ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Monday, December 19, 2011
9:37 a.m.

Location

Fiesta Inn Resort
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 P. Stertz, Commissioner
Ray Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist

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

Reported By:
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Certified Court Reporter #50162

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Proceedings

(Whereupon, the public session commences.)

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

Today is Monday, December 19th, and the time is 9:37 a.m.

Let's start 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.

(No oral response.)

Chairperson Mathis: Commissioner McNulty.

Commissioner McNulty: Here.

Chairperson Mathis: Commissioner Stertz.

Commissioner Stertz: Here.

Chairperson Mathis: We have a quorum.

And we do expect Vice-Chair Herrera to be joining
us shortly.

Other folks at the table today include our legal counsel, Joe Kanefield and Mary O'Grady; our mapping consultant, Willie Desmond.

Staff around the room include our Executive Director, Ray Bladine; our Deputy Executive Director, Kristina Gomez; our Chief Technology Officer, Buck Forst.

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

And I think that's it.

So we'll move into the next agenda item, which has been the next agenda item for the past few meetings, discussion, direction to mapping consultant, and possible action regarding adjustments to draft congressional districts, and possible action regarding adoption and certification of final congressional districts.

The Commission may vote to go into executive session, which will not be open for the public, for the purpose of obtaining legal advice and providing direction to counsel regarding mapping legal issues.

So, I know Mr. Desmond had some homework this weekend, and we have some new change reports.

I don't know if any were with congressional.

These are legislative, I think.

WILLIE DESMOND: We do have some change reports
I believe they're all legislative. There's two different ones that look at changes to LD 8, to try to make it a voting rights district, and then three different ones regarding LD 26.

They're not yet available online, but I could -- I have copies of the change report here, and anyone in the audience who wants them, I can hand them out.

I think we should probably start with the LD 8 ones.

There is two different change reports to Legislative District 8.

So, we can pass them down.

Here's the second one.

CHAIRPERSON MATHIS: So you would rather start with the LD map instead?

WILLIE DESMOND: Yes. I'm sorry. Is there anything you wanted to look at on the congressional from the old things?

I apologize.

CHAIRPERSON MATHIS: Do Commissioners have a preference which one we start with, congressional or legislative today?

Hearing none, Mr. Desmond, you'd rather start with legislative?
WILLIE DESMOND: Okay.

CHAIRPERSON MATHIS: Did you want to say something?

COMMISSIONER McNULTY: No.

WILLIE DESMOND: There were two different changes we have to Legislative District 8.

Last Friday's meeting had Mr. Adelson and legal team noticed that District 8, when we tried to improve the competitiveness of Districts 8 and 11, came very close, and exceeded the benchmark District 23.

So I was asked to explore ways of improving District 28 to, or District 8, to the point where it could be a voting rights district on par or better with current District 23.

There's two different ways I've done this.

I've gone ahead and created one, and then Commissioner McNulty also sent me one. I prepared them both today, and we can just start with those.

I'll start with, I guess, the one that I put together.

You should have that one. It's one of the change reports.

MARY O'GRADY: Willie, Madam Chair, just to keep clear for the record, is that the one labeled change report create V-R-A-L-D-A?
WILLIE DESMOND: Correct, the first of the change reports that was passed out.

COMMISSIONER McNULTY: Madam Chair.

Mr. Forst, are you hearing the echo in the microphones?

Maybe I'm the only one having a hard time hearing.

MARY O'GRADY: Yes.

COMMISSIONER McNULTY: And Ms. O'Grady.

WILLIE DESMOND: Okay. So here you can see District 8 and 11 that were changed.

Additionally, in this version, District 9 was also changed and took on some population from District No. 11. This is because I had more population taken from District 8 to District 11, to leave 8 under-populated, and to, as a result, District 11 was too large, so part of that population went to District 9.

I guess what you'll notice is that over the draft map, or the working map, excuse me, Hispanic CVAP goes from 20.8 up to 28.8.

Hispanic registration goes to 22 percent.

Proposition 200 in 2000 percentage voting yes, went from 55.2 down to 53.7.

And, again, what you want there is a lower number, so that's a positive change.

The '04 presidential Dem, '06 Secretary of State
Dem, in 2008 the presidential Democrat, along with the 2010 mine inspector also saw improvements in District 8.

To kind of illustrate where the line goes, it comes up over Saddlebrooke, similar to previous versions, and it follows I-10 into Casa Grande. It does jog around a little bit before meeting I-10 again in Casa Grande, and then it follows the Gila River reservation area border.

In the north it includes all the areas of the previous district. None of the Maricopa County areas were changed.

Are there specific questions about where the line goes or anything you'd like to see?

CHAIRPERSON MATHIS: Any questions?

WILLIE DESMOND: If not, I guess I could go right into Commissioner McNulty's version, which looks similar, although it has slightly stronger metrics on many of these things.

Having looked at hers, it does seem like the better alternative.

So I can either open that one or we can just add that one to this version.

CHAIRPERSON MATHIS: Can they be layered so we see the differences?

WILLIE DESMOND: Sure.

I'll start with is --
CHAIRPERSON MATHIS: I can't believe the CVAP numbers, the huge CVAP for both. They're good.

WILLIE DESMOND: Okay. The dark black line is the district that's represented in your change report, titled create VRA LD 8, Version 2 - McNulty.

Let me add in the line that I had just created.

So, as you see, the line is fairly similar through most of the district. There are some differences here in Casa Grande, as well as a little bit here in Eloy.

CHAIRPERSON MATHIS: I'm sorry, which line again is the McNulty versus the other?

WILLIE DESMOND: So the black line is the McNulty line, the red line is the line of the district I just presented. You'll also notice a little difference down here in District 9. The district I presented had a little bit more of this unincorporated area, a small piece of Marana, added to District 11, from District 11 to District 9.

In Commissioner McNulty's map there's also some areas here that are added that are removed from District 8 to Districts 16 and Districts 12. So keeping Queen Creek whole in some of the unincorporated areas around it, and also taking a little bit more of San Tan Valley, and adding that into District 16.

One thing I did prepare on this one quickly, and I apologize I don't have printouts, I just put it right
together before the meeting, is a comparison of this
district and District 23, from the current legislative
districts.

So they both are labeled 8, and that's just simply
so I can get the change report to run a little bit. But
what you'll notice is that this set of columns is the
current Legislative District 23.

I'll highlight those in yellow.

This set of columns is the McNulty Legislative
District 8, which would be it's comparison.

And then this is the change.

So 2010 mine inspector is 2.7 percent better.

2008 presidential Dem is 6/10ths of a percent
less, although Secretary of State and presidential '04 are
both better, as well as Proposition 200 Yes is lower, which
is what we wanted.

Hispanic registration, Hispanic CVAP also measure
up favorably to the benchmark, as well as the total voting
age minority in non-Hispanic white numbers are lower.

So on the face of it, this district, as drawn,
does seem to be better than benchmark 23.

I don't know if either Mary or Joe have anything
they want to say about that, or if you have any questions
specifically about that.

The one thing to note is that all the indicators
are still below 50 percent.

So...

MARY O'GRADY: Madam Chair, from a legal perspective this is good, because we could argue we've been using 23 as a benchmark, that district for the past decade, and this shows that we've created something that is -- that -- that looks better than LD 23.

We've had concerns about 23, and about because it doesn't get to the 50 percent level, in terms of the ability to elect under the current numbers. But -- but we've been counting as a benchmark nevertheless.

And so if we're counting it as a benchmark, and this is better, I think that's something that Bruce said Friday, that we can -- that will help us significantly at DOJ and it may help in terms of the measuring up to metrics issues that we've had in 26.

Joe?

CHAIRPERSON MATHIS: I don't know if Bruce is watching today online, but we do have a phone, if he would want to dial in at some point, in case anybody else wants to add more or if he wants to comment on any of these adjustments.

JOSEPH KANEFIELD: Bruce is not available today. He is in Florida. But we have corresponding copies issued, as Mary mentioned, and he has recommended, to the extent we
can strengthen LD 8, that would be very helpful in terms of
the voting rights issue, especially given the numbers of 26
and 8.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: The use of 8 as a
majority-minority district, is that -- is the intent just to
strengthen the capacity and maintain ten districts? Or is
this looking, as it was debated on Friday, to be the
contemplation of 11.

CHAIRPERSON MATHIS: My understanding is the
latter, is the 11, but I'll ask legal counsel if they have a
comment.

MARY O'GRADY: Madam Chair, Commissioners, Friday
Mr. Adelson talked in terms about -- of creating a potential
for 11, but we've also noted that 26 is marginal, and
Mr. Adelson hasn't yet been satisfied that we've met our
burden of proof there.

So this will, as he said Friday, significantly
help us in terms of DOJ establishing 10 and perhaps having
arguments that we have 11.

COMMISSIONER STERTZ: Madam Chair, as a follow-up,
the geography of 8, and the geography meaning the location
in the state and those citizens that are represented in the
new contemplated LD 8 versus the contemplated location of
LD 26, are significantly different.

And in LD -- in the current geography of LD 8, historically, has not been an area of the state that has been utilized as a majority-minority district.

Whether or not the statistics balance it or not, would be -- there's two questions I've had.

One would be the disenfranchising the voters of LD 24, or the potential of LD 26, by utilizing the LD 8.

Second, if we would go to 11 districts, and if there would be a growth change that is different than what the previous ten years were, and 11 districts would not be able to be achieved in 2021, would that be -- would we be forced into a position of retrogression by reality? And how would the next Commission manage their way around that?

MARY O'GRADY: Well, in terms of the geography, Commissioners, 8 measures -- 8 is where 23 was, geographically. So they're in the same vicinity. So to some extent, this will help us show Justice that we did the best we could with the voters who were in what we argued was previously a voting rights district in 23, because before these people, these voters, under our prior configuration, weren't an ability to elect district.

Now at least shows argument that we've done as best as we can to maintain the same level of support in 23 that was in old 23, with the way we've configured 8.
And in terms of 26, 26 with our area where it wasn't from a benchmark voting rights district, and we were trying to create new opportunities in that area for the minority voters, and I think we made the argument that, you know, that we have in that area.

Nonetheless, in terms of what future issues that creates for the future Commission, in the last decade when the Commission made its first submissions to DOJ, they argued for ten voting rights districts.

Bruce tells us that DOJ ultimately precleared nine. If we lay out the description of these 11, and show what we've done for minority voters, we don't know what DOJ will ultimately find.

So I don't know. I don't know that we create a higher -- and it's going to depend on what the demographics shows and what election results show for the next decade, in terms of what the next Commission's responsibilities might be.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I understood Mr. Adelson to be saying on Friday that he would view this as opportunity to elect, but not necessarily as a voting rights district. And I'm not sure that I fully understand the distinction between those two things, but what are your thoughts about
MARY O'GRADY: Well, the language in Section 5 is an ability to elect.

Opportunity to elect is more the language in Section 2.

But we were definitely talking about how favorably this compares to benchmark 23, and has the potential for another voting rights district.

And I don't remember distinguishing between opportunity to elect and ability to elect.

His hope was that maybe we could get this to majority VAP voting age population, or perhaps even over the 50 percent threshold.

Neither -- none of the options that we've explored accomplish that, but they do make it better than 23, which was something that will help us with DOJ.

COMMISSIONER STERTZ: Madam Chair.

Oh, go ahead.

COMMISSIONER McNULTY: I was just going to ask if we have a map of the existing LD 23 that we could throw up there just for reference?

WILLIE DESMOND: Yes, we do.

So LD 23 is the blue line, so it's -- it's a good portion of Pinal County, as well as some of Maricopa County, the Salt River, and Fort McDowell Reservation, and some of...
the unincorporated land to the east of there.

   It includes part of Apache Junction also, but some
   of that area is in District 22.

   It's also to note that old District 23 was our
   most over-populated district, when we compared the current
   districts to the ideal population value. District 23 is --
   current District 23 has 370,479 people, so it's over-
   populated by 157,000 people.

   So this area has grown tremendously over the last
decade. So that's why it's now practically itself becoming
two districts.

COMMISSIONER McNULTY: And the Hispanic population
is growing also, but not necessarily in the same place.

WILLIE DESMOND: Exactly.

COMMISSIONER McNULTY: Yeah.

WILLIE DESMOND: And District 23 is one of our
benchmarks that we're using as a point of comparison for our
new districts.

   One thing Mr. Adelson has mentioned, is that there
should be some emphasis, I guess, looked at, at people that
are in current majority-minority districts, if there's a way
to include them into new voting rights districts.

   So, as I said, this probably isn't a perfect
ability to elect district, but it is as strong as the
current 23. So if 23 is one of our benchmark districts, it
1 does meet it.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: And my apologies for not
being here on Friday. I know there was a little bit of
discussion regarding the prison population.

It appears to me as though Florence, Globe, Eloy,
that we've got a very congregated prison population now in
the LD 8.

And if there was any testimony regarding that, I'd
like to hear about it. I'd like to hear if there was any
discussion regarding that, and what other Commissioners'
thoughts are about the accumulation of the prison
population.

We heard lots of testimony early on regarding
gerrymandering by utilization of the prison population, and
from different folks that had come to testify. And I wanted
to get some contemplation about whether we're going down
that path with the new LD 8.

CHAIRPERSON MATHIS: That definitely came up on
Friday, and it was discussed and determined that someone was
going to be doing additional analysis, right? To determine
that we weren't picking too many -- too much population from
prisons in those two districts.

WILLIE DESMOND: Correct. And we have the prison
population of current District 23. Right now I'm just running -- I'll be running that on this map with Commissioner McNulty, so I will have that answer for very shortly on those two.

COMMISSIONER STERTZ: Are you using that as a comparison of the existing 23 to the new LD 8? Or are you looking at it as being what population would be currently within the LD 8 as a standalone?

Because I thought our goal -- when we talked early on, we had lots of discussion about trying to not accumulate lots of prison population.

And, obviously, in LD 23, it had lots of, because it includes both Florence and other prison population.

I thought our goal was that we try to break those up so they weren't concentrated in any one legislative district? So as a comparison against the old, I can see a lot of movement, because they're relatively the same, But I thought our over-arching was to not go down that path.

The second thought is that, with this district, being the ability to elect, but not one of majority-minority districts as I just heard it re-described. Are we willing to break up other communities, cities, by splitting them up, splitting Casa Grande, splitting Eloy, breaking up other communities to be able to accomplish a target goal that would not necessarily even be used, other than as a -- not
one of the -- of the ability to elect, but just potential to elect?

I'm not sure if I clearly understand the distinction.

(Whereupon, Vice-Chair Herrera enters.)

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: My question to Ms. O'Grady was about the distinction, also. And I think she said there really wasn't a distinction that this would be used to bolster the preclearance application, and that it would be an opportunity to elect district, not a perfect one, but would be a good demonstration that we had done the best we could to create an opportunity to elect for citizens in existing voting rights district, and I think the comparison of the prisons would be that. It would be this new district against that benchmark district.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Madam Chair, I want to make sure I clear this. Where we are looking then at 11, majority-minority districts, and we are looking at ignoring what we had set out as a Commission conceptually to do early on, which was to not place all of or large quantity of prison population in a particular district.
COMMISSIONER McNULTY: Over to you, Mr. Kanefield.

JOSEPH KANEFIELD: Madam Chair,

Commissioner Stertz, obviously, there's ten benchmark,
that's our position and Mr. Adelson's, so it's not necessary
for the Commission to create 11.

