discriminate.

That it's very important that the record reflect that, in going forward with analysis, that satisfies that concern.

So I'm certainly with you as far as let's see what the analysis shows and if that can resolve the questions, then so be it.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Okay. Any additional direction we need to provide for the mapping consultant?

(No oral response.)

CHAIRPERSON MATHIS: Okay.

Anything else that commissioners wanted to raise on proposed adjustments to either of the legislative or
congressional maps for the weekend?

    COMMISSIONER McNULTY: Madam Chair, Mr. Strasma, Mr. Desmond, do you have enough to do this weekend?

    WILLIE DESMOND: I do.

    We can probably find something to do.

    COMMISSIONER McNULTY: Okay. I'll withhold any further comment until Monday.

    KENNETH STRASMA: In addition to some of the mapping work we have laid out, there was request for another look at some competitive indexes for outliers, so we'll have that prepared for Monday.

    CHAIRPERSON MATHIS: And then was there the item from Mr. Adelson on comparing the benchmark just side by side?

    KENNETH STRASMA: Yeah, and that is something that we had shared with Mr. Adelson this morning.

    And I do have copies for the commissioners.

    The -- thank you for reminding me, Madam Chair.

    The bottom line on this is our draft congressional districts do look very good compared to the benchmarks.

    They are -- they exceed or equal the benchmarks in all but one measure, and that measure being the vote for mine inspector in 2010, in the Maricopa district, which went from 68.7 percent to 66.9 percent, so still, you know, over two thirds of the vote in 2009, a very slight decrease.
Every one of the other measures went up.

So it certainly seems to my judgment like there is no danger that these could be viewed as retrogressive.

Mr. Adelson wants to expand further.

BRUCE ADELSON: Thank you, Madam Chair, I mean -- I certainly -- I agree, the measurements all exceed the benchmark except for the two that Mr. Strasma mentioned.

But I don't view those as being problematic.

The differential between the mine inspector race in the draft and the benchmark is pretty insignificant in my opinion.

The different -- and the Hispanic population is the other distinction. Yeah, the Hispanic population is the same as it is under the benchmark, so that's not problematic.

So I think as Mr. Strasma and I communicated this morning for purposes of the Commission's full information and for the submission, seeing how the two districts measure up in the other elections is important.

But certainly with the information that we have here, I agree that there seems to be no Section 5 issue and all the metrics seem very positive compared to the benchmark.

CHAIRPERSON MATHIS: Thank you.

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

VICE-CHAIR HERRERA: It seems like we're getting closer and closer with the congressional map, in terms -- especially with the, with the majority-minority districts.

Do you see the -- us moving forward in trying not necessarily finalize or vote on the map, but at least get to it as close to a finished product as possible and then concentrate our efforts on the legal legislative map?

CHAIRPERSON MATHIS: I haven't made a decision in that regard.

I'd open that to other commissioners and their thoughts. There may be a value to decoupling those two and moving forward to get the congressional one going out the door.

But there also may be value in treating them in tandem. So I'm still open to whatever people think.

VICE-CHAIR HERRERA: Madam Chair, I don't -- I didn't mean to vote on the congressional map and approve it before we did the legislative. But I think, I think it would serve us well if we approve both of them at the same time and send them out the door at the same time.

But I think we can -- that doesn't stop us from trying to get as close to a finished product on the congressional side.

CHAIRPERSON MATHIS: I see what you're saying. So
focusing just on congressional now that these voting rights districts are going out the door for further analysis.

Okay. We can talk about that on Monday and see what folks think about that.

I'm open to just sticking with congressional initially and getting that -- any adjustments that people want to make, start looking at those, and talking about them next week.

So we'll see what Mr. Stertz and Mr. Freeman say too about that.

Other comments?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Well, thank you all for your help with these voting rights districts. They're very tricky, and we appreciate this additional analysis.

We hope, just to reiterate what Mr. Herrera said earlier, if we can encourage them to do the analysis as soon as possible on these, that would be great.

