ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Friday, December 16, 2011
4:08 p.m.

Location

Fiesta Resort – Fiesta I 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
Richard Stertz (via teleconference)

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

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

Reported By:
Marty Herder, CCR
Certified Court Reporter #50162

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(Whereupon, the public session commences.)

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

Today is Friday, December 16th. And the time is 4:09 p.m.

Let's begin with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

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

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Vice-Chair Herrera.

VICE-CHAIR HERRERA: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

Commissioner Stertz.

(No oral response.)

CHAIRPERSON MATHIS: We have a quorum.

And I believe Mr. Stertz is joining us
intermittently through the phone. He'll be dialing in, and I am sure he'll watching the streaming online.

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

Our mapping consultant, Willie Desmond.

Staff in the room include our executive director, Ray Bladine.

Our public information, Stu Robinson.

Our deputy executive director, Kristina Gomez.

Our chief technology officer, Buck Forst.

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

So with that we'll go to what we normally do, which is items two and three on the agenda.

I thought I'd asked -- ask commissioners if they would like to start with the congressional or the legislative, since we didn't spend much time on legislative last time. We ran out of time and decided to postpone that until now.

So we can do either one.

Does anyone have a preference?

COMMISSIONER McNULTY: Do you have a preference, Mr. Desmond? I don't.

Maybe we should begin with the congressional.
CHAIRPERSON MATHIS: Fine.
Start with congressional.

WILLIE DESMOND: Okay. In your packets today you'll notice you have two new congressional maps.

One of them is the map that Commissioner McNulty had presented yesterday.

You asked that I just run the whole set of reports as we had done for Commissioner Stertz's. So I prepared those.

I believe you have those by e-mail last night, but they're all there for you today. So we can go over that one again if you like.

Or else we do have the second map.

I'll leave that to the chair, I guess, if you want to introduce it or I can go through it.

CHAIRPERSON MATHIS: Sure. I'll introduce it.

After our meeting yesterday, I called Mr. Desmond to see if it would be possible to just see what it looked like to kind of combine some of the elements from McNulty and Stertz. And specifically it was to take -- let's see what one and two looked like from McNulty's.

Three, seven, and nine were the same between both of those maps.

So four, five, six, and eight from the Stertz map are what you see on this, what's being deemed, I guess, the
map as combo map. But it was just really an exercise to see if it was even possible. I didn't know if those two maps could be combined.

And that was the genesis of this particular iteration.

So I haven't talked to Mr. Desmond to hear -- nor have I seen any of these split reports -- splits reports. So I'd be curious to know if he noticed anything that was possible or impossible in trying to combine those.

WILLIE DESMOND: Well, I was able to combine those two maps from yesterday.

And it is here for you now.

The -- I guess the only real area where we had had divergence was District 8 and 4.

Four was underpopulated combining those, so what I had to do was take a little bit more from District 8, which was overpopulated.

There was already a split in Peoria. So I just continued and made that split.

I'm sorry, I don't have the screen on.

I made that split a little -- gave it slightly more to four.

CHAIRPERSON MATHIS: Do commissioners have any thoughts on that? You're welcome to comment.

WILLIE DESMOND: There's -- obviously there's
other places where four can take population from District 8. It just seemed like the most logical.

VICE-CHAIR HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: Mr. Desmond, the Mathis combo map and the congressional change McNulty change, they look exactly the same.

Is that the same map?

Maybe I'm --

CHAIRPERSON MATHIS: No. Look at eight first.

WILLIE DESMOND: Yeah --
VICE-CHAIR HERRERA: Oh, you know what, I apologize.

COMMISSIONER McNULTY: Could you just walk through the differences in six -- five, six, and eight?

WILLIE DESMOND: Sure.

COMMISSIONER McNULTY: So does -- let me ask a couple questions.

The -- so, as I understand, Sedona would be in CD 1 now.

WILLIE DESMOND: Correct.

COMMISSIONER McNULTY: And then is Fountain Hills combined with Scottsdale?

WILLIE DESMOND: Yes, in District 6.

COMMISSIONER McNULTY: And is the Fort McDowell
reservation combined with Scottsdale and Fountain Hills?

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: Okay.

WILLIE DESMOND: District 6 is Paradise Valley, Scottsdale, Fountain Hills, Rio Verde, Cave Creek, Carefree, and portions of Phoenix.

COMMISSIONER McNULTY: So that accomplishes one of the things that I had wanted to accomplish on Mr. Stertz's map.

WILLIE DESMOND: In the map you had presented, that district looked like this.

Taking the district from Commissioner Stertz's map, it changes a little bit so that he keeps just some differences here.

And then there is a portion of Mesa that District 6 goes into down here.

COMMISSIONER McNULTY: Could you just walk through the differences perhaps?

WILLIE DESMOND: Sure.

So in the map as it's drawn right now -- I think I'll look at District 8. That's probably the most extreme of the differences.

District 8 has the northern part of Goodyear, Citrus Park, El Mirage, Sun City, Sun City West, Surprise, the southern portion of Peoria, and then parts of Glendale
and Phoenix, along with all of New River and all of Anthem.

District 8 in the McNulty map did not include New River or Anthem, went up to the county boundary here, included all of Peoria, a smaller portion of Goodyear, and then went all the way up to the county line, and followed the county line again.

So District 8 is significantly smaller, I guess, in this map.

District 6, now includes -- District 4 used to have New River and Anthem, or most of them.

In the McNulty map, that's now included in eight.

I guess that swap is what makes -- allows this area to be -- go to four in the west.

Looking at District 6 as it's drawn, again it includes all of Cave Creek, Carefree, Fountain Hills, Rio Verde, Salt River and Fort McDowell areas, and then a portion of Mesa down here that I believe was originally then the population bounced back.

But I think Commissioner Stertz had talked about changing that a little bit, so I think for Monday there's a good chance that there will be some further tweaks to this.

The difference between that and what you had presented, Commissioner McNulty, is that you took a little bit more up here going towards Anthem and a little bit less...
in central Phoenix. And then you followed the reservation line from Phoenix to Mesa.

So I can go in and tell you what these streets are, if that's helpful. Or I don't know how much detail you want what the difference is.

COMMISSIONER McNULTY: I don't, I don't feel that that's necessary.

WILLIE DESMOND: Okay.

District 5 is relatively the same, because -- except for that area in Mesa that goes into District 6 and this area in five that goes into the San Tan Valley.

COMMISSIONER McNULTY: So you're thinking Mr. Stertz was thinking of swapping those maybe or cleaning that up.

WILLIE DESMOND: I think so. He had mentioned that that would be the way to remove a split from Pinal County.

CHAIRPERSON MATHIS: And then, Mr. Freeman, didn't you have, when Mr. Stertz presented this yesterday, some thoughts on something in Maricopa County? I think it was eight, but I'm not sure.

VICE-CHAIR FREEMAN: Well, Commissioner Stertz's proposal yesterday, which I had not seen before, and unfortunately I haven't had too much time given my work conflict today to really study it.
The one thing that jumped out at me just looking at it in a gross sense is that he at least tried to address the problem of keeping the greater Tucson area together by keeping Marana, Oro Valley, Saddlebrooke together in that CD 2.

As for -- and that's -- probably didn't address, I guess, the issue with the CD 4, the lobster claw coming over the top of Phoenix metro area and descending down into Pinal County.

As for inside the Maricopa County area, I mean, I, I have great concerns about CD 9.

It is not compact. It's, it's frankly somewhat ridiculous looking how it meanders up into central Phoenix. It also disrespects a community of interest there that strikes kind of close to home for me because I've lived there further virtually my whole life, which is, you know, the Arcadia, Biltmore, and Paradise Valley area is split there.

And I really hadn't had a chance to study alternates, ways to adjust that.

One question I do have about this change is what is the population in Peoria that is now being put into CD 4?

WILLIE DESMOND: 9,089.

VICE-CHAIR FREEMAN: Thanks.

And this is now up on the website as well?
WILLIE DESMOND: This --

BUCK FORST: It's going up next.

WILLIE DESMOND: It's going up on the website soon?

BUCK FORST: Yes.

VICE-CHAIR FREEMAN: Could you pan out a little bit, please?

(Brief pause.)

CHAIRPERSON MATHIS: Ms. McNulty, what were the -- or maybe it's for Mr. Desmond, on whatever this one is, the congressional change, McNulty change version two, that one, can you explain again what the changes are?

WILLIE DESMOND: Was keeping, I think, Oak Creek with Sedona was one change.

Keeping Cochise County whole in District 2 was the other change.

Keeping District 6 -- I think it was keeping Fountain Hills with Scottsdale.

And then District 4.

COMMISSIONER McNULTY: If we just did a couple census place splits in the western part of eight, which would now -- which are now part of four on this map.

WILLIE DESMOND: It also moved District 8 out back to the county boundary, in that northwestern corner.

COMMISSIONER McNULTY: Yes.
WILLIE DESMOND: So if you -- I don't want this to be overwhelming, but the red line is Commissioner McNulty's map yesterday.

The green line identifies areas where the draft map is different.

CHAIRPERSON MATHIS: Yeah, upon more careful study, I can actually see the changes on the map.

So thank you for putting them on there, on the green lines.

COMMISSIONER McNULTY: So the green lines show what we changed.

WILLIE DESMOND: The green line on your map is the draft map, yes.

COMMISSIONER McNULTY: Yes.

WILLIE DESMOND: That was actually an accident that I put that on there.

I can include that on future maps if you like.

But I did -- I put that on there when I drew the Google maps so that you can see where the draft maps were.

I just forgot to unselect that letter when I made it.

CHAIRPERSON MATHIS: I like it. It helps.

Okay. Any thoughts on either of these congressional change reports, drafts?

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

VICE-CHAIR HERRERA: Can you remind me, Madam Chair, your thinking when you -- with this map, the Mathis combo map, tell me what you were thinking?

CHAIRPERSON MATHIS: Sure.

So both of them, both Mathis -- McNulty and Stertz presented these. Ms. McNulty I think one of our first days back suggested four or so changes to the congressional draft map that she wanted explored.

I think everybody liked those in just terms of general ideas, not necessarily agreed on how to do it, but we know there are multiple ways to do them, but things like making CD 1 more compact was a big one.

And for me, frankly, that one is probably the thing we heard most out of all public comment from our hearings in round two.

And that we're still continuing to get even in our meetings, is that CD 1 is, is too big and needs to be reduced in size.

So that's why I liked her version of one, instead of Mr. Stertz's.

I like it that both of them kept Cochise County whole.

I think that we heard a ton of public comment in that regard to keep Cochise County whole, from Cochise
And so they both did that.

The question is, do you -- and I'm not -- it would be interesting to know, I guess, Mr. Desmond, the distance in terms of the height of Cochise County. I don't know how many miles that is. But at least it's reduced that distance, from, you know, not going all the way down to the border the way it does in the Stertz version.

WILLIE DESMOND: About 150 miles.

CHAIRPERSON MATHIS: So I guess we're reducing it at least by that in terms of the length.

A little more in area.

It would be interest -- yeah, I don't know the total. I haven't studied these numbers that we just got on compactness, but it would be interesting to compare what Mr. Stertz presented yesterday in that.

I do -- I also do like the idea that there's a third congressional voice in Tucson.

I know some -- it's really interesting in the public hearings, yeah, the public hearings we've hosted in the second round, how different people view that differently.

I happen to think that more representation is better than less representation.

And so when there is an opportunity for an area to
be represented by additional voice, I tend to favor that.
That's just me.

I know that others feel like, no, they, they want
one congressional rep or legislative rep representing their
interest and don't like to see any sort of splits in that
regard.

But I think that can be argued different ways.

So those were really why I chose one and two of,
of that map.

And then I really like Mr. Stertz's eight. I
think I made that sort of clear yesterday, because I just --
its way more compact. And the fact that its minimizing
the amount of urban in eight is also nice.

It's keeping eight -- putting the rural parts of
eight into four, and it just keeps it -- I think its a
better interface frankly.

I haven't studied, you know, what's happening in
Peoria there, or if there are additional splits that are
occurring now because of that, or what. But just visually
its definitely a better seeming district.

And then the lobster claw thing Ms. McNulty
brought up a while ago, and I think everyone felt that that
was something that we ought to try to look at.

And it wasn't done in the first place to be evil
or anything.
It was really to try to balance the amount of urban population that was going into these two enormous rural districts. And we were trying to share that burden between the two. And that's how that happened. And so it wasn't pretty. And we heard a lot of comment from Fountain Hills folks and others that they wanted to be with Scottsdale, so I think addressing that makes sense. And that's all I have.

Do you have any other questions that were -- that I didn't cover in that answer?

VICE-CHAIR HERRERA: Madam Chair, I don't have questions.

I do have -- I had a chance to review both of the maps, Commissioner McNulty's congressional map and then Commissioner Stertz. And just some -- point out some differences.

And I really do thank them both for the effort. I think it was a valiant effort from both. And I think they followed some of the instructions that we laid out, and that was not to mess with three and seven and to try to work on, on the other non majority-minority districts.

But let me just talk about a couple things that I see as, as differences.
Look at the Stertz map.
I think what it does is it splits Eloy into two.
So it moves half of Eloy into -- again, the two
districts, so it creates one more split.
So the county of -- Pinal County is split twice in
District 2.
District 2 did not go into Pinal, but it now does,
so you have that split.
CHAIRPERSON MATHIS: Can you pan down? Excuse me,
I'm sorry.
VICE-CHAIR HERRERA: Sure, sure.
CHAIRPERSON MATHIS: Just so we can follow along
on the map.
COMMISSIONER McNULTY: And you're referring now to
Mr. Stertz's map but not to my version of CD 1 that's been
incorporated in this map.
VICE-CHAIR HERRERA: That's correct.
COMMISSIONER McNULTY: Right.
VICE-CHAIR HERRERA: Can you scroll down -- to
actually, take me to -- to Eloy. Is Eloy?
WILLIE DESMOND: That's right there.
VICE-CHAIR HERRERA: So that area, Eloy, is split
into two. Correct? Before it was not split? In the draft
map?
WILLIE DESMOND: Correct.
VICE-CHAIR HERRERA: So that's definitely a concern.

And I think there's, excuse me, one more split in Pinal County that was not there before.

Can you show me that split? I think it's right there.

WILLIE DESMOND: Right here, San Tan.

VICE-CHAIR HERRERA: Again, an additional split.

And then you look at District 1, and I do agree with Chairwoman Mathis that there's been a lot of comment about making District 1 a little more compact.

And Commissioner Stertz tries to, but I don't think he does a good enough job in making District 1 a little more compact as Commissioner McNulty has in her draft.

And also I think with the change that he did in District 1, he made District 2 a little less competitive.

Again, we only have three competitive districts, and the District 2 is already slightly Republican leaning, and they made it slightly more Republican leading in terms of competitiveness.

Talk about a couple things that I like about Commissioner McNulty again.

District 1, can we go McNulty's map?

So Commissioner McNulty takes public comment into
account when creating District 1, making it more compact.

   Keeps the competitiveness of one and two, keeps it
   the same.

   Again, we only have three competitive districts,
   so she keeps them the same.

   Again, I think she -- District 2 there's a slight
   Republican tilt, but again stays the same.

   And then she has one more county that is made
   whole in Cochise.

   And I think Stertz does that as well, but the
   difference is that she makes -- by keeping Cochise the way
   it is, she makes District 1 more compact.

   Again, doesn't split Eloy. Keeps it whole.

   And so those are the things -- I think those
   are -- again, I think both are a valiant effort in creating
   a -- trying to create a compromise map, but I just want to
   point out some of the differences.

   And I, I do agree with Chairwoman Mathis that I do
   like CD 1 in Commissioner McNulty's version better than
   Commissioner Stertz.

   And I'm, definitely I like the compactness of
   eight in Commissioner Stertz's map.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.
VICE-CHAIR FREEMAN: Several comments.

First, I'm not here to defend Commissioner Stertz's map, and I wish he was here to comment on it.

I think, if I heard Mr. Desmond correctly, he was recounting Commissioner Stertz talking about how his map needed further adjustments.

There was a reference to the San Tan Valley split in Pinal County that could be corrected, so I would anticipate that he would come back without that split.

I even think he said that yesterday.

So it's a little unfair, I think, to cite that as a split.

And, who knows, I don't know what the justification is for the line that was drawn through Eloy, whether it could be drawn on the, at the city boundary there with Casa Grande or not. I don't know. I haven't looked into that.

I also recall Commissioner Stertz stating repeatedly that this was his view, not my view certainly, but his view of a compromise map.

I don't believe in a compromise map. I believe in a map that rigorously follows the constitutional criteria.

Also I don't know where we get the notion of citing the fact that one district or another now tilts
toward one party or the other.

The constitution lays out six criteria to follow, for us to follow, and let the chips fall where they may. It's where the conditional competitiveness requirement, it simply says that upon creation of the maps if there's no significant detriment to the other goals, we're to favor the creation of competitive districts, or as the Supreme Court has said competitive or more competitive.

And I think his map actually, if we're going to talk about slight tilts, one thing that Commissioner Herrera did not mention was that he made CD 1, which is not competitive by the way we measured the others parts of the state, he made it even more Democratic.

So that was not mentioned.

I do think -- I like the fact that commissioners are citing to comments about keeping counties whole. And I do agree that we heard lots of public comment about that, about keeping Cochise County whole, about keeping Gila County whole.

And I think that's why following county lines is one of the constitutional criteria that we're to follow.

If we're going into, you know, weighing -- measuring the weight of the public comment or the volume of it, I'm willing to take one point or another, that's an interesting comment, because that just sounds like let's
just vote on -- have the people vote on the map.

I know we heard, if, if I recall the hearing in Payson, for example, and I recall last week Commissioner Herrera, he proposed one unique change to the CD map where he was going to put Oak Creek into CD 1 and Payson into CD 4.

And he was going to do that on the legislative map as well.

And he said that he listened to the comments at the Payson public comment hearing. He listened to the people, I think.

And I think I've got the transcript pulled up there as well. And I remember leaving that hearing, that was curious, I thought.

And I point this out just to sort of illustrate what's going on to the public.

I attended the Payson public comment hearing with the chair. And I was surprised at the amount of turnout in Payson. And I was also surprised at how exorcized the people were about the proposed maps.

And, in fact, I think afterwards someone told me all the pitchforks -- the Home Depot in Payson is out of pitchforks and torches. They're all at the Payson public comment hearing.

The people were there, and they were speaking
loudly and clearly, as Commissioner Herrera said that he heard them.

But what I remembered was a little different. I remembered them saying, oh, no, we want our county kept whole. We do not want our county sliced and diced by these maps, because it dilutes our voice. And we want to be kept whole with the other, the three G counties, Gila, Graham, and Greenlee Counties, and we wanted to be kept whole with eastern Arizona. That's our community of interest. It's a rural eastern Arizona district.

So I thought perhaps I misremembered my experience in Payson, so I went up and looked and pulled up the transcript. And I thought if there was this loud clear voice, this clarion call to put Payson with Prescott, I would see it.

And so I pulled up the transcript, and there are, there are over 8,000 words in the public comment section. And I did a search on Prescott. And the word Prescott came up twice in that hearing.

And so I thought, well, maybe there were two really passionate speakers who spoke about the need to keep Payson with Prescott, because Commissioner Herrera said that's what they said.

And I looked at the first instance, and that person was talking about how Payson has nothing in common
with Prescott.

    But, I looked at the second comment.

    And the second person got to the microphone, and
    this person even had to acknowledge the overwhelming
    comment -- commentary at that hearing about keeping Gila
    County whole.

    He acknowledged it.

    But then he proceeded to say, yeah, I think Payson
    has a community of interest with Prescott, Sedona, and
    Bullhead City.

    And I don't know this for sure. I did do a little
    Google search on that person. And Google told me that --
    the Internet told me that a person with that exact same name
    is in the employ, an official of the Gila County Democratic
    Party.

    So that's kind of what's going on here, and
    that's, I guess, the basis for putting Payson with Prescott,
    that one comment at that hearing, while everyone else was
    saying something entirely different.

    I did hear public comment about keeping districts
    compact.

    CD 4 is not compact. CD 4 takes the entire urban
    burden into the rural district.

    I think the population in Apache Junction and
    San Tan Valley and Florence and Gold Canyon is now put into
this river district is -- that's suburbia. It's a lot of people to go into that district.

And we've heard a lot of people in rural Arizona talk about, hey, you can't, you can't put too much urban or suburban populations into an urban district -- or a rural district before they cease -- they lose their rural character, because the representative is going to really be more responsive to that urban suburban interest and not them.

And I think it's on the order of the sizable percent, you know, 100, 150, perhaps even 200,000. You'll have to look it up. But people that go into that CD 4.

We've heard about, we've heard about compactness.

We've heard about keeping community of interests in the urban Maricopa County area.

I think what I heard Commissioner Stertz say yesterday was it was his compromise, because he wasn't going to touch that CD 9, that winds around through Phoenix metro area.

And he didn't.

So that was his compromise.

I don't think we can compromise there. That is, that is shattering various communities of interest and putting communities that have diametrically opposed viewpoints under one congressional map.
I think that is a significant detriment to the other goals.

So I don't think -- I mean, I'm not -- I'm certainly willing to look at the chair's map, and I appreciate her effort, I appreciate Commissioner Herrera's and Commissioner McNulty's efforts on these.

And I was perhaps more looking forward to working more on what Commissioner Stertz had proposed on Monday because it was more in line of my thinking of how the CD map could be salvaged, but apparently he's moved on to this map. So, unfortunately I -- he's not here today, but perhaps we can discuss it more on Monday.

CHAIRPERSON MATHIS: Just a comment.

This combo map that we're all seeing for the first time, it's my understanding, Mr. Desmond, correct me if I'm wrong, so one, two, and four would be the only parts that differ from what Stertz presented yesterday.