I think what Mr. Adelson was advising was that to
the extent because of the weaknesses of 26, and, obviously,
we're doing that analysis, and you all are working to try to
strengthen that district, to the extent we're not able to
strengthen 26, the more that 8 can be strengthened really is
directly compared to benchmark 23, that that could -- that
that would be well received by the Department of Justice as
they're reviewing your submission.

But it's not -- it's not that we're advising that
the Commission strive to create 11 benchmark districts.
We're just advising the Commission to try to strengthen the
districts, the voting rights districts that you're currently
working on, in a way that survives Section 5 scrutiny by the
Department of Justice.

And that all really comes, at this point, comes
back to LD draft 26, and the weaknesses that have been
identified to date, like I said, that the Commission is
working on to analyze.

COMMISSIONER STERTZ: So, Madam Chair, my
understanding was that the ten districts that we've sent to
Dr. King, included 26 for analysis.

If 26 is not -- if the recommendation becomes what I would say the potential to elect, but it would not be considered the one that would be the one that we would place in, is 8 now, the substitute district for 26? Is 8 now the tenth district?

And 26 becomes the sort of also ran?

I'm just trying to --

Because I'm getting -- I'm hearing two things.

I'm hearing potential to elect is to be held at the same standard as the ability to elect, yet the potential to elect should not -- really should not be considered, because we're only looking at ten benchmark districts.

So if 8 is substituting for 26, I'm just -- I can't get the, can't get the order straight.

CHAIRPERSON MATHIS: I understand. My take is that it was the 11th. That we were, based on discussions Friday, we were going to look over the weekend to see if there were ways to make this the 11th district.

So that was my interpretation of events that occurred Friday. And it seemed like Mr. Adelson had said, he seemed pretty excited about this process, that it would enhance the overall plan to DOJ, because 26 was a weaker tenth majority-minority district.

But in my -- my interpretation of what he said, is
that still is the tenth, and this would be the 11th.

But I could be completely wrong.

COMMISSIONER McNULTY: Madam Chair, I think that's exactly what he said.

And I think it's a statewide analysis at the end of the day. It's not a district-by-district analysis. It's what we've done with the entire state. And contrary to ignoring what our goal was, our goal was to present a strong case for preclearance. And Mr. Adelson was clear on Friday that he thought this really would bolster that.

And as to the prisons, I think the discussion that we heard earlier was that if you have incarcerated individuals in a district who can't vote, that they -- that issue goes toward the voting strength of the district, which I expect is the analysis that Mr. Desmond is doing now.

So it's not necessary to break them up necessarily, but they can be counted as Hispanic voters if they don't have the ability to vote because they're incarcerated.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: That's part of what I heard from the public about congregating prisons in a single district, but certainly not all of it.

It's my under -- my understanding runs along the
lines of the Chair's, that the benchmark is ten districts if 21 should be deemed by further analysis to be affirmed, in some respect that efforts would be made to strengthen it by making other adjustments so that would be the tenth. But that Mr. Adelson said the Department of Justice might look favorably upon the overall plan if some district were created and managed to have 31 percent voting age population.

But, my question for counsel is, is the current LD 23 now being looked upon as a benchmark, is it even an effective district? If it's not an effective district, then why are we considering it now as a benchmark?

JOSEPH KANEFIELD: Madam Chair, Commissioner Freeman. Sorry. Is the question is the current LD 23 considered a benchmark district?

VICE-CHAIR FREEMAN: And is it effective?

JOSEPH KANEFIELD: I think the answer is it is one of our benchmark districts.

Is it effective based on the numbers now? I don't believe so.

VICE-CHAIR FREEMAN: Do we know how long it has not been effective?

JOSEPH KANEFIELD: Madam Chair, Commissioner Freeman, as we mentioned earlier, that district has experienced one of the highest population growths, and
the demographics have changed substantially over the last ten years, so it's hard to say when it became less effective.

CHAIRPERSON MATHIS: So, Mr. Desmond, do you have information on prison populations?

WILLIE DESMOND: Yes, the prison population of old District 23 is contained in this District 8, so this District 8 would be by far the highest prison population of any district in the state.

During the time when we were drawing the draft maps, the way we kind of dealt with the prison population was twofold.

When possible, to kind of separate it out, and also, to, in cases where there was a high population default on over-populating that district.

So there is roughly 18,000 prisoners in this District 8. Yes.

And that's the same number that was in the current District 23.

CHAIRPERSON MATHIS: And what's the population of LD 8 in either of these adjustments? You've got it, I'm sure.

WILLIE DESMOND: About 209,000 -- 208,194.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.
COMMISSIONER STERTZ: Mr. Desmond, what's the voting age population of the current contemplated LD 8?

WILLIE DESMOND: The voting age population is 153,249.

COMMISSIONER STERTZ: And, Madam Chair, the 18,000 population is, of course, all over the age of 18, and as a voting age population they would be considered part of that 153,249 -- or of the 210,000, excuse me, correct?

WILLIE DESMOND: Correct.

COMMISSIONER STERTZ: Just to carry that train of thought, what's the current population of LD 23.

WILLIE DESMOND: LD 23 has a current population, I believe, of 370,000.

COMMISSIONER STERTZ: And of that, do you know what the voting age population is?

WILLIE DESMOND: 2,064,014.

COMMISSIONER STERTZ: So even though we're 111,000 voting age population less than the district, our prison population remains the same in that district?

WILLIE DESMOND: Correct.

COMMISSIONER STERTZ: I think this is what we were trying to avoid early on. And I'd like to see if we can continue down that path.

So, of the contemplated district, we got a couple cities that have been split up, and a -- and a large
percentage of the voting age population is prison population.

Both of those two are sort of -- one is a -- breaches one of our six criteria of contemplation for our constitutional requirements, and the second was a highly discussed and debated issue for several months regarding packing of prisoners into -- a prison population into a particular district.

So I would hope that we would reconsider this district, even though it may be an enhancement district, potential 11th district. It's currently, right now, not under the analysis of Dr. King. And we are, even though it was looked at favorably by Mr. Adelson, it would also give us, as again, a potential versus an included district, it seems to me that it would be the 11th district that you are referring to.

So to get to the 11th district and to have these other communities broken up, and a large percentage going from 18,000 and 264,000, to 18,000 and 153,000, that's a big percentage swing.

I'm not sure how that would actually be evaluated.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: My perspective is that the prison, the issue with regard to the prison population is
voting strength in the district. It's not a question of splitting them up.

It's a question of making sure that we don't count them toward the total Hispanic voting age population. And in terms of splitting communities, I think we all know Casa Grande and Eloy pretty well from having spent a lot of time there over the last few months. They're a fairly large sprawling communities, and by including some of the more heavily Hispanic areas in a potential opportunity to elect district, I don't think we're actually disregarding the Constitutional criteria. I think we're enhancing them.

And so I think the analysis or the question would be whether in the opinion of legal counsel this is better, the metrics are better than the existing benchmark. Because 23 is, in fact, the benchmark. And I would want to hear from Ms. O'Grady, Mr. Kanefield, and Mr. Adelson on that, with regard to this. My understanding from Mr. Adelson was, I think he was -- he was cognizant of the prison population issue when he made the recommendation that this would, I think his word was huge. This would be huge in bolstering our preclearance application, given the way the demographics of the state have changed, and given the challenges that we faced in creating ten voting rights districts.

This would greatly help the whole package. And for that reason I think he found it very important.
COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Question for legal counsel. Are the 18,000 prisoners that are located, are they counted in the voting age population of any particular district?

JOSEPH KANEFIELD: Madam Chair, Commissioner Stertz, the prison population is counted in the total population.

And, Madam Chair, Commissioner Stertz, that would include the voting age population also.

CHAIRPERSON MATHIS: Say that again, please, Mr. Kanefield.

JOSEPH KANEFIELD: Madam Chair, the prison population would be counted, is counted as population. So to the extent prisoners are over 18, they would be counted in the voting age population.

COMMISSIONER STERTZ: So it would be counted as part of the general population, and anyone over the age of 18 would be part of the voting age population, correct?

JOSEPH KANEFIELD: Madam Chair, Commissioner Stertz, that is correct.

COMMISSIONER STERTZ: So we've got a voting age population -- in CD 7 we've got 11.7 percent of the voting age population in that district that cannot vote.
11.7 percent of the voting age population in a single district does not have the right to vote.

Are we diluting the vote of the rest of the voters in that district by having that large of a population that does not -- that will not be voting.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Commissioner Herrera.

VICE-CHAIR HERRERA: It's been my understanding since we started discussing this, the issue of the prison population, especially the Hispanic prison population, that they are counted as a total population in a district, but they're not included in the HVAP.

That's always been my understanding. And I don't think anything has changed since then.

So the 18,000 in the proposed LD 8 are not being counted towards the HVAP. Again, that's been my understanding since we started discussing the prison population.

Again, can I get some clarification from counsel?

JOSEPH KANEFIELD: Madam Chair, Commissioner Herrera, let me be clear on that.

It's my understanding, yeah, they're not counted, they're not able to vote, so they shouldn't be counted in any metrics as your voting strength, so if I misspoke, I apologize.
COMMISSIONER McNULTY: Or to put it another way, we have to factor it into the whole equation in the preclearance application that 18,000 of the voting age population in the district can't vote, and therefore, are not included within the voting strength numbers that we would present.

JOSEPH KANEFIELD: Madam Chair, Commissioner McNulty, that is correct.

COMMISSIONER McNULTY: Thank you.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: How -- and this is a question between counsel and consultants, how do you re -- how do you re-package the analysis to show the 153,000 less the 18,000, as a re -- making sure that our percentages are all understood?

Because I'm not -- I'm trying to look at that and make that, because we're using the old LD 23 as a comparison, where the 18,000 is a percentage is significantly less than a percentage of the 264,000 of voting age population that are currently -- that is currently -- that we're about to adopt, or is a small percentage, smaller percentage than compared to the 11.7 percent we're recommending.

How do you take those out and re-analyze so that
we can have a clearer understanding of what that district is going to look like, not only from a majority-minority point of view, but also as an ability to -- what the rest of the demographics are going to look like?

How did you actually go about doing so?

JOSEPH KANEFIELD: Madam Chair, Commissioner Stertz, my understanding is those numbers will be reflected through the analysis for turnout and other issues that would reflect whether these folks are actually voting.

It will be clear throughout the analysis that three districts contain substantial prison population. That those folks aren't participating in voting. That's what we having the vote of analysis being done by Strategic Telemetry and Professor King.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: So it seems like the bottom line to me is that the district lines are being manipulated in a significant way to split communities, to create a barbell district, to pack as many Republicans as possible into the proposed 11, all for the effect of creating this supposed voting rights district in an area that doesn't, in my recollection of that area of the state, is not a viable voting rights district area. That they are not able to
elect a candidate of their choice, at least significantly or regularly in that area of the state.

    So it's -- I don't know what the point is, other than to pack the Republicans in 11, and perhaps get a Democratic district out of 11, excuse me, my math is backwards, 8, although it would not be a candidate, I don't think, based on past voter performance, that would be a candidate of choice of the minority population.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The -- when the issue of LD 8 and the potential of it becoming a majority-minority district was brought up, I think Commissioner McNulty said it pretty well that Bruce Adelson said it was huge, and was excited that we were able to find an 11th one.

    And I think, hopefully, that the -- Mr -- well, Willie Desmond was able to look at ways to strengthen 8. And if I missed it, I apologize, but in -- and, hopefully, we'll get that information, if we haven't already, and, then hopefully send that to analysis.

    Because I think 8 was able -- I think, well, the old 23 was able to elect a few Hispanics over the ten-year period, including Rebecca Rios.

    And so it had an ability to elect before, and I think what we're doing now is trying to strengthen 8.
So I feel like it is a viable option. And, again, I think Bruce Adelson is the expert here, not any of us sitting, not any of the five Commissioners. I -- I would trust Bruce Adelson's recommendation, and I think he said, again, he was excited with this.

And I think we need to wait to see what the analysis comes back, once we do send it to analysis.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Just as a followup on that.

Mr. Adelson's saying that it was huge, that there be the opportunity to have the 11th majority-minority district which exceeds our benchmarks that we currently are focused on, is purely from his perspective from the DOJ, and purely looking at one of the six criteria that we are having to evaluate.

So I just want to make sure that we go on record and say that we are compressing significant population of -- as a percentage of the voting age population into one single district. We're breaking communities of interest. We're breaking municipal lines. We are moving, by doing so, in my thought of this, it is totally disingenuous to say that we're doing it just to create something that exceeds what our original benchmark and target was, in an effort to clip off all of the Republicans to put them all into one
district, and to leave an ability to elect someone else that probably may or may not have been able to be elected in the district as it was designed in the draft.

So, that's -- we are breaking several of our constitutional criteria in an effort to do something that we are not -- is not under our original design or function to do, which was to add an 11th district.

And I am -- want to make sure that we understand that we're packing Republicans into one district by pulling them out of another.

We are breaking our communities of interest.

We're breaking our municipalities.

And we are, in my opinion, using the prison population, though not knowing what the analysis is, I can't tell you what the direct cost actually is.

This is all testimony that we've heard over the last eight months to not do, and we're doing it right here now in these two districts.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: These are -- I think, Commissioner Stertz said it best. These are his opinions, and I agree those are his opinions, not mine.

And I think what we're doing here is not disingenuous. I think we're doing the right thing.
When we started with the majority-minority districts, all along I thought we -- the benchmark was nine, not ten.

And I disagreed with Bruce Adelson.

And -- but, we ended up finding a tenth district.

And then we, after further analysis, we did find a potential 11th district.

There's nothing disingenuous about it.

We have an obligation for the -- for the majority-minority areas to be able to allow them to elect someone of their choosing. And that's what we have to do.

And those six criteria, the top two, again, are the most important ones. These are federally mandated, and we have to obey those.

If it means breaking up communities of interest, I don't want to do that. I really don't. But if it has to be done in order for us to reach preclearance, then that's what we have to do.

Again, this is Commissioner Stertz's opinion.

I don't agree with him. He's entitled to that opinion.

I think we're doing the right thing by analyzing, discussing this, and seeing if it is a viable option. And I think it is.

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

COMMISSIONER STERTZ: Opinion is one thing, and fact is another.

We are loading up all of the prisons into one district. It is increasingly larger because of -- as the percentage of the overall population than it currently exists.

We are splitting communities up.

We are splitting the community of Casa Grande.

We are splitting the community of Eloy.

These are facts. They're not opinions.

An opinion would be, well, the people that live on the south side of the street like blue, I think, and people on the north side of the street like green. That would be my opinion of my interpretation.

It is clear by the map that we are splitting the communities in half.

We are splitting the cities in half.

And part of our mandate, as it -- again, is not our opinion. Our mandate is without detriment to others, okay? As it is practical, to not split cities, to not split municipal lines. So those aren't opinions. Those are facts.

I want to make sure you understand that.

Opinions, facts.
Facts are a pesky thing.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Those are Mr. Stertz's interpretation, and again, they're opinions.

And the Constitution actually doesn't say that we have to keep communities whole. It says to the extent practicable we're to use a variety of different boundaries, some of which would not be consistent with one another, even if that were our only criteria.

The Voting Rights Act is paramount. That's the first and foremost criteria that we have to satisfy.