KENNETH STRASMA: We will be burning the midnight oil this weekend.

CHAIRPERSON MATHIS: All right. Thank you.

Thank Dr. King for us too.

So I have a couple -- three more request to speak forms. And I believe that's about it on the agenda.

So, just making sure.
Mr. Bladine summarized his executive director's report yesterday.

I don't know if there's anything new that you wanted to add.

Okay. So we're good with that.

Review and discussion of possible future agenda items.

Anybody have anything they wanted to add that we haven't already talked about?

Our next meeting is Monday morning. I'm forgetting where. Is it here? This room? So at the Fiesta Inn.

Monday, Tuesday, and Thursday. And we start at what time on Monday?

BUCK FORST: Please stand by.

CHAIRPERSON MATHIS: We're standing by.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Is Tuesday the 13th? Or is it the... .

Yeah, I will not be -- I'm going to do my best to make it, but I'm going to be in Tucson that day in a meeting. And I don't know that I'll be able to make it back in time.

And if Commissioner McNulty will be back from
Boston, I wanted to either limit or the -- make -- I don't want -- I want one of us to be here.

COMMISSIONER McNULTY: That's a good point. I'm sorry, but I will try and attend by phone on Monday, but I will not be able to attend at all on Tuesday.

CHAIRPERSON MATHIS: On Tuesday I was going to be chairing the meeting from Tucson. So I don't know if it makes sense to have us in one location and have Mr. Stertz and Mr. Freeman up here.

What do you all think?

VICE-CHAIR HERRERA: Madam Chair, the only thing is I -- my meeting will be taking up the majority of my time.

And I don't know if I'll be able to break away to come to the IRC meeting either if it's in Tucson or if I'm -- by driving. That's my problem. And I'll do my best to do one or the other, but I don't think it's going to happen.

COMMISSIONER McNULTY: Is there any possibility that we could meet Friday next week instead of Tuesday?

RAY BLADINE: I can quickly go back and check on what was submitted to us for Friday, whether there was a conflict. I think someone was unavailable all day, but just take a minute to pull out the sheet.

CHAIRPERSON MATHIS: Maybe you can check in with
Mr. -- Commissioners Freeman and Stertz, and just see what they say too about that in terms of a swap between Tuesday and Friday or -- I'm happy to continue to chair the meeting from Tucson, if they prefer to keep the meeting for Tuesday. But, yeah, we do need bipartisan representation. And we know Ms. McNulty isn't going to be there. So, and it sounds like Mr. Herrera is going to be indisposed.

RAY BLADINE: I'm sorry, Madam Chair, we'll check with Commissioners Stertz and Freeman on the possibility of Friday for Tuesday swap. I think it may have been Friday that Commissioner Stertz wasn't available, but we're trying to pull that up now to see. But we'll, we'll ask and get back to all of you via e-mail. I guess the one question while we're talking about scheduling is what do you think you want to do for the week after next? Do you want to wait and later next week tell me what you want to do to send out information and requests? But right now we have nothing scheduled beyond Saturday the 17th.

CHAIRPERSON MATHIS: Right. I think that you should check with all the commissioners and see what their availability is, just to . . .

RAY BLADINE: So the next two weeks?
CHAIRPERSON MATHIS: Yeah.

RAY BLADINE: Okay.

CHAIRPERSON MATHIS: That would be good.

And what time are we starting tomorrow, Buck?

RAY BLADINE: 9:30.

CHAIRPERSON MATHIS: 9:30 -- I mean Monday.

RAY BLADINE: Monday.

CHAIRPERSON MATHIS: We're not meeting Saturday or Sunday, this week.

RAY BLADINE: The last information we had, which is, of course, a couple weeks old, is that Commissioner Freeman was not available from like 9:30 to 3:00 on Friday, and Commissioner Stertz was not available at all on Friday.

CHAIRPERSON MATHIS: Okay.

RAY BLADINE: So we'll double check with them.