Is that right?

WILLIE DESMOND: Correct.

CHAIRPERSON MATHIS: Okay.

Any other comments or questions on congressional?

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Go ahead.

COMMISSIONER McNULTY: Mr. Desmond, have we -- do we have a new formula for the competitiveness indices?
WILLIE DESMOND: We, we do have those formulas that we introduced last week. I don't have those numbers generated right now.

COMMISSIONER McNULTY: Okay. Could you generate those numbers for us?

WILLIE DESMOND: Yes. We'll get that programmed. Do you want just all -- every one through nine basically?

COMMISSIONER McNULTY: I think so, yeah. So I think it's been -- I would like to see one through nine, yes.

I think it's helpful to look at the different formulations, because they all together tell a story.

WILLIE DESMOND: Okay.

COMMISSIONER McNULTY: I would say that, from my perspective, a very substantial compromise was made on the working congressional, working draft congressional map in which we settled on one competitive district in a city of over four million people.

And you'll recall that I had hoped, and I believe we could have, while enhancing communities of interest and addressing all the other constitutional criteria, to create another competitive district in urban Maricopa County.

And we did not do that. That was a very substantial compromise.
The comment that we've received in the second round and since then, I would agree that probably one of them, the most frequent concerns has been the size of Congressional District 1.

The other has been competitiveness and the fact that the whole purpose of Proposition 106 was to create an Independent Commission that would be responsible for developing fair and competitive districts.

And toward that end, the constitution includes six criteria, two federal and two that are also federal, and four that are state.

So that, that is an important objective.

In the working draft map that we have now we have four solidly Republican districts, two Democratic voting rights districts, and three districts that are about as close to 50/50, I think, as you can reasonably expect to achieve based on performance.

I know that we received a number of comments that C -- we often hear that CD 1 is more Democratic. But that's solely based on looking at registration.

And we've also heard a great deal of testimony from the Native American nations about the fact that the discrepancy between registration and performance is enormous.

And when you back that out or when you factor that
in a formula and look at the various indices, you see that CD 1 is, in fact, competitive.

CD 2 is about razor thin, I think, and CD 9 is also.

So, I'm -- that is an important criteria to me. It's not the only criteria. All of these have been constructed with all of the constitutional criteria in mind.

But I don't think our job -- I don't view my job right now as making a compromise.

I view my job as drawing a conclusion about what I as an independent member of the Redistricting Commission feel is the best balance of the six criteria and is the best thing for the state of Arizona.

Having said that, if you'll indulge me, I'd like also to talk about Congressional District 9.

I think it's important that I put some thoughts on the record about that district, because I don't think it disrespects communities of interest.

It's a central, urban district that makes a lot of sense.

It includes Ahwatukee, which is an urban village of Phoenix, that's as we've learned in this process geographically, geographically separated from the rest of Phoenix by South Mountain and other towns.

The south border is Pecos Road, which is also the
Ahwatukee is closely associated with north Chandler, which is the area of Chandler that's north of Pecos Road.

The boundary that separates north Chandler and Ahwatukee, as those of us from Tucson know because we drive it just about every day now, is I-10.

But this is also something that ties the communities together.

The two communities share a very widely known district together, which is the Kyrene School District, and with south Tempe. They share economic interests and residents from both sides of the freeways, freeway, shop, work, play on each side.

Ahwatukee and Arcadia, although they're not contiguous, they make up the current Phoenix City Council District 6.

They share much in common, both socioeconomically, demographically, and culturally. They encompass an area with high educational attainment.

Tempe, Chandler, and Ahwatukee are also bounded by I-10. The neighborhoods cross between south Tempe and north Chandler, and the entire area shares socioeconomic and cultural ties.

That area of the city is well established, like
the rest of the district, and differs greatly from some of
the areas of more recent growth.

Tempe has a unique characteristic that, as the
gateway to the east valley and Phoenix, the core of Tempe is
surrounded by freeways, the 202, 101, I-10, and 143 on the
west, and U.S. 60 on the south.

It's home to ASU, but it's more than a college
town, and has a well-established population. And because
it's surrounded by developed areas is essentially
landlocked. It's been forced to take a different
perspective on economic development than some of the
high-growth areas.

The creation of Tempe Town Lake and the
development of the light rail have been a key part of Tempe's
development and a key to developing a regional approach to
urban renewal and economic development.

The decision to tie west Mesa, Tempe, and Phoenix
together with the light rail was made after studying
transportation, economic, community, and cultural issues.
And the route chosen reflects a sensible combination of
communities as they stand now and they're likely to grow.

It isn't by accident that the light rail was put in
this area. It was made as a result of very detailed
economic, socioeconomic studies. A little like what we're
doing here now.
The Escalante neighborhood in east Tempe has a significant Latino population, that we've talked about quite a bit, that ties it with the emerging Latino neighborhoods along Main Street and the corridor of west Mesa.

The state's largest community college is in west Mesa, and it shares much in common with ASU.

Tempe Marketplace and Mesa Riverview are a couple of miles down the street and share an economic bond.

Tempe Lakes and Dobson Ranch are similar neighborhoods on either side of the city line.

West Mesa shares much more common economically, demographically, and culturally with Tempe than with east Mesa.

South Scottsdale and north Tempe are neighborhoods -- share neighborhoods, commerce, and transportation routes together. North Tempe is the area north of Tempe Town Lake, and south Scottsdale is generally the area south of Old Town Scottsdale.

The neighborhoods of south Scottsdale are generally south of Thomas Road and are nearly indistinguishable from north Tempe.

I know this well, especially because I've essentially lived here for the last month. But also because, you know, I've been a real estate attorney for well over 20 years, and before that I worked in land use
issues all over the state. So I'm not unfamiliar with this area.

I've seen it grow. I've seen, you know, the boom times when Fiesta Mall and Fiesta Inn were brand-new, and I've seen things evolve to where they are now.

The area centered on Scottsdale Road which runs north and south also shares Papago Park, which crosses between Phoenix, Tempe, and Scottsdale.

Much like the neighborhoods in north Tempe, south Scottsdale transitions naturally from east Phoenix and Arcadia.

The areas share mix neighborhoods of older, established residents and young professionals who work downtown or at ASU. Much of these areas in east Phoenix and Arcadia share the Scottsdale School District with south Scottsdale.

Like the district as a whole, the area has a substantial need for innovative economic policies. And thus I think the merit of the lightrail.

Midtown is the collection of established neighborhoods and commercial areas. It's a high-traffic area during the week, and many people from other parts of the district come here for work.

The area shares much in common with the rest of the district.
It's established, has many different needs than the high-growth areas outside the core of the city. The area will constantly be at the heart of transportation issues, a part of the economic hub that drives the region.

So, we can differ on specifics of streets and what all that means, but I believe that the district makes a lot of sense and that, you know, in the exercise of my reasonable judgment as a commissioner, it's a good way to configure a district that affords four million people in urban Maricopa County the opportunity for a congressional race in which in any given year, in any average year, candidates, average candidates from either party have an opportunity to win that seat.

I think that's what I was appointed to do, to find ways to configure fair and competitive districts across the state that comply with all six criteria. And I believe that one does.

And I thank you for your indulgence in allowing me to put those thoughts on the record.

CHAIRPERSON MATHIS: Thank you.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I would ask that we --

Commission McNulty put a lot of thought into this.
And I think they're -- it's well thought out, and I would like to see if we can put it on the website to give people an opportunity to read her thoughts and to -- because I think District 9 is going to be -- it might be an issue. And obviously it's something Commissioner Freeman has issues with District 9.

But I think Commissioner McNulty did an excellent job of explaining why she came up with District 9. And that it doesn't -- and that she followed the six constitutional criteria.

And I would love to see that as, again, on the website, so people can read it and judge for themselves.

You know, and she makes a point that, you know, we, we, we do compromise quite a bit.

Not only the Democrats and people that cared about competition that wanted four competitive districts. And we were only, because of compromise, we were only able to create three.

Now, we only have, right now, the way it stands with the draft map, we only have one competitive district in Maricopa County.

Only one.

As Commissioner McNulty said, four million people, you know, I think we can squeeze another one out easily, at least two, but I'm, I'm willing to compromise with one if we
don't mess with the competitiveness as it stands now, which I will fight tooth and nail to make sure that it stays competitive.

And if Commissioner Freeman has a way to -- you know, if he wants to make changes, I think he's entitled to as long as he keeps it competitive.

Right now I don't think it gets any better than a 50/50 split.

And to me, that's competitiveness.

And I would hope that if he makes those changes, whatever changes he's proposing, that he keeps the competitiveness of District 9.

VICE-CHAIR FREEMAN: Madam Chair.
CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Well, if it's 50/50, then I guess we have zero competitive districts, because there's none of them that are 50/50.

And it's kind of really impossible to decide what criteria to look at to even measure competitiveness.

So, but on a broader sense I've learned a number of things serving on this Commission.

Despite the fact that in 2009 the Arizona Supreme Court had an opportunity to review a case that brought up issues arose out of Prop 106 that we're operating under, in spite of the fact that the Arizona Constitution -- the
Supreme Court of Arizona said that -- at least the provisions they were looking at were not vague, they did not feel the need that they needed to try to define legislative intent. Which would be hard to do with the proposition, because that's really calling for the intent of everyone who voted for the proposition, voted against it, or chose not to vote on it.

They said that Prop 106 means what it says.
And so all you have to do is read it and apply it.
And the competitiveness criteria, they said, is both mandatory and conditional.

It's the only one that's conditional.

We have to meet the other five criteria, and then assess whether making adjustments to the map to create competitiveness or a more competitive district or more competitive districts would cause a significant detriment.

We've never done that.

We never completed any form of baseline map on which we could make that measurement.

And I've learned, I've learned about what the notion of -- well, in terms of what the constitution means, it appears to mean whatever the Democrats say it means, basically. That's what I've learned.

I've also learned something about the notion of what a compromise means.
What a compromise -- I've heard it with respect to the retention of legal counsel, mapping consultant, and now the maps.

That it's a compromise.

And to me it means, I get nothing I want, they get everything they want, they say they're not going to get everything they want, so they can have their cake and eat it too. So they can say they've compromised and pat themselves on the back for that and get it all.

And to me that seems like that's what's going on here.

With respect to CD 9, now going back to what I said earlier about what the people said at the Payson public comment hearing. I also recall a public comment hearing in Phoenix back in August, and there were two or three people who came up for the microphone and described a community of interest.

And interestingly enough, they all said about the same thing. They said that west Mesa and Tempe, the 202 corridor, Arcadia, and north central Phoenix was a community of interest.

Now I know, and with all respect to Commissioner McNulty, I know she's got long experience in the real estate with respect to -- given the Phoenix area, but I'm probably a little older than I look.
I've lived either in the Arcadia area or in Paradise Valley my entire life, except for when I was off in school. That's 46 years. And I can tell you that there are diametrically different interests in that area of Phoenix and Tempe and west Mesa.

They are, they are completely different. It is not a community of interest.

It is a fracturing of various communities of interest.

As to the light rail issue, the light rail doesn't even go through most of this district. And it's hardly a community of interest.

I think you've got to really just live within walking distance to really avail yourself of it. And like I said, most of it is not in this district.

But, as to the Phoenix City Council district, that's interesting as well.

Ahwatukee is essentially separated from the rest of Phoenix by South Mountain.

And the Voting Rights Act applies to Phoenix as well, and they have to -- yes, they have to create a ridiculous looking Phoenix City Council district to link Ahwatukee with the only other part of the valley that really can be made contiguous to it, which is Arcadia. It makes no sense. It's hardly a justification for putting Ahwatukee up
with Arcadia, Biltmore, north central Phoenix area.

What else did I have?

Well, going back to the public comments at the Phoenix hearing. I mean, those comments occurred back in August. And now we have a district that looks just like that.

And there was just a few people who came up and said these things, which I view as extraordinary because they do not comport with my -- what I believe our communities of interest in a properly laid out district, and now, voila, we have that district.

So, we're just sort of playing out the script here, and I have a feeling that that's what the district we're going to end up.

And it's to the detriment of voters in other parts of the state.

The whole map falls on its knees before this district.

The Republican voters are packed, hyperpacked into other parts of the valley. Where theirs competitive district?

Why aren't they treated fairly and evenly?

I mean, we've heard public comment about the virtues of competitive districts.

We've heard members that the minority party are
harmed by being in a district that is not competitive.

We've also heard that members of the majority party are harmed. Their vote is less effective. They don't have as much choice.

And yet, that's what we're doing. We're sticking it to those voters. We're putting them in super-packed district so that voters in another part of the state can be favored and have their votes be made more meaningful.

I don't think that's fair.

I don't think when you apply Prop 106 it means what it says.

I think you've got to apply the five constitutional criteria and let the chips fall where they may.

And unfortunately for Democrats when you take out the voting rights districts, it does mean that in the rest of the map there is a substantial registration difference between Republicans and Democrats statewide, when you take out those voting rights districts. So it shouldn't be surprising that it may -- it would be very difficult to form a competitive or more competitive district merely by making adjustments to the map after you've applied the first five districts.

That's not what we've done here though.

We've started with competitiveness as the primary
goal.

This district was dropped into the doughnut hole, and it's made it, I believe, untouched, unscathed, or virtually untouched, or if there have been any adjustments to it they've been immaterial.

And competitiveness was the primary first goal in constructing that district.

So obviously I don't support it.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: One second.

I would just say that you are older than you look, which I hope you'll take as a compliment.

Mr. Herrera.

VICE-CHAIR HERRERA: Madam Chair, I also live in this proposed District 9.

I have not lived in District 9 as long as Commissioner Freeman, but I have lived in different areas of District 9, and the more of the middle class, working class areas of District 9, especially in Arcadia.

And there is a lot in common with the Tempe area, west Mesa.

I mean, I personally shop in Tempe quite a bit.

I mean, we go to ASU games. People that I live with in the neighborhood go to ASU.

People that live in my area, they don't go to
Scottsdale Community College. They go to MCC.

So, I mean, there is a lot in common with the -- with again, Arcadia, west Mesa, Tempe, and the district that was created -- presented by Commissioner McNulty.

Not only that, but there's a huge difference -- I used to live in Mesa, in the east part of Mesa. And the east part of Mesa, west part of Mesa, are complete two different -- to me completely two different cities.

And that's why I think it would make sense for them, for the west Mesa folks to be with Tempe. I think they more have in common with them.

And again I reiterate that we -- and I think Commissioner McNulty did a better job than I can in stating that all criteria was used when we created each and every district.

And our attorneys can vouch to that, both Republican and Democratic attorney, that we used every bit of information, all the criteria to create these, both the legislative and congressional maps.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I mean, another concern I have is how we seem to be applying criteria differently in different parts of the state at different times. It seems arbitrary and not rational to me.
I mean, we've heard -- I've heard about different areas of the state not fitting together. Well, not fitting is not one of the constitutional criteria.

Communities of interest is a constitutional criteria. Communities of interest must be respected, but just not fitting in, I don't know if that means communities of interest.

But not fitting together has been used in some parts of the state to say, well, Flagstaff and its environs don't fit with the western CD 4, they need to be in the eastern CD 1.

But I've also heard communities of interest are very small to -- and as long as you cobble them together and don't split them, it's okay so, therefore, it's okay to put Marana into the rural eastern district CD 1.

So it's okay to do that there, but it's not okay to take all of Flagstaff and its environs and put it into CD 4.

That's not okay. That's inconsistent. That's, that's arbitrary.

And, you know, we see that with, with Mesa and west Mesa.

I mean, you know, if they're, if they're different, and they might be very different and belong in different districts, I don't disagree with that. But
that criteria should be applied evenhandedly across the state.

And certainly Biltmore, Arcadia area, PV, I mean, that is not -- they are different than Tempe. They are different than west Mesa.

They don't fit together. There is no commonality there.

CHAIRPERSON MATHIS: Any other comments?

COMMISSIONER McNULTY: I will add the comment that there's no grouping of however many hundred thousand people that are going to be similar, and that's not really our job.

Our job is to balance the six constitutional criteria.

They don't have bright line definitions, so obviously we disagree.

There's nothing wrong with that.

I mean, we have, we have a right to disagree. And I think we've all worked very hard to understand the state and do the best job as we -- that -- the best job that we could to perform the responsibilities that we are to perform based on the six criteria in the constitution.

To Mr. Freeman's point that there's no compromise and that he's unable to get what he wants, I just have to ask, you know, I guess it depends on what your objective is.

If your objective is to have two Democratic voting
rights districts and seven heavily leaning Republican
districts, then I can't compromise with that. Because I
don't think that's what our charge is.
I understand that that may be what Mr. Freeman
believes his charge is.
It's not what my charge is.
I think we have achieved a pretty good compromise
here with four solidly Republican districts, two very sound
voting rights districts, which will be Democratic almost by
definition, and three districts that can be won by either
party in an average year given average candidates.
And I think that's a very good compromise and a
very good reflection of what the voters were looking for
when they passed Prop 106.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: No, Commissioner McNulty,

That is not my charge.

That is not what I said.

My charge is to follow the constitution.

And the constitution -- let the chips fall where
they may.

I don't know -- when I, when I started creating a
congressional map -- I'm sorry, I lost my wind screen for
the mic. I know that's irritating.
I did not start off by making street level micro-changes to draw a map that had been pre-designed by someone else.

I simply gave instructions to the mapping consultant that said things, like, apply one of the constitutional criteria to our grid map, adjust the grid lines so that we, so that we follow county lines as much as possible.

I think that was my first charge.

I didn't know how that map would look.

I waited to see what Mr. Desmond came up with.

Similar adjustments to the grid map followed that I made, and which were, again, broad, broad requests, based on constitutional criteria.

I think they were along the lines of create voting rights districts. I think I am charged with creating two voting rights districts on the congressional map. So that was a charge.

And I said as a first cut, go ahead and use what the Hispanic Coalition has suggested.

I think one -- another charge was adjust the grid lines so that Indian reservations are kept whole.

I think that we've heard and should acknowledge that them as communities of interest.

I gave instructions just to maximize respect for
municipal lines, try to reduce splits of municipalities as much as possible.

    That's a constitutional criteria.

    I did not know how that map would end up.

    That is applying the constitution objectively, fairly, evenly statewide and let the chips fall where they may.

    And then once we got done with that, I anticipated we would probably have more deliberations about acknowledging communities of interest, that there are boundaries within the state, and whether we could respect them. That's a constitutional charge.

    And then we would look at ways to configure the maps in different ways, if we could, to favor the creation statewide, not just in one particular pet area, competitive or more competitive districts as the Arizona Supreme Court has said.

    So that's what I view my charge.

COMMISSIONER McNULTY: Madam Chair, just one final comment.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I do think it's important that we explain our different perspectives on this.

I didn't -- I don't really view this as letting the chips fall where they may.
I, I know where I live. I know a little bit about the state.

And we were given tools to study, which I took advantage of.

I think that there are, you know, concentrations of Republican population in the state. There are concentrations of Democratic population in the state. And there are areas where it just makes sense that you're going to have very mixed partisanship. And those areas, you know, tend to be around universities. They end to be those kinds of areas.

So, I did -- I mean, I needed to describe those areas, and so I did that based on neighborhoods and streets and communities.

There's nothing wrong with that.

It was a different way to go about it. It's the way I chose to go about it. But that's entirely consistent with the constitution.

You will recall that when I did the legislative maps in Tucson, I, I put testimony together based on my knowledge of Tucson.

I did the same thing in Phoenix.

I had an atlas in which interestingly the atlas has, I don't know, 60 or 65 pages, but the majority of the districts in Arizona are on two pages only. Because they're
all in metropolitan Phoenix.

    And I've used that, you know, as my guide to start putting things together.

    So it's a different way to go about it than you did, Mr. Freeman, but it's an equally valid way under the constitution.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Well, my let the chips where they may fall comment refers to the political outcome.

    None of my instructions to the mapping consultant had -- did I have any notion what the political outcome would be with where the lines were. Just whatever they were is where the constitution would dictate that they would fall.

    That's the only thing I meant by that.

COMMISSIONER McNULTY: Well, that's, you know, that's, again, just a different perspective.

    I think that if you have a situation as we do here in Arizona where you have 21 senatorial districts that are Republican, anything that you do, I guess, to create a competitive district makes -- appears to make the state a little less Republican and therefore can be interpreted as promoting something for the Democrats.

    But, that's kind of not the issue.
The issue is that Proposition 106 instructs us to follow the six criteria.

And unless you turned a blind eye to competitiveness altogether, you're going to wind up potentially making things look a little more Democratic because they're a little more balanced.

I don't apologize for that.

I think that's what we are obligated to do as long as we balance all six criteria.

I know we've been roundly criticized for that as being partisan in some way, and that seems very upside down to me. But, but it's consistent with what I was appointed to do.

And, and I am proud of the progress that we've made under very -- you know, a lot of criticism, a great deal of pressure, to suggest that that is somehow wrong or, you know, somehow sheds down on our credibility.

No, I don't think any of that is true.

I think the voters wanted us to stand up tall and do the best we could to achieve a fair and balanced outcome. That's what I -- that's what my focus has been.

It hasn't been based on one of the criteria. It's been based on all of the criteria.

I think, I think there was wisdom in Proposition 106.
I think the reason -- one of the reasons that there are so many criteria is because it's kind of a compilation of what's been learned all over the country in terms of factors that you're supposed to look at and balance in developing districts that don't necessarily favor incumbents, that are fair, that can create opportunities for citizens to increase their participation and for candidates to increase their participation.

I mean, that's, that's the essence of democracy. That's what this is all about. Is increasing citizen participation and increasing candidate participation.

There's nothing wrong with that.

I'm not going to apologize for that. I think that's what we need to do here.

And that's really what District 9 is -- that's what District 9 is about.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Just one second, Mr. Freeman.