And as to the issue of packing Republicans, the draft plan, if the -- if I understand the old plan to be the draft plan from what Mr. Desmond had given us, in District 8, the difference between Republicans and Democrats, in terms of performance under index two, was over 13 percent.

District 11, the difference was over ten or 11 percent.

So, neither of those presented opportunities to elect.

And they weren't competitive. They weren't even close to competitive.

So in the newer proposal that we're looking at, District 8, based on performance, would be 51.3 percent
Republican, and 48.7 percent Democratic.

So that at least is within range of giving either party an opportunity to elect. That's what we're supposed to be doing.

That's what the Constitutional provision is, in large part of that.

District 11 becomes 48.6 percent Republican based on performance, and 41.4 percent Democratic.

Now, I guess the argument is that increase is packing Republicans.

But the reality is, the districts, as they were configured, were dominated by Republicans, and would have been for the decade.

So it's a difference without a distinction.

And, again, I go back to the fact that our first and foremost priority is to satisfy the Voting Rights Act.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I'm going to make this very simple here.

To the extent practicable, district lines shall use visible geographic features, city, town and county boundaries and undivided census tracts.

And only are we to be -- look at competitive districts, when no significant detriment to those other
goals are -- occur.

So I look at splitting, I look at it as a significant detriment to break Eloy in half, and now we've diluted that municipality.

We've diluted the town of Casa Grande by splitting that community into two different legislative districts.

Okay?

That to me is significant detriment.

That, Mr. Herrera, is my opinion.

I want to share that with you.

That is my opinion that there will be a significant detriment brought forth on those two communities by having them represented by two separate legislators.

We've diluted their opportunity to have a voice as a community in the state legislature.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: It doesn't seem we'll agree.

We all have our different opinions. That's fine.

Is there any way we can move forward from this discussion? Because we could go back and forth, make it more productive.

Can we send any information that Mr. Desmond was able to compile to get it analyzed?

I mean, I think that's what we have to do, at a
minimum, is to determine -- if it comes back that the
analysis says, you know, this district that we're proposing
is no better than the benchmark 23, then, then -- then we
can go from there.

But as of right now, we don't have that analysis,
and I would recommend, first, to move forward by sending
send the information for analysis and see what happens.

CHAIRPERSON MATHIS: I agree. I believe --
I agree. I believe that that's already -- we've
already asked Dr. King. We've sent this forward for
additional analysis and that's being done. So, is that not
the case, Mr. Desmond?

WILLIE DESMOND: At this point, the split of 8 and
11 hasn't been put into the working map. It's not been
submitted for analysis.

CHAIRPERSON MATHIS: Okay.

WILLIE DESMOND: I guess that would be something
you would have to do when you look at the other ones, either
without objection or with a vote.

Just to clarify, I guess, a little bit about
current District 23. Mr. Kanefield can correct me if I'm
wrong, but I believe there was a debate amongst, you know,
the legal team, Mr. Adelson and Ken, about whether or not
District 23 should be included as one of our benchmark
districts.
Ultimately, it was included as a benchmark district because it has elected minority candidates over the past decade.

Mr. Adelson seemed to think that -- that any district that has a history of electing candidates is considered a benchmark.

Additionally, some of the analysis we've got back from Dr. King on District 23 has, has -- questions us a little more, and I think we'll talk about that in a little while.

So, District 23 is one of our benchmarks, and we're ultimately going to be comparing against that with whatever plan you move forward with.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I just wanted to talk about these districts and illustrate what's been done with some additional statistics.

The Index 2 competitive district, I believe, is the index factors in the 2010 election results.

2010 being an historic high water mark for Republicans nationwide, and Arizona in particular.

So that index is skewed and gives false results.

If you look at the two-way registration figures, that is to say, take the party registration in those
districts, and just look at Republican and Democratic exclusively, and normalize it to a 100-point scale, at least as I understand what Mr. Desmond has prepared in District 8, it was a draft map, it was 53 percent, 53.1 percent Republican registration.

46.9 percent Democratic registration.

After the exchanges, it becomes 42.9 percent Republican, 57.1 percent Democratic.

A huge shift.

LD 11, under the old draft map, the two-way registration numbers were 51 percent Republican, 49 percent Democratic.

Pretty much even.

After the changes, it goes to 58.2 percent Republican, and 41.8 percent Democrat.

So another huge shift in Republicans into that district, Democrats into the other district.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I think, again, we have a difference of opinion.

My opinion is that the great weight of authority believes that performance is the best measure, far superior to registration. So that's what I would look at.

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

VICE-CHAIR HERRERA: Would you entertain a motion to send any of the changes to LD 8 to strengthen the majority-minority strength to get it analyzed?

CHAIRPERSON MATHIS: Yes, I would, based on the discussion Friday. And I would encourage anybody who didn't see Friday's meeting to be sure to pull that up online, to see the discussion regarding this potential for an 11th majority-minority district.

And if I'm phrasing that incorrectly, because it's actually called something else technically, I apologize. But you should watch that, and it's a discussion with Mr. Adelson regarding this.

And I do think it's worth considering for further analysis if it strengthens the overall plan for preclearance.

VICE-CHAIR HERRERA: Madam Chair, then I make that motion.

CHAIRPERSON MATHIS: Is there a second?

COMMISSIONER McNULTY: I'll second it. With the clarification that we would be sending the stronger of the two proposals to include in the working map and to be analyzed by Dr. King.

Is that acceptable Mr. Herrera?

VICE-CHAIR HERRERA: That is very acceptable.
Thank you.

CHAIRPERSON MATHIS: And by stronger of the two, in terms of what measure?

COMMISSIONER McNULTY: In terms of Hispanic voting strength.

CHAIRPERSON MATHIS: The HCVAP number? Or -- there's different --

COMMISSIONER McNULTY: I think the lines that I put together are stronger in most categories, so to make it simple, I would clarify by saying that the version, the change report entitled create V-R-E-L-D 2 - McNulty.

CHAIRPERSON MATHIS: Okay. Any discussion on this motion?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I'll be opposed to this motion for the various reasons I discussed in the past, but most specifically, because we are having significant detriment to other goals that were outlined in our constitutional mandate.

We are splitting communities. There is no mandate in our -- in the Constitution regarding prison populations, but we, as a Commission, have had -- heard a great amount of testimony regarding that. And I believe that as this Commission has moved forward over the last several months,
it's been clear that when we moved these districts, that instead of being placeholder districts and draft districts, they actually end up becoming fixed lines when they go to the level of analysis.

I heard Commissioner Herrera at great lengths talk about the amount of delays that were going to be caused if we make any changes to ten districts that were put forward.

I heard that testimony on Friday.

So, now we're getting to a place where we're having another district that's going to be fixed.

I know that when this comes back, that that line and those cities are going to be split, and there will be a vote that will tell us that we're not going to be adjusting those lines.

So communities will be split, and prison populations are going to be packed, and District 11 is now going from a 4 percent, as it was designed in the draft registration advantage for the Republicans, to a 39.2 percent registration advantage for Republicans.

If that is not registration shifting, I've never seen it before, anything like that.

So, Madam Chair, I highly disagree with the -- with this.

Again, going back to even what Commissioner Herrera just said, he disagreed with going to ten districts.
Now he's enthusiastically going after 11.

And the reason he's going after the 11th is because there is an opportunity to elect. 8 has now become a district where Democrats are going to -- which is the minority party in the state, minority party in the state is now capturing -- has the ability by gerrymandering and moving Republicans around and packing them into a single district, now has another opportunity to elect. And that's what this is about.

And it's been floated under the guise of the Voting Rights Act.

And I am vigorously opposing splitting these districts up this way.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I think I just heard the number 30 percent. I'm not sure where that comes from.

But I'm looking at the change report.

The two-way registration of 8, in the old plan, was 53 Republican and 46.9 Democratic. And in the new plan is 42.9 Republican and 57.1 Democratic.

But then in 11, in the old plan it was 51 versus 49. The new plan it's 58 versus 41.

So, again, I don't think that's the determinative measure, but I don't see any 30 percent swings there. So I
wanted to clarify.

   I think we're actually satisfying a number of
criteria here.

   To the extent practicable, I think we are
recognizing various municipal and county lines in our map
overall.

   I think we're doing a very good job of that.

   I think we, contrary to diluting voting strength
in Casa Grande and Eloy, I think you could take the position
that we're strengthening it.

   They're each going to have two representatives.

   I don't think we're splitting communities of
interest.

   In fact, by giving minorities a greater
opportunity to elect, I think we're preserving or protecting
or enhancing communities of interest.

JOSEPH KANEFIELD:  Madam Chair.

CHAIRPERSON MATHIS:  Mr. Kanefield.

JOSEPH KANEFIELD:  I think I just want to clarify,
because I think there may be a little bit of a
misunderstanding.

   I'm not certain that Bruce Adelson was advocating
the Commission create 11 majority-minority districts.

   And, obviously, we had a substantial amount of
debate at the front end as to whether or not there were nine
or ten.

And if the analysis showed that there were, in fact, the ability to create 11 majority-minority districts, then that would be something that the Commission would have to do, because that would be the determination made by the Department of Justice, and anything short of that would result in an objection.

But I'm not sure we're there.

I think where we're at is, we've got an issue with the draft LD 26, and whether or not that, as the numbers exist today, would result in an objection that the minority voters in that district may not be able to elect a candidate of choice.

Again, I'm not saying that on the record that that's, in fact, the case, because the analysis is still underway. But it certainly is not as strong. We can all accept that as some of the other districts we had.

Bruce and I had recommended Guadalupe be added to 26 for that reason alone, to help strengthen it.

Obviously, that's a policy decision that the Commission is going to have to make.

But not having that in there does weaken that district quite a bit.

So I think the discussion about LD 8 came up as -- once the numbers became clear that there were more minority
population, and possibly the possibility to strengthen it, and that might overcome some of the challenges that the Commission is facing with 26.

Again, we're not there, still not ready to conclude at this point that 26 isn't effective, but I think that's where that was going.

And I will discuss this further with Bruce. But I don't want to leave the Commission today with the understanding that the advice of counsel was to create 11 majority-minority districts.

CHAIRPERSON MATHIS: Thank you for that clarification.

I understood that.

And I believe Mr. Adelson would say whether it's the tenth, whether this becomes the tenth or the 11th, this is worth exploring for further analysis. That's my interpretation of Friday's meeting.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Just as a clarification about voter registration advantage or voter percentage registration advantage. I've used this in the past. It is the -- it's a very simple calculation.

It's the amount of Republicans divided by the amount of Democrats, vice versa, and that percentage is
considered as a voter registration advantage. And a voter registration advantage, even though you may have 51 percent Republicans and 49 percent Democrats, the registration advantage is actually not the 2 percent difference, but it's a 4 percent advantage versus now a 39.2 percent advantage than it currently exists as the contemplated LD 11.

CHAIRPERSON MATHIS: Any other discussion?

COMMISSIONER McNULTY: Madam Chair, I would just add that my interpretation of what Mr. Adelson said was that this would, in his view, greatly increase the possibility that we would achieve preclearance without any objections or problems with the Justice Department.

For that reason, I think it's very important.

CHAIRPERSON MATHIS: Any other discussion?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Other than I think we have no other option but to send this to get it analyzed.

I think there would be an issue with the Department of Justice if we didn't even look at that.

So I'm surprised that Commissioner Stertz didn't even want to look at it. And that's all we're asking is for it to be analyzed. It's not being approved. It's just getting analyzed.

I think we owe it to the majority-minority to make
sure this information is analyzed to see if it meets -- if it meets the requirements.

CHAIRPERSON MATHIS: Any other discussion?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I've already laid it on the record, but if you want to know again, it's because we are breaking city, town boundaries.

We are overly packing Republicans of one district into another. And we are hyper-packing the amount of prisons as a percentage of population into a single district.

Those are the reasons why -- that we can go ahead and send it up for analysis, if that's what the vote is going to be. So let's go ahead and move forward with the vote.

CHAIRPERSON MATHIS: Any other discussion?

(No oral response.)

CHAIRPERSON MATHIS: All in favor?

VICE-CHAIR HERRERA: A strong, yes.

COMMISSIONER McNULTY: Aye.

CHAIRPERSON MATHIS: Aye.

CHAIRPERSON MATHIS: Any opposed?

COMMISSIONER STERTZ: No.

VICE-CHAIR FREEMAN: Nay.
CHAIRPERSON MATHIS: Okay. The motion carries three, two. So we'll be sending this legislative working map draft change report, the McNulty LD 8, Version 2, to Dr. King for additional analysis.

Okay.

VICE-CHAIR FREEMAN: Madam Chair.

COMMISSIONER McNULTY: Mr. Freeman.

VICE-CHAIR FREEMAN: May I please explain the vote?

CHAIRPERSON MATHIS: Oh, of course.

VICE-CHAIR FREEMAN: I'm all in favor of analysis. I think that a lot more analysis could have and should have been done a lot earlier with respect to voting rights districts elsewhere in the state. I think with further analysis we would have been a lot further along.

I think -- at least this is just intuition spending time with maps and looking at the data, that ten strong districts could be created statewide. And perhaps the way they are constructed now, there's now this talk of a weak district that has prompted us, the Commission, looking at the possibilities of LD 11 as this -- I don't know exactly what the term would be, a potential voting rights district or something along those lines.

Something that would curry favor with the Department of Justice.
That really wouldn't be necessary, I don't think, if those other districts had been constructed differently, perhaps.

CHAIRPERSON MATHIS: Thank you.

Any other comments from other Commissioners?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I'd like to know from any other Commissioner if there are any other legislative districts that you would like to move forward to fix the lines right now, so that we can move this process forward?

If the goal is just to -- Madam Chair wants this map completed by Christmas. Christmas is Sunday. We've got -- if you want to start moving down the path of start voting these districts in, let's start working our way around the state and do so.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Mr. Desmond, I think you were going to look again at District 26; is that right?

WILLIE DESMOND: Yes. I did spend quite a bit of time trying to improve District 26.

It might be helpful if I could just go into briefly what some of the preliminary analysis are that Dr. King has shown us there.
I think we've -- everything we've gotten back and looked at has made clear that the statewide candidates of choice have been able to win in Legislative District 26.

The thing that has been, I guess, troubling us about Legislative District 26, the thing that has been troubling about Legislative District 26, is that in some of the preliminary ecological inference analysis of Dr. King, the candidate of choice did not appear to be the same one as we expected among the Hispanic voters in that district, when looking at the Hispanic voting age population.

Meaning that preliminarily, the non Hispanic candidate seemed to be performing better among Hispanic voters than the Hispanic candidate among those voters.

In the call with Dr. King this weekend, you know, further analysis was brought up.

It does seem to be the case that the candidate of choice is what we would expect when looking at citizen voting age population. And since there are low numbers in this district, and very low turn out, it's quite possible that this is simply something that is just showing up within a fairly wide margin of error.

So that's the reason that we're -- that we're really focusing in on 26 at this point, is just that, at least, from what we've gotten back so far, again, we're -- the King analysis is not done. The one thing we're
noticeably missing in District 26 is a strong yes or no as to whether or not this is a district that has the ability to elect a candidate of choice.

So, we're continuing to analyze that and that's the reason we've been exploring other options to try to improve it.

I don't know if Mr. Kanefield has anything that he wants to add to that, but it is something that we're looking at.

As far as the other districts go, again, we don't have a firm, yes, these are good to go.