CHAIRPERSON MATHIS: That would be great.

RAY BLADINE: In case something's changed.

But it looks like it will be hard to change to Friday.

CHAIRPERSON MATHIS: And Wednesday too, I think, was a day that --

RAY BLADINE: We have no meeting on Wednesday.

Let's see.

Commissioner Stertz was available -- unavailable
all day, and Commissioner Freeman is available only in the morning.

CHAIRPERSON MATHIS: So there's a possibility --
RAY BLADINE: I'm sorry.
CHAIRPERSON MATHIS: Go ahead.
RAY BLADINE: I guess potentially do a morning meeting on Wednesday.

And I know that Commissioner Stertz has tried to, if possible, rearrange his schedule to attend those meetings if he can. While it's not desirable, I know we have had meetings with four commissioners.

CHAIRPERSON MATHIS: Okay.

Mr. Herrera, are you available Wednesday morning?

VICE-CHAIR HERRERA: Madam Chair, I had sent all my dates or times that I wasn't available to Ms. Gomez, so I don't have my calendar with me, but I've given her all the dates.

CHAIRPERSON MATHIS: Okay. So we had initially planned on not meeting Wednesday and Friday of next week, but we may decide to meet Wednesday morning, so we'll confirm with Commissioners Freeman and Stertz.

And then I don't think you'll be able to make that; right?

You'll be traveling?

COMMISSIONER McNULTY: Probably.
CHAIRPERSON MATHIS: Yeah, so I don't know that we'll have Ms. McNulty. But if we have Commissioner Herrera, that would be great.

RAY BLADINE: That would be for Wednesday.

CHAIRPERSON MATHIS: Wednesday.

RAY BLADINE: And then on Tuesday, do you want to still do Tuesday? Would you be doing telephonically or is this a trade?

CHAIRPERSON MATHIS: We're looking at the Tuesday-Friday option to see if we can swap Tuesday for Friday.

RAY BLADINE: Okay.

CHAIRPERSON MATHIS: But we'll just have to see. It's really hard without everybody here.

RAY BLADINE: We'll resend out memos for everybody so we can get it together for you and we'll get it worked out.

CHAIRPERSON MATHIS: That would be great.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The Tuesday meeting, was it scheduled all day? What was the start time and the end time?

CHAIRPERSON MATHIS: I think the start was --

RAY BLADINE: 3:00 o'clock to 9:00 was the Tuesday
meeting, December 13, was 3:00 p.m. to 9:00. And there had been -- and then the chair would be participating by telephone on Tuesday the 13th.

VICE-CHAIR HERRERA: Madam Chair, if the meeting is truly ending at 9:00 o'clock and starting at 3:00, which I'm surprised we're having that late of a start time, but I guess it will work out for me this time around. I may be able to be back in time to -- in town to start the meeting, possibly a little later. But if we, if we could meet, if we're going to meet that late anyway, there's they nothing stopping us from starting a little later, and so I can make the meeting, and still meet on Wednesday, maybe from 5:00 to 9:00?

CHAIRPERSON MATHIS: Do you mean on Tuesday?

VICE-CHAIR HERRERA: On Tuesday.

CHAIRPERSON MATHIS: That's fine with me. I don't know about Commissioners Stertz and Freeman.

RAY BLADINE: We'll ask by e-mail and phone.

CHAIRPERSON MATHIS: And you'd be participating from Phoenix.

VICE-CHAIR HERRERA: Correct.

Just out of curiosity, why such a late start time on Tuesday at 3:00 o'clock?

CHAIRPERSON MATHIS: I have a meeting from 1:30 to 2:30.
VICE-CHAIR HERRERA: I apologize. I didn't know.

CHAIRPERSON MATHIS: So we could have done morning, but...

RAY BLADINE: I think we had conflicts in the morning with other schedules.

CHAIRPERSON MATHIS: Yeah. Complicated.

Complicated.