I think we're going to dial up Mr. Stertz so he can also participate.

But go ahead.

VICE-CHAIR FREEMAN: Well, one of the things the constitution charges us with or what we're supposed to do is conduct the process in a way that instills confidence in the public as to what we're doing.
And when you apply the constitutional criteria objectively across the state, without a predetermined political outcome in mind, I think that does instill the public with confidence, because we're seen as being fair and objective and essentially letting the constitution decide where the map lines are drawn.

I think when we get into pre-designing districts and implementing them, having them pre-designed and then drawing them, based on whatever rationale, the concern is the public will view that as a manipulated, predetermined outcome and that it won't be fair.

And it will be to create districts in some part of the state that give Democrats a boost they wouldn't ordinarily have if the constitutional criteria were applied evenly and fairly statewide.

I mean, there's been lots of debate about the semantics of the word gerrymandering, but I think one definition of it is where you create a district where the district lines are drawn artificially in order to give one candidate or even one party an advantage they wouldn't ordinarily have.

And that's certainly what's going on here, because we've got a bunch of districts where it would be hard pressed to put more Republicans into them.

I suppose anything is possible, but we've got some
really hyperpacked Republican districts to, as I said earlier, to the detriment of Democrats who live in those districts and to the detriment of Republicans in that district.

And that's -- I don't think that's fair, and I don't think that's what the constitution calls for.

VICE-CHAIR HERRERA:  Madam Chair.

CHAIRPERSON MATHIS:  Just one second, Mr. Herrera.
I just want to see, is Mr. Stertz on the line?
COMMISSIONER STERTZ:  I am, but I have a very difficult time streaming right now.

CHAIRPERSON MATHIS:  We can hear you really well, if that's any consolation.

VICE-CHAIR HERRERA:  Madam Chair.

CHAIRPERSON MATHIS:  Mr. Herrera.

VICE-CHAIR HERRERA:  Yeah, I think we probably should move on from this argument.

You know, I think Commissioner McNulty has been, I think pretty clear and very positive in, in her remarks on where she stands, and Commissioner Freeman has taken more of a negative approach.

And, and I don't think we're going to agree. And that's fine. You know, we have differences. Let's be respectful, which we have been.

But, but one thing I do say, I think that the
public -- the majority of the public does have confidence in what we're doing.

    I think it was pretty clear when we had the governor trying to intervene and the legislature, I think the polls showed leave the Commission alone.

    It was extremely clear.

    And if, and if Commissioner Freeman believes that we're not following the constitutional criterias, and which I don't agree with him, there is a remedy. That's through the courts.

    And the courts will -- I think I'm extremely comfortable that the courts, again, will side on our favor. They can throw anything they want at us, that we're doing this, we're doing things, we're being unethical, we're being this and that. And, again, I think they'll be proven wrong.

    And, and he can throw any accusation he wants. And he's entitled to, and he has in the past, and it hasn't worked.

    So what I want to do is just move forward. I think that they can agree to disagree.

    I tend to side with Commissioner McNulty. I think her points are extremely clear, valid, positive, and, and she states them in a way that we don't -- let's agree to disagree. Let's move forward, and let's focus on -- if, if
we're done with the congressional map, let's focus now on the legislative map.

CHAIRPERSON MATHIS: I would just like to comment on the constitutionality of the maps, at least from my perspective.

I do believe we've applied all six of these criteria in an equal, balanced way, and tried to follow the constitution as closely as possible.

Now, if we have not, and in any -- if we've fallen down somewhere, I would hope that our legal counsel would be advising us to say, hey, you're not, you're not doing this correctly, or that was wrong, and they would jump in and tell us.

And I would hope that before we approve final maps, that if there are any concerns along those lines, that they are addressed and fully before we approve the maps.

So, that's all I would say on that matter.

Mr. Stertz, did you have anything that you wanted to add?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Go ahead.

COMMISSIONER STERTZ: My apologizes for not being able to tune in and make comments during the course of the day, mainly because unfortunately the call-in line no longer existed, so we had to wait until the technology was able to
catch up.

Commissioner Freeman has put sufficient words on the record. This has been repeated over and over again.

My, my view of CD 9 hasn't changed.

It was a place holder district in the beginning.

It was a contrived district right from the beginning.

The story line about it being a district designed around a lightrail is I think at best thin, and that's just a difference of opinion, I guess, in how Commissioner McNulty and Commissioner Herrera want to hold it.

That's -- I'm comfortable that there's a difference of opinion.

What I would be -- I know that -- what I do know is that the lightrail went down a road. And those roads already existed before the lightrail was put into place. And people were moving along those roads already before the lightrail was put into place.

And they were going from their residences to wherever their jobs were before the lightrail was put into place.

So I think that that is a -- as an argument as a basis for connectivity of a district is at best thin.

In regard to a pre-designed district having a predetermined outcome, as you said before, that is the
definition of gerrymandering.

And I don't like the idea of having -- I'm all in favor of competitive districts. We have not focused on truly building competitive districts.

We designed a district that got dropped into the center the map during the draft map design process, and this is what we ended up with.

So I brought forward a map. I'm really curious to see what, what the rest of the comments are going to be in regards to the congressional designs in regards to CD 2, CD 8, CD 4, CD 5, CD 6 changes that I brought forward and CD 1 changes that I brought forward two days ago.

CHAIRPERSON MATHIS: And, Mr. Stertz, I don't know if you were able to hear us during the beginning part of our meeting, but just to bring you up to speed, we did talk about congressional draft map adjustments, and we should have online now, I think, what was passed out today here in the meeting.

And that is some change reports associated with Commissioner McNulty's proposed changes.

And then what I had asked Mr. Desmond to do after our meeting yesterday, after seeing your presentation, is -- and I didn't know if it was possible. I just said, is it -- can you see if this even works, can you take Districts 1 and 2 from McNulty's map, three, seven, and nine, between your
two maps were the same, and add in your version of four, five, six, and eight -- and seven -- four, five, six, and eight.

COMMISSIONER STERTZ: Now, why would we want to do that when we've heard volumes of testimony saying that the people in Oro Valley, Saddlebrooke, and Marana want to remain together as a community and want to remain connected to the greater urban Tucson area?

CHAIRPERSON MATHIS: I was strictly -- when I chose one and two from McNulty's map, what I was really focusing on was that I like the fact that she does improve the compactness of CD 1 by not going all the way to the border.

And we heard overwhelmingly from everybody, that seemed to be everybody's biggest concern was how big CD 1 was.

And both of you kept Cochise County whole in both versions.

The difference was the border and whether CD 1 goes all the way to the border or stops at the Cochise County line.

I also mentioned that with regard to the Marana, Oro Valley, Saddlebrooke areas, I remember yesterday Ms. McNulty in talking about her definition of communities of interest. I don't agree with everything she said. It's
not my perspective. I do think that Oro Valley, Marana, and Saddlebrooke have common interests and could benefit therefore from common representation. I do think they're worth keeping together.

She viewed it as Saddlebrooke's a community of interest, but not necessarily Oro Valley and Marana. So there's a difference in opinion there.

But the reason I left that the way it is with those going into CD 1, because I guess another idea would be to, you know, just have Saddlebrooke go to the north, and you'd split Saddlebrooke, Oro Valley, Marana. But I do view them as, as a community of interest based on the tons of testimony we received.

And what I said was that I do think that having an additional voice representing an area, that being greater Tucson, in congress is a good thing.

I think having three voices is a benefit. And it's, in fact, something we, we highlighted and touted on our second round of hearings.

And I think, I think that's a positive.

So, that was just my take.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Yeah, I'd like to see if Commissioner Stertz was able to listen to
Commissioner McNulty's explanation of District 9 and how she came up with District 9. So that's a question for Mr. Stertz.

CHAIRPERSON MATHIS: Could you hear that --

COMMISSIONER STERTZ: Mr. Herrera, what I will do, I will wait until this is posted so that I could adequately hear it, and I'll reflect back on it and give my comments to that testimony on Monday.

VICE-CHAIR HERRERA: The reason I ask, Madam Chair, is because Commissioner Stertz was talking about some of the things that commissioner -- some of the things that Commissioner McNulty had mentioned in talking about the lightrail being the thin -- or a -- not good of an excuse, it's some thin proposal that the reasons why District 9 looks the way it does.

I was assuming that he did, so I was just trying to confirm.

WILLIE DESMOND: I don't want to interrupt. I just want to mention that these maps are now available online. So if Mr. Stertz had any questions, he can view the change reports and the map.

CHAIRPERSON MATHIS: Great. Thank you.

And all of us need to look at these.

We just got them at the beginning of the meeting, so it would be helpful, I think, for all of us to kind of
study these in more detail to see what it all means.

Are there any other comments on the congressional map at this time?

Is there anything, Mr. Adelson, that you wanted to mention on three or seven? I think, we're . . .

BRUCE ADELSON: Madam Chair, commissioners, no, I -- I'm -- I don't have anything new to offer at this time on the two majority-minority districts.

Thank you.

CHAIRPERSON MATHIS: Thank you.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Once again, I would like to thank Commissioner Stertz and McNulty for the changes that they proposed and for, again, for leaving three and seven alone and waiting for and respecting our decision to wait for the analysis to come back.

So I would hope that it stays that way.

And also in the legislative map that any changes that are being proposed by any of the commissioners leave the majority-minority districts intact until we get the analysis back.

So I'm looking forward to continued respect of the decision we made.

VICE-CHAIR FREEMAN: Madam Chair.
CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Commissioner Herrera keeps saying that, but keeps misrepresenting the record.

The record was not that they were locked in. The record was only that we were going to send those districts off for further analysis.

That was the only thing that was agreed upon.

In fact, the original motion by the chair was to lock them in, and I objected. And she changed it to reflect that merely the agreement was to send those districts on for further analysis.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Again, I don't think I misunderstood.

The -- it was to temporarily lock them in, I agree, until we got the analysis back.

And until then we weren't going to make any changes. Because what happens is, when you start making changes, you have to send those changes to, to get them analyzed.

And, again, we are being delayed. And I think sometimes I look at it as delay tactics. And, I mean, I hope I'm wrong. We've seen these delay tactics in the past. And, and I hope, again -- I want to be wrong -- that I
think -- but I do know that we agreed that we would
tentatively hold the majority-minority districts until we
get the analysis back. That's what I remember, and I think
I'm correct with that.

And, I mean, unless any other commissioners that
are here want to prove me wrong, please let me know.

CHAIRPERSON MATHIS: I think what Mr. Freeman said
was accurate, that we would submit for further analysis was
kind of a phrase that we decided on, instead of anything to
do with locking in, even as a temporary lock in. We didn't
use that, so . . .

VICE-CHAIR HERRERA: That's exactly what I said.
I don't see how I differ from Commissioner Freeman.

CHAIRPERSON MATHIS: Okay.

I'm glad you two are on the same page.

Okay. It's 5:30.

How is our court reporter doing?

THE COURT REPORTER: I'm fine.

CHAIRPERSON MATHIS: Oh, okay. Wow.

Well, anything else on the congressional map that
we'd like to talk about?

Mr. Stertz, too, feel free to jump in.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Yes.

COMMISSIONER STERTZ: This is going to be the
first agenda item for Monday morning.

    CHAIRPERSON MATHIS: Yes, I think --

    COMMISSIONER STERTZ: So that will give me an opportunity to reflect back over some of the changes that I've not yet seen, nor -- I'm missing pieces of Commissioner McNulty's testimony, and then the follow-up by Commissioner Freeman, which had led me to go down the path that I was leading to.

    We'll, we'll have a lively discussion about this Monday.

    CHAIRPERSON MATHIS: And, Mr. Stertz, actually I think it would be helpful if Mr. Desmond mentioned what you mentioned earlier, with regard to some possible changes Mr. Stertz might have for the congressional district, in terms of, I think, CD 5, and I am not sure where else.

    Could you go over that?

    WILLIE DESMOND: Yeah.

    Commissioner Stertz, what I had mentioned was that yesterday, you, you mentioned that, that you were going to look to ways to, you know, remove population deviation among the districts and possibly remove a split of Pinal from District 5, and that you had indicated there would be further changes that would possibly be for today but more likely for next week Monday.

    COMMISSIONER STERTZ: I had tried to identify
where there supposed to be today and at one point I could barely -- I can barely open my eyes right now. I have a terrible sinus infection right now. So driving up today was just not in my game.

So, yes, I'll get those to Mr. Desmond over the weekend and talk -- give me the opportunity to look at these others as well.

CHAIRPERSON MATHIS: Thank you. I hope you're feeling better.

Is there anything else on the congressional map?

(No oral response.)

CHAIRPERSON MATHIS: Okay. I think we're ready to move on to the next agenda item.

Which is the legislative, same discussion, except on the legislative draft map.

And yesterday Mr. Desmond provided us with a lot of change reports that we didn't really have a chance to get into.

And if anybody has preferences on where they would like to start, feel free to suggest them.

WILLIE DESMOND: I believe the only change that we really dived into is Commissioner Herrera's changes.

We also have Commissioner Freeman, Commissioner McNulty, and Commissioner McNulty that we looked at changing the split between District 8 and 11 in
Pinal County to see if there was a way to make that district more competitive.

There's two options on that. One, that where we can go into those further.

Also for today there's one more change report for the legislative. And that was something that Commissioner McNulty had asked me for this afternoon. That was just to try and balance some population of some of our non majority-minority districts that had either far too much pop -- depending on what the legal team says, too much population or too few, trying to bring down the deviation closer to zero.

CHAIRPERSON MATHIS: And so before we choose which one to start with, I should ask Mr. Adelson too, is there anything that you'd like to address the Commission on with regard to just the majority-minority districts? Because these other changes are outside of that.

BRUCE ADELSON: Madam Chair and members of the Commission, thank you for the opportunity, just as an overall comment, you know, as you know, there's ongoing analysis of the effectiveness of the majority-minority districts. And it's some analysis that I'm doing, Dr. King is going to be doing, and we're all doing.

I think that as we move forward, it's very important to remember that the -- one of the ultimate
comparisons that DOJ makes under Section 5 is the comparison with the benchmark, the existing legislative lines that have been precleared, as well as the effectiveness of the district -- of the districts measured against the measurement elections that we've been using.

And that's certainly what I've been focusing on. I think you've been focusing on. That's just a general overall comment that at this point, as we come closer to the finish line, the measurement against the benchmark becomes even more inexorable and mandatory and gets down to very, very nitty-gritty details of .2 percent or .3 percent to determine whether or not there's retrogression.

Because the department has found retrogression in other jurisdictions in as little as .5 percent, depending upon a district.

So those are just some overall comments that I wanted to share.

Thank you.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Just a couple comments,

Mr. Adelson.

One of the reasons why you aren't able to give us information is because the analysis isn't back. So, again, changing the information would delay us some more. But I've
already made my case for that.

But I wanted to say the, the District 7, Legislative District 7, we have agreement, I think, from the Native American tribes that they like the way the map currently looks.

And I think all of us would agree it's difficult to get all the tribes together to agree. Because, I mean, they're all, you know, independent tribes.

How important is it to get the approval or the, or the go-ahead from the Native American tribes that will affected in District 7 for us going forward?

Let's just say that we make no other changes to the map, District 7, the way it is.

The Native American tribes like the way it is.

We probably like the way -- I think I like the way it is.

And if the analysis comes back that the, that the -- that District 7 the way it is in the draft map will pass DOJ, how important is that to have the backing of the Native American tribes in that district?

BRUCE ADELSON: Madam Chair, Commissioner Herrera, it is very important to have the backing of the, in District 7, of the Native American nations.

That is very important.

However, it's not the dispositive. It's not the
final answer. Because DOJ will still conduct its own analysis.

I've, in my experience, I've seen, whether they're Indian nations or minority organizations, proposing a certain map, and then our concluding that that map had issues under the Voting Rights Act.

I'm certainly not suggesting that that would be true here, but it is important to realize that I share your opinion that the support of the Indian nations is vital and is very important, but isn't the final word, as is true with all things we're talking about.

The final word is with the Department of Justice, and they can -- they will do their own analysis or I should say analyses. And the analyses that they're doing are the analyses that we're doing, and certainly the analysis that I'm doing, to make sure that the match-ups are the way they need to be.

And if there are any questions, as we've been talking about, figuring out the questions now and answering them now, so we don't get a phone call or a fax from Washington asking us questions, because that's a situation I think we all want to avoid.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Go ahead.

VICE-CHAIR HERRERA: Mr. Adelson, I, I think you
would have -- even before we sent the analysis, or the information to get it analyzed to see how the districts are, if there was any red flags, you would have raised them even before we sent them to get them analyzed.

So -- is that correct?

BRUCE ADELSON: Madam Chair, Commissioner Herrera, I think that when we're talking about analysis, as I said before, I'm doing analysis. Dr. King is doing analysis. In looking at one of the things that I've been looking at and will continue to look at is the measurement against the benchmark.

And what I found at this point is that the draft districts match up as well as or better than the benchmark as far as election performance.

Now, that's one metric, and only one part of a very large puzzle.

But there are -- there are continuing to be match up with the benchmark.

And, for example, one of these we talked about last week is matching up minority population, minority voting age population, the minority population of the largest minority group in the district, be they Latino or be they Native American.

So there are continuing match-ups that need to be made in order to eliminate as many of the questions as
possible.

But just as far as performance, that's something that we've been talking about recently and something that I've been focusing on recently.

From a performance standpoint, by performance I mean the measurement elections that we have been utilizing, the draft districts appear to either equal or better the electoral performance in the benchmark.

That is very important, very significant. It's not the last word. It doesn't mean that we're all finished and we just package everything up today.

It doesn't work like that.

But, preliminarily, I think that that is, that's a very positive indicator, and we'll continue to look at the other indicators to answer the questions that we need.

VICE-CHAIR HERRERA: Mr. Adelson, I don't disagree with anything you just said. And my intention was never to say, okay, let's -- our job is done.

But the reason I bring up District 7 is it's a district that's important to me, and it's important to everyone, I think, sitting at this table.

And I want to make sure that -- we've come a long way to -- for us -- for all of us to be on the same page, including the Native American tribes. Because I think we all know it does take quite a bit of time for them to get on
the same page with the other tribes.

So I want to make sure that any -- anything going forward makes no changes at all, especially to District 7.

This is a district that's important to me.

And I, I told the Native American tribes that they definitely have a representative on the Commission that is trying -- that is looking out for their interests. So I want to make sure that we don't go back to square one in District 7 by making any changes until, again, we get back the analysis.

So that's all I wanted to say, and I appreciate your comments.

CHAIRPERSON MATHIS: Is there any estimate on when the analysis is due back?

MARY O'GRADY: Not right now. We don't have a specific date.

We're following up on that issue, but we don't have a specific date.

VICE-CHAIR HERRERA: Madam Chair, just a quick question, and it can be for the legal team or for Mr. Adelson.

When we said that we were going to send the information out for analysis, when was that date? Do you remember the date?

MARY O'GRADY: We don't have that date for you
right now, maybe by the end of the meeting we'll have it for you --

VICE-CHAIR HERRERA: I just want to -- and maybe because it's been a while. You would probably agree. It's been more than three days. Probably more than four days.

And right now, I don't see any end in sight in terms of when -- I don't think you guys know when we'll get the analysis back.

And, again, I just can't stress the importance of, again, not making any changes to the majority-minority districts. And then having to wait again for the analysis, the second analysis to come back on the new proposed changes.

So, again, I'm just trying to, I guess, stress the importance of keeping them the way they are until we get the analysis back.

CHAIRPERSON MATHIS: I think it was the ninth, a week ago today, because I remember Ken saying something about he would then have the weekend to talk to Dr. King, at least, provide, you know --

WILLIE DESMOND: How the process kind of works is you guys -- we left off on the ninth. That's the most recent working map. Those were the changes that submitted for approval.

It's not like we just take that map and just send
You have to -- there's a lot of work that goes into -- ecological inference uses different voting precincts. You have to start -- you're looking at those districts matches those voting precincts, I mean those percents.

So I believe Ken worked through the weekend to get that information ready to send it out to Dr. King, and sent Saturday, Sunday, or Monday this past week.

CHAIRPERSON MATHIS: That's sounds right.

Any other questions on majority-minority districts?

MARY O'GRADY: Madam Chair, I just have a follow-up comment.

I know, like, yesterday we heard the testimony from Guadalupe. And I don't know how you all -- I don't know if you're going to make -- if you want to -- how you regard that.

But it seems to me that in terms of timing, if there are changes that effect minority districts that the Commission is interested in, it might make sense to have a couple of tracks referred for analysis.

I don't know that you want to wait and get, you know, the analysis of these, but you still have options that you're interested in, but you want to explore, and then
those come up later, but this analysis checks out just fine.

And it's something that we can certainly defend as non-retrogressive.

I just think you all -- my understanding is that you all as policy makers have referred this to analysis. And what you do from this point forward still remains, you know, with your -- within your discretion in terms of how you handle those majority-minority districts and whether additional things are referred for an analysis.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The changes or the comments that were brought up were -- for the first time I heard them yesterday.

And I think that was pretty clear to say that I would love to have Mr. Adelson comment when he was here, when he comes here, which is Friday, that was yesterday. And I encouraged the people from Guadalupe to be here to listen to Mr. Adelson's comments on the effect of moving Guadalupe to a different district.

And I, again, I -- it wasn't to ignore them, because I was listening them, but, again, I wanted to hear from Mr. Adelson.

He is the expert.

I'm not the expert.
And so that's -- I'm glad you're here.

BRUCE ADELSON: Madam Chair, Commissioner Herrera, thank you. I'm glad I'm here, too.

I didn't -- I did watch the hearing yesterday.

Would you like me to comment on the Guadalupe issue?

VICE-CHAIR HERRERA: Yes.