But, nothing seems troubling, and I think we're fairly close to being able to say they're fine.

So this was the only, any sort of thing we wanted to look at a little bit more carefully. So we're continuing to do that, just checking to make sure there's nothing wrong, you know, that it was an area of the state where there was quite a bit of problem with the election districts matching the census.

Looking at that more carefully, we haven't found any problems with the election results we're using, but it is an area that just does seem to have, I guess, kind of an unexpected results right now. So we're still -- we're still delving into that and not prepared to say it's not a good district.
If Ken, talking with him today, he would say he thinks it's all right. But with Mr. Adelson, we just want to be as careful as possible to make sure we -- we go to Justice with the strongest district possible.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I want -- I would just like some confirmation.

The ability to elect someone of their choosing doesn't necessarily mean in those areas that the minorities need to elect someone just like them. If it's a majority-minority Hispanic area that they need to elect a Hispanic. That was never my interpretation.

I don't think Mr. Adelson's interpretation.

Can you just confirm that?

JOSEPH KANEFIELD: Madam Chair,

Commissioner Herrera, that's correct. It doesn't necessarily need to be a minority candidate. A candidate of choice could be an Anglo candidate.

I'll just echo Willie's summary was accurate as to where we're at in terms of the analysis of LD 26. We're not prepared at this point to recommend to the Commission that's an effective district primarily because the analysis is not completed.

I know you've heard that a lot. It's frustrating.
But because of the numbers and the way it's playing out, Professor King is needing to do additional deeper analysis to make sure. It is a challenging district. It' -- it's one of our lowest performing of the majority-minority districts that the Commission has attempted to create.

And, again, as we know, it's measured with the statewide, so we compare it to the weaker of the benchmark districts. But we're not at the point yet that we can say with absolute certainty that this is an effective district. Before last week, we were, of course, we were again recommending that the attempts be made by the Commission to strengthen that district.

Guadalupe's issue was one way of doing that.

There are others that the Commission has explored. So we'll continue to report back when we get that analysis. And Professor King has told us that he is able to move faster these days, given where he's at, so hopefully, we'll have his report soon.

CHAIRPERSON MATHIS: Great. Can we just summarize what he's analyzing? Is he looking at the working map version of LD -- do you mind pulling that up on the screen just so that we can all look at it.

And I am just trying to recall exactly what we've given direction to him to further analyze, because we've talked about different ways to enhance.
WILLIE DESMOND: At this point, what he's been analyzing is Legislative District 26, with Guadalupe added in.

CHAIRPERSON MATHIS: The way it's on the map.

WILLIE DESMOND: The way it's on the map, correct.

We have not yet submitted to him an alternate or parallel District 26 for him to analyze.

CHAIRPERSON MATHIS: Was that Friday when we discussed that idea of taking --

WILLIE DESMOND: Yes.

CHAIRPERSON MATHIS: -- other blocks?

WILLIE DESMOND: That is what I spent a lot of my time this weekend doing, is just looking for ways to change these districts.

I can go to the one I worked on last.

Ultimately, we were looking for a way of at least matching the district.

It is what it is. It is as good as Guadalupe without it.

So looking for alternatives of including Guadalupe in District 26.

So in this version District 26 includes the Salt River area. District 27 has taken population from District 26 and District 26 has gone farther into District 27.
Let me show you. The working map is this residence line. So you can see the areas where this is a divergent drop from the current area.

The map is shaded not by Hispanic percentage but by total minority percentage.

District 26 loses quite a bit of population here -- or 27, excuse me.

So it has gone and taken a little bit from District 19 to try to balance it a little bit.

District 24 gave some population to District 26, so it's taken all that from District 27 as well.

I have the change report of this, and I'll pass that out as well.

I also have change reports for some of the ones -- the options we looked at on Friday, and I can share those as well.

But, basically, barring any sort of radical changes, the Guadalupe in District 26 seems to be the strongest way to improve it. But we are, you know, pending further analysis. So I'm not sure if Mr. Kanefield wants to speak to, I guess the -- I don't know that there's a consensus opinion from Mr. Adelson or legal team or from Ken as to whether or not Guadalupe needs to go in.

CHAIRPERSON MATHIS: Before you go, Mr. Kanefield, when is Ms. O'Grady expected back; do we know? Because she,
I know, would probably want to comment on this, too.

JOSEPH KANEFIELD: Madam Chair, yes, I'm sure she would.

She's stepped away for just a moment, to take another call. So, she's here. She'll be back soon.

CHAIRPERSON MATHIS: I'm just wondering if it's worth having this discussion when she's in the room.

It's 11:03.

We could take just a ten-minute break and come back, if that would work for Commissioners.

VICE-CHAIR FREEMAN: Fine with me.

COMMISSIONER McNULTY: Good for me.

CHAIRPERSON MATHIS: Okay, we'll take a short recess. The time is 11:04.

(Brief recess taken.)

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

The time is 11:28 in the morning. And we were in the midst of just talking about LD 26.

And Mary O'Grady is back, and we thought it would be good to have both legal back for that discussion.

I don't know if Mr. Desmond has anything else to say about it.

Otherwise, if legal counsel does.

MARY O'GRADY: I'm sorry, Madam Chair, was there
something specific you wanted us, Joe and I, to respond to
-- Joe and me to respond to?

CHAIRPERSON MATHIS: We were talking before the
break about how LD 26 has been submitted for further
analysis to Dr. King, and that it's the working map version
of that which includes Guadalupe in it.

Mr. Desmond, over the weekend, I think, looked at
a variety of different ways of enhancing 26.

I don't know if he has anything to present on
that, or if legal counsel has anything they want to say just
in general about 26, but . . .

MARY O'GRADY: Well, we know that the analysis on
26 is still ongoing, and so we don't have an update
specifically on that, but we hope to have something in a
couple days in terms of the analysis of 26.

My thought is perhaps going through the options
that Mr. Desmond explored, and if there is one that the
Commission is interested in an alternative to the working
map version of 26 that the Commission is interested in
referring for analysis, so we would have a couple of
options.

And then we can get the analysis of both.

And then the Commission would have that
information available to it as it makes its decisions on the
final map.
Oops. Sorry.

Does that help?

CHAIRPERSON MATHIS: That sounds good.

Have we heard anything from Dr. King on LD 26 preliminarily? Or not yet?

MARY O'GRADY: When I -- our communication as far as today's update was that the districts, as a whole, look good, but they do have concerns about 26, and they want a couple more days to look at district -- to analyze 26.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: This question may be for Mr. Desmond.

Is Ken Strasma running the same analysis as Dr. King is, and if so -- this is on Legislative District 26, if so, what comments does Ken have?

WILLIE DESMOND: Well, Ken has been working with Dr. King primarily looking at the analysis that Dr. King has put together.

I think the one thing that everybody feels pretty safe with is that District 26 has the ability to elect.

Where we haven't been able to lock anything down, necessarily, either as a candidate of choice, we can't say it's absolutely good. We can't say absolutely bad. That's kind of what the further analysis that's pending.
So at this point, that's still up in the air, and we're just working -- obviously, we'd like to have that done, but that's where the holdup is, I guess.

So they continue to work through it with Ken right now, and try to get this ready. And, hopefully, we'll have something shortly.

VICE-CHAIR HERRERA: Okay.

CHAIRPERSON MATHIS: And so what's on the screen, though, is something that you -- is an alternative option that you explored?

WILLIE DESMOND: So last Friday, you know we heard testimony that Guadalupe really did belong in District 27.

So we, you know, in session, we looked for ways of leaving Guadalupe with District 27, but still making District 26 as good as it was with Guadalupe.

This is probably the strongest of those -- of those options that we looked at.

I looked at several.

It's not quite as good on CVAP or, well, it's as good on CVAP. It's not as good on Hispanic registration.

In this version, the total minority is higher.

So this is, on most of our measures, as far as racial categories, nearly as good as the district is with Guadalupe.

It's not quite as good as on some of the, you
know, the key elections that you've been using.

So if the Commission was interested in sending an alternate District 26, this would probably be the one to do it on. This is probably the most extreme of the changes.

It does have effects to District 27.

It does have effects to District 19, also.

So we want to be cognizant of that as we send this off. So also District 24. So it does -- it does involve shifting population between many of our Maricopa County voting rights districts.

And I guess what this does is, it allows District 27 to retain Guadalupe.

It does give up other areas though, and absorb areas of 26. So if the Commission was interested in trying to find a way to keep 26 at the level it is, the working map, without Guadalupe, this is as close as we're going to get with that, barring any really wholesale changes to the map.

CHAIRPERSON MATHIS: Can you pan out to include all of 26 on the map, I mean on the screen.

WILLIE DESMOND: The red is the current working map.

COMMISSIONER McNULTY: Mr. Desmond.

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: Could you talk about the
changes you've made, briefly describe them and talk about
how they impact the other voting rights districts.

WILLIE DESMOND: Sure. Okay.

COMMISSIONER McNULTY: In terms of metrics.

WILLIE DESMOND: I guess noticeably Salt River is
moved into District 26 from District 24.

This is one of the -- it's not, you know, strong
Hispanic necessarily, but it is very good total minority
percentage.

The reason that was done is because it was an area
of 24 that could easily go into 26. That was good.

As a result, District 24 then took some area from
27, down here just north of Van Buren, between Van Buren and
McDowell.

Additionally, District 27 took more population
from District 26, over here, in some of District 26, the
lowest performing areas.

Twenty-six grew in this area of Phoenix, north of
Guadalupe, to the west.

All of those changes to District 24, 26 and 27
meant that 27 was a little under-populated.

District 19 started about 900 people under-
populated.

So 27 took a little bit from 19 right here in
order to get a little closer on population deviation.
Twenty-seven is still under-populated by 9600 people. However, it started at 10,772.

So it's a little less under-populated than it was.

CHAIRPERSON MATHIS: Can we talk about the differences between this alternative versus the working map?

WILLIE DESMOND: Yes.

So you'll notice that in District 26 the total minority percentage went from 54.1 up to 55.8.

Total voting age minority went from 47.3 to 48.8.

The percentage Hispanic also went from 32.2 up to 32.6.

And, voting age Hispanic, excuse me --

And total Hispanic went from 38.7 up to 39.2.

The one area where we saw kind of a step backwards was in our Hispanic registration.

In the working map with Guadalupe, District 26 has a Hispanic registration of 18.5.

In this map it goes down to 17.6.

We do see a slight increase from CVAP from 19.2 to 19.3.

And then looking at some of our key elections, the Prop 200 went up 15 percent to 50.4.

2000 presidential went from 53.4 down to 53.

Secretary of State dropped three-tenths.

And then 2010, mine inspector, 2008 presidential,
both dropped by about a tenth of a percent.

So in some categories, it's better. In some it's a little worse. But ultimately it's fairly close.

I don't know if Mary or Joe want to add to that?

I guess not.

Are there other questions or further statistics?

COMMISSIONER McNULTY: I have a question about District 27, what we're doing to it. By removing the population into 26, in terms of Hispanic registration, Hispanic voting age population and CVAP.

WILLIE DESMOND: Well, District 27 was affected.

CVAP did drop by 1.9 percent, however, registration went up by six-tenths of a percent.

I think Bruce and Ken all feel like District 27 is perhaps our strongest district, so it does have some capacity to share population.

But this change did have an effect on the district.

Overall its total minority percentage fell by 2 percent, but that voting age minority percentage is still at 74.7 percent, so the district is still plenty strong.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Mr. Desmond and Ms. O'Grady, if we were to ask Mr. King to -- Dr. King to
analyze this on a parallel tract, he would also analyze the implications for the surrounding voting rights districts?

MARY O'GRADY: That's right, Commissioner. He would analyze the impact on 27 and any of the voting rights districts that were affected by the change.

COMMISSIONER McNULTY: Is this something that you think we should ask him to do?

MARY O'GRADY: If the Commission is interested in an alternative that retains Guadalupe in 27, then it probably is something that you want to refer for analysis.

COMMISSIONER McNULTY: Madam Chair, that would be something that I would like to see, whether there's a way to achieve the goal without moving Guadalupe.

CHAIRPERSON MATHIS: Thoughts from other Commissioners?

(No oral response.)

CHAIRPERSON MATHIS: I actually have a request to speak from someone from the Town of Guadalupe. I don't know if they're here currently. This would be an appropriate time to talk about it, if they are. Andrew Sanchez? Oh, he filled out a blue form, so he's left.

COMMISSIONER McNULTY: Would we want to have Mr. Bladine read his comments for us?

CHAIRPERSON MATHIS: Sure.

RAY BLADINE: Madam Chair.
Andrew Sanchez from Guadalupe, would request the Commission to make no changes to current representation of Guadalupe. If the Commission is considering any such changes, to allow residents in Guadalupe the chance to be heard.

To hold one public meeting of your choosing in the town of Guadalupe to meet the unique situations that many residents encounter due to transportation and income levels.

Excuse me.

Community of interest: Shared religious and additional and actual views and much more such as income and density, with having working government with a majority-minority population.

Define geographic area: Roughly, Baseline to I-10, Baseline to Elliot.


Surrounding areas: East valley has very different views to culture and religious views and income levels. Residents of Guadalupe are nowhere near what the east valley's are.

That's pretty much the comment.

CHAIRPERSON MATHIS: Thank you.

Thought from other Commissioners on submitting
this alternative for further analysis?

VICE-CHAIR FREEMAN: I think it should be submitted.

CHAIRPERSON MATHIS: Okay.

I'd entertain a motion.

COMMISSIONER McNULTY: I move that we submit the map that Mr. Desmond drew over the weekend to Dr. King, and ask him and Mr. Strasma to analyze it on a parallel tract with our working draft.

VICE-CHAIR HERRERA: I'll second that motion.

CHAIRPERSON MATHIS: Any discussion?

(No oral response.)

CHAIRPERSON MATHIS: All in favor?

COMMISSIONER STERTZ: Aye.

VICE-CHAIR FREEMAN: Aye.

COMMISSIONER McNULTY: Aye.

CHAIRPERSON MATHIS: Any opposed?

(No oral response.)

CHAIRPERSON MATHIS: That notion carries unanimously, so we'll get that information to Dr. King and Mr. Strasma and have it analyzed on a parallel tract to the working map version.

Any other discussion on these particular LDs and any others?

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

COMMISSIONER STERTZ: I would like to comment on my vote with the affirmative, Guadalupe being moved back in with this community of interest from 26, current contemplated 26 into 27.

With the idea that communities of interest are important, and even if it requires additional analysis, that bringing that community of Guadalupe back in with its community of interest is paramount.

It's clear that the Commission as a whole agreed with that analysis as well.

So I appreciate the consistency in the Commission, seeing that we are going to be respecting and understanding that communities of interest are important, and therefore willing to even go so far as to continue further analysis to be able to move that ball along the field.

So thank you to the rest of the Commissioners.

CHAIRPERSON MATHIS: Any other comments?

COMMISSIONER McNULTY: I'd make one comment, Madam Chair, that kind of in keeping with that, on the LD 8 map we were talking about split communities, but on the proposal that we looked at this morning we actually made Queen Creek whole.

So on the one hand we were -- there was a divide in Eloy, Casa Grande, but at the same time Queen Creek was
made whole, which I think just demonstrates that this is a balance.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Question for Mr. Desmond.

When you did the calculation for the prison population, did you include Globe?

WILLIE DESMOND: I'm sorry, can you repeat that last part of the question?