VICE-CHAIR HERRERA: Madam Chair, if everything -- if it ends up working out that we can start the Tuesday meeting a little later, maybe at 5:00, I'm willing to go however long it takes to finish our business that day. If it takes to 9:00 o'clock, I'm fine.

CHAIRPERSON MATHIS: Great. And Mr. Bladine will check with the other two commissioners.

RAY BLADINE: Yes.

So Monday is okay.

Tuesday, we look at after 5:00 or switching with Friday, depending upon.

And then we'll check availability on Wednesday --

CHAIRPERSON MATHIS: Right.

RAY BLADINE: -- with Commissioner Stertz and Freeman.

CHAIRPERSON MATHIS: Sounds good.

RAY BLADINE: Okay. Thank you very much.

CHAIRPERSON MATHIS: Okay.
VICE-CHAIR HERRERA: Madam Chair, we should probably still try to meet on Friday in addition to Wednesday. I think we currently don't have a meeting scheduled next Friday.

Is that correct?

CHAIRPERSON MATHIS: That's right.

RAY BLADINE: That's because we had one commissioner not available all day, one commissioner available not after 3:30, and another commissioner that was not available 9:30 to 3:00.

So we had a bunch of conflicts on Friday the 16th.

VICE-CHAIR HERRERA: Can we get one, can we get one Republican, one Democratic commissioner, and obviously the Independent, together? If we can, I think we -- it's worth meeting, even if it's in the morning.

I think the most important thing is that we have at least a representative from each of the parties.

I think obviously we would prefer all five, but I think Madam Chair would probably agree that at least having one representative would be not ideal but the second best choice.

CHAIRPERSON MATHIS: Yes. Now, we've talked about that, if there's bipartisan representation available.

RAY BLADINE: We'll double check that, but right now we show that Commissioner Stertz would not be available
and Commissioner Freeman wouldn't be available from 9:30 to
3:00.

And then we have another commissioner not
available after 3:30.

CHAIRPERSON MATHIS: Yeah, that's right. I have
an evening thing, I think, right. In Tucson, but, yeah, I'm
available all day.

RAY BLADINE: We'll send it all out to you so you
can see it begin in a typed up sheet and make some
suggestions and give us feedback.

Does that make sense?

CHAIRPERSON MATHIS: Yeah, it does.

RAY BLADINE: I might also mention, we sent out
notices for next week for the meetings, and we have posted,
and that's no problem. We can always change that. But
we're still learning our days of the week with the numbers,
so we had to revise it twice to get both days right.

So if you happen to get complaints, yes, we don't
know the days of the week, but we'll try to do better.

CHAIRPERSON MATHIS: Okay.

And I asked yesterday for all the commissioners to
check their schedules for that Monday the 19th, to -- just
to see, but you're going to go out and talk to them about
that whole thing just to see what's available.

RAY BLADINE: Right.
CHAIRPERSON MATHIS: Correct. Okay.

RAY BLADINE: Okay. Thank you very much.

CHAIRPERSON MATHIS: Thanks.

Okay. I don't think there's anything from number seven today, legal advice.

JOSEPH ROTH: No, Madam Chair, and there's been no update.

CHAIRPERSON MATHIS: Thank you, Joe.

So that leaves us with our residual public comment. And right now I have three request to speak forms. And we'll start with Andy Lockridge, from the city of Maricopa, Pinal County.

And to remind everyone to please spell your last name for our court reporter when you come up to address us.

ANDY LOCKRIDGE: Last name is Lockridge, L-O-C-K-R-I-D-G-E.

And thank you, Madam Chair, Commission, for being allowed to speak.

I have a question, and I'm a little confused, so maybe you could help me out. I'm looking at the handout that I got, and it has a Commission approved legislative draft map.

And then I understand that there's a proposed one that's different from that.

Is that correct?
CHAIRPERSON MATHIS: We've been talking about some proposed adjustments to the draft map. Nothing has been approved or finalized, but there is a working map that our mapping consultant is moving forward with so that --

ANDY LOCKRIDGE: Is it possible that we can see a map up on the screen of what that would look like?