BRUCE ADELSON: Before I do that, just as additional information on analysis, I know that it would be very satisfying if we could take this pile of paper in front of me and Fed Ex it to Dr. King right now and that that would be it.

What I can appreciate from your standpoint is, and from all of the standpoint of the Commission, and frankly from residents of Arizona, is that there's much more involved in this, because I think as one of the things that we've been talking about -- I'm not talking about whether there are changes, but just as far as analysis.

Dr. King has his expertise, and I have my expertise.

And my expertise is Department of Justice and Section 5 as far as we're talking about.

So he does -- he's doing an analysis.

I'm doing analysis.

We're all doing analyses.

The -- what one of the differences that's very
important to remember between now and nine years ago is remember the Voting Rights Act as we know has been strengthened. Section 5 is stronger.

So DOJ is looking at more things than we looked at.

I will tell you that when I read -- have been reading the pleadings in the Texas litigation, one of my reactions was, wow, you're looking at that. We couldn't do that nine years ago.

And I will admit a little sense of envy that DOJ has certain tools that we really didn't have to the same degree at our disposal.

So I think that that's important to realize.

As far as the Guadalupe issue, my concern has been that District 26, the draft district, is arguably one of the weakest as far as several of the metrics in the draft map.

DOJ in Section 5 evaluation looks at many things.

They look at performance. They look at HVAP, HCVAP, total minority population, and they compare that with the benchmark.

The way District 26 now is in several categories District 26 is weaker than the weakest benchmark district in certain categories, not in all the categories.

And there are -- because that doesn't match up well, my concern is that we should -- my recommendation
respectfully is that the Commission should enhance the
district to the extent that we can.

    I understand that people have strong opinions
about where they'd like to be, whether we're talking about
these districts or other districts. I understand that.

    That's not just true here. That's true throughout
the United States as redistricting, of course, brings out
very strong opinions about various things.

    Guadalupe is a very strong voting area. And I'm
looking at it from a context of Section 5 and the Voting
Rights Act.

    I'm not looking at it from the context of other
reasons that came up yesterday.

    The -- as we talked about the keeping communities
whole, communities of interest, contiguity, all of those
take a back seat to complying with the Voting Rights Act.

    So to the extent that things need to be done in
order to comply with the Voting Rights Act, then that's very
important.

    From another standpoint I'm certainly very open to
any enhancements that can be made, however they're made.

    It's not as if Guadalupe is the only enhancement
arguably that could be made.

    There may be others, and I'm certainly very open
to examining what others there are.
But my examination for moving Guadalupe from 27 to 26 goes to the enhancement issue.

The fact that Guadalupe among virtually all the draft districts needs enhancement.

Now, it has been enhanced. My recommendation is that we look for additional enhancements.

District 27, district draft 27 has a very large minority population, 84.1 percent. It's very high.

Arguably there's some population that can be shed to strengthen 26.

So, again, my recommendation goes to the -- how the Department of Justice views the submission and goes to the issue of Section 5.

That was why I had recommended that respectfully the Commission consider putting Guadalupe into 26.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Ms. O'Grady, did you have comments on that issue?

MARY O'GRADY: Well, Mr. Adelson's observations as to why the move was made are certainly accurate. There was an effort to enhance 26.

As in terms of whether at this point the Commission should not move -- should keep Guadalupe in 26, that's the map that was referred for analysis, I think
that's a policy call for the Commission. Because I think, although it does improve 26, and some of this comes to maybe our different views on the benchmarks, the electoral performance of 26, even without Guadalupe, is better than the electoral performance over in the past decade in some of the benchmark districts.

I'm not persuaded that without Guadalupe we have a retrogression problem based on 26.

That said, if -- so I think there's some policy discretion on the part of the Commission in terms of how it wants to deal with Guadalupe issue.

If there are other ways to enhance 26, then certainly, you know, I don't think anybody objects to exploring those.

And the options there are when we've looked to non-voting rights districts for additional folks, and we haven't found anybody, looking west and looking south, then it's a matter of looking to voting rights districts and maybe taking different people from 27 into 26 or moving north and moving people out of 24 into 26, and then doing some other exchanges between the voting rights districts.

So, so I guess my main point is I think the Commission has options available to it.

One of which is to keep Guadalupe in 26, but I don't think that's the only option.
And it might be if there's a timing concern, it might be -- we might have more things that Dr. King is looking at other than the move to, you know, other than this particular proposal.

It's up to the Commission how it wants to handle it.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I think you may have already have answered this, Ms. O'Grady, but do you agree that moving Guadalupe into 26 strengthens the voting performance or the majority-minority performance of 26?

MARY O'GRADY: Oh, absolutely. Absolutely. You're taking a solid block of Hispanic voters and moving it into this district. So it absolutely improves the performance in 26.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Cadre of lawyers.

Would it make sense to have an alternative analyzed at the same time by Dr. King? Is that something that the Justice Department would look on favorably? Would they view that as an additional effort on our part to satisfy the Voting Rights Act and therefore make it more likely we would achieve
preclearance?

BRUCE ADELSON: Madam Chair, Commissioner McNulty, yes, the, the only thing that would be problematic is that if we had a district that was obviously retrogressive, let's say it went from 65 percent minority to 42. That would be a huge problem.

And given that the Commission said, you know what, we're not going to do anything to change it, we're just going to refer to analysis, and when it comes back and it says retrogression, we don't care about that.

That would be a problem.

Now, as ludicrous as that sounds, that does happen in certain parts of the country.

At this point since we have a district -- and I certainly agree with Ms. O'Grady that from an electoral performance standpoint the district appears to be a good district.

It's not as solid as 27, for example, but performance does -- performance indicators do seem to suggest that minority voters will have the opportunity to elect candidates of choice.

At this point when we have a district that has a positive performance indicator, but has some questionable metrics, as far as HCVAP, for example, then having another map referred for analysis to see what the comparison is,
which one would be better, I think that I would certainly respectfully recommend that.

I don't see that that is a problem for the department at all, because we're not starting on the surface with a map that is obviously retrogressive and problematic under Section 5.

COMMISSIONER McNULTY: So, Madam Chair, would it make sense for us to request that Mr. Desmond work with Mr. Kanefield and Ms. O'Grady and Mr. Adelson to put together another proposal?

I mean, as you say, we've looked at the non-voting rights districts.

And I think we've concluded there's no help there.

There is the Salt Gila -- or the Salt River reservation nearby.

There's District 27.

Is there some combination of movement from those things would be worth referring for analysis at the same time?

Would you -- could we then -- could we, could we do that without Guadalupe? Could we look at it as in the alternative?

In other words, look at it, look at an alternative in which we did not move Guadalupe out of 27, but we did some other combination of things.
BRUCE ADELSON: Madam Chair, Commissioner McNulty, absolutely I think that looking at alternatives, whether alternative A moving Guadalupe into 26, alternative B not moving it but moving some other blocks in, absolutely.

I think Justice won't have an issue with that.

I think that that's all part of the deliberative approach of the Commission. And, again, there's no clear red flag retrogression where you're acting either intentionally or accidentally to discriminate, which would be a violation of Section 5.

So I would certainly respectfully endorse that.

My -- the only caveat as far as when we're looking at moving population, my, my recommendation respectfully would be not to really do much with District 24.

Because 24 is also relatively low on the scale. It does have a positive performance indicator, but there are metrics that don't match up well with the weakest of the benchmark districts.

So to the extent that this can be done without doing -- without lowering the metrics of 24 further, I think that would be the best course from my perspective.

COMMISSIONER McNULTY: Thank you.

CHAIRPERSON MATHIS: Ms. O'Grady mentioned if there's a timing concern, and I just have to jump in here. Because, frankly, I do think there's a timing concern. And
it's not that I don't want to do additional analysis. I want to achieve preclearance on the first try, probably more than anybody on the Commission.

It's been a stated goal from the beginning. It would be fabulous to do that.

And I want to make sure we do everything to the extent possible to do to achieve it. And so however much analysis that takes is great.

But I also think if, if, if we at all think this is going to go for another couple months or however long, I just have no sense of it from, from how -- who is the primary communicator with Dr. King, and is he getting the message too that -- I know he's not the only one doing the analysis, but is he getting the message that there is some urgency to all of this.

And otherwise the courts will draw the lines.

And so we should just come clean with the public and anyone else, if there is any thought that we may not be able to achieve this in time.

MARY O'GRADY: We're following up with him, and we'll get you more information on the timing. I think, I think he's understands the context.

Ken has been the primary contact there, although we've had some joint calls, and we'll probably have more.

My thought in terms of the moving efficiently, and
I don't know if this works for folks, if, if you go through the change, because the change orders that you have, and see what's on the table in terms of other legislative things, and then we could work -- I mean, there's not that many places to go in terms of other enhancements. And if you wanted to spend some time in session looking at some options of other enhancements to 27. And then the other thing, too, apart from the -- or, excuse me, 26.

Even without the Guadalupe change, you, you might want to refer for analysis even if you didn't change anything else.

But if you wanted to look at what it looked like to move Guadalupe back, and I don't know that you do, you could still refer for analysis that change.

Because you haven't made -- made other changes to exhibit to enhance it. Like Dobson Ranch. I think that was a change, and I think that helped it.

But I don't know if you want to spend some session time in this meeting looking at other routes to enhance 26, and just to give us a little more guidance on which areas to go or not go.

BRUCE ADELSON: Madam Chair.

CHAIRPERSON MATHIS: It's working.

BRUCE ADELSON: Madam Chair, I certainly understand your concern and certainly understand the
calendar.

I should tell you, if this is beneficial, in doing my performance analysis, one of the very positive things that the Commission has with the draft map compared to the benchmark is there are three benchmark districts that have poor performance with our measurement elections.

The draft map does not have that level of poor performance.

So just in that sense, that's very positive.

If that were reversed, if the draft map -- certain districts did not beat benchmark electoral performance across the board, that would be a huge problem.

But we don't have that.

So that's very positive.

And as I said, I understand your concern. And I share your sense of priority.

But from my perspective I'm not seeing anything that is going to make this process go on along the lines that you had suggested.

The -- you know, we've spoken as a team about contents of the submission and how things need to be compiled.

And I've certainly talked to the staff about compiling this submission as well.

From my perspective, and I can't speak for
Dr. King and what his schedule may be, but from my perspective I think things are moving in a very positive direction, with positive meaning that this is not something that we're going to be meeting about months from now. That's not something that I see. I think things are moving along at a very good pace.

And as I said, the performance analysis, which I had wanted to do before coming out today, is also positive. There are things that we have to look at and there are some questions that I had, but on balance, compared to the benchmark, it's very positive. And they don't -- there are not major, oh, boy, Justice is really going to focus on this, issues that I had when I went through all the elections and all the districts. So I think things are moving in a positive direction.

CHAIRPERSON MATHIS: Thank you. And I'm happy to hear that from you. And I don't want to be disrespectful to any of you. I know everyone's working super hard to make this happen.

And I just want to make sure that Dr. King is also aware of the importance of getting the analysis in, and because we know there's a ton of work that -- you know, once
the final maps are approved by the Commission, there's a ton of work that has to get done just to put the submission, the package together to send to DOJ.

So it's not like when we approved the maps then everything's fair and skittles.

So if we can just all try to keep what Helen and Karen Osborne, Helen Purcell, is that right, and Karen Osborne came and said at the beginning, which was hurry and help.

And I am kind of curious actually too how that works with final approval of maps.

Because what then happens to then work with someone like Karen Osborne in Maricopa County with regard to making sure precincts weren't split and trying to coordinate that, and I'm just kind of wondering about some of those steps.

MARY O'GRADY: We've been talking about that, and Willie probably has some more information on how we thought that might work.

WILLIE DESMOND: So, I guess what our thinking was is that at some point you guys kind of -- I don't know what the right way of phrase it is, but agree that the maps are kind of set. We don't actually vote on, like, final approval yet. There will be a little time for us to do the population balancing for the congressional.
You know, in a lot of these maps there's maybe a deviation of 25 or up to like 100 people, and that has to be smoothed out to just zero.

Also we've been working with Maricopa County and some of the other counties, and we'll be soliciting some more information from them on their proposed precincts, their BTDs, so that what we can do is in cases where those changes have no population shift, just kind of accept those, and then as part of the other population balancing, you work with them and work with their lines as best we can to minimize, like, the harmful effects that these maps will have on the precincts that they hope to draw for the next year.

Because they're, they're very eager for these maps to be done so they can finalize their precincts.

And we'd very much like to work with what they have, especially in places where it's not major changes. And so we're thinking there will be kind of like a two-phased final approval. There will be the lines are kind of set, and then just some technical changes that we'll obviously come back to you and show you where those are.

And then if you're all right with those, that'll be the time to make final approval.

MARY O'GRADY: And, Madam Chair, I can see that vote -- I do think the vote is taken that this is the map
that we're basically done pending changes recommended based on the additional analysis or technical changes like those that Willie has described.

And then but your policy thinking is done.

And then you come back for final vote and to incorporate any of those changes and certification to the secretary of state, which would be the final final step.

CHAIRPERSON MATHIS: Great. Thank you. That's helpful.

Any questions on anything from commissioners?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Mr. Adelson, I think earlier you were saying the maps were going in the right direction. I think you were -- were you comparing the working draft versus the draft that was approved in October? Is that what you meant to say?

BRUCE ADELSON: Madam Chair, Commissioner Freeman, I'm looking at the, I'm looking at the change reports, the changes that I observed when I was here last week. So I -- with terminology, I guess the working map and what you're working off as of right now.

So the analysis that I did was based on the metrics as they stand, and as the Commission's working through them now.
VICE-CHAIR FREEMAN: That's what I understood you to say. I just wanted to make sure that was clear.

Are these -- the communications with Dr. King and between Dr. King or among Dr. King, Strategic Telemetry, and you, are you all doing this by phone, are there e-mails that the Commission could be a part of so we understand the level of progress and what the issues are and what needs to be done?

MARY O'GRADY: Frankly, not -- we probably need another -- we haven't followed up with Dr. King. It's been Ken that has been that connection since we got to the working map phase. And we're in the process of trying to set up a call so that we're all -- in terms of what work product we, you know, would like from him.

So in terms including -- if we had -- one of the things that we're -- at this point if we have him on the phone with commissioners, we could have an exec -- I would think it would be executive session work product at this point to discuss, you know, where we are in that analysis and get a client advice on that.

And we are making it clear on the agenda for next week that if we want to have that type of executive session discussion, and perhaps we can follow up and see if we can coordinate that with Dr. King's schedule.

CHAIRPERSON MATHIS: Any other questions?
VICE-CHAIR FREEMAN: So, and just for the Commission, is the sense then, based on what we've been told, that we need to look at -- I would think if we -- if there needs to be further refinements to the voting rights districts, those should be the importance, in front of everything else.

Is that what we want to do?

CHAIRPERSON MATHIS: I, I think it is. I mean, I'm pretty conservative on this one.

I probably -- I just really feel like we need to ensure that these are sound and will pass muster.

Do others have thoughts?

COMMISSIONER McNULTY: I was about to say thing the same thing.

I was going to ask what the population is of Guadalupe and what we would need to look at making up or proposing an alternative, and suggesting that maybe we want to give Marty a break and then come back and focus on that.

Would that make sense?

What is, what is the population that we would need to substitute for Guadalupe?

WILLIE DESMOND: I think it's around 6 or 7,000 people.

COMMISSIONER McNULTY: Oh, okay. So that's not
going to take us all week to do, probably something we can
do.

WILLIE DESMOND: So, what I can do is spend this
weekend looking at different ways of strengthening
District 26 without taking Guadalupe.

And I guess, I guess just the thinking there being
Guadalupe was one way we could strengthen 26. If there's
another way we can do it that doesn't upset a particular
community, that's probably better.

So on Monday I'll try to have some, some
alternative solutions to strengthening District 26 ready to
present to you.

If any of those seem to work with you guys, we
can then decide if we want to scrap what we did before or
if we want to submit another change, or just keep what we
have.

And if we do have another change, I think this
process will -- with Dr. King will go faster and faster.
It's going to be a much smaller scope of things that have
changed, so it will probably be -- that will help also speed
things along.

But, if it's all right, I will explore other ways,
if that's what you want me to do, explore other ways of
improving District 26 without moving Guadalupe out of
District 27.
CHAIRPERSON MATHIS: I'm just wondering, do we do that with Mr. Adelson here to help in any of that? I'm open either way.

COMMISSIONER McNULTY: I am too. What are your thoughts?

BRUCE ADELSON: Madam Chair, I'm here until you leave tonight.

So whatever -- however I can be of assistance, I'm happy to do that tonight.

CHAIRPERSON MATHIS: I just feel like it's, you know, good to have you in the room and present, so I'm just wondering if it's something we do now.

COMMISSIONER McNULTY: I'm certainly open to that.

CHAIRPERSON MATHIS: Mr. Herder might like a break.

Okay. Let's, let's take a quick break, and we'll decide on that when we come back.

It's 6:11. We'll take a ten-minute break. Thank you.

(Brief recess taken.)

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

The time is 6:28 p.m.

And we were just talking before the break about maximizing the utilization of Mr. Adelson while he's here to
ensure that we have sound legislative districts from a majority-minority perspective.

And I think Mr. Desmond is probably going to pull up some of those districts, in talking about Guadalupe and alternative paths to see if there are any.

And we've already explored, I think, as Ms. McNulty said, the areas around that to see if we can take anything from some of those districts.

And now we're going to look at other majority-minority districts, I believe.

Is that accurate?

WILLIE DESMOND: If, if you like, we can, yes, look at ways of improving District 26 without taking Guadalupe.

CHAIRPERSON MATHIS: When we say improving or enhancing, is this with regard to the electoral performance in that district specifically? Or is it kind of a lot of different things that we're looking to do?

BRUCE ADELSON: Madam Chair, my preference would be that in first in looking at the district, the first metric is going to be just population.

Because unless we can immediately analyze the performance over five or six elections, that would probably be difficult.

But if you look at, for example, just as a
starting place, if you look at draft 26, the HCVAP -- and this is without -- I think it's without the Guadalupe change, was 17.6 percent.

With Guadalupe, I believe, yeah, I think this is -- I think it's on this change report.

It improved to 19.2 percent.

So if you look at that, for example, one of the things that I would like to see is the HCVAP moving over 20 percent.

Because there are no benchmark districts that have HCVAP under 20 percent.

So that would be one thing that I would like to see.

Ideally it would be a one-for-one match which it may not be possible.

But if it could be over 20 percent, I think that would be, that would be ideal as far as something to shoot for.

WILLIE DESMOND: I don't have citizen voting age population available as a field we can shade by.

It's something that I was doing after.

I can try, try to get that for Monday, and add into the files, but I -- I am trying to think.

Let's just look at the district and just talk about different, different scenarios to do this.
Down here is Guadalupe. With the census places back on you can see that.

It's currently in working District 26.

If we remove Guadalupe from District 26, add it back into District 27, that would remove 5,523 people from District 27 -- or from District 26.

We're still within our, our deviation, so that's not really the concern.

However, the concern would be that District 26 would drop in both Hispanic voting age population, CVAP, Hispanic registration, and performance.

So, different places we can make up that population. Would be we can take from -- we could take the Salt River reservation and add that to District 26. That would take a little from 24, and 24 could perhaps take part of this, this area that sticks out from 27. So ultimately we're taking this from -- we're shifting population from District 27.

District 27 is probably our strongest district.

Another option would be for District 26 to grow to the, the west, take some of this area from District 27, and leaving Guadalupe with the rest of that district. That's, that's another option.

We've explored pretty extensively taking from this population.
The down side is that this population seems to be very low performing in the mine inspector race.

And when we've increased the Hispanic percentage, it hasn't had a net increase for CVAP and it's been actually detrimental to our mine inspector indicator, our attorney general, and president indicators.

So that's been the concern there.

We have played around with that quite a bit.

Those are really the options we have.

We're not talking about a ton of people here from Guadalupe.

So there's the chance we could do it any of these ways.

It's up to you how you want to proceed right now.

We can just see how some of these things look, if you want to start.

COMMISSIONER McNULTY: Madam Chair, can I ask Mr. Desmond a question.

Would moving the Salt improve the CVAP at all?

That doesn't strike me as responsive to what Mr. Adelson said we need to do there.

BRUCE ADELSON: Madam Chair and Commissioner McNulty, I understand that, that we may not be able to see an HCVAP change, but there are other indicators like overall minority population, for example, which might
go to your point, that if you're looking at an Indian
reservation, then you're not going to have a citizen voting
age population issue most likely.

There also is an issue with Hispanic registration,
for example. That may also not relate to your point.

But I think that an exchange as you're suggesting,
if that can be done, if the minority population can be
enhanced to the same extent as if Guadalupe is put in the
district or more, then certainly I think that would be
something to look at.

COMMISSIONER McNULTY: Then we wouldn't need to
get CVAP over 20.

BRUCE ADELSON: Well, the HCVAP is something
that -- when Willie said that whenever he's able to get
that, I think that's something that we can see.

But we should be able to do minority population
right now.

Just by switching, switching the two and getting a
sense of how that changes the minority population in the
district.

COMMISSIONER McNULTY: Okay. I guess I'm missing
something.

I understand that part, but I thought you said our
goals for 26 should be to get the CVAP over 20 --

BRUCE ADELSON: Oh, I see --
COMMISSIONER McNULTY: -- and I don't see how moving an Indian reservation is going to do that.

BRUCE ADELSON: I see your point, Commissioner McNulty.

That was one, was one example.

There are three areas of 26 that are weaker than the weakest benchmark district.

The HCVAP is one. Minority population is another. So that if minority population can be increased, that's a very positive enhancement. If the minority population goes above what it is now with the Guadalupe shift, that's important to know.

If it's less than that that's important to know too.

But as we were talking about earlier, seeing that as an alternative, I think, is important, but there are, there are three areas of concern that I have with draft 26.