COMMISSIONER STERTZ: When you were doing the calculation of the prison population for LD 8, did you include Globe?

WILLIE DESMOND: Yes.

I mean, what we do is we have a report that runs statewide, so there's census blocks at least that we've identified as having prison population.

What the report does, it just goes through and totals what that population is in each of the districts, and whatever area you're running the report on.

So Globe was included.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Go ahead.

COMMISSIONER STERTZ: Similarly, was Globe included in the previous LD 23?

WILLIE DESMOND: Globe was not in the previous
LD 23. In the current LD 23, Globe is in LD 5.

COMMISSIONER STERTZ: So, Madam Chair, the prison population of Globe was previously not included in LD 23, but is now -- should be included in LD 8, correct?

WILLIE DESMOND: Correct.

COMMISSIONER STERTZ: And, Madam Chair, am I also correct that there has been a zero population change from 2001 to 2011 in the prison population in that area? Yet now we're including all those -- I'm just trying to figure out what prisons we've excluded in the current LD 8 that would offset the inclusion of the prison population gained in adding Globe into that? I -- I'm just trying -- I can't visualize any.

I was wondering if Mr. Desmond had any knowledge of that.

WILLIE DESMOND: I do not. I can do some more checking into that and let you know.

COMMISSIONER STERTZ: That would be great. I appreciate that.

CHAIRPERSON MATHIS: So any other comments or questions on this, or other LDs?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Leading off with what I was saying earlier, it seems like there are, other than the
small adjustments that are taking place and the
contemplation of the analysis that's being done, is there a
reason why we don't start working our way through the map
and start clipping these districts off and approving them
and start to memorialize the, at least, where this map is
going?

Obviously, there's going to be a caveat that until
we get our final analysis from Dr. King, we are -- we're --
I'm going to guess that you're going to want to hold final
approval until that analysis; is that a correct analysis?

CHAIRPERSON MATHIS: We can move forward as -- it
depends on how Commissioners are feeling.

You know, the approvals can be made pending final
analysis from Dr. King.

And so they'd essentially be with a big asterisk
over them until we know for sure what exactly that analysis
is saying.

But, in terms of just looking at the other
districts around the state, outside of the majority-minority
districts, if there are adjustments that Commissioners are,
you know, based upon public comment that we heard, that
they'd still like explored by the mapping consultant, we
should discuss those.

COMMISSIONER McNULTY: Madam Chair, I would
request that Mr. Desmond perhaps walk through the open
I expect he's going to need to refresh his recollection before he does that. So it might make sense to do that this afternoon after lunch, when he's had an opportunity to gather everything that we have.

If his pile looks anything like mine, it's hard to remember what we got and what's the most recent iteration of each.

It would help me to walk through what's outstanding and maybe take it from there, perhaps on both legislative and congressional.

CHAIRPERSON MATHIS: I agree. It would help me, too.

WILLIE DESMOND: So, this is probably not -- I would appreciate a little time just to make sure that I have them all, but, off the top of my head, I know there's some population balancing that we looked at doing to Districts 6 and 1, and 9, that was a change that we looked at last Friday.

There's also changes that Commissioner McNulty asked for in the west valley in parts of western Arizona. Changes that Commissioner Herrera asked for in Maricopa County.

I'm not sure how Commissioner Freeman feels about
the changes we've done to District 7. That's also a
question that we looked at last Friday.

Are there others that right away Commissioners
remember? Open questions.

I know there are other ones that deal with areas
that have already kind of been affected, so I'm not
necessarily including those.

COMMISSIONER McNULTY: Madam Chair, Mr. Desmond,
had we incorporated the changes in LD 6, the Schultz fire,
and the Show Low-Pinetop change in our working draft, or are
those changes that are still subject to a change order, the
inclusion of Oak Creek?

WILLIE DESMOND: I believe that has all been done
already in the working draft.

COMMISSIONER McNULTY: Okay.

WILLIE DESMOND: I know the Schultz fire flood
area has been included, and that was part of the map that
Navajo Nation submitted December 9th.

Additionally, that also addressed the Show Low
question, and I believe Oak Creek as well.

As far as I know, there are no changes to --

Is my microphone working?

It says it has full battery.

As far as I know, there are no changes to northern
Arizona that are outstanding, except for the map I put
together somewhat based on a district that Commissioner Freeman had given me.

Other than that, I believe there are no other changes.

There are changes to, with the exception of Commissioner McNulty's changes that did affect Mohave and Yavapai County, there are changes to District 1 in Cochise County dealing with the population balancing, and a couple different sets of changes in Maricopa County.

COMMISSIONER McNULTY: In terms of population balancing, legal counsel, would it make sense to walk through the outstanding changes, look at those, and then look at that issue on the legislative map, whether there are still districts in which we need to address population balance?

MARY O'GRADY: I think that does make sense to look at the substantive changes.

Now, some of the population balancing in the legislative might be significant enough that has policy changes, but it might make sense to look at the others first.

COMMISSIONER McNULTY: Okay.

WILLIE DESMOND: So, did you want to start there now, or is there a different place you'd like to look at that if I can refresh everyone on the -- the change that we
looked at to balance the population of District 6, 9 and 1.

Okay.

This is changes I believe we looked at last Friday.

There's two areas where in the working map I believe we have a population, a balance District 9 is under-populated by about 10,000 people in the working map.

District 1 is overpopulated by about 11,000 people.

I believe District 6 is also under-populated by about 10,000 people.

So where this is different than the working map, is that Camp Verde is added to District 6, bringing District 6's population to 214,140 people.

Which is a positive deviation of 1,073, or half a percentage point.

Excuse me for one second.

Also, so District 6 did go from a negative population balance of 9,908 people, or negative 4.7 percent, to a positive population balance of 1,072.

10,980 people were shifted from District 14.

District 14 started as overpopulated by 7,382 people. Following removal of Camp Verde, goes to a negative population of -- deviation of 3,598.

So it is left under-populated by 1.7 percent.
Next, District 1.

District 1 in the working map is overpopulated by 11,766 people.

What happened is that population is added from District 1 into District 10.

This moves District 1's population from plus 5.5 percent, down to plus 2.5 percent.

So a shift of 6,382 people. Leaving District 1 overpopulated by 5,384.

District 10, as a result, does grow by that 6,000 people.

It is able to shed that population to District 9, which grows from a negative deviation of 10,347 people, or negative 4.9 percent, to a positive deviation of 150 people.

So it is left a tenth of a percent overpopulated.

District 10 is -- goes from a one-percent positive population deviation to a .9 percent negative population deviation.

Are there any questions about that right away?

These changes do have other effects.

We do have one fewer split census place. So that's positive.

However, there are more splits to census tract and block group.

I can go through some of the competitiveness.
It looks like in any of the districts, the biggest shifts are: District 10 becomes about 7/10ths of a percent more Republican, less Democratic.

District 9 becomes about 4/10ths of a percent more Democratic, less Republican.

District 6 becomes about half a percentage point less Democrat, more Republican.

But on the whole, Districts 1, 6 and 9 are much closer to their ideal population.

CHAIRPERSON MATHIS: I have a question.

Do you have something that you wanted to ask him on this particular thing?

Because my question, I hate to beat a dead horse, but I want to go back to prison population in LD 8.

So, on the McNulty version, it's looking like the deviation from ideal is now 1.5 percent over; is that right, for the one that we just agreed to send on for further analysis?

On this change report, I don't see the actual population number, but it's got deviation from ideal.

WILLIE DESMOND: So District 8 goes from an overpopulation of 3,262, to an under-population of 4,873.

CHAIRPERSON MATHIS: Got it.

So we're under by 2.3 percent?
WILLIE DESMOND: Correct.

CHAIRPERSON MATHIS: So is that something where we, given the amount of prison population in the proposed LD 8, is that something we ought to be trying to augment in terms of just shear population numbers?

MARY O'GRADY: Madam Chair, the main thing that we've been looking for in LD 8 are the performance measures for the elections, and then, you know, the overall Hispanic minority demographics.

We will be getting the numbers that take into account the prison population.

So I don't know if there's an additional adjustment that needs to be made at this point, in light of the prison issue.

CHAIRPERSON MATHIS: It just sounded like from earlier discussions this morning, that one of the strategies for dealing with districts that have a large amount of prison population in them is to overpopulate them.

And it sounds like right now this is underpopulated.

And if we're talking about population balancing, I was just wondering to see if we should be looking to put some population into that district.

And we don't even know -- we don't know what will happen with the analysis on LD 8, but I'm just wondering.
MARY O'GRADY: Madam Chair, our biggest concern is on minority makeup there. And in terms of the prison population and the population balancing issue, the main thing is just to justify whatever has been done, minimize, if possible, but I think it's okay to leave it low from a voting rights standpoint like we've talked already in previous discussions.

And since I was out of the room for some of the earlier discussions, I don't know if that's out of sync with the earlier discussion of these, but I think the main focus should be the minority makeup and electoral results.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Ms. O'Grady, we talked a little earlier about how the prison population factors in. And I think what I came away with is that from the total population standpoint, the prison population is included. For some population balancing, these numbers wouldn't change. But for a voting strength analysis standpoint, the prison population has to be disregarded.

Again, that wouldn't affect total population numbers in the population balancing.

MARY O'GRADY: That's right.

COMMISSIONER McNULTY: Is that right?

MARY O'GRADY: That's right.
CHAIRPERSON MATHIS: Thank you.

Any other comments or questions?

COMMISSIONER McNULTY: I was just going to say what Mr. Desmond did, it looks like those were areas where we had predicted substantial deviation.

I think these changes are good.

They solve pretty significant population balances in at least two, maybe three different districts, without really changing the other metrics of the map a whole lot.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Desmond, will you have these reports ready after lunch, based on your adjustments that you've currently made?

WILLIE DESMOND: The population balance report?

COMMISSIONER STERTZ: Well, this would -- is there any reason why we shouldn't run a report of all 30 districts at this time, based on this new design?

Because this meets the plus or minus criteria of your population.

Why don't we start looking at all of the rest of the metrics of all the districts.

WILLIE DESMOND: Well, we --

COMMISSIONER STERTZ: Madam Chair.

Mr. Desmond, you alluded to that there was slight
adjustments in District 10, as it pertains to voter registration.

I'm sure that Ms. McNulty -- Commissioner McNulty and Herrera would like to know what that's going to do to the competitive analysis for Districts 10 and 9, and get that out there on the table now, so that we can know where we are.

COMMISSIONER McNULTY: I think you gave that to us already. Didn't you give these to us on Friday?

WILLIE DESMOND: Yeah, these were on Friday.

COMMISSIONER McNULTY: I think we got these on Friday.

WILLIE DESMOND: I'll check to see if I have an extra copy. If not, I'll give you one over lunch.

And anybody who's watching, these are available on the website also.

COMMISSIONER STERTZ: Okay. Thank you.

WILLIE DESMOND: So this was just the first, I guess, of some of the outstanding changes for you guys to consider.

I can move on now, or if you have other questions about these changes?

COMMISSIONER McNULTY: Is anyone else hungry?

VICE-CHAIR FREEMAN: Yes.

CHAIRPERSON MATHIS: I had cake.
COMMISSIONER STERTZ: Madam Chair, can we at least, which, you said these were -- these were -- this is in the LD population balance analysis. This is a PDF on the website?

WILLIE DESMOND: Yes.

COMMISSIONER STERTZ: All right. Thank you.

CHAIRPERSON MATHIS: So it's 12:13 p.m. Do Commissioners want to break for lunch.

COMMISSIONER STERTZ: Yes.

CHAIRPERSON MATHIS: Is half an hour sufficient? We can aim -- we'll come back. That's a good goal. 1:00 p.m. we'll be back.

The time is 12:13 p.m.

(Lunch recess taken.)

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

The time is 1:25.

And I believe we're talking still about legislative districts.

WILLIE DESMOND: When we left, we were discussing the population balance change. Are there further questions on that? Anything you want to see? Or should I go on and discuss some of the other kind of pending changes?

CHAIRPERSON MATHIS: I think we've covered the population balances. Did you have a question?
COMMISSIONER McNULTY: I do have one question. Are the pending changes all of the changes that Commissioners intend to submit? That was my thought when we started reviewing the pending changes, is that we had everything in front of us that was going to be submitted. Is there anything else that is going to be submitted before we start working our way through what is currently in front of us?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I have submitted all my changes, so I don't plan on submitting any additional changes.

COMMISSIONER McNULTY: I don't have anything else that I presently plan to submit.

CHAIRPERSON MATHIS: Anything from anybody else?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Commissioner Herrera, are these changes that you've already submitted or are these more changes that you intend to submit?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I have submitted all my changes. I don't plan on submitting any additional changes.
CHAIRPERSON MATHIS: He submitted all of his changes and doesn't plan to submit anymore.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: The question of changes or the question of areas of specific adjustment, I don't know whether or not they need to be submitted for change, or I'd rather -- or whether or not it just would be easier to have them as open discussion.

And the reason I'm saying that is, because I don't want to waste anybody's time by going through the process of going through arduous submittal, if, including the mapping consultant, if the intent is to just move past them for whatever reason they may be.

I'll give you an example.

For example, Rita Ranch, which is a neighborhood in southeast Tucson, has been split in two, and is in two different legislative districts.

Before I want to have to go through the process of drawing it and analyzing it, where we are, is that I'd rather just poll the board, poll the Commission, and say is this something where we can bring this community together, and then proceed with that, rather than going through sort of a where's the pea under which cup game.

I'd rather say, do we think this is worth doing.
Then let's put Rita Ranch together.

If Rita Ranch is going to stay apart, for whatever reason that might be, then let's move past it.

So there are areas like that where I would like to at least get the opinion of the Commissioners, of which direction that they would go in, and then move on.

So if there was going to be a discussion, yes, we'd like to hold Rita Ranch together, that's going to have some impact to at least two, possibly three, ranches, for how it was split in half.

So what's the Chair's pleasure?

CHAIRPERSON MATHIS: Well, we -- let's pull up Rita Ranch and look at it.

I don't know the specifics around that particular neighborhood, so we can look at the impact that it has in terms of what it looks like.

WILLIE DESMOND: How do you spell that? Is it R-I-T-A?

CHAIRPERSON MATHIS: Yes, the southeast area of Tucson.

COMMISSIONER STERTZ: It's the confluence of Legislative Districts 1, 2, and 10.

WILLIE DESMOND: Okay.

Do you know which streets?

COMMISSIONER STERTZ: Yes. It's that little hook.
WILLIE DESMOND: Right here?

COMMISSIONER STERTZ: Right there.

And that's Rita Road.

You'll see that Rita Road, there are residences on the north and west that are in, and, obviously, to the east, that are in Legislative District 2, and across the street they're in Legislative District 1.

And that whole area is considered Rita Ranch.

What I'd like to do is, before we would send the mapping consultant on an analysis, is this: Can we keep this neighborhood together?

And if not, can someone give me an explanation that if someone that lives in Rita Ranch asks me why we can't keep it together, what I can give to them.

COMMISSIONER McNULTY: Madam Chair, that was the process we agreed we would follow. And we've been doing that for a couple weeks, proposing changes, getting the sense of the Commission whether they'd be interested in understanding what the implications would be, and then discussing them.

So kind of have to know what the implications are in order to discuss them.

COMMISSIONER STERTZ: I'm not sure what implications we have.

We have a neighborhood which is located now in --
it's split into two different legislative districts.