CHAIRPERSON MATHIS: Mr. Strasma.

KENNETH STRASMA: Yeah, we can bring the working map up. And also for the gentleman's benefit and for anyone watching online, as these change -- tentative changes are put forward, they're reflected on the working map, which is up on the AIRC website under the map section.

There's a maps proposed changes, there's a working map section. And just to reiterate, none of these have been adopted, but these are the proposed changes that are being incorporated going forward.

ANDY LOCKRIDGE: I was just looking, trying to bring it up on the computer. I couldn't find it anyplace. That may be my issue, but I'm just curious.

My point is that as part of Pinal County, Pinal County is a rapidly growing county.

It's historically agricultural and mining.

And my understanding is that the proposed -- there's a proposal out there that would lump us with Tucson. And that would be kind of like mixing oil and water.
Tucson is very different in terms of its demographic and interests from what the rest of Pinal, what Pinal County is.

Tucson is in Pima County.

And we really don't have a lot in common with them.

So I would urge if there is a proposal floating around out there to combine the districts in Tucson and Pinal County, that that would be rejected.

The present current proposal I have in front of me is great, because Pinal County and its interests stays, and it would have common interests.

But if we go to Tucson, then that's a very different picture, and so I would urge the Commission to reject any proposal that's considered in that regard.

So thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Ann Heinz, representing self and Show Low residents.

JIM JORDAN: I'm not Ann Heins. I am Jim Jordan speaking in her place.

CHAIRPERSON MATHIS: And if you'll spell your last name, that would be great.

JIM JORDAN: J-O-R-D-A-N.

Ann was going to read a letter from Terry Hill and
Joyce Hill, both of Show Low.

The chairman and members of the Commission, having spoken on the issue of the meeting -- meetings held at Hon Dah Convention Center, White Mountain Apache reservation on two separate dates, and once at the Eagar meeting, I wish to reiterate the need to keep the rural congressional districts as compact as much as possible.

And that communities of interest be of primary consideration, unlike the current map outlining the new District 1 which no congressman can manage. What you have done to District 1 was not what we asked for.

You need to keep the counties intact and not destroy the integrity of the district.

Number two, the proposed new Legislative District 6 and 7 divides Navajo County without consideration of the communities of interest and compactness.

We had suggested that the current LD 5 with a slight modification would have been acceptable.

The map as drawn is not a good alternative, and it separates the communities within the Navajo and Apache Counties, where close ties have existed since before statehood.

It would appear that you have disregarded what the people of LD 5 proposed. It also appears that the Commission is under the influence of special interest groups.
and not acting in the best interests of the citizens of Arizona.

Sincerely, Terry Hill and Joyce Hill.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Lynne Breyer, representing self and residents of Show Low.

LYNNE BREYER: Thank you, Madam Chairman. I'm actually going to read two letters, and then I would like to hand them in for the record.

The first one is from William R. Faurot, in Show Low. That is spelled F-A-U-R-O-T.

And, by the way, my name is B-R-E-Y-E-R.

This letter is dated December 6th, and reads as follows.

I personally attended two hearings of the AIRC. The Commission listened politely. The speaker speaking to the Commission stressed that the existing districts were compact, communities of interest with similar rural values.

Navajo County is distinctly different from Flagstaff which has an urban character.

The reservations have their own governments and societies quite different from the Anglo populations.

At the first meeting, I noted that no data was presented by the Commission to support any map. At the
second meeting the Commission presented one table showing minority populations, but no data supporting the other higher level criteria.

At each meeting only a few spoke for the lowest level criteria, competitiveness.

It is apparent that the Commission was not independent in following its own guidelines, but instead pandered to the Native Americans who did not have enough population to form their own district unless some Anglos were disenfranchised in the process.

All this was done without any statistical support.

This gerrymandered map was done by five appointees. The result was a perfect example of gerrymandering.

The AIRC should be eliminated. The ideal of independence is a sham.