HCVAP is one, minority population is the other, and Hispanic registration is the third.

COMMISSIONER McNULTY: Okay. Well, I guess I'll go back to my point. If we move an Indian reservation, that doesn't address two of the three. So wouldn't it be better to focus on an area that might address all three?

BRUCE ADELSON: Absolutely, to the extent that Willie can show -- bring that up, absolutely.
COMMISSIONER McNULTY: Okay.

Well, I would suggest then that we focus on the eastern side of 27, rather than moving the Salt River Pima reservation out of 24.

WILLIE DESMOND: Okay.

(Brief pause.)

WILLIE DESMOND: So currently District 27 has a non-Hispanic White voting age population of 22.8. District -- this is with Guadalupe going back to District 27.

District 26 has a non-Hispanic White population of 53.8.

So, if we were to take -- also District 27 is underpopulated by 5,249 people.

District 26 is underpopulated by 9,500.

So you can then move roughly 4,000 people into District 26 right there.

It will be just one second.

(Brief recess taken.)

WILLIE DESMOND: So basically what we can do is we can move 4 or 5,000 people from a different area of District 27, that's probably not going to be quite as good as Guadalupe was, but maybe close, like a starting point, and also trade some population from District 26 to District 27 that might not be like his -- there's a chance
that there is some population that can be traded so District 26 can take more of District 27 without further underpopulating District 27.

The other option is that District 27 can grow out in a direction allowing District 26 to go out more that way.

CHAIRPERSON MATHIS: Let's take a brief break.

The time is 6:42.

(Brief recess taken.)

CHAIRPERSON MATHIS: It's 6:43 p.m.

WILLIE DESMOND: In the draft map there's also this small area here in Tempe that was included in District 22.

Should I move that back in the switch or would you like to keep that in 26?

CHAIRPERSON MATHIS: What's the current boundary between 27 and 26, that line?

WILLIE DESMOND: It's the municipal boundary. So it's the border between Tempe and Phoenix.

COMMISSIONER McNULTY: Is that 48th Street?

WILLIE DESMOND: I will add that back, just because it's.

So at this point District 27 is 1600 people underpopulated.

District 26 is 13,000 people underpopulated.

So 26, start with some of these areas that are the...
So this change right here would remove 8,168 people from District 27. And move them into District 26.

At this point District 26 would be underpopulated by 4900 people.

District 27 would be underpopulated by 9800 people.

District 26 now has a non-Hispanic White percentage of 52.99.

District 27's non-Hispanic White number is up to 23.18.

Hispanic percentage is 30.47.

The mine inspector percentage in District 26 is 55.5.

So, District 26 saw a gain in Hispanic percentage by about .3.

Over the Guadalupe swap.

So that is slightly better.

The non-Hispanic White percentage is slightly higher though. So overall minority percentage did go down a little bit.

If I'm reading this correct.

Looking at mine inspector, over one folder in the binder.
Twenty-six had a mine inspector of 54.1. So that has also gone up to 55.5.

BRUCE ADELSON: Willie, can you run, do you have the other races, '08 prez, '06 secretary of state?

WILLIE DESMOND: I have the 2008 president. I don't have the races from 2006 or 2004.

I can run the report. It would take probably about 15 minutes.

So the presidential '08, Hispanic candidate of choice received 58.06 percent.

As opposed to 56.9.

So that also improved.

Twenty-seven at this point would have a presidential '08 Hispanic candidate of choice number of 71.14.

It was 71.1.

So it's the same.

The mine inspector race is 72.9.

It was 72.6.

So...

They both have gone up.

The way that works is, it's counterintuitive to think that a change could make them both rise, but what has been removed from 27 is below its average but above 26's average. So by removing what's bad there, it's still better
than what's good in the other one, so they both -- the net increase in both.

You've left Guadalupe with District 27 and at this point District 27 is underpopulated 9,828 people, but I believe that's less than the 10,772 that was in the working. This is one option.

There's probably many other types of iterations that would be, I don't know, similar, but there might be other ways of doing it.

But it can be done.

The reason we hadn't looked at this sort of thing before is that we -- obviously because it did run right along 48th Street, was kind of a convenient boundary.

CHAIRPERSON MATHIS: So when could we get the electoral performance numbers on the other races? You said 15 minutes or so?

WILLIE DESMOND: I can probably do it during public comment, yeah.

CHAIRPERSON MATHIS: Okay. It just would be good to get all of them.

WILLIE DESMOND: Okay. Well, I will -- I can do that -- you know, if you bear with me five minutes right now I can have it running in the background while we do the other legislative changes.

CHAIRPERSON MATHIS: Uh-hmm.
WILLIE DESMOND: So if you just want to hold on to for a second, that won't take too long.

CHAIRPERSON MATHIS: Does anyone have any comments or questions on that either idea?

COMMISSIONER McNULTY: The CVAP, whether you'll be running the CVAP also or whether we need to wait until Monday for that?

WILLIE DESMOND: I'll be running that also.

COMMISSIONER McNULTY: Okay. Thank you.

MR. FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

MR. FREEMAN: Madam Chair, and, as I understand it, we're -- the effort here with respect to 26 and 27 is to not only enhance the performance, but also as a corollary benefit respect a community of interest that Guadalupe has with south Phoenix, something we heard about, I think, at the very first public comment hearing in the end of July, and we heard more about it here yesterday at our hearing, that there's a strong community of interest. I understand that communities of interest yield before the Voting Rights Act, and that's, you know, one option we have on the table is putting Guadalupe with 26. But as I understand the effort is can we, can we do both, respect that community of interest that south Phoenix area has with Guadalupe, and have two districts that meet the Voting Rights Act.
COMMISSIONER McNULTY: I would just comment that my understanding of the reason we were making this change was to address a Voting Rights Act concern that Mr. Adelson had that District 26 was not strong enough, and we're looking for a way to accomplish that which didn't open us to challenges from minority groups based on a concern about Guadalupe and the ability of citizens of Guadalupe to elect a candidate of their choice if they were moved.

BRUCE ADELSON: Commissioner McNulty, Madam Chair, I think to the -- as we had talked about earlier, to the extent that the Commission has as many choices as you would like to effectuate the considerations that we talked about earlier, I think is beneficial.

And then having -- seeing what works best for the Commission, keeping in mind the considerations we talked about, that's certainly, you know, as I said earlier, I think that that's ideal. If there are several options, then I think looking at them can only be beneficial.

And, again, that will not be something that the Department of Justice will have a problem with.

MR. HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

MR. HERRERA: And I think the -- I would agree with Commissioner McNulty that we're trying in everything, looking at all our options to see how we can strengthen
those two, 26, the majority-minority district.

And I think, Mr. Adelson, you have said repeatedly that although there are six constitutional criteria, there are two that trump the other four.

And I think you said that clearly.

Am I mistaken?

BRUCE ADELSON: Commissioner Herrera, Madam Chair, just under federal law, federal law does tend to trump state law over what we're talking about.

I think that with redistricting, of course, there are many considerations and many factors so that, you know, in my response to what Commissioner McNulty had raised, to the extent that the Commission can have as many options on the table to deal with all the considerations you need, I think that's a positive.

Because then I always view more choices as being better than fewer.

So I think in this situation, I think that, that holds as well.

MR. HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

MR. HERRERA: One more comment.

One of the reasons we're also taking the public testimony seriously, especially from Guadalupe, is because they're a protected group. And you want to make sure that
we address their issues, and in making sure that we -- if we have other alternatives to strengthen 26 without affecting a majority-minority area like Guadalupe, we'll look at those issues, we'll look at those other options.

Mr. Adelson?

BRUCE ADELSON: Commission Herrera, Madam Chair, certainly, the more options that you have, the better. And clearly the Latino residents of Guadalupe are a protected class under the Voting Rights Act.

I think from the standpoint of the Act as a whole and Section 5 as a whole, when the department reviews your submission, after you adopted plans and they're certified, and they move on to Washington, they look at retrogression across the entire plan and across the entire state.

So that's part of why we're looking at certain categories and certain metrics, to make sure that they're offset in a positive way that does not raise questions of retrogression.

WILLIE DESMOND: Still waiting.

CHAIRPERSON MATHIS: Any other comments or questions on this or anything else?

WILLIE DESMOND: We can, we can look at some of the other changes right now. I mean, this is running a separate program.

CHAIRPERSON MATHIS: Okay. That sounds good.
WILLIE DESMOND: It will probably take another three or four minutes.

CHAIRPERSON MATHIS: So who wants to go first? We've got a lot of change reports from yesterday.

WILLIE DESMOND: The other thing I could do quickly is show you the streets that we just moved also. Or we can just wait and see how it comes back.

CHAIRPERSON MATHIS: I'm sorry, what did you say?

WILLIE DESMOND: I was going to say I can show you, you know, just go down to show you where the change occurred.

CHAIRPERSON MATHIS: Oh, sure.

WILLIE DESMOND: 48th is where the border is that went to 40th.

This came over at, it looks like, Viserro Drive. This is Southern.

It came back over. I'm not sure what this north-south street is.

Then again down 40th.

This is the western canal. And it then kind of works it way back over on Baseline.

So... We're very close to having the report done.

CHAIRPERSON MATHIS: Thank you.

(Brief pause.)
WILLIE DESMOND: So District 26, this is the change report. Hispanic CVAP went from 19.2 to 19.
So Guadalupe does have a very high citizen voting age population.
So that did go down slightly.
Hispanic registration also dropped from 18.5 to 17.1.
The Prop 200 yes, the higher here is not good. We want it to be as low as possible. It went from 50 to 50.3.
'04 presidential Dem went from 53.4 to 52.9.
The -- so pretty much across the board it was a half a point to point three tenths of a percent drop in some of those indicators.
In District 26 it did get better.
Looking at the racial categories, the total minority went from 54.11 to 53.8.
Total minority voting age from 47.3 to 47.
So, drops of three tenths of a percent, so...
Not as good as we hoped, but still better than the draft map.

COMMISSIONER McNULTY: So that appears to be the highest concentration right there, or the strongest concentration.

Mr. Adelson, should we keep moving up 48th Street,
or are you satisfied that's an improvement? Or are you thinking it's a wash?

BRUCE ADELSON: Commissioner McNulty, Madam Chair, it is, it is an improvement over the draft.

It is not an improvement over the addition of Guadalupe.

Whether this -- you had mentioned earlier the Salt River reservation. That's currently in 27?

COMMISSIONER McNULTY: It's in 24.

BRUCE ADELSON: Twenty-four. Well, you know, as we talked about, I mean, we're looking at options.

So, you know, I'm, I'm as open to options as the four of you.

So, it is an improvement over the draft. It does bring the HCVAP up approximately to 19 percent, which is better than the draft.

The minority population is still relatively low compared to the worst performing benchmark district.

So my recommendation respectfully would be to see if those numbers could be enhanced.

COMMISSIONER McNULTY: What if we took the little bump off 27 and put it in 24 and then put the Salt reservation in 26? Is it possible that we could have sort of an inverse, we'd improve 24 so much that it might solve the issue?
Do you know what I mean?

BRUCE ADELSON: Yes, Commissioner McNulty, Madam Chair, let's see.

It could very well.

Moving the box around can sometimes have a surprising effect on the targeted district but also on an adjoining one.

(Brief recess taken.)

CHAIRPERSON MATHIS: We'll go back. It's 7:04 p.m.

WILLIE DESMOND: Okay.

So that was about 19,500. The Salt River is about 6300 people. So we could take a portion of it, do something like that.

Again, something like that would leave District 27 probably underpopulated. It's already underpopulated by 9800 people, so we would have to grow.

Anything else we really take from District 27 we have to find -- to add back in somewhere.

One option would be District 19 is only 971 people under the ideal population. If it shares that burden, like, you know, it can take 5,000 people from there and go in, and they would both be underpopulated, but both closer to the ideal.

District 30 is already 5,000 people
underpopulated, so that's, that's not great, but there are options like that.

There's also the Gila River reservation.

We have part of it, the part that's in Maricopa County. We could would take more of it, but, again, I don't think there's a ton of people in the whole reservation.

So, it's just another option.

COMMISSIONER McNULTY: Mr. Desmond, what's the underpopulation of 27?

WILLIE DESMOND: It is 9800 people right now.

That's with that change.

If we undue that change --

COMMISSIONER McNULTY: With the change of lopping little hat there?

WILLIE DESMOND: Yeah.

COMMISSIONER McNULTY: Okay. Can we, can we take off half of the hat, or does that not help?

WILLIE DESMOND: That moves 2,000 people out.

CHAIRPERSON MATHIS: Are there non-minority people we can take out instead?

WILLIE DESMOND: Of? Take out --

CHAIRPERSON MATHIS: Of 26, kind of at the top, that little nodule.

WILLIE DESMOND: We can, but then we're adding a them to District 24.
So we haven't done that in the past because, you know, that's another district.

I mean, that's one way you can maybe cycle some population is we give this, this area to 24. And it's not great. But then 24 takes in 27.

And 27 can maybe absorb some more of 26 somewhere.

COMMISSIONER McNULTY: What if you didn't do the -- what we just did, the little area on 48th Street? What if you undue that and do the hat?

CHAIRPERSON MATHIS: That's what I was wondering.

WILLIE DESMOND: Okay. I'm sorry.

The whole thing you think, or just part of it?

COMMISSIONER McNULTY: You decide. Whatever you want.

WILLIE DESMOND: That would take roughly 8500 people.

BRUCE ADELSON: Can I go over to the map?

WILLIE DESMOND: Buck, do you have the laser pointer?

BRUCE ADELSON: That's okay. I'm just going to use my hand.

What about these areas over here, can we move these into 27, these, or some of these?

WILLIE DESMOND: That would move about 57, 5800 people.
Which would allow you to balance a little bit more in 27.

Something like that would move 10,000 people into District 26.

That area looks like 60 percent Hispanic voting age Hispanic.

That would leave a deviation then in 26 of about 10,000 -- 9,000 people underpopulated. District 27 would then be about 5600 people underpopulated.

So at this point the voting age population of 26 is 33.1 Hispanic voting age population, and 27 is 50.6. The non-Hispanic White percentage in 26 would be 52.2, and 27 is 24.9.

If you like, I can re-run the numbers on an earlier change report. Again, we'll take about as long as it took last time.

It's up to you.

CHAIRPERSON MATHIS: Seems like we should.

BRUCE ADELSON: Yeah.

WILLIE DESMOND: In the meantime would you like to look at something else?

CHAIRPERSON MATHIS: Sure.

Let's figure out who wants to go first on the different change reports for these different potential adjustments on the legislative map.
COMMISSIONER McNULTY: I would defer to whoever else has changes.

CHAIRPERSON MATHIS: Okay. I think Freeman and Herrera both did.

VICE-CHAIR FREEMAN: Are there other voting rights districts that we should be looking at to change?

CHAIRPERSON MATHIS: Are there any others, Mr. Adelson, or Mary, or Joe?

BRUCE ADELSON: Sorry, I keep losing the little button.

Madam Chair, Commissioner Freeman, the main areas that I had been concerned about were 4, 24, and 26.

Now, in the changes that were made last week, which were very significant to four, are primarily in electoral performance, so that four became much stronger as a result and really solved a significant question.

So I think that those are the districts that I had focused most of my attention on.

There are some other districts that don't -- they don't have -- they don't match up in all the numbers.

But I also have to say to be fair is it really is almost virtually impossible for any state to match every single number against every single benchmark number.

The -- what is important is, I think, frankly the exercise that we're doing now, is trying to do what we can
to achieve more of a sense of parody with the benchmark, excuse me, without sacrificing performance, which I think we've already determined tentatively is pretty good.

So my suggestion for now respectfully is that we -- looking at 24 and 26 I think is significant.

Thank you.

CHAIRPERSON MATHIS: Okay. Well, I think that leaves us open to talking about the other adjustments that commissioners will have raised, outside of voting rights districts.

WILLIE DESMOND: One other thing just about this process --

CHAIRPERSON MATHIS: Okay. Mr. Desmond.

VICE CHAIR HERRERA: -- and about Dr. King and all that work.

One thing we are able to do, I think fairly quickly, is analyze is this district better than the working map district.

That doesn't necessarily have to go through the full slate, the King analysis.

So if you want, again, I can work several scenarios over the weekend or something.

We can come back and just compare and contrast how those look with the swap, and I'll let you know if anything is better or not.
I don't know if we're going to find it right now, but --

CHAIRPERSON MATHIS: Sure.

WILLIE DESMOND: -- another option, just so . . .

CHAIRPERSON MATHIS: No, I think it's worth exploring, if you don't mind doing that.

WILLIE DESMOND: No, I mean, that's fine. It's not to say it's not good to be doing this right here, but as you say it takes time to run the reports and stuff. Just trying to make -- offer that.

CHAIRPERSON MATHIS: Right.

WILLIE DESMOND: But, this report is running, so I'd say another five minutes and we'll be able to look at it.

In the meantime do we want to look at one of the other changes from yesterday or today?

Okay. Which one should I start with?

CHAIRPERSON MATHIS: Commissioners?

WILLIE DESMOND: I'll start with the population balance that's from today, then we can go back to yesterday.

CHAIRPERSON MATHIS: Okay.

WILLIE DESMOND: If that works.

Be looking at our working map, the districts that seem to stick out with the largest population deviation that were not voting rights district, I believe District 1, which
was over 11,000 people overpopulated, once the addition of Cochise County and Greenlee County, District 1 was quite large.

Additionally District 6 was about 9 or 10,000 people underpopulated.

And District 9 was about 9 or 10,000 people underpopulated.

Starting with District 6, the way we saw to fix that -- and if you look at your change reports, you know, it will be fairly obvious was District 14, I believe, was overpopulated.

So by taking the Camp Verde from District 14 and adding it to District 6, District 6 was able to go from a deviation of 9,908 people to a positive deviation of 1,072. District 14 lost, lost that 10,900 people. But it was -- started out 7,382 people overpopulated.

So that then went to a negative deviation of 3,598.

So the percentages went there from 3.5 percent down to 1.7 percent negative.

District 6 went from negative 4.7 to positive .5.

So that was -- that's the first swap there. And does balance the population over the two districts probably a little better.
The other area that was fairly low, not a voting rights district, was District 9, was underpopulated by 10,347 people.

After this change, it's overpopulated by 150.

So the way that worked was -- because we couldn't balance population using District 2, District 10 -- or District 1 had kind of shed population to District 10.

District 10 was overpopulated already. I think it started out 2100 people overpopulated.

So then it became about 10,000 people overpopulated. And that shed some population to District 9 in Tucson.

I can go into more detail if you'd like. This is the draft map, not the working map.

COMMISSIONER McNULTY: So what is the deviation now of those districts?

WILLIE DESMOND: And so District 1 went from negative -- or positive 5.5 percent to positive 2.2 percent.

District 9 went from negative 4.9 percent to positive .1 percent.

And District 10, which is kind of in the middle, went from positive 1 percent to negative .9 percent.

You can also see the splits report. One census place was unsplit, although more tracts and block groups were split in this change.
Looking at the competitiveness --

CHAIRPERSON MATHIS: Sorry, what census place was that?

WILLIE DESMOND: You know, I'm not sure.

It's probably a very minor split in the census place, because I don't recall -- I'm guessing it was fairly insignificant.

Are there questions about this type of thing? I mean, this is not a voting rights change. None of the voting rights districts were touched.

It's more of a call on your end, this is something you want -- legal counsel, anything they want to say about deviations?

MARY O'GRADY: Yeah, Madam Chair, commissioners, on the subject of deviations in the legislative map, the working map did have a -- I think it made sense to make every effort, as this change does, to reduce the deviations that are in the map, other than the voting rights district.

We understand that they're low. We've made a record as to why they are low for the most part.

But in the other districts, to the extent there are deviations, you should try to reduce them and justify them. To the extent they aren't reduced, explain why they are there and so we have that record.

In no case, when we're done, should the deviations
exceed -- I mean, under the federal law it's 10 percent.

And we suggest that you try and keep the range as minimal as possible.

Joe?

JOSEPH KANEFIELD: Madam Chair, the only thing I would add, and I think Mary hit on this, was that under the evolving case law on the subject of population deviation under the Equal Protection Clause for purposes of the legislative maps, the old rule used to be 10 percent was the safe harbor. Because of intervening precedent over the last decade, that's not necessarily the case.

There can be a deviation, but the Commission needs to explain why there has been a deviation. It's basically going to be judged on a reasonable basis, rational basis kind of standard by the court.

But they will -- it would be good to justify those deviations, at least on the record, explain why they took place.

Voting Rights Act, adjusting districts to accommodate the Section 5 concerns of Voting Rights Act obviously would be one.

Such concern, keeping communities together, municipalities, that kind of thing.

So we would encourage you to put on the record the reasons for the deviations, when we get to that point, for
CHAIRPERSON MATHIS: And I think, Mr. Kanefield, you had explained to me at some point, in some fancy legal talk citing case law.

It's changed since ten years ago, right, in terms of what the last Commission was able to do in terms of being able to stand on 10 percent; right? But we aren't able to do that.

JOSEPH KANEFIELD: Madam Chair, during the last decade, the case law generally said that if you -- if the population deviation was within 10 percent, that was considered presumptively to be okay under the Equal Protection Clause.

Remember we're only talking about the legislative districts here.

During the last decade there was a case out of Georgia, if I recall Larios v. Cox, where the court -- I'm trying to recall the facts here on the fly, but if I recall correctly, there was apportionment decisions made or population deviation decisions made based on partisan considerations, and that the -- what the decision of the district court in that case held that there wasn't a basis for making those determinations that tried to traditional redistricting type criteria, communities of interest, keeping municipalities or counties, that kind of thing. And
that there wasn't a justification for the deviation that was acceptable, at least to the panel.

These decisions go directly to the United States Supreme Court.