   It affects two, and it affects one.

   And the question is, can we put that neighborhood
back in one legislative district?

   How it affects it means that we have to move
populations out of one into two and/or two into one, that's
how it affects it, to put that neighborhood back together.

   I'm not sure what more explanation that I would
need to give than that.

   COMMISSIONER McNULTY: I don't think any
explanation is necessary, but we would want to understand
how it changes the composition of the districts, and that's
the analysis that we would make a decision based on.

   CHAIRPERSON MATHIS: Is that something that we can
do here, Mr. Desmond, to look at?

   WILLIE DESMOND: Yes.

   COMMISSIONER McNULTY: Can you determine what the
boundary is and just move it into one so that little,
whatever the arm is, isn't?

   WILLIE DESMOND: Moving that into District 1,
would that solve it, or is there still another --

   COMMISSIONER STERTZ: This entire area is
considered Rita Ranch.

   CHAIRPERSON MATHIS: It's a triangle.

   COMMISSIONER STERTZ: It's a large triangle. It's
actually that zone right there.

WILLIE DESMOND: Okay.

COMMISSIONER STERTZ: It is truly a community of interest, and they consider themselves as a community within about themselves. And they -- every aspect of community is, there's no difference here in the way that they view their neighborhood and their being bifurcated as you would see in the Town of Guadalupe, for example. They are that connected within themselves. And I would like to see this whole area being put into -- and truly if you go down Alpa Road, this is a community where the residents of this community work at Davis Monthan. They work at Raytheon. That's this bedroom community and that's where this serves.

There is very little commercial in this area.

This is the Houghton corridor, okay? The Houghton corridor is being heavily developed right now. Rita Ranch is an anchor for the south corner of the Houghton corridor. So that community is really most connected to urban Tucson.

It is not rural.

It is not ranching.

It is not east related.

It is an urban community and it is connected by geography, transportation. There is a campus that the folks here go to, Pima Community College West Campbell where
they'll attend.

They also attend the University of Arizona's extension campus, which is in the IBM, which is right down Interstate 10, which is also part of urban Tucson and its impact.

So...

WILLIE DESMOND: All right. Well, including this area in District 1, 14,750 people, as you pointed out, District 1 is already the largest district, so this will leave District 1 overpopulated by 16,524 people.

Something we probably have to fix with a different sort of population balance.

Looking at the numbers though, this does seem like it would be removing an area from District 2 that probably wouldn't have any sort of ill effect on its voting rights status. Although District 2 would then be under-populated by 13,456 people.

So how we can proceed now, is I can execute this change, and we can look for another area to balance population between Districts 1 and 2, or we can try a different change to try to include all of District 2 and see how much of a effect that has on it.

We do have a printer here today, so I could run a change report and have copies for you relatively easy.

It would probably still take over 15 minutes to
have that happen, but it is an option for you to evaluate it. But it's up to you, however you want to proceed.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Am I correct, where are we with population in District 10?

COMMISSIONER McNULTY: With the population balance we'd be very close.

COMMISSIONER STERTZ: I'm sorry?

COMMISSIONER McNULTY: With the population balancing that we just looked at, we would be very close to balance.

WILLIE DESMOND: Currently, District 10 is in the working map. District 10 is 2,122 people overpopulated, a one-percent population deviation.

District 1 is 11,767 people overpopulated. A deviation of positive 5.52 percent.

And District 2 is 8,699 people under-populated. A deviation of negative 4.08 positive.

So, as we currently stand, 2 is too small, 1 is too big.

So adding more to 1 from 2, would kind of exacerbate that, so we would probably have to find a place to swap population from District 1 to District 2.

The other option would be to keep Rita Ranch whole
within District 2, and see what sort of impact that has on its status as a voting rights district.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: This is also the part of this, all of this area is part of Vail School District, as well, so you've got school districts being split multiple places. This is another area of residences that are also -- that are family residences that belong to Vail School District.

So I'm looking at an area you're saying would be under-populated in 2 and heavily overpopulated in 1.

The last iteration, we took off a leg that connected this piece right here, because this is in the draft before Friday we're connecting; is that correct?

You had dropped this leg down prior to this adjustment?

WILLIE DESMOND: In the population balance change, I can add that as a layer, and you can see how that would affect District 10.

The population will balance. It did not affect District 2 at all.

COMMISSIONER STERTZ: What it did is it took that piece right there out of District 10 and put it into District 1.
WILLIE DESMOND:  So, yes, this portion right here did go from 1 to 10.

That brought 1 from a positive deviation of 11,766, to deviation of 5,384. So it went from overpopulated by 5.5 percent to overpopulated by 2.5 percent.

So if we were to add, assuming you kept that change, and did this, District 1 would then be overpopulated by roughly 10,000 people, which is better than it is now. It's now 11,766, but District 2 would be under-populated by 13,456.

If you did both of these changes.

If you did not do the population balance --

COMMISSIONER STERTZ: Mr. Desmond, in this area right here, there's 5,516 residences in that census block right there.

WILLIE DESMOND: Okay. So that right there is 5,516.

COMMISSIONER STERTZ: So it would give the opportunity of keeping Rita Ranch whole.

WILLIE DESMOND: Yes.

The only --

COMMISSIONER STERTZ: In one.

WILLIE DESMOND: The only concern with that is that area has only 25 percent voting age Hispanic, and
District 2 is one of our voting rights districts.

COMMISSIONER STERTZ: Your not losing.

WILLIE DESMOND: That's true. We could do a one-to-one swap and see what that does to Districts 1 and 2 to see if you're right.

COMMISSIONER STERTZ: Great. You would swap that and keep Rita Ranch whole, in one.

WILLIE DESMOND: Yes, let me --

All right, so doing that, District 2 is now under-populated by 7,940 people.

It's HVAP is 52.64.

Let me -- I can either run the whole change report or I can just give you some of these numbers compared to what it is.

It's currently in the working map 52.8.

So it is a slight hit on its HVAP.

District 2, in the working map, has a mine inspector's dem percentage of 56.8.

In this district it would be 56.78.

So just about the same.

That's it.

Would you like me to run a full change report on this, or are there other tweaks that you would want to see to this?

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

COMMISSIONER STERTZ: Again, what it does is it keeps a community -- it keeps a neighborhood intact being represented by one legislator, which even though that community has more relation to urban Tucson, and to where its employment centers are, than it certainly does to Sierra Vista and to the rest of Cochise County, the legislator at least would have knowledge and understanding about that neighborhood as a whole.

That's an important neighborhood on the southeast side of Tucson. And to split it up, I couldn't give an answer to someone.

There's other neighborhoods that we've talked about, and we just talked about one this morning in Guadalupe that it would be hard to explain to them why historically we're one district, and now we're in another, and now we've made that change.

This makes sense here.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Mr. Desmond, could you just walk through what the change involve, the change from 2 to 1, the population, and then the swap back from 1 to 2 --

WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: -- population. And we're
doing this based on the working draft; is that right?

WILLIE DESMOND: Correct.

Okay. So --

Bear with me for one second.

So 4,757 people were moved from District 2, into District 1, keeping Rita Ranch whole down here.

So now this entire area that's in red would go with District 1.

To balance that population 5,5016 people were added from 1 into District 2.

COMMISSIONER McNULTY: You can run a change a report for us?

WILLIE DESMOND: Yeah, I'll do that right now.

COMMISSIONER McNULTY: Thank you.

MARY O'GRADY: Just for the record, I thought it might be helpful if he puts in the record where the population is coming from, from 2 to 1. We'd know about Rita Ranch, but just to identify the other areas that's affected.

WILLIE DESMOND: So population is going from Rita Ranch, the portion of Rita Ranch that was in District 2, into District 1.

The population from District 1 is everything north of old Vail Road -- from District 1 into District 2 is everything north of Old Vail Road, east of Wilmont, and, I
mean, between there and Interstate 10, essentially.

Sorry. This will just be a second.

While the change report is running and get
everything ready, are there other things you want to look
at in the meantime?

It will take a couple minutes for this to all be
set.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: While Mr. Desmond runs the
change report, I appreciate this work in progress, because
it's also showing anybody that's out there that we are
looking at this thing at this level.

On various edges on certain districts on the map,
I know some of these have to do with census blocks where we
have small dips and notches.

One of the things we talked about a week ago to
try to get to major -- get away from local roads, local
streets, and go to arterials and collectors, without going
through all of the different lines on all of the maps, has
that been an attempt by Strategic to do that?

For example, I noticed in the city between
Districts 9 and 10, you moved off of Helen Street and moved
to Speedway, for example, where it went from a local street
to the south to Speedway Boulevard, which is an arterial.
CHAIRPERSON MATHIS: That's a good thing, isn't it?

COMMISSIONER STERTZ: It is.

COMMISSIONER McNULTY: That was in the population balancing that we had just looked at.

COMMISSIONER STERTZ: It is.

And I am wondering whether or not it was done, if that was -- if that was -- if there was intentional movement across the -- across the state throughout urban areas to go to arterials and collectors, rather than to try to stay off of locals as being dividing lines of districts?

Or did it just happen to be that we moved off of Helen and down to Speedway.

WILLIE DESMOND: In that case, I was moving population at the VTE level, so that was not an intentional move. I was just using the voting precincts to switch population for Commissioner McNulty's changes that she asked for.

That is something that we can go through and do them, if that is something that you want me to prioritize. I can also do that.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: As the opportunity to keep from dividing neighborhoods decreases when you use arterials
and collectors rather than locals, and it gives a, in my opinion, a clearer delineation between areas when you're looking at an arterial or collector as a dividing line rather than a small local street.

So if it was Commission's intent to try to give --- try to create those sort of lines, then I would be all in favor of it.

But I think even then, because it was effective, as Commissioner McNulty said, to not only enhance population, but to give clarity of the devising line between Districts 9 and 10 to use Speedway rather than Helen.

WILLIE DESMOND: Mr. Bladine will distribute the additional copies.

I know Commissioner Freeman and Commissioner Herrera will want one, and the lawyers also, please.

Are there questions on the change report?

As you can see, District 1 is still overpopulated, although not as much. It's moved a net 70,059 people.

District 2, which is the voting rights district, there was a tenth of a percent drop to the voting age Hispanic percentage.

And a percentage point drop to the total minority percentage, 2/10ths of a percent drop to the voting age total minority.

However, some of the indictors of races that we
used to look at ability to elect, did increase. So, again, Proposition 200, yes, the report is better.

So this dropped by 5/10ths of a percent, so that's a good change. And then the other things went up between 0 percent and 8/10ths of a percent in District 2, which is our voting rights district.

(Brief pause.)

CHAIRPERSON MATHIS: Mr. Desmond, just a question. The HVAP in 2 on this change report, why isn't it a change of .2 percent?

WILLIE DESMOND: District 2? Well, because the 52.8, the 52.6, are rounded.

CHAIRPERSON MATHIS: Okay, that's what I thought.

WILLIE DESMOND: Those are simply rounded.

CHAIRPERSON MATHIS: Okay. So I guess I would ask legal counsel what they would say about this small drop in HVAP, vis-a-vis all the other indicators that seem to be okay, like HCVAP is untouched.

MARY O'GRADY: Madam Chair, it doesn't look like this would be, you know, have any practical impact on District 2 as a voting rights district. But my suggestion would be if you're interested in putting in this working map, that we do so, so that it gets analyzed.

Because right now they are working off the working map, and I guess they should get all the changes to the
voting rights district. I don't see how this would have much of an impact on its viability.

CHAIRPERSON MATHIS: Do Commissioners have any thoughts on that?

COMMISSIONER McNULTY: Madam Chair, that sounds right to me.

I wonder if we should bring up the population balance that we looked at, at the same time, because they're in the same area. Maybe we can address that all together.

CHAIRPERSON MATHIS: That makes sense.

WILLIE DESMOND: Those changes do both affect District 1, but I don't believe there's any conflict between the two. So I think it's safe to still analyze them separately. That if you wanted me to combine them, we could do that, but District 1, even with this change to the Rita Ranch area, is still 11,000 people overpopulated. So it's probably still a good idea to find some way of bringing that closer to the ideal population.

COMMISSIONER McNULTY: So could you bring up the population balance that we looked at and walk through it?

WILLIE DESMOND: Yes.

So the population balance, you'll notice this area, this is the old line. So kind of disregard that. If you wanted to look at that in concert with this change, what does happen is District 10 goes down here, incorporates this
area of southeast Tucson.

That removes -- one second -- that removed 6,382 people from District 1, which would bring it to right around, I think, 5,000 people overpopulated.

So over 2.3, 2.4 percent, approximately, if both these changes were done.

Additionally, District 10 then sheds population to District 9 in order to make District 9 closer to the ideal population.

Currently working map District 9 is underpopulated by 10,347 people.

So taking that area from District 10, it becomes overpopulated by 150 people, going from a deviation of negative 4.9 percent to a positive deviation of a tenth of a percent.

Additionally, in the population balance, again there is those areas between 14 and 6, bringing the Camp Verde area into District 6, so that District 6 goes from a negative deviation of 9,908, to a positive deviation of 1,072. So from negative 4.7 percent to negative .5 percent.

Moving that population that's approximately 11,000 people from District 14, brings 14 from a positive deviation of 7,382 to a negative deviation of 3,598, so a change of from positive 3.5, to negative 1.7 in 14.

Are there any questions about that?
COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Desmond, could you go back down to the confluence here, and say again, is that in your change report that you just provided, is that piece in 1 or in 10?

WILLIE DESMOND: In the report that I just provided, this area is still in 1.

The change report you just got only reflects this area, the Rita Ranch, and then this area being changed.

If you were to also do -- let me change the color here so it's a little bit easier to tell what's what.

So this change does border the other change, but they don't overlap in any place.

COMMISSIONER STERTZ: There's what, a little over 1100 people in there?

WILLIE DESMOND: In there? No. I think it's 6300.

COMMISSIONER STERTZ: 6300?

WILLIE DESMOND: Let me tell you specifically. It's 6,382.

COMMISSIONER STERTZ: And currently that's counted in 10.

WILLIE DESMOND: Currently, that's in 1.

COMMISSIONER STERTZ: Currently that's in 1.
WILLIE DESMOND: So the red line is what we're currently working off of.

The green line is what would be changed in the population balancing change report.

The black line is what would be changed in the Rita Ranch population balance.

And again, these do both effect District 1, however, they do not -- did not cross in any area.

So if you did the Rita Ranch change to District 1, it's still overpopulated albeit by 800 people less, but still overpopulated by 8,000.

I believe if you did the other change, it would keep Rita Ranch split, but not -- but bring District 1 and District 9 closer to the ideal population.

District 10 gets a little further from its ideal population, because it's used what -- how the map is currently is District 1 is too big, and District 9 is too small, so the population is intended, I guess, to move population from 1 into 9.

The other one we just looked at was just intended to keep Rita Ranch whole.

COMMISSIONER McNULTY: Madam Chair.

I suggest we incorporate both of these into the working draft.

However, if we want to go through other changes so
that everything is in front of us before we begin that process, that works for me, too.

CHAIRPERSON MATHIS: Other thoughts from other Commissioners?

COMMISSIONER STERTZ: Just for clarification. Commissioner McNulty, you are going to take this and incorporate that into District 10?

COMMISSIONER McNULTY: Yes.

COMMISSIONER STERTZ: This area here will be incorporated into District 1?