Better to let the legislature hammer out the details. Commissioners are human and therefore fallible.

And the next letter is from Janet Reynolds, also from Show Low.

This also is dated December 6th.

Reads as follows.

My name is Janet Reynolds, and I live in Show Low, Arizona.

I attended three different redistricting meetings,
and it was very obvious that the redistricting committee was
listening politely to the statements being made by the
presenting citizens, but that the decision on the
redistricting had already been made.

Approximately 95 percent of top -- excuse me,
approximately 95 percent of the citizens and city officials
speaking were presenting their request to have communities
of interest as the top priority for consideration in the
redistricting of Arizona. However, this was totally ignored
as in our case, with Show Low, with the Indian casino called
Hon Dah at the southernmost end of Highway 260 -- I'm sorry,
I missed a line again.

This is all very closely typed.

However, this was totally ignored as in our case
the redistricting map split Show Low from our closest
neighboring towns of Pinetop-Lakeside.

I believe you have corrected that, is that
correct, in a modification you've made?

CHAIRPERSON MATHIS: We're working on that area.

LYNNE BREYER: Okay. If you drove south from
Show Low to the Indian casino called Hon Dah at the
southernmost end of Highway 260, you would be totally
unaware of where the town of Show Low left off and the towns
of Lakeside-Pinetop began. This is one contiguous area
sharing churches, business, recreation areas, et cetera.
Yet the Redistricting Commission saw fit to divide them into two different districts. We are all aware of the chairwoman's late night behind the door drawing of the proposed maps and then forcing a vote early the next morning. This was done prior to the completion of all the hearings. What a sham. I and the citizens of Arizona feel that once again it is being done unto us instead of for us. I would like the committee to prove that communities of interest was the top priority for the proposed redistricting maps. This would be hard to prove but must be proved. The way the current map is drawn communities of interest cannot be proved as evidenced by the dividing of Show Low and Pinetop-Lakeside. We are communities in the White Mountains of Arizona, and have totally different needs and interests from those who live in the metropolitan areas or on the reservations. This redistricting process is a total disservice to all the people who took the time to attend the various redistricting meetings, and we wonder why people don't take the time to become involved. When people do make the effort
to give input, the officials just shoot them down and it goes ahead and does what the officials had wanted to do originally.

There needs to be a complete justification for the decision as to why the proposed adopted maps were drawn as they were, as they definitely do not reflect the communities of interest that were reflected in the hearings.

What a sham.

Janet Reynolds.

Can I hand this to somebody for the record?

CHAIRPERSON MATHIS: Yes. Mr. Bladine. Thank you.

LYNNE BREYER: Thank you, Madam Chair.

CHAIRPERSON MATHIS: Our next speaker is Jay Preskitt representing self, from Arizona City.

JAY PRESKITT: Yes, well, you've put us in a district with Saddlebrooke and Maricopa, and gerrymandered this thing around to where Peavis (phonetic) is guaranteed to win District 1, and we should be in with -- we're just only three miles away, and you've got us in with places that are 50 to 100 miles away from us.

And this is pathetic what you're doing to us.

That's all I got to say.

CHAIRPERSON MATHIS: Thank you.

Are there any other people that want to address
the Commission today? That was my last address to speak form.

(No oral response.)

CHAIRPERSON MATHIS: Okay.

Well, that bring us to the last item on the agenda, which is adjournment. And the time is 1:39 p.m.

Thank you all for coming and providing input today. This meeting is adjourned.

(Whereupon, the meeting adjourned.)

* * * * *
STATE OF ARIZONA      
COUNTY OF MARICOPA    

BE IT KNOWN that the foregoing proceeding was taken before me, Marty Herder, a Certified Court Reporter, CCR No. 50162, State of Arizona; that the foregoing 147 pages constitute a true and accurate transcript of all proceedings had upon the taking of said meeting, all done to the best of my skill and ability.

DATED at Chandler, Arizona, this 16th day of December, 2011.

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