In that case, the court summarily affirmed, as I recall, with a concurring opinion from a couple of the justices.

So, we don't have a full-blown U.S. Supreme Court decision on the point, but we have a summary affirmance of a lower court that basically held that the 10 percent, the old 10 percent safe harbor no longer applies, that there can be a deviation that is greater than there would be for the congressional districts, because that deviation is grounded in Article 1 of the U.S. Constitution.

But if there is a deviation, there has to be a reasonable, rational-type basis for the deviation that should be grounded in the constitutional criteria that -- or traditional redistricting principles which are set forth in our six -- at least four of the six criteria, and the adjusting population deviations for purposes of the Voting Rights Act are certainly considered justifiable reasons for varying.

I don't -- Bruce, did you want to add to that at all?

BRUCE ADELSON: Thank you, Madam Chair, I just
reiterate what Mr. Kanefield said, that, excuse me, courts have routinely found that adherence to the Voting Rights Act constitutes a rational basis. So to the extent that your deviations are driven by compliance with the Voting Rights Act, that is clearly a rational basis under an abundance of case law.

It is unfortunate that there has been no controlling decision on exactly what is the permissible deviation.

Unfortunately that's going to come out over the next ten years.

And the redistricting as it occurs now throughout the country is going to form the basis for that.

JOSEPH KANEFIELD: The only thing else I would add is the Section 5 considerations obviously are -- the Commission is establishing those as part of the record in terms of the deviation for the voting rights districts.

For the non-voting rights districts, we would encourage the Commission to put on the record the reasons for those deviations by explaining why the deviations had to take place.

CHAIRPERSON MATHIS: Thank you, both. Appreciate it.

Any questions on that?

VICE-CHAIR FREEMAN: Madam Chair.
CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Does Section 5 expressly authorize underpopulating districts? Or is that an acceptable -- just a recognized acceptable practice, to enhance the voting rights district as long as we don't get outside certain boundaries, then we're not going to run afoul of the Equal Protection Clause, which I assume would even -- might even trump the Voting Rights Act.

BRUCE ADELSON: Madam Chair, Commissioner Freeman, last point, I don't think my friends at Justice would even agree with that.

But clearly legally, as we know, if the deviation even for voting rights perspective goes to 12, 13, 14 percent, which of course we're not talking about, then there would be an equal protection issue.

This underpopulation for purposes of Section 5 goes back almost to the beginning of when the Voting Rights Act came into law.

It really comes from court decisions.

It is an accepted practice. It has been an accepted practice for a long time.

But Section 5 as it's written does not specifically say that.

VICE-CHAIR FREEMAN: You've lost your wind screen too.
COMMISSIONER McNULTY: Madam Chair, in the interest of moving ahead more -- most official way, if Mr. Desmond wants to go through the changes that he made at my request a couple days ago, I'd be happy to do that.

I didn't hear a rush to be first.

CHAIRPERSON MATHIS: I didn't either.

COMMISSIONER McNULTY: People can be thinking about them more over the weekend.

WILLIE DESMOND: Do you want to go through the changes, or should I?

COMMISSIONER McNULTY: Why don't you tell me which one we'll do first. I'll just recap what I had requested, and you can tell me how you approached it. How does that sound?

WILLIE DESMOND: That sounds good.

The green line is the working map.

I guess starting with District 13, what we did here was we joined all of La Paz County with the northern portion of Yuma County.

COMMISSIONER McNULTY: Mr. Desmond, let me just recap what I had asked you to do.

We had on the draft map a long arm extending into southern Maricopa County in -- extending LD 13 into Maricopa County.

We received comments requesting to the extent we
could to make northern Yuma County more rural if possible, because for voting rights purposes Yuma County is split.

The LD 13 takes in Yuma County and Maricopa County.

And we heard public testimony requesting that we look at putting La Paz County with Yuma County, which it was once a single county.

And then finding a way to try and make the rest of 13 a little more rural.

So I asked Mr. Desmond to look at that, and to look at cleaning up that arm in 13, and perhaps taking some of the western agricultural areas of Maricopa County and less of metropolitan Maricopa County if possible.

WILLIE DESMOND: So District 13 did come in -- or does come in, and takes Surprise, Citrus Park, parts of Glendale, parts of Goodyear, and runs straight across Goodyear.

What we were able to do was have it use the same southern boundary going through Goodyear.

But now it runs south of Surprise. It doesn't take any part of that.

It takes all of the northern half of Buckeye, splitting, splitting it a third time, and then runs up around Wickenburg to the county line then.

And then it's all of La Paz and then the northern
part of Yuma.

That's essentially -- how this does affect District 5 is District 5, without La Paz, does need to make up a little bit of population.

Or gain population when it took the non-reservation lands in the north Mohave.

But it does come in now to this, how I drew it, into Yavapai, takes Chino Valley, Paulden, and puts that with Mohave County.

I spent a lot of time trying to find a way of balancing these counties on the western side.

Mohave is almost enough to be a district by itself.

Yavapai is almost enough to be a district by itself.

La Paz is 20,000, and Yuma is about, I think, 100,000.

So it just doesn't quite -- you're left with something left over.

So there's not a super clean way of doing this.

In fixing some of the areas in the west valley, it seemed like the best way to do it.

The next set of changes --

COMMISSIONER McNULTY: Before you move on, I would just say that the things I like about that are it does have...
La Paz with northern Yuma County, and it does keep Buckeye in that district, which I think we were actually expressly asked to do.

And it does reduce the number of splits there.
And it does look a lot better, at least.

WILLIE DESMOND: The next set of changes kind of mirrored what Commissioner Herrera had done somewhat, but a little differently.

We were able to remove a split of Glendale, in forming District 22, that incorporates a good portion of Surprise and northern Peoria and just the northern portion of Glendale.

That leaves District 21 close to how it had been, but District 21 is no longer in Glendale. That's how we removed the one split.

So that takes a portion of Surprise here.

Surprise is split. The draft map it's split three times. On this it's split twice. So we were able to remove a split there.

Remove a split to Glendale.

And make a fairly compact district in District 21.

I don't know if you want to say anything there or if I should just keep going on.

COMMISSIONER McNULTY: And my request there was that we look at a way in the west valley -- as I mentioned
earlier, this was an area where I had felt that when the
chips fell as they may there would be an emerging
competitive district there, and I asked Willie to look at a
way to keep some of those emerging Hispanic communities
together while at the same time reducing the number of
splits in the west valley.

Thank you.

WILLIE DESMOND: Sure.

District 14, let me just -- District 14 was
previously a district that had the lion's share of Yavapai
County, a portion of Coconino -- or most of Yavapai County,
and then the northern portions of Buckeye, Surprise, and
kind of this area in the west, of Maricopa County.

What happened to that was that instead of coming
to the west, it now comes in and takes the communities of
Anthem, New River, Cave Creek, Carefree, all together in a
small portion of Phoenix, although there's really nobody
here, and puts those with District 14.

I guess my thinking there was we heard from them
about their ties to Interstate 17, and so kind of all the
places to go, to go with Yavapai seemed like a logical one,
especially trying to remove some of the splits that happened
in the communities of the west valley.

So District 14 comes down and takes those areas
now.
District 15 is pretty much all of northern Phoenix, between Scottsdale and Peoria.

Previously District 15 included parts of New River, all of Anthem, Cave Creek, and Carefree, with parts of north Phoenix.

So you were able to move a split in New River and keep -- but, District 15 is now just this area in northern Phoenix.

District 20 started out with a portion of Glendale right here. Increased that so it took District 21's -- it was right here.

It took District 21 where we took the split, and then it kind of grew east a little bit.

District 28 the southern boundary is unchanged, because it runs up against District 24, one of our voting rights districts.

The eastern boundary is unchanged. Stays against the Scottsdale line.

It did change here a little bit in an attempt to make it a little bit more competitive.

I don't think it got as far as Commissioner Herrera had, but it's a little bit closer to District 28 as drawn on the draft map.

COMMISSIONER McNULTY: So, Mr. Desmond, the changes in 14 and 15, were those things that you did in an
effort to clean up the west valley? Or were they things that you did to reduce the number of splits in the Glendale area?

WILLIE DESMOND: Kind of both.

COMMISSIONER McNULTY: Okay.

WILLIE DESMOND: By cleaning up the west valley it kind of filters its way over.

COMMISSIONER McNULTY: Because 13 and 14 were together.

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: Okay. All right. Because I guess I didn't understand that 15 had changed also.

But that was part of that cleanup?

WILLIE DESMOND: Yes, so the old 15, again, took Carefree, Cave Creek, part of New River, Anthem, and kind of came down to the north of 28.

It -- those areas then went to 14 when 14 kind of extracted itself from the west valley.

COMMISSIONER McNULTY: Okay. So that was all part of trying to clean up 13 and 14.

WILLIE DESMOND: Yeah, trying to remove some of the splits, and just kind of make those districts -- it's not a constitutional criteria, but I guess just like the test they kind of look --

COMMISSIONER McNULTY: So it's a mapper's
imperative.

WILLIE DESMOND: Yeah.

I think those are all the changes that were --

COMMISSIONER McNULTY: There was 11 and 8 that I had asked you to look at.

I think we had done a draft of a reiteration of 11 and 8, and I had asked you to work on making the boundary a little cleaner, either by following I-10 or by making either Casa Grande or Eloy whole.

WILLIE DESMOND: Yes.

I can go to those real quickly.

There wasn't, like, one way that satisfied both of those, so I did two different versions.

After playing around with it for a long time, I thought I'll just shoot you two versions, because there wasn't an easy answer.

So, I believe, and I'd have to look back at my stuff from yesterday -- just one second.

So district -- so, again, the green line is the border as drawn.

So before it ran up, up, it runs up and gets Coolidge and Florence, and runs around those, and goes up to the border.

What happens now is that Saddlebrooke, Oro Valley, Catalina are moved in with Marana, Picture Rocks, and all
this area in Pima County is kept together, I guess.

And then in this version, version three, the line goes and follows around Eloy. I tried to keep Casa Grande whole, but it's just not really feasible to do that, especially since the Tohono O'odham Nation runs right up here.

So, anyway, I split around those, as a choking off point that would split the district into two pieces, so it wouldn't be contiguous anymore.

So in version three, it's a line that's a lot more jagged, but it runs all the way around Eloy. So it removes the split of Eloy.

The best way to probably do this is for me to just to add version four as a layer.

COMMISSIONER McNULTY: One thing you have done though keep the bulk of the population, the bulk of the population of Casa Grande, which is on the northeast side of that line, together.

WILLIE DESMOND: Correct.

So the other option is right here.

This is a much cleaner line, that runs, as you've suggested, kind of right along 10, following the census block groups there.

It doesn't run right out 10 here, but goes up at another major road.
I can tell you what that is.
It goes north at Chuchu, runs north there, and is
type of a cleaner looking line, I guess, is the best way to
put it.

And these do have different effects on the
competitiveness of 8 and 11.

Version four, District 8, index two, is 52.5
Republican, 47.5 Democrat version.

Version three it is 52.9 percent Republican,
47.1 percent Democrat.

District 11, version three, is 58.2 percent
Republican, 41.8 percent Democrat.

In version four, it is 58.4 percent Republican,
41.6 percent Democrat.

COMMISSIONER McNULTY: Could you talk about the
total minority population also? Because District 8 has
until recently been an opportunity to elect district.

I think we have -- and one of the reasons for this
whole exercise was to combine those copper corridor
communities, which have higher minority population to ensure
that they're in one district.

WILLIE DESMOND: District 8 using -- sorry, using
verse three, has a total minority population of 46.7.

District 11 has a total minority population of
34.9.
So it's not quite a majority-minority district. It's not quite an ability to elect district. It's still, in this case, more Republican than it is Democrat. But it's certainly close. I don't know how this would compare against our worst benchmark district, but it's kind of in the neighborhood. These are -- it's not there. The other thing to think about with this district is there is a fairly large prison population. It's possible that if you extract that it would bring the percentage down a little bit too.

COMMISSIONER McNULTY: I'm not suggesting that it would become a majority-minority district, but I do think because it has an history of having an opportunity to elect that increasing the competitiveness of this district goes hand in hand with preserving to some extent that opportunity.

WILLIE DESMOND: And you were able to go from 35.4 percent to 46.7 total minority in eight in version three. And in version four, district 8 goes from 35.4 again to 48.3, so . . .

COMMISSIONER McNULTY: Thank you.
WILLIE DESMOND: This is version four, black line now.

And, again, that's version three.

COMMISSIONER McNULTY: Do we have these in our packets with pictures?

WILLIE DESMOND: I didn't make full packets for all these.

I can start making the full packets for everything.

It just takes a lot of time.

COMMISSIONER McNULTY: We can look at them online.

CHAIRPERSON MATHIS: Anything else on that, Ms. McNulty?

COMMISSIONER McNULTY: No, I think that summarizes it for the folks to think about.

CHAIRPERSON MATHIS: Okay. Any questions on that?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I don't have a question, but what I do want to say is that I agree with Commissioner McNulty changes to the legislative map. The only area where I would probably disagree with her is on District 28.

I think, if you don't mind, Mr. Desmond, can you let me know the, using index two, the competitiveness, can
you compare them?

    WILLIE DESMOND: Just one second.
    VICE-CHAIR HERRERA: Sure.
    WILLIE DESMOND: Drowning in changes reports.

    District 28 is, in index two, 54.8 positive Republican, 45.2 percent Democrat.
    VICE-CHAIR HERRERA: Using Commissioner McNulty's changes.

    WILLIE DESMOND: Yes, 28 as drawn in that map that you looked at now, those are the numbers.
    VICE-CHAIR HERRERA: Okay.
    WILLIE DESMOND: And that's from 55.9 percent Republican, 44.1 percent Democrat.

    So an increase of 1.1 percent Democrat, a decrease of 1.1 percent Republican.
    VICE-CHAIR HERRERA: And, Mr. Desmond, can you go over the index report on the changes that I proposed to 28, using the same index, index two?

    WILLIE DESMOND: Yes. In yours it went from 55.9 percent Republican, 44.1 percent Democrat, to 52.6 percent Republican, 47.4 percent Democrat.

    So, about 2.2 percent for Democrat, in yours, negative .2 percent less Republican.
    VICE-CHAIR HERRERA: You know, we don't -- when we created both maps, obviously we're trying to balance all six
criteria. So we don't -- what we don't have, and especially in the legislative map, is we don't have enough competitive districts.

So what I was trying to do, again, balance all the four state mandated criteria in trying to create a competitive district in 28, because I think it's possible, and obviously it was done.

So what I would like to have Commissioner McNulty is consider the changes that I made in 28 as part of her changes or see a way where she can improve 28 to bring it to the level that I was able to bring it in index two, in the changes, which is a little over 47, 47.4 I think.

So I'm still thinking that this is a possibility, and I'd like for it to be considered.

COMMISSIONER McNULTY: I'm happy to do that. If there's a way that we can make that more competitive and workable, I think that's great.

I agree completely in a city of four million people that it makes sense.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: So the changes that I had proposed were not too different from Commissioner McNulty's, so I would like to just state that for the record.

And, again, talking about 28 and how we can
continue to make it more competitive. So I don't have
anything else to add.

BRUCE ADELSON: Madam Chair, may I share
something?

CHAIRPERSON MATHIS: Please.

BRUCE ADELSON: It's something we've just been
talking about, and something that we just frankly just
occurred to us.

District 8, as we're talking about, excuse me, with the change we're talking about it having now a total
minority population of 48.3 percent. We were wondering
about and kicking around here is if that minority population
was increased a little bit, we might be able to present this
to Justice as an eleventh opportunity to elect district, not
a majority-minority district.

The reason that we're kicking this around is that
we have certain numerical non-matchups with the benchmark,
some of which probably we're not going to be able to resolve
completely.

But the thought that we had was if this district
could be enhanced so that if we can present a reasonable
argument to Justice that minorities over the next decade
could have an opportunity to elect beyond the benchmark,
that would help with the submission.

So we just toss that, that idea out to the
Commission.

It's just something that we just started talking about.

But it might, it would help with the submission. There's no question about that.

It might offset the numerical issues. So it's just an idea that we just thought of that we wanted to present to the Commission.

CHAIRPERSON MATHIS: Thank you. Well, it sounds like something we should explore.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I agree. I think it's something we should explore.

And I am going to thank Commissioner McNulty for looking at ways to not only improve the maps but looking at ways that we can help protect the voting rights of the minority folks that are protected by the Section 5 of the Voting Rights Act.

So thank you.

And I think we can -- hopefully can look at further and see if it's a possibility, so I'm excited.

WILLIE DESMOND: Okay. So the map that they're referencing is this change to 8 and 11, version four, that we have.
CHAIRPERSON MATHIS: Did we get the change report for that?

WILLIE DESMOND: That came yesterday. I have an copy right here if you want mine.

CHAIRPERSON MATHIS: I probably have it. I just --

WILLIE DESMOND: So it's -- the change report then is improve competitive 8, 11, version four. There's also a version three.

I think they were towards the back of yesterday's packet.

Are there other things you guys want? Should we move on?

How do you want to proceed with this?

COMMISSIONER McNULTY: What other legislative changes do we have?

WILLIE DESMOND: I believe just the changes from Commissioner Freeman.

And those are -- we can talk about those if you want to.

He had an idea -- he shared with me a district. I didn't change it, so it's not exactly what he had, and I'd be happy to go over that and look for ways to incorporate his district, to go over that.

I believe that's the last one though.
I think we -- you had -- there's three from yesterday and one today.

COMMISSIONER McNULTY: You did everything I had.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Mr. Desmond, can you repeat what you said? Did you say he recommended some changes, and what did you say?

WILLIE DESMOND: Well, we can -- there's a district Commissioner Freeman sent me in order to make it -- it was kind of a last minute type of thing. I was unable to work with it until the morning of yesterday --

VICE-CHAIR HERRERA: Talking about such a map.

WILLIE DESMOND: -- so there wasn't time for me to go back and forth with him to get instruction on exactly how to incorporate it.

So, Commissioner Freeman has an idea of what I did, but I'm not saying it's what he sent me. It could be another version.

VICE-CHAIR HERRERA: What district is that?

WILLIE DESMOND: District 7.

VICE-CHAIR HERRERA: A majority-minority district?

WILLIE DESMOND: Right.

VICE-CHAIR HERRERA: That we have negotiated with the Native American tribes that they like the way it is?
Okay.

I thought we were not going to do that, but, okay, I'm curious to see what he's going to propose.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: You know, I would probably never play poker with Commissioner Herrera, because I would be afraid that he would change the rules in the middle of the game.

But if I did, I probably would require him to post bond.

He would great to play with because he just gives away the move far in advance.

Yeah. I'll -- I'm not going to ask questions. I'll just state. Earlier last week I asked Mr. Gorman whether he would be interested in seeing any map that improved the voter performance in LD 7.

And he responded yes.

And so I had asked Mr. Desmond whether he could put together one using an idea raised during public comment, whereby the Apache reservations are connected to the Navajo reservations and the Hopi reservation, the corridor.

The initial response was, no, it couldn't be done. So, although I had said earlier I resist now drawing my own maps, as I did back in September and October, I went ahead
and drew my own map.

And I did do it. And there was some interesting results in that the -- not only the native voting age population percentage voting age population in LD 7 can be increased in a material way, but also just looking at one of the voter performance measures we have, it was improved substantially.

So I just did -- that was the primary exercise. It was only looking at that district, no others.

And I think Mr. Desmond told me either before today's hearing or yesterday's hearing that you had a different approach.

So I haven't even seen that.

So whether we talk about it tonight or on Monday, I really don't care.

But that was the primary purpose of the exercise, to show that it could be done.

And it can be done.

And I guess a corollary benefit of the exercise is that it creates the possibility at least, if the Commission were inclined, so inclined, to respect the eastern -- rural eastern Arizona communities and keep them all together.

It would require other adjustments to the map certainly.

But that wasn't the point of the exercise. The
primary point of the exercise was to see what would be possible.

And you can question the native voting age population up. You can increase it.

And I just took a quick and dirty crack at it, and I wasn't even that selective as to what districts I -- or census blocks I put in to the districts and which I took out.

I think easily, with the more refined touch, it could be improved even further.

And I think even the district that I came up with and where I stopped, the population, it was underpopulated, but I believe it could be underpopulated even further if that's something that we can do, which I believe also would further enhance the native -- percentage of the native voting age population and as well the voter performance in that district.

So that's what I had sent him.

I think he had a different approach.

But whether we -- if we want to take a look at it, I think it should be part of our record certainly, but -- or whether we talk about it tonight, or Monday, I don't care.

I'd almost prefer, given whatever the chair feels, that if we're at a stopping point, we move ahead and take public comment, so we can get home. It's 8:00 o'clock.
CHAIRPERSON MATHIS: Well, I would prefer that we talk about it, since it is a voting rights district and since we have Mr. Adelson here.

I think it's worth -- do we have any of the change report kind of numbers on that, Mr. Desmond?

WILLIE DESMOND: Oh, let me just show you -- just go over exactly what. . .

The outline in black is the district that Commissioner Freeman sent me.

Trying to work that into the district, the working plan as we had to prepare it, is something I could definitely do. I just really didn't have the time to do it yesterday, yesterday morning.

So, again, this was, this was just me trying to fit it in easily.

So this is a -- I did -- I did it -- the arm, instead of coming down right here, I just did it along the border, and that allowed District 6 to not need to, like, change with District 8, change with District 1. That's just a little bit simpler.

And you do have a change report for this map, District 7. The Native American percentage went from 65.9 up to 68.5, so an increase in 2.6 percent.

Native American voting age population went from 63.1 up to 66.2. So an increase in 3.1 percentage.
Looking at the deviations, District 6 got a little bit closer to ideally populated.