COMMISSIONER McNULTY: Yes.

COMMISSIONER STERTZ: And this triangle piece from District 1 will be incorporated into District 2?

COMMISSIONER McNULTY: Yes. And the boundary between 9 and 10 would be adjusted as described in the population balancing.

COMMISSIONER STERTZ: Could you zoom into that area, Mr. Desmond. Let's lay some roads on there so we can see where we're moving.

COMMISSIONER McNULTY: It's from Stapley to Craycroft.

COMMISSIONER STERTZ: We're moving from the eastern border between 9 and 10, will be moved easterly from Swan to Craycroft, from the southern border will go from, you can zoom into that street, please.
WILLIE DESMOND: Helen, Bellevue.

COMMISSIONER STERTZ: Bellevue.

And what's that right there?

WILLIE DESMOND: Sorry.

Helen, Bellevue and Lee.

COMMISSIONER STERTZ: Lee?

So Lee will move south to Speedway.

Belleville will move south to Speedway.

And Helen will move south to Speedway; is that correct.

WILLIE DESMOND: Correct.

COMMISSIONER STERTZ: Okay.

WILLIE DESMOND: So the new line would be... Speedway.

COMMISSIONER STERTZ: Speedway and Craycroft.

WILLIE DESMOND: And Craycroft, correct.

CHAIRPERSON MATHIS: That seems to me to make more sense.

COMMISSIONER McNULTY: And then Camp Verde moved into --

WILLIE DESMOND: District 6.

COMMISSIONER McNULTY: Six.

WILLIE DESMOND: The only thing that I would say is that I believe the changes that Commissioner McNulty has that are pending, and the change to Legislative District 7,
would both have an effect on District 6.

So that's a possible source or at least a conflict if you were to say accept multiple changes.

Although we can address that once we get to the other changes, and see what effect it would have.

COMMISSIONER McNULTY: Madam Chair, Mr. Desmond, that movement of Camp Verde doesn't bear on the population balancing of 1, 2, 9 and 10, though; is that right?

WILLIE DESMOND: Correct.

COMMISSIONER McNULTY: So we could hold that and have discussion about that, but incorporate the others.

WILLIE DESMOND: Correct.

COMMISSIONER McNULTY: Okay.

CHAIRPERSON MATHIS: So I'd entertain a motion to incorporate these changes as just described into the working map.

COMMISSIONER McNULTY: I move that we incorporate the swap that Mr. Stertz put forward, and the changes on my population balance proposal, except for the movement of Camp Verde to District 6, which we'll hold off on until we discuss those districts. And with that exception, incorporate these into the working draft and request that Dr. King analyze District 2 as revised.

CHAIRPERSON MATHIS: There is a second?

COMMISSIONER STERTZ: I'll second.
CHAIRPERSON MATHIS: Any discussion?

I didn't realize Mr. Herrera wasn't here.
I don't know if he needs to be for that.
I mean, I know we can move forward without him,
but I would like -- there he is.

Mr. Herrera, I didn't know you were out of the
room when I said I'd entertain a motion.

COMMISSIONER McNULTY: We just moved to replace
you.

VICE-CHAIR HERRERA: Sorry.

CHAIRPERSON MATHIS: To bring you up to speed, we
just had a motion that was seconded, a motion made by
Ms. McNulty, seconded by Mr. Stertz, to essentially put the
changes we just talked about, Rita Road, the Rita Ranch
neighborhood swap we just talked about the adjustments, for
population balance between 9 and 10, that change there, that
was in, that Mr. Desmond has already done a change report
on.

I'm trying to think of other parts of that motion.
Essentially, to put those into the working map as
described, and then hold off on the Camp Verde population
balance change until we deal with the districts up there.

Is there anything else I'm missing from that
motion?

COMMISSIONER McNULTY: I don't think so, Madam
Chair. I think that covers it.

CHAIRPERSON MATHIS: Okay. And we are now at the any discussion standpoint, if anybody has comments on that. (No oral response.)

CHAIRPERSON MATHIS: Okay. Hearing none, all in favor?

COMMISSIONER STERTZ: Aye.

COMMISSIONER McNULTY: Aye.

VICE-CHAIR FREEMAN: Aye.

CHAIRPERSON MATHIS: Any opposed?

VICE-CHAIR HERRERA: Abstaining.

CHAIRPERSON MATHIS: So we have four ayes and one abstention, Mr. Herrera.

WILLIE DESMOND: Okay. I will incorporate that into the working draft along with the Districts 8 and 11 that were discussed earlier.

Are there any other changes right away that Commissioners would like to kind of play out?

I can run quick change reports like we just did.

If not, I can also go and re-look at the pending changes of Commissioner McNulty and Freeman.

COMMISSIONER McNULTY: If there are other changes that Commissioners have, I suggest that we get those in front of us, so we can go through this process before we start going through the changes that were submitted a week
or two ago.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I don't have any at this particular moment, but I think we should go ahead and move forward with the changes that have been submitted.

COMMISSIONER McNULTY: Madam Chair, I also like Mr. Stertz's idea of just looking through the districts, to see if we've used small neighborhood streets where we might use arterials or main streets. But I do think that that's something that either we need to do as a group, or certainly that we need to discuss as a group, if Mr. Desmond finds things like that, because those could result in more than nominal changes to districts that we would need to make policy decisions about.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: My opinion is that as an -- as is practicable, that we should use collectors and arterials as you're devising lines between districts. It's clear and it is the least opportunity for bifurcation of neighborhoods.

And I would leave it to the discretion of the consultant to work through the edges of the districts, and then bring forward those, if there was any large standing
questions that might come up.

WILLIE DESMOND: Okay. I can take a pass at that, although I think it will be helpful if you guys have any that you can think of, to let me know.

By and large the districts have been drawn at census block group or tract level. In many cases those are -- use main roads as border -- as borders. So I'll keep an eye out for that. But if there's none specifically to look at right now...

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Desmond, just as you're drawing your edges, you may look for -- you might see block groups. You might see voter block areas. But you might also notice that there -- that to be -- to pay attention to what would be considered arterials to collectors.

For example, you've chosen to the south side of, I think it's District 2, to use 21st Street instead of 22nd, for example.

Twenty-first is a small neighborhood street. 22nd is a large arterial.

That may have been because that was a large voter block that you were trying to pick up, or a balance of population. But if you could try to stick to main roads, it's going to make it easier for people to understand why
they're one side or the other.

COMMISSIONER McNULTY: And, Madam Chair, I would not want to make changes like that in voting rights districts, because we've already submitted those for analysis.

I think, you know, it makes sense to do this outside of the voting rights districts, but within the voting rights districts those have gone through a lot of careful thought and a lot of -- by a lot of people, and I wouldn't want to be re-submitting those to Dr. King for that purpose.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I agree with Commissioner McNulty with one caveat. I think saying that if it was intentional, without affect, or that had effect -- excuse me -- if it was intentional and had effect to use 22nd Street for a two or three block stretch, to be able to pick up a particular voter block group that enhanced a district, if that was the only way to accomplish that enhancement, then I would say that that would be -- that that was an intentional decision.

If it was just because the north boundary happened to fall a block north to 21st Street instead of 22nd Street for that three block length, then it may have been an
unintentional and not something that is particularly a
mandate or a prerequisite to the enhancement of that
district.

So again, I'd like to leave some of that
discretion back up to the mapping consultant, based on that
sort of outline for criteria.

CHAIRPERSON MATHIS: Any thoughts from other
Commissioners?

(No oral response.)

So it sounds like we're in agreement, at least
there's consensus that we can have our mapping consultant
look through the edges of these districts and see if main
roads are used as the boundaries. And bring those back to
us for any suggestions for where we might make adjustments
accordingly.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I think the agreement was in
districts outside of majority-minority districts.

I would not agree for that to happen to the
majority-minority districts that are being analyzed.

So I would agree to definitely the ones that
haven't been locked in for analysis, so those outside the
majority-minority districts.

CHAIRPERSON MATHIS: Okay.
COMMISSIONER McNULTY: Madam Chair, I would also add we've done a lot of work to keep communities of interest and census tracts whole, and I wouldn't in, you know, asking Mr. Desmond to look at this to suggest that we wanted to depart from that.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: The Constitution says we're to use whole census tracts to the extent practical.

I think we should do that.

Usually they're going to line up on major arterials.

Where they don't, I would want to be aware of that.

And if Mr. Desmond is going through the map to do that statewide, that would be great.

That would help my burden.

I suppose there may be areas where the lines may not fall, and I think this is what you were getting at, and Commissioner Stertz was getting at. If they don't fall on the major arterials, it might be intentional in that it might be necessary to boost the performance of a voting rights district, or it might have been needed so that a community of interest was not split, or it might not have been.
If it's either of those two things I mentioned, then I think we should look hard at putting it on the major arterial.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: For example, Mr. Desmond, would you be so kind as to go to the -- it's in, again, the Greater Tucson area. It's above Interstate 10, south of Pima Farms Road, north of Ina.

And you'll see that there's a -- and you may have already cleaned this up -- no, you haven't. See that little unit right there?

WILLIE DESMOND: Right here?

COMMISSIONER STERTZ: Can you blow that up for me? Now there's a reason for that?

WILLIE DESMOND: Yes. The reason is, I think the census block is quite large, I thought.

I could be wrong.

No, never mind.

COMMISSIONER STERTZ: There are three people that live in that.

WILLIE DESMOND: Yes, that is certainly something that we could clean up.

COMMISSIONER STERTZ: Madam Chair, that's one of the things that I'm referring to, is that we have that, we
I have little consideration like that, which obviously for the three people, as you can see, that are actually populating that area, it may or may not be important to the three of them which district they're in, but from creating the lines and making some, that's the sort of detail that truly has no effect, other than to make for a understandable --

And what it also does, it takes a question off the table, from my perspective.

If somebody would ask me why is that there, I would have no ability to answer that question.

Forgot to ask the question to be asked.

CHAIRPERSON MATHIS: This is a level that we haven't gotten to, and I am sure there are a lot of little things like that on the maps. So, Mr. Desmond, do you have ideas for providing a list or something for those when you come across them or what would you suggest?

WILLIE DESMOND: Well, a couple things. For this particular one, I can change this for the working map.

Additionally, I know like in Maricopa County, a lot of these were highlighted when we worked with the county over their proposed VTEs and there were a lot of areas that were things like a highway that has, let's say, a census block that runs down the middle of a divided highway.

So by moving it from one side to the other moves no people but helps them clean up their borders a little.
We had talked about a kind of tentative approval of the map to give us a little time to work with some of the counties and clean up some of these kind of technical things like that.

Also, things like this, move six people in the congressional, those six people won't have an effect on the population balancing, but it's something that can be taken into account then.

So I think to the extent that we can take care of these things before the technical changes at the end, that's great, but also I hope that a lot of that will be able to be picked up.

So I think it makes perfect sense to move this area from -- these six people from District 11 into District 9.

Is that something that I should do for the working map?

COMMISSIONER STERTZ: Madam Chair, may I check first to see if they're Republicans or not?

Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: In all seriousness, I think that, you know, Santa is loading the sleigh right now. And you said that Christmas was the target of this. And I think
what Mr. Desmond just said is correct, in that he's going to need to -- we've got voting rights district analysis that's being done, that's out there.

I'd like to get to a point where we say, yes, we're fixing, you know, we're going to give him, you know, preliminary okay on what these maps are, and move them down the -- move them down the field.

And then once the analysis is complete, reconvene to make any final technical changes.

But in the meantime, all of this sort of thing should be at the discretion of the consultant, to start working his way around the edges of these maps.

In my opinion.

CHAIRPERSON MATHIS: How do other Commissioners feel about that?

COMMISSIONER McNULTY: Madam Chair, I don't have any problem with Mr. Desmond looking.

I do have a problem with delegating discretion to make any change that has any impact whatsoever on the metric of any of the districts, without our reviewing it and approving it.

CHAIRPERSON MATHIS: Any other opinions from other Commissioners?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.
COMMISSIONER STERTZ: I guess the word is best discretion, was probably -- could be bracketed by saying that if there were areas like this, which I don't think any one of the Commissioners, but I can't speak for anyone other than myself, would have any issue of making that modification, if those were tracked and itemized, be outlined to see what the Commission would do, so that the changes that were made were properly placed through the record, so that issues such as this don't take up the time of the Commission, because this is not anything else other than a technical cleanup issue.

And I am guessing as the consultant works his way around the edges of all 30 districts, he will find dozens and dozens of small areas like this.

CHAIRPERSON MATHIS: Oh, I guess it depends on the Commissioner's definition of technical changes, what's included in that. Something that's moving a line to a major street or arterial is probably different, in my view, than this kind of change that we've just highlighted here.

So, what do other Commissioners feel about that? Do we want Mr. Desmond to provide an entire list of all changes where he suggests any major streets that maybe we could use as a boundary as well as all these kinds of technical changes?

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

COMMISSIONER STERTZ: For example, Mr. Desmond, would you also add that and show that that is a zero population change?

So we still stayed at our six.

And what's happened, is that we've now been able to -- if was added to 9 instead of to 6, you might be able to nicely clean up those lines in these districts, or one of the other.

That's the sort of thinking that I would say would be, in my opinion, would be discretion of the consultant.

That is what he's here for. That's what they're, without having any truly effect on the maps or their integrity.

COMMISSIONER McNULTY: Madam Chair, I don't have any problem with Willie doing tech, you know, compiling technical changes that don't have any impact on the map, other than, you know, moving three people, for example.

Three is probably my limit, it's probably my max.

But I think he would -- he's going to want to come back to us for approval on those anyway, I mean, once we approve a working draft map and it's analyzed by Dr. King, and technical changes and working with the counties, we'll still have to approve all those, so...

But anything larger than that, like the change
from Helen to Speedway, I mean, that was a material change
and it involved population balancing and looking, you know,
for the correct balance and all those sorts of things and
those kinds of policy decisions that we would need to make.

And I didn't think that's what Mr. Stertz is
saying to you. I don't think he's -- I think we're saying
the same thing.

WILLIE DESMOND: If it's all right, can I point
out one other small change that I've wanted to make for a
little while? Ever since meeting with Maricopa County.

COMMISSIONER McNULTY: Is it less than three
people?

WILLIE DESMOND: It is more than three people. I
think it's 54 people.

This is a practical change that the different
counties have asked for.

Currently in your legislative district the border
between 18 and 27 runs to the north of South Mountain.

And in our congressional district it runs to the
south of South Mountain.

Now the census blocks that comprise South Mountain
are very large. They do have population.

There are people that live kind of off the
mountain, that are going to be put in a district that mostly
goes on the other side. So that there are people on the
north side and people that live on the south side.

What this means practically, there's going to be 20 to 30 people that end up voting on the other side of the mountain from which they live.

And I guess from like Maricopa County's perspective, it would be easier if those were the same 20 people for both legislative and congressional.

So in places where they have used like a visible geographical feature, and it's different from the congressional and legislative draft maps, anyplace where we can make those lines synch up, does save the County a headache when creating a VTE association. So that's another type of thing that I'll probably want to bring to your attention as we move forward.

Since we do have a little bit more flexibility with legislative districts, I would recommend in cases where the congressional districts are balanced, that we move the legislative line to meet the congressional line.

That's another type of example that we'll be bringing forward once you guys kind of locked in the maps.

CHAIRPERSON MATHIS: I would think anything we can do to make their lives easier that doesn't impact all the other criteria we're following, we should.