District 7 is underpopulated, but, again, this wasn't like a finished thing. This was just kind of how I took the idea and inserted it into the working map that we had.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Just go ahead and, Mr. Desmond, quickly, can you let me know what happens to the competitiveness of six based on these changes that Commissioner Freeman is recommending?

So comparing it in index two, index two from the working draft map to the changes, again, that Mr. -- Commissioner Freeman has proposed.

WILLIE DESMOND: District 6 goes from 54.1 Republican to 58.3, 45.9 Democrat to 41.7.

District 7, the voting rights district, goes from 36.3 percent Republican, 63.7 percent Democrat, to 30.3 percent Republican, 69.7 percent Democrat.

VICE-CHAIR HERRERA: So explain to me so -- Mr. Freeman likes to bring up the term hyperpacking. I mean, this is his word, not mine.

So it appears that we hyperpacked Democrats in District 7?
WILLIE DESMOND: I believe the assumption we've been working under is that sense the Native American majority-minority districts is a unique circumstance. There can only, there can only be one.

And there isn't the same concern of packing --

VICE-CHAIR HERRERA: No, and I understand that, but I'm just talking about Democratic registration.

Because I think you mentioned Democratic registration goes to -- becomes higher in District 7 based on those changes.

Is that correct?

I'm not talking about the Native American population.

That's an obvious. But also the Democratic registration goes up.

WILLIE DESMOND: The registration does go up, yes, by -- it looks like by one percent Democrat --

VICE-CHAIR HERRERA: What, again, what is the percentage registration in seven with those proposed changes?

WILLIE DESMOND: Registration is 54.8, from 53.8.

VICE-CHAIR HERRERA: So it's a -- and, again, the competitiveness level of six, can you -- you went a little fast. Can you just repeat the competitive level, excuse me, index two from this one to the current working draft map,
using again index two. And if you can go as slowly as you can because, as I said, you went a little too fast for me. WILLIE DESMOND: Sure. VICE-CHAIR HERRERA: It's getting late. WILLIE DESMOND: And I can put it up also, if that helps.

District 6 went from Republican index two of 54.1 to a Republican index two of 58.2.

It went from a Democratic index two of 45.9 to a Democratic index two of 41.7.

The change of 4.2 percent more Republican, 4.2 percent less Democratic. VICE-CHAIR HERRERA: So it became more Republican. And considering that we don't have -- we have very few competitive districts, six being one of them. I mean, that's -- pretty much takes that out of the ballpark of being a competitive district. So I'm, you know, obviously disappointed, but those are his recommendation that I don't agree with.

Let me also remind the Commission that the, that the Navajo Nation, including Leonard Gorman, proposed a map. They proposed a map one week. And then I think the following -- maybe even the same week, they came back with some recommended changes.

And to improve, to -- they were working closely
with the city of Flagstaff making -- putting in the Schultz
fire -- excuse me, the Schultz flood area.

And commissioner -- I mean, Leonard Gorman has a
team of his own, so I think he knows what he's doing
including his team.

They chose not to do any of this, because they
respect the relationship that they have with the city of
Flagstaff.

The comments -- I was there in Flagstaff, twice.
And the comments from the city of Flag residents, not only
the city council supervisors but the public, were pretty
clear that they wanted a competitive district.

They don't -- they didn't say they want a
Democratic district. They wanted a competitive district.

And the Navajo Nation and the Native American
tribes in seven respected that. Because they could have
easily presented the changes that Commissioner Freeman has
just proposed.

This isn't anything new. This is just something
that really what it does, in my opinion, is to distort or
try to lessen the competitiveness of six. So I just wanted
to point that out.

WILLIE DESMOND: And I just want to point out,
this is, this is a map that I put together quickly.

This is not necessarily exactly what
Commissioner Freeman sent me.

This was just me trying to fit it in to the working map.

VICE-CHAIR HERRERA: Sure. And one last thing, again, my intention is not to argue with Commissioner Freeman, but I just want to point that out that it is, I mean, a -- something -- a concern of mine. I'm a big supporter of the Native American tribes, as well as the city of Flag.

I mean, I went to school there for four years. I think I know the community pretty well.

But, again, those are his proposed changes that I, that I disagree with. And I am stating the reasons why I disagree with him. Hopefully we can move forward and wait for the analysis to come back on seven. Hopefully it will be soon.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: And Mr. Desmond said, I think twice, this wasn't my proposed change.

It was an exercise to show what is possible to enhance the voting rights districts.

But don't let that interfere with your desire to multiple times say that this is my desired change.

I think the answer to the question of how these
adjustments affect neighboring non-voting rights districts in terms of the competitiveness is really unremarkable.

If you look at every place where a majority-minority district runs up against a non majority-minority district, and you examine the changes that were made to improve the effectiveness of those districts, I bet that you end up putting Democrats in a majority-minority district, and they Republicanize the neighboring district.

So it's an unremarkable answer to a remarkable question, I think.

With respect to what -- in fact, I'm sure it's no doubt the case that the Navajo Nation has been in discussions with the City of Flagstaff about where the line should be drawn.

I have never heard that they were in negotiations with people in Navajo and Apache County.

In fact, we had a representative from the board of supervisors from Navajo County appear, I think it was last week, who effectively said -- told me that, that they have not been talking with them at all.

The point of this exercise, again, was to see what was possible in terms of maximizing the effectiveness of that voting rights district. As counsel has said, it's impossible to pack such a district since there can be only
one Native American voting rights district in the state.

I was looking at ways, I was looking at ways to increase the performance of that district, and that was an exercise.

And Mr. Desmond had a different idea that I didn't have.

And I'd like to look at it too.

And perhaps as a corollary benefit, we can, we can take into account the people who live in rural eastern Arizona, and actually listen to them too, and take their concerns into account.

So that was the point of the exercise.

VICE-CHAIR HERRERA: Madam Chair, just quickly.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: You know, again, I thank Commissioner Freeman for the -- for his effort, and -- but I would love to hear from -- you know, it's possible that the Navajo Nation, and I am not going to speak for them and the Native American tribes, but they may love this and they may just say, you know what, no, we like the proposal that we came up with.

So I guess we'll find out.

I could be wrong.

COMMISSIONER McNULTY: Madam Chair, I think we have a very solid Native American voting rights district.
And we aren't dealing with any issue here of potential retrogression that I'm aware of.

I think we're dealing with a district that is sound as it was configured. And this just seems to me to be something that would be within the discretion of the Commission to do under the state constitutional issues if it so chose.

Maybe Mr. Adelson would want to comment on that at some point.

But before we get to that, I have a couple questions about where things are on this map.

For example, where is Flagstaff, where is Winslow, where is the Schultz fire area?

What exactly does this do on the ground?

In addition to, you know, the obvious.

WILLIE DESMOND: Show Low, Pinetop, Lakeside are all in District 6.

Winslow is, looks like, partially in District 6 and 7.

And then the majority of Flagstaff is in District 6 as well.

COMMISSIONER McNULTY: So Flagstaff is split.

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: The city of Flagstaff is split.
WILLIE DESMOND: Yes.

CHAIRPERSON MATHIS: Mr. Desmond, why didn't you go -- I'm just curious. Why doesn't it go all the way to the eastern border of the state?

WILLIE DESMOND: Well, because the -- like the Apache reservation needs to be linked with district --

CHAIRPERSON MATHIS: Oh, I got it. Sorry.

WILLIE DESMOND: -- Navajo reservation.

CHAIRPERSON MATHIS: And on Mr. Freeman's it was a -- yeah.

WILLIE DESMOND: It was -- and I'll just put that one back --

CHAIRPERSON MATHIS: All right. I get it.

WILLIE DESMOND: -- so you can see that.

CHAIRPERSON MATHIS: Thank you.

WILLIE DESMOND: And then the only way reason I didn't put this one directly into our working map is because then this portion of District 6 would be cut off from this portion.

So to do this one, it's possible that you would have to work its way around.

But that was a lot more changes than I basically had time for that day. I would be happy to take another crack at it over the weekend.
COMMISSIONER McNULTY: Well, are there other changes that would need to be made to the map to accommodate all of this?

WILLIE DESMOND: To accommodate the district as I have it here? No.

I mean, it's just a change that affects District 6 and 7.

If we were to do, you know, the version that Commissioner Freeman gave me, yes, other changes would need to be made.

COMMISSIONER McNULTY: Well, Mr. Freeman has said this is an exercise. He wanted to make a point.

I understand that.

It's not something that I could support, it's not something that I could support because it's contrary to the great weight of the testimony we heard in Arizona and it's completely different from the draft map in some significant ways.

Has compactness issues and contiguity issues that are, I think, designed not to address an issue in a voting rights district, because we have a fully formed sound voting rights district, but rather to address the political issue.

And, you know, I understand the concern about folks wanting to be represented in a way that they are used to being represented.
But at the same time, you can't do everything that everybody wants.

And I think it's very important to do a competitive Legislative District 6 that's consistent with all the community issues and public comment that we received.

Those folks all live together in the same counties, and they have joint county governments, and that all seems to work somehow. So I don't feel as though people are going to be unrepresented.

People just want to be -- want to have the same kind of representation that they've had. And that's on the one hand understandable, but on the other hand it's not one of the criteria that we have to address, so...

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: And another thing I don't want to see is, you know, I love Flagstaff and the people there, by any changes to six that we'll see a slew, if not the whole city of Flagstaff here at our next public hearing, and I don't think I want that.

CHAIRPERSON MATHIS: Are there any other comments on this?

VICE-CHAIR HERRERA: No.
CHAIRPERSON MATHIS: It would seem like we would -- we should hear from the Navajo Native. I know that we have one request to speak form on this matter. And I got a couple others.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Yes.

VICE-CHAIR HERRERA: Is the request to speak form somebody representing the Navajo Nation?

CHAIRPERSON MATHIS: Yes.

VICE-CHAIR HERRERA: Then I would love to hear from them.

WILLIE DESMOND: Also --

CHAIRPERSON MATHIS: Mr. Desmond.

WILLIE DESMOND: -- I have that change report that we started running a while ago.

CHAIRPERSON MATHIS: Oh, good.

WILLIE DESMOND: So we can look at that also.

CHAIRPERSON MATHIS: And this is which change report?

WILLIE DESMOND: This was the second sort of adjustment that we did to District 26 and 27.

Where District 27 kind of came across on the north and gave a little bit to 26 just north of Guadalupe there.

District 26, in the working map, we did see an increase doing this in CVAP, 19.2 to 19.4.
However, Hispanic registration fell from 18.5 to 17.5.

Some of the election indicators all fell from between .2 percent and .7 percent.

So ultimately not as strong as it was with Guadalupe in there, but probably better than it was in the draft map.

Also District 27 was weakened a little bit in most of the election indicators we're using.

Hispanic registration went up.

CVAP dropped.

Total minority dropped.

Hispanic percentage dropped.

So, again, there's no, no real easy answer to any of these, so . . .

CHAIRPERSON MATHIS: I think it makes sense for you to explore some options though over the weekend to improve that, see if there's anything that does give the CVAP to 20.

WILLIE DESMOND: Okay.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The changes that we're considering to strengthen 26 without Guadalupe, are they going to be sent to get analyzed? Are they going to be
analyzed?

WILLIE DESMOND: What I'll do this weekend is I will see if there's something that's worth sending to analyze, essentially.

If there's anything good, we'll present it on Monday, and then it's up -- it's at your discretion whether or not you want it to be analyzed in parallel with the other one.

CHAIRPERSON MATHIS: That makes sense to me.

Ms. O'Grady.

MARY O'GRADY: On a related issue on the 8 and 11 change, the version four change that was discussed earlier that Mr. Adelson raised the point about the minority representation in the modified LD 8.

And I think it makes sense -- we've been talking, and I'll let Bruce speak for himself -- that that might be worth referring for analysis.

We've been struggling with how to deal with our benchmark 23, and we've been comparing some of these numbers to the benchmark 23, and they compare favorably in most categories.

And so that, as he said, might, might be helpful.

So our recommendation would be that we refer to as part of our deeper analysis that we're doing with the other districts. Even though it hasn't been flagged as a previous
benchmark, we thought it would be helpful to look at.

BRUCE ADELSON: Madam Chair, I certainly agree. I think that the -- this is not -- Arizona does not have 11 districts as a benchmark. Arizona has 10.

What is very significant and what we've been talking a lot about among the three of us is that if we can present a district and make a plausible argument that minorities have an opportunity to elect beyond what they have now, and that's going beyond matching up benchmark numbers with district numbers, that's a very significant step.

And looking at the working District 8 as it has been discussed tonight and comparing that to benchmark 23, many of the indicators are better than benchmark 23.

So I certainly concur with Ms. O'Grady about having this analyzed.

And I really wanted to stress the importance that if the analysis -- and we'll analyze it. I will analyze it. Dr. King is going to analyze it.

And if it comes back as presenting a plausible argument that minorities have an ability to elect, I think that's huge.

And I really cannot understate the importance of that for the submission.

Because by being able to make a plausible argument
to Justice that we've gone beyond the benchmark when we didn't have to in a way that makes sense.

And the metrics do seem to measure up, just looking at it now.

I think that would be extremely significant.

So I certainly endorse respectfully what Ms. O'Grady said about having this go to the next stage to see how it's viewed as far as effectiveness.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Any comments?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I had asked if it was possible to have someone, someone from the Navajo Nation that is here speak on behalf of any changes that we're proposing to the Navajo Nation. I would love to hear from them.

CHAIRPERSON MATHIS: We can do that now. It would make sense probably.

We've got some -- I only have three request to speak forms, and we are talking about majority-minority districts now with Mr. Adelson.

Can I ask Judy Dworkin to come up and talk to us, representing Navajo Nation.
JUDY DWORINK: Commissioners, Judy Dworkin, on behalf of the Navajo Nation.

Name is spelled D-W-O-R-K-I-N.

First of all, I'd like to thank Commissioner Freeman for attempting to look into enhancing the Native American voting age population of the Legislative District 7.

And I am going to speak only of the impact to Legislative District 7 and really about Mr. Desmond's -- what I would refer to as his quick and dirty revisions to Legislative District 7 that was presented, because I don't have as much information as to the district that Mr. Freeman drew up on the screen.

I think there are some significant concerns with respect to the Navajo Nation.

As Mr. Gorman has frequently, and others from the Navajo Nation, have frequently described, it's a fairly complex process by which the Navajo Nation attempts to get support for the activities and for the proposals that it has made to the Commission and for its comments to the Commission on maps that have been presented by the Commission, by Strategic Telemetry.

But specifically, the Navajo Nation has worked extremely closely with the Hopi Tribe and with the Apache tribes, particularly the San Carlos Apache Tribe, as well as
with the Navajo people, to comment on a district that would be satisfactory and attractive to voters from all of those Native American nations.

One of the issues that appears from my quick review of the map that was presented here is that Winslow is extremely important to both the Navajo people and to the Hopi people.

You received a letter from the chairman of the Hopi Tribe last week indicating how important Winslow was. And from my quick review of the map, it looks as though Winslow is split.

That would clearly be an anathema to the Hopi Tribe as it is to the Navajo Nation.

So clearly there may be modifications that could be made to that map that was, if you will, the quick and dirty map that Mr. Desmond put up.

But as it stands now, and as I'm looking at it now, the fact that Winslow has been divided, in addition to the fact that it's an additional split in a municipality, but just in speaking from the Navajo Nation's perspective, we would not want to see a split in, in Winslow, or the loss of any part of Winslow, to Legislative District 6.

With respect to the Apache tribes, the Apache tribes have taken a position, both San Carlos and White Mountain, that Show Low is very important to them and
they would like to see Show Low in Legislative District 7.

And I believe that Show Low has been removed from Legislative District 7.

So that is a great concern to, as I review the map, with respect to the effort that the Navajo Nation has made to maintain the interest of all of those tribes within Legislative District 7.

Those are my initial thoughts.

I wasn't able to really see what was done with the Schultz fire area, and I do note that Flagstaff -- a portion of Flagstaff has been included with Legislative District 7.

The Navajo Nation has, as Commissioner Herrera has indicated, has taken the position that it's tried to be a good neighbor with respect to the interests that Flagstaff has. And so to keep Flagstaff whole I believe would required it to be outside of Legislative District 7.

And those are my comments, and I take any questions.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Any questions?

VICE-CHAIR HERRERA: Madam Chair, no questions, but thank you for being here tonight and giving your testimony.

JUDY DWORIN: You're welcome. Thank you.
CHAIRPERSON MATHIS: Okay.

So, any other thoughts on this particular issue with regard to exploration and next steps?

VICE-CHAIR HERRERA: Madam Chair, you're referring to 8 and 11 as Commissioner McNulty has proposed? Or...

CHAIRPERSON MATHIS: What Mr. Freeman and Mr. Desmond did.

VICE-CHAIR HERRERA: None. None from me.

Again, if the, if the affected people, which is the Native American tribes have comment, I'm looking forward to hearing from them. But if not, then I guess we'll move on.

CHAIRPERSON MATHIS: Mr. Freeman, is there anything you'd like to see?

VICE-CHAIR FREEMAN: I'll answer some of the questions.

First, in the map that I prepared, Winslow was kept whole, and it was put in LD 7.

Show Low was not included in LD 7.

Out of respect for comments heard in eastern Arizona, parts of Flagstaff were included in LD 7, but, again, it was a quick and dirty -- at least the map I prepared was a quick and dirty attempt to include only those census blocks that had the highest concentration of native voting age population. And that was, that was the effort to
try to get them in that district.

So, but I would certainly like to take a look at what Mr. Desmond proposed, which is -- was different than I -- what my first thought, but certainly is interesting to me.

CHAIRPERSON MATHIS: Okay.

WILLIE DESMOND: With regards to Districts 8 and 11, the next steps there, or?

COMMISSIONER McNULTY: Madam Chair, Mr. Desmond, Mr. Adelson, when you suggest referring that for further analysis, would you suggest that we first have -- first take a look and see if it can be enhanced before we submit it, or are you suggesting that we submit version four as Mr. Desmond has prepared it?

BRUCE ADELSON: Commissioner McNulty, excuse me, Madam Chair, the -- if you'd like to pursue a course to see if it can be marginally enhanced, certainly I would be supportive of that.

The -- because right now it matches up very favorably with benchmark 23.

Any improvement or enhancement that can be made, I think, is to the better as far as the preclearance application.

So if the Commission wishes to do that, I
certainly, I certainly would support that.

COMMISSIONER McNULTY: I spent kind of a lot of
time messing around in those two districts, and there's
probably not a lot that can be done, but it's probably worth
us just looking at it over the weekend and seeing if there's
any way that 8 and 11 could be -- anything else could be
swapped that would enhance 8.

BRUCE ADELSON: Madam Chair, Commissioner McNulty,
absolutely.

I think that, that if there is -- can be some
marginal enhancement in eight, all the better.

And then perhaps after the Commission considers
whatever's developed over the weekend, then maybe that might
be something respectfully that the Commission wishes to have
analyzed to determine whether our quick look is confirmed.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Can I have Mr. Desmond tell
me the -- based on the changes that Commissioner McNulty
proposed, the competitiveness index two, of both Districts 8
and 11 as she has drawn them out?

WILLIE DESMOND: Starting with District 8.

District 8 was 56.7 percent Republican. It went to
52.5 percent Republican.

It was 43.3 percent Democrat. It went to 47.5
percent Democrat.

District 11 was 55.6 percent Republican. It went to 58.4 percent Republican.

It was 44.4 percent Democrat. It went to 46.6 percent Democrat.

VICE-CHAIR HERRERA: So were you able to create eight -- excuse me, Commissioner McNulty was able to make eight a little more competitive?

WILLIE DESMOND: Eight became more competitive. It also became significantly more Hispanic.

Voting age Hispanic percentage went from 22.8 up to 30.2.

The total minority percentage went from 35.4 up to 48.3.

These numbers, I guess, alone probably don't look like they're a great voting rights district, but I guess the key here is looking at the percentages in district -- current District 23.

VICE-CHAIR HERRERA: Sure.

And it would be great if we could, I mean, ideally -- this is just in my world -- if we would create or make eight a majority-minority district and make 11 a competitive district.

Again, I don't know if it's possible.

But I think the changes that Commissioner McNulty
is proposing were great, and I'm glad she took a crack at that.

And also I think we lessened the hyperpacking of Republicans in eight. So thank you for doing that, Commissioner McNulty.

BRUCE ADELSON: Madam Chair, if I could, if I could just add something quickly.

Willie had mentioned this as a voting rights district. We're not viewing this as a voting rights district the same as we are 26 or 29.

This is an enhancement to the entire map.

So that if we can present a plausible argument that there is an opportunity to elect here greater than benchmark 23 -- we're not going to suggest that this swaps for 23.

But, giving us that extra district, assuming we can make a plausible argument, enhances the entire submission and it also enhances the prospects for preclearance. Although we're not viewing this as a majority-minority district the same way we are the other districts that we've talked about --

VICE-CHAIR HERRERA: Madam Chair, I think I -- what I meant to say, ideally I would love to be able to create eight as a majority-minority district. I know though based on the information you have given us, probably not --
it's probably not possible, even to be able to enhance it, so I -- in my ideal world, that's what it would be, a majority-minority district with 11 being a competitive district.

And, again, I'm -- I can't speak highly enough of Commissioner McNulty. When she looks or makes changes to a map, I mean, she's looking at all of the criteria and including the federal criteria.

I wish I could do more of that. I think I -- she's my role model in making good maps.

And I have no reason to suck up to her, because she -- we're all, we're all peers.

But I, again, I, I, I can't stress the importance of the other commissioners to be doing the same thing when they're putting together maps, because she's proven -- I mean, on and on and on proven that she can -- the changes that she makes are not only an improvement to the federal criteria but also the state criteria as well.

And, again, she's my role model.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Don't laugh at Commissioner Herrera. What he -- he meant that seriously.

It wasn't a joke.

VICE-CHAIR HERRERA: It was not.

CHAIRPERSON MATHIS: Okay.
Any other comments on any of these districts?

Mr. Desmond, do you have enough to do from us in terms of -- and clear direction?

WILLIE DESMOND: Just to recap what I'll be doing this weekend.

CHAIRPERSON MATHIS: That would be great.

WILLIE DESMOND: Besides my brother's graduation.

CHAIRPERSON MATHIS: Yes.

WILLIE DESMOND: Trying to, I guess, look at ways to move eight slightly more than what it is already here.

I will also be heavily exploring ways to improve District 26 and maybe District 24 also.

Probably running a lot of these change reports and seeing if there's anything that's a viable alternative to including Guadalupe with District 26.

Aside from that, are there any other, just, you know, non-voting rights mapping changes you'd like me --

VICE-CHAIR HERRERA: Madam Chair.

WILLIE DESMOND: -- to work on this weekend? I know Commissioner Stertz will be sending me something. I'll have try to have that ready for Monday also.

CHAIRPERSON MATHIS: Right. On the congressional.

Mr. Herrera.

VICE-CHAIR HERRERA: Thank you.

I can't stress, Mr. Desmond, the importance of
looking and concentrating your efforts on District 8, and strengthening those -- strengthening District 8 to be able to make it a stronger -- not a majority-minority district obviously. Just a stronger district for minorities living in that area.

And then also I think it is an important issue, and I think it's something that we need to address, and Mr. Adelson already addressed it.

And also your efforts on 24, 26 and also 11, maybe you can make 11 competitive.

If, if I had it my way, those are the areas that you would hopefully focus on, because I think those are important issues.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I would love to see how through an exchange of population between 8 and 11, 8 becomes a voting rights district and 11 becomes a competitive district.

I think we might need to retain Stephen Hawking for something like that.

It's -- anyway.

I may have -- I have outlined some rough changes as well. But I hadn't had time to, as I put it, put the meat on the bones. So I might send you that over the
weekend at well, not a lot.

WILLIE DESMOND: Okay.

And then anything else, feel free to forward me, and I will try to make sure everything's here Monday morning.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Mr. Desmond, do you have enough to do over the weekend?

WILLIE DESMOND: I think so, yeah.

VICE-CHAIR HERRERA: Just making sure.

CHAIRPERSON MATHIS: I know this isn't the last time we're going to see Mr. Adelson. At least I hope not. But I just -- do you have any thoughts on enhancing eight? I'm just curious.

BRUCE ADELSON: Madam Chair, no, unless you tell me not to come back, this is not going to be the last time I come here.

It may be the last time before the holidays next week.

With District 8 -- and, you know, what's interesting about District 8, of course, this is literally just something that we started talking about 20 minutes ago. There are areas of Pinal County that have a long history of minority communities, a long history of turnout registration...
and electoral participation.

So I could certainly see without looking at the map per se that it is quite plausible and possible to enhance eight to the point that we could make the strongest possible argument to Justice that this is an eleventh district where minorities at least have a better opportunity to elect than the comparable benchmark district, which is 23.

Right now, as I said, in looking quickly at all the numbers, it seems that that's true.

To the extent that, for example, if right now in the change report the mine inspector received 45 percent, the 2010 mine inspector election, 45 percent, to the extent that that number can be increased so that we can make just an even more plausible argument to Justice.

This doesn't mean that the district has to have 55 percent for mine inspector. Frankly, from, you know, from my perspective, the higher the number, the better, within all the other confines that you're operating with.

Because it would really be a coup for the Commission to be able to present in this submission that this is an alternative eleventh district where minorities have a viable opportunity to elect, better than the benchmark, that would -- this is -- would be a tremendously significant development and achievement, and would
unquestionably enhance the submission and enhance chances for preclearance.

So my view is with all the criteria that you have to balance, to the extent that eight can be enhanced as much as is possible for the Commission to be comfortable with, that would certainly be my, my recommendation.

The stronger it is, the better the argument we can make in the submission.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

Thank you.

VICE-CHAIR HERRERA: Thank you, Mr. Adelson.

Now, the District 8, the current District 8, had a -- I think it was a Latino representative or state senator Rebecca Rios.

Is that correct?

BRUCE ADELSON: Benchmark 23.

VICE-CHAIR HERRERA: Correct, benchmark 23, but now the . . .

BRUCE ADELSON: Yes, Rebecca Rios and then previously Pete Rios. And they have, I believe, other minority representation in the legislature in the past decade.

VICE-CHAIR HERRERA: Thank you.

VICE-CHAIR FREEMAN: Madam Chair.
CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: So the effort would be to create something that approaches a benchmark district, which we all know are not competitive districts.

The other thing that I thought I'm not sure of, but it looks like, correct me if I'm wrong, we've now put all the prisons in eight. And I don't know what happened to that concern about putting them all in one district.

BRUCE ADELSON: Commissioner Freeman, Madam Chair, absolutely, that's a very important point. We've discussed that with Mr. Desmond, factoring out the prison population from districts that are either majority-minority districts or like District 8 potentially we're presenting as an opportunity to elect district. So I agree.

There does tend to be a larger prison population in Pinal than other counties.

That's certainly something that will have to be factored in to the analysis.

Clearly if the -- if three or four percent voting age population Hispanic is incarcerated, that really doesn't help our argument.

So I absolutely agree with you that that has to be included and factored into whatever alternative is proposed or whatever in mapping Mr. Desmond does.

CHAIRPERSON MATHIS: It's a good point.
Any other questions or comments?

(No oral response.)

CHAIRPERSON MATHIS: So you're set. Okay. Thank you, Mr. Desmond.

Enjoy that graduation of your brother.

There's just a few items on the agenda.

I'm not sure that Mr. Bladine -- oh, he's here, yea.

The executive director, anything you needed to say, Mr. Bladine?

RAY BLADINE: Madam Chair, there are a couple things I should bring to your attention.

Really all the material is in your packet, so I really won't spend much time on it.

But we did provide in the packet the updated attorney charges with the dates of the billing that was requested last time.

You all have that.

We updated the hours that you spent in meetings and executive sessions.

We did that by first meeting with Evan Wyloge, and he helped us compare to his.

We changed the format a little bit so we would be more comparative.

But the bottom line is we also updated through the
8th of December, so on the gross basis 259 hours have been spent in meetings roughly. Forty-two minutes -- 42 hours in breaks, which just points out our chair doesn't give us much break.

Then 43 hours in executive sessions for a net of 215 hours of meeting.

We also -- I'm going to let Kristina give you a quick update on the information we have on the web, social media. That's also in your packet.

But before I do that, I do want to comment that yesterday we had someone complain that she didn't feel that staff treated her appropriately.

And this morning I talked to all of the staff members involved. I asked them to write up their perspective what happened.

That is in your packet.

Our staff always operates on the basis of trying to help whoever we can help with whatever it is we may be able to help with.

But they have also been told that if someone gets abusive, they do not need to stay on the phone, or if someone starts making racist comments, they don't need to stay on the phone.

Unfortunately, as the packet shows, the individual that complained yesterday was extremely angry and was
getting abusive with staff. And I'd be glad to talk about that more. And also started to make some pretty serious comments about Native Americans being in her district. And that is not acceptable to us, and I do not believe that the staff acted improperly.

I think they politely quit talking to her.

She also indicated that she was not able to get onto the web page.

I checked yesterday. Eight other people did get on the web page, the day before 21.

So I'm not sure that the problem was at our end.

Sometimes it is.

We don't find it was this time.

But very often we find that the problem is at the end of somebody trying to work through it and can't read that funny thing we have on there.

So I just wanted to comment to that.

I took it very seriously that we were accused of not treating someone properly. And I do not believe that was the case.

If there's not any questions, I'll let Kristina quickly go through a couple other things, and then both of us can be available for questions.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.
VICE-CHAIR HERRERA: Mr. Bladine, before you step down, a couple things. See if I heard correctly.

You said that you updated the number of hours we've been not only in handling business, but also in executive session and breaks.

You broke down breaks?

RAY BLADINE: Yes, I did break down the breaks also.

VICE-CHAIR HERRERA: And they were almost the identical, the amount of hours we spent on breaks versus the amount of hours we spent in executive session.

RAY BLADINE: That is correct.

VICE-CHAIR HERRERA: I think we all agree that we haven't enough breaks. That is amazing.

I didn't know that, so I appreciate that.

The second thing is the individual that spoke, I think it was yesterday, and mentioned those comments, made it part of the public record that staff had treated this individual, who was not here, she was speaking on behalf of an individual, treated her poorly and hung up on her.

And, you know, we -- I guess there's no secret that this Commission has been accused of a lot of things, and I want to make sure that we set the record straight that we do treat everyone who calls, regardless of their political affiliation or their beliefs or whether they
disagree with us or not, that we treat everyone with respect.

So I want to make sure that the record clearly states that the staff did everything in their power to help this individual, and that this individual was abusive, and that that's why they ended up terminating the call with said individual.

So I want to make sure that we make a good case that, for the record, that we've done everything possible to help everyone that calls, including Republicans, Democrats, whomever.

So if you can give us as much information, and put it in the record, I would appreciate that.

RAY BLADINE: Okay.

Madam Chair, we have submitted the documentation to you, but I will make it a part of the official, official record so if someone wants to disagree with us, they can see our side of the story also was put forward. Okay?

CHAIRPERSON MATHIS: Thank you.

RAY BLADINE: Let me see. Kristina, I think has a few items to also cover.

CHAIRPERSON MATHIS: Mr. Herrera, are you okay to power through?

THE REPORTER: Herrera?

CHAIRPERSON MATHIS: I'm sorry, Herder. Ha ha.
I wanted to make sure you were okay.

THE REPORTER: Really?

CHAIRPERSON MATHIS: I'm feeling really guilty.

VICE-CHAIR HERRERA: It's a compliment for me to be compared to Marty. Thank you.

THE REPORTER: I'm fine.

CHAIRPERSON MATHIS: Okay. Great.

KRISTINA GOMEZ: Madam Chair, commission members, first of all, I would like to sincerely apologize for the conference call issue.

That's the first time that that has been ever happened to me.

I've been working for the state for over ten years. And I am very familiar with Qwest conferencing lines, so I do apologize.

And I did make a phone call to Megan Darian, the former acting executive director. And she informed me that she did not receive an e-mail from Qwest. But we did contact Advent, and they contacted Qwest, and they reassured us that we will have a phone number on Tuesday, a working number on Tuesday. So sorry about that.

Secondly, in your packet you will find a document of the Commission's statistics totals. And on the front sheet you will see the total sign in, request to speak, public input, and maps submitted to the Commission.
You'll see the total for Commission meetings, which are business meetings. You'll see the total for first round and second round of public hearings.

The total sign in for all Commission meetings and public hearings and second round hearings, for sign in, it's 5,231. For request to speak is 2,291. For public input, it's 990. And for maps submitted, it's 222.

And there are copies available in the back for the public as well.

And within this packet you will also see the dates of the meetings and the location as well.

So if you have any questions, you can go back and reference this document.

Next, I have -- and this is also in your packets, the website statistics.

And I'll just go ahead and highlight a few items here.

So on the website we've had, from November 8th through December 8th, we've had 8,800 total visitors.

We've had 5,193 unique visitors, which are new visitors to the website.

We've also averaged 24,980 page views.

The next item is the most popular pages. The number one page of course is our home page.
But following that are -- is the draft maps.
That's another page that most people view.

Next is the meeting and info page, followed by the proposed changes page, and lastly the streaming.

Demographics, we have 6,927 viewers from our state.

In California we have 399.
And then just to go down to the last one, which I find interesting, in New York we have 120 viewers.

The next category is visitor networks.
And if you notice at the very bottom -- well, the first one is viewers from Cox Communication is 2,704 viewers.
And another interesting number here is the last one, which is number five, is U.S. House of Representatives, we have 115 visitor networks.

The next category is mobile viewers, followed by newsletter e-mail blasts.
So we -- currently we have 1,361 subscribers to our e-mail blasts.

We have -- Buck has sent out 85 e-mail blasts, and that includes all of our, our meetings and our public hearings.

Streaming, we've had 1,429 viewers.
Within the same category, we've had 351 viewers.
And actually this is the number of hits from the House of Representatives' IP address.

And the last number I have here is regarding social media. Twitter, we have 236 followers. Followed by Facebook, we have 218 individuals who like our page.

We do have a number for you for a total number of written comments to the Commission. So far we have 7,017 written comments.

And we have made progress with coding and Catalyst as well. So...

CHAIRPERSON MATHIS: Great. Thank you very much. Are these statistics going to be available on our website too?

KRISTINA GOMEZ: Yes. So our plan is to gather all of these numbers and to work with Stu and to draft a press release and then we'll post that on the website. So I just need to work with Stu on that.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Okay. Thank you very much. Mr. Herrera.

VICE-CHAIR HERRERA: Sure, you know, I -- this is what I've been asking for since we -- pretty much we started the Commission when we nominated the chair and we started doing our business, that the importance of operating in the open, and the importance of encouraging the public to
comment and to provide comment to us.

And this is, again, proof that we've been doing all that, that we've been operating honestly, in the open, and we've been seeking comments from the public.

So, Ms. Gomez, I thank you for this report. And I hopefully will be looking forward to seeing the Capital Times publish a future article on how open we've been and the number of people that we've reached through, again, public hearings, business meetings, online, people that are Twittering, follow our tweets, and also Facebook.

So this is, this is good news. And, again, just, again, more information that we give out to people that -- anybody that doubts us in terms of work we've been doing, this is going to shed light and hopefully help these people understand the work that we're doing and how open we've been. So thank you.

KRISTINA GOMEZ: Thank you.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: All these speeches by Commissioner Herrera brings to mind a Shakespeare quote. I think it was from Hamlet.

But really what I wanted to put on the record that was both Democratic commissioners laughed when Ms. Gomez stated the statistic for number of hits from the U.S. House
VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I guess I don't understand Commissioner Freeman's point, but that's fine.

Again, the information you provided is extremely beneficial. And hopefully, again, we'll be able to see this -- not at every meeting, but at least once a week, if we have meetings, that we update this information at a minimum once a week and we provide all this data on our website and make it easily available for anyone to view.

Thank you.

KRISTINA GOMEZ: Thank you.

RAY BLADINE: I think the only other item is we did send out an e-mail today asking for the availability of the week of December 26th. And if you could try to get to that me over the weekend. I think we asked for the 26th through the 29th.

It makes me sound like Grinch, but I think we'd appreciate very much if you could kind of let us know when you're available, we will get that one back to you.

CHAIRPERSON MATHIS: What about the 30th?

RAY BLADINE: We could do the 30th.

CHAIRPERSON MATHIS: I'm the Grinch.

RAY BLADINE: I wasn't going to say who the Grinch
I was.

And I on the 30th, I took something literally and I wondered if you wanted to go through the 30th. So if you'd provide it through the 30th, that would be, that would be helpful.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Mr. Bladine, during yesterday's public testimony, the lady that mentioned the complaint on behalf of her friend, I had mentioned when she was finished with her comment that she should -- I directed Kristina Gomez -- Ms. Gomez to talk to the individual, making sure that we get that person's information and for her to call her personally.

Did that individual -- and I'm blanking on her name. I think it was Lynne Breyer.

Did she provide you with that information or even attempt to?

RAY BLADINE: She left after the meeting, and we did not get a chance to talk to her.

VICE-CHAIR HERRERA: Okay. I just wanted to make sure I understand what happened.

Thank you.

RAY BLADINE: Madam Chair.

CHAIRPERSON MATHIS: So in terms of next meetings,
we have Monday and Tuesday.

RAY BLADINE: Correct.

CHAIRPERSON MATHIS: Are they both here at Fiesta Inn?

RAY BLADINE: Yes, they are. I don't know right off which rooms they are in, but we are trying to avoid the one room that has the noisy AC.

CHAIRPERSON MATHIS: Okay. Thank you. And we start at what time Monday?

RAY BLADINE: 9:30.

CHAIRPERSON MATHIS: 9:30.

RAY BLADINE: And 1:00 o'clock on Tuesday.

CHAIRPERSON MATHIS: Okay.

RAY BLADINE: And I think the 9:30 show to 9:00 o'clock is possible.

And on Tuesday we show until midnight.

And I think today we, we had told them 9:00 o'clock, and it looks like we're making it.

Thank you very much.

CHAIRPERSON MATHIS: Thank you.

Okay. Was there anything, possible future agenda items, since it's on the agenda, anything anyone wanted to say?

(No oral response.)

CHAIRPERSON MATHIS: Okay. I think we know what
Anything on the litigation on open meeting law from counsel?

MARY O'GRADY: No.

CHAIRPERSON MATHIS: Okay.

So public comment. I just have a couple more.

Lynne St. Angelo, representing self, from Oro Valley.

LYNNE ST. ANGELO: Thank you, commissioners.

Lynne St. Angelo.

I am here tonight because my name came up several times yesterday.

And I am not expecting the commissioners to listen to what I say today, but I do want to put on the public record my true position, since somehow I was singled out by the Commission and the media.

Yet when the Commission -- I was in a meeting in June with the Commission, and Commissioner Herrera singled out us and said -- pointing to us and said, you people accused us, you are a sliver of the population that we represent, so you really don't matter.

It's interesting there were 53 people who disagreed with Commissioner Herrera's position in that meeting, yet I'm one person, and somehow I was selected as at the person.
This just goes to show the selective memory of the commissioners, and how they can select one little sliver of whatever information supports their position and ignore all the other preponderance of information that is against their position.

I have been called a lot of names by the press, which is interesting.

And between all of this, it certainly does not encourage the public, especially if they disagree with the position that is being presented by the commissioners, to come forward and state where they stand.

So I am here to put my -- set my record straight.

I have spoken most often at the IRC meetings on the importance of holding Saddlebrooke and Oro Valley together as a community of interest and about our natural growth corridor being from Tangerine north through I-10 in through Marana and Pinal County.

I have spoken in the public record about CD 1. I think only on three occasions.

However, I don't have the advantage of having a computer generated tracking system to find what I actually said on any occasion.

The very first time I saw the proposed map for CD 1, I was adamant about Oro Valley, Saddlebrooke, and Marana having nothing in common with Flagstaff and the
reservations.

And I believe I said this again on another occasion and another meeting.

But, again, I am not certain, because I don't have this automatic recall system that you all have.

Commissioner McNulty, I believe, has misunderstood the one time I spoke about CD 1 when the maps were changing every other day.

My first statements and the later ones, and what I'm affirming today, is that Oro Valley, Saddlebrooke, and Marana naturally belong in the CD 2 map that has been presented by Commissioner Stertz, although it looks like today you've rejected that map anyway.

This map was voted on earlier this week, and I thought the data concerning the proposed Stertz map was going to be presented and then re-examined as a viable alternative, but it looks like you're not going to do that.

I also know that there have been hundreds of people from these communities, e-mailing, calling, and saying that Oro Valley, Saddlebrooke, and Marana should be in CD 2.

My voice is no different than all of the hundreds of other people in these communities that have agreed with this and said this.

We agree that CD 2 map satisfies the
constitutional criteria, and the CD map does not.

Again, my voice is one of many, all equally valid as a public comment, and all equal in weight.

And we are in agreement that this CD 2 map where it places us with CD 2, Oro Valley, Marana, and Saddlebrooke is -- makes more sense, from every one of the constitutional criteria, including competitiveness. Having our three communities with Flagstaff and northern Arizona does not satisfy the constitutional criteria.

Their issues are totally different from southern Arizona issue. We are geographically separate. We are not communities of interest in any feasible way. And we are not compact.

This is my position and was my position in the very beginning of the hearings and also now at the end.

Thank you very much.

VICE-CHAIR HERRERA: Thank you.
CHAIRPERSON MATHIS: Thank you. Our next speaker is Brad Nelson.

Okay.

And our last request to speak form is Steve Muratore, publisher Arizona Eagletarian.

STEVE MURATORE: Thank you, Madam Chairman, commissioners.

My name is Steve Muratore, M-U-R-A-T-O-R-E.
I wanted to, hopefully very briefly, address a discussion earlier on the Congressional District 9. The claim that Mr. Freeman made that it is not a -- or the light rail is not a community of interest and that you have to live within walking distance in order to benefit.

Well, I believe that it's blatantly false, number one.

There's no data been presented to support that.

Number two, anecdotally, I live two and a half to three miles from a light rail terminal in -- I live in south Scottsdale. Depending on which way I go, it's two and a half or three miles.

And I can either park and ride or ride my bicycle, and do so, to participate in cultural events and when I go to get medical care at the Veterans Affairs Medical Center.

Mr. Freeman also again falsely characterized hyperpacking of Republicans in the rest of Maricopa County.

And I got to say even though I tremendously respect and like you, that I find offensive.

And Mr. Stertz today mentioned that rationale for CD 9, around light rail, is thin.

People were riding those roads before light rail, and they still do.

However, one thing that needs to be considered to recognize that it is a legitimate community of interest is,
and I am surprised that Mr. Stertz with his architectural background, didn't recognize and doesn't recognize this, there already has been and will continue to be substantial new economic development all along that line.

So, thank you.

CHAIRPERSON MATHIS: Thank you.

Any other folks who wanted to speak?

All right. Well, thank you, public, for your input and sticking through tonight.

And I also want to just thank Mr. Adelson for being here. That was very helpful discussion we appreciate it.

And I want to thank our commissioners and our staff, and legal staff, mapping consultant, too, for being here.

Because I know everybody has families and are making sacrifices, and I really appreciate it. It's 9:08 p.m., and I'll declare this meeting adjourned. Thank you.

(Whereupon, the meeting adjourned.)
STATE OF ARIZONA )
COUNTY OF MARICOPA ) ss.

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 201 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 22nd day of December, 2011.

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

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