So... 

WILLIE DESMOND: Okay. I can start having some of
these technical things prepared and bringing them in, for
you saying yes or no to.

    You know, coming up.

    And then there will be, hopefully, once the maps
are very close and all you have is technical, then I would
like to go back to the counties to have them look at the
maps and suggest any other places that will cause a
headache, any precincts that are only a few people or where
we can move a line or where they had help to mesh up what
they were hoping to have.

    We'll be bringing those forward also.

CHAIRPERSON MATHIS:  Thank you.

Any comments?

WILLIE DESMOND: Just one question. Should I move
these six people?

CHAIRPERSON MATHIS: I would entertain a motion to
move the six people to the working map.

COMMISSIONER STERTZ: I move that those six people
are moved.

COMMISSIONER McNULTY: Second it.

CHAIRPERSON MATHIS: Any discussion?

COMMISSIONER McNULTY: Are they Republicans?

WILLIE DESMOND: I can tell you they're all over
18.

Four of them are registered.
It doesn't look like they vote.
The one person voted for McCain.

COMMISSIONER McNULTY:  No state mine inspector, right?

WILLIE DESMOND:  No, there was -- it says there were two votes for the mine inspector.

COMMISSIONER STERTZ:  Looked like somebody voted twice, seven votes.

CHAIRPERSON MATHIS:  Any other discussion?

(No oral response.)

CHAIRPERSON MATHIS:  All in favor.

VICE-CHAIR FREEMAN:  Aye.

COMMISSIONER STERTZ:  Aye.

CHAIRPERSON MATHIS:  Any opposed?

VICE-CHAIR HERRERA:  Abstaining.

CHAIRPERSON MATHIS:  Okay, we have four ayes and Herrera abstaining.

So those six people will move in the working map.

Okay.

So do we want to move on and talk about the other changes in the legislative map?

WILLIE DESMOND:  Is there anyplace that you'd like to start?  Does anyone have a preference?  Okay.

CHAIRPERSON MATHIS:  You can decide.

WILLIE DESMOND:  I believe the first one you
received was Commissioner Herrera's, so I'll start there.

    I should have offered -- I could have run the change report.

    Okay, Commissioner Herrera's changes affect the west valley going over to District 28.

    If he wants to introduce them, that's fine, or I can kind of walk through the changes.

VICE-CHAIR HERRERA: Mr. Desmond, go into the changes. I appreciate that.

WILLIE DESMOND: Sure.

So the green line is the current working map.

Usually when we started this change we started in District 22, so I'll start there.

In the current working map, Glendale is split five times into six different districts.

    So one of the criteria here was to try to keep that in as few districts as possible.

    As a result, District 22 comes down and grabs most of, grabs everything Glendale, aside from a small portion out by Citrus Park, and it leaves the two voting rights districts which have portions in Glendale alone.

    So it's this entire area here.

Previously, a portion of that was District 21, a portion of that was District 20.

    Now, it's all of District 22.
As a result, District 1 needs to make up some population. It does that by taking a larger portion of Peoria. District 22 also gives up population in the New River area. Previously, took the northern portion of New River, and this portion of Phoenix. That goes to District 15. So New River and Anthem are kept whole with Cave Creek and Carefree. District 15 sheds some population to District 20, which also needed to make up population, because it lost a portion of it that was in Glendale previously. This makes District 20 wholly contained in the city of Phoenix. Additionally, District 28 becomes wholly contained in the city of Phoenix. Paradise Valley is moved to District 15. This was intended to make 28 a more competitive district. Other than that, there aren't very many changes. There's some small tweaks to 14 and 13 around the edges to balance population a little bit. But, other than that, everything -- there's also, you know, a small change here to try to keep Wittman whole,
and change to that effect.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The changes that were made to the west valley were splits in Glendale, and I think we were ready to remove two splits, because of changes made. But also I guess one of the bigger changes made to this map was 28.

Again, feeling that we didn't have enough competitive districts, I was trying to create a competitive district in 28 by putting Paradise Valley with Anthem and New River, which ideally they have a lot in common. Meaning, they're both pretty much the same.

And I think Arcadia, I live in Arcadia, I think it's more of a swing area, and I was able to create -- by moving Paradise Valley, create a competitive district. Again, we don't have any in the legislative map, so that was my rationale for doing that.

And again keeping Paradise Valley whole but in a different district.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: This destroys a community of interest, the Paradise Valley Arcadia Biltmore community of interest, which I have lived in each of those areas. My
family has lived in my entire life. They all go together.

To do that, a peninsula has to be dropped down in the north valley connecting Paradise Valley just by the slender thread of Tatum Boulevard and nothing else to swallow up that town.

Fifteen is significantly lacking in compactness, as is 28.

So I also, it looks like with 22, if I'm reading that right, also has a peninsula tipping down to get that section of Glendale and connecting it with northern Peoria and Surprise area.

Which I also think is -- significantly impacts the map and the other constitutional goals.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: What I asked all four of the other Commissioners was to -- if there were issues they had, especially with 28, that they do whatever they could to be able to create a competitive district, whether it be keeping Paradise Valley in 28 or putting it in 15.

That was challenging some of my fellow Commissioners to be able to create another competitive district. I don't think anybody was able to create a more competitive district, for example, by taking out Paradise Valley and putting it in an area where they vote similarly.
I don't think anybody would disagree that Anthem and New River they vote no different than Paradise Valley.

But again, I was -- I see Stertz's face. I -- I don't know what he -- I'm pretty sure that I'm right, in terms of it's a pretty conservative area.

So, again, I'd encourage my fellow Commissioners to come up with a different version of 28, if they like, but I like the competitiveness of 28.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Well, of course they vote the same way, because the effort is to pack as many Republicans into that district as possible.

The Constitutional standard isn't that they vote for one particular party or for another. It's the community of interest.

And I think it's a bit of a stretch just to reach down to pluck out Paradise Valley and stick it up there with Anthem and New River and say, I can see that being a community of interest in a broader -- in a congressionally, where you have to put find 710,000 people, but on a legislative district, no, there is a community of interest with Paradise Valley, Arcadia, Biltmore area.

I guess I should say the greater Arcadia area, because technically, if you go back historically, the true
Arcadia area is a very narrow sliver of line between Camelback and Lafayette and, I think, the other exit on 56th Street. I'm not sure what the eastern boundary is. Lafayette kind of runs into Camelback and 44th Street for the western boundary.

The surrounding areas were areas that developed around Arcadia in old orange groves, and it's a, it's a definite community of interest, and it's tied together with P.V. and the Biltmore area.

And I am drawn back to a lot of the public testimony, which actually looking at some of that over the weekend, where there was some people who came to the microphone and said things that really resonated with me, because like I said, I've spent my entire 46 years with my family in that area, about how we've always chosen to live in one of those three areas, around about one of those three areas.

My family has, and I have.

Because it's one community.

And that's being run asunder by this effort to stick the Republicans together in a district that comes down from Anthem and New River.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I have a difficult time
hearing Commissioner Freeman, but I just wanted to say that.

But I -- I want to correct Commissioner Freeman. Arcadia goes -- it's not just Camelback.

I think he -- he never ventures probably south of Camelback, so he's not familiar with that area. I am, and it is part of Arcadia.

And if -- if -- I mean. I know a good number of the residents there and most people don't have anything in common with Paradise Valley. They don't send their kids to school there to attend schools in Paradise Valley.

I think the area that I was able to create in 28, removing Paradise Valley is a community of interest. And again, what I ended up -- I didn't break up Paradise Valley. I kept it whole, and I kept it whole but in a different district that I think they would be well represented with Anthem and New River.

So again, I disagree with Commissioner Freeman who's talking about Arcadia again. I live in the Arcadia area and it's -- and it goes to Thomas, and again, the individuals there would probably agree where me, that they have nothing in common with Paradise Valley, and that's okay. We can both disagree, and that's my opinion.

Commissioner Freeman has his opinion.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.
VICE-CHAIR FREEMAN: First of all, you didn't listen very carefully to what I said. I was bringing up the historic Arcadia area, which was a development in the 1940s just south of Camelback Mountain.

I grew up on Clarendon and roughly 42nd Street. That's south of Camelback. That's south of Indian School. It's within a short walk of Arcadia High School. That's a development that came in the '50s in a few orange grove neighborhoods that were developed inside orange groves that were in those areas.

That might be considered the greater Arcadia neighborhood.

And that, I would consider a community of interest, tied intimately with P.V. and the Biltmore area.

By the way, people don't go to shop in Paradise Valley because the only commercial there, I think, is a couple resorts. That's it. There's not a shopping mall in Paradise Valley. It's a bedroom community.

That area is being broken apart by this map.

It is significant. The compactness of those districts is significantly impacted, and I guess what I'm learning is the significant detriment criteria has been written out of the Constitution, because what the designers of Prop 106 probably should have written was, you know, five or three Commissioners, unaccountable Commissioners,
can just draw the maps however they want and backfill the rationale afterwards, and it's all good.

Because if that isn't a significant detriment, I don't think that much of anything is.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Before -- I'll give you the floor in a second.

Mr. Desmond, can you just pull up or zoom in on 28 and also just do the two different versions, whatever the working map is and then Mr. Herrera's adjustments, so I can see.

It would help to see some streets, too.

I don't know if that's possible.

WILLIE DESMOND: Is that better?

Should I zoom in a little more?

CHAIRPERSON MATHIS: So the brown line is Mr. Herrera's change?

WILLIE DESMOND: Correct.

The green line --

CHAIRPERSON MATHIS: Is the working.

WILLIE DESMOND: Is the working.

I don't know. You can tell me, is it better as green or red?

CHAIRPERSON MATHIS: That's better.

WILLIE DESMOND: Okay. I'll make it so the red
line is the working.

CHAIRPERSON MATHIS: And where is Arcadia? Can somebody --

WILLIE DESMOND: Here's Camelback Road right here. This is Indian School.
This is 4th Street --I'm sorry, 44th.

COMMISSIONER STERTZ: Madam Chair.
CHAIRPERSON MATHIS: Mr. Stertz.
COMMISSIONER STERTZ: We're all talking about where we live.

I know this part of the City of Scottsdale extraordinarily well.

Having not only developed in this area, developed above the 101, developed in Paradise Valley, in Scottsdale proper, and also having been a consultant to the Scottsdale Unified School District.

So I know that Arcadia and Paradise Valley and Scottsdale are all school districts that combine.

So one of the things you need to know is that Scottsdale, the idea of Scottsdale as its grown, this is -- I mean, if you want to talk about where old Scottsdale resides and where main arterials are, Lincoln, and Tatum, and the connection down to Lincoln and Tatum, and then the 44th Street corridor going back into the main shopping district, that little intersection right there of Camelback...
and Scottsdale Road is probably one of the most premier shopping intersections in the city.

That also connects over to the Biltmore shopping area, which is located here.

Camelback is an incredible east-west corridor for transportation.

And it doesn't get until -- you're talking about the light-rail, it doesn't take -- I think the light-rail is picked up at Third or Central, Central where it's picked up where it makes the turn.

So the areas of involvement relationship, transportation, economics, families, school districts, shopping, they're all really highly connected here.

And to try -- the reason -- I didn't mean to -- when you said that there's more connection up to New River and Anthem, even getting up there is a challenge.

You know, hopping on the 101, making the loop over to the I-17 going north. That's probably as close a connection as you'll have.

And there's a mountain range up here that you don't even see that splits the New River and Cave Creek side.

So the idea of -- you've got Camelback Mountain sitting right in here.

So that connection is a really hard one, knowing
as much as I know about this community.

In fact, we developed, built right there, I built one of our carwashes right there.

And we were way out of town right there.

In fact, this area, that's my market area.

I understood it clearly where we were developing.

You look at a one mile radius, three-mile radius, and five-mile radius, depending on whatever your market area is.

We developed a very high-end nightclub right here at the intersection of Greenway-Hayden Loop and Scottsdale Road, called Barcelona, which now closed about a year and a half ago. I designed and built that. That had a market area that included Paradise Valley, the greater Scottsdale area. It certainly may have pulled a couple of people from way up here in Anthem and New River, but that's its market area.

So I look at areas where people live, people reside, where they go to school, where they shop, where they go to work, and those -- that connection right there is just a really hard one for me to tie together.

And we have a house right there, by the way.

So you guys keep talking about where you all live, we've got one right there.

VICE-CHAIR HERRERA: Madam Chair.
CHAIRPERSON MATHIS: Mr. Herrera. And I apologize, because it was your turn.

VICE-CHAIR HERRERA: I didn't know that a dance club was a community of interest. So I appreciate that.

You know, I -- I -- we're going to have our disagreements, but I really do think that the -- and I challenge the Commission, want Commissioners to come up with a district that is more competitive than the one that I was able to create, and that is entirely in the city of -- in -- in Phoenix. And, again, pretty extremely competitive.

And as I stated before, it's one of the six criteria and we don't have enough competitive districts, so that's why I ended up creating a district the way it looks.

Again, I stick by it, and hopefully, in the end it will be approved the way it -- the way I have it drawn out with definitely minor corrections at the edges, marking it if it's for arterial streets or other ways to make it look a little cleaner, I'm okay with that, but I'm sticking to -- with the way it looks now.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: The Constitution doesn't say if you need more competitive districts create them.

It says follow the first five constitutional goals and then to the extent practicable and to the extent there
is no significant detriment to the other five goals, then
competitive districts or more competitive districts, as our
Supreme Court has said, should be favored.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I don't live there, but you
know, I don't see any real communities of interest the way I
perceive them being split here.

This is a big city. It's a big metropolitan area.

And I am concerned that we have not succeeded in
creating a competitive district in a way that I think people
hoped and expected us to.

I also think that had we used competition as our
first or primary criteria, that the map would have looked
very different than it does.

A couple people came in with suggestions about
ways that we could draw, I don't know, 10 or 12 competitive
districts.

And we didn't take that route.

We took a route where we really did do a balancing
act of all six criteria.

We paid really careful attention to the Voting
Rights Act.

So I like the idea of what Mr. Herrera has
created. I think it would be fabulous to have a truly
competitive legislative district in the middle of Phoenix.

I don't think where we all shop or where we all develop things or where we all go to the movies or even where our friends are, I don't think that defines a community of interest.

I think someplace like Guadalupe, where you know, they have ethnic traditions, ethnicity and tradition in common, it's a small very cohesive group.

If we were talking about dividing Guadalupe in half for a legislative district, that would be one thing. But we're not talking about doing that.

And my view may be colored by the fact that I live three blocks from, you know, the boundary of a congressional district, and I shop in another congressional district virtually every single day.

I still see all my friends there.

And know the two historic districts in the middle of town are divided by a congressional line. And it makes absolutely no difference in our daily lives.

I don't want to over emphasize the community of interest aspect of this. And I do want to say that I support what Mr. Herrera has done here. I think it would be a good thing for the metropolitan area.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.
Just, I know I've done this to you before, but I swear this time I will let you have it, but I just want Mr. Desmond to pull up the splits report, if he can, on the screen for the working versus Herrera.

Go ahead, Mr. Herrera.

VICE-CHAIR HERRERA: I think -- well, I did get Mr. Desmond's help.

And I think one of the things we were trying to avoid was creating additional splits, so I think he would agree with that comment.

But what I wanted to say is Commissioner McNulty is right. I think we're all -- we haven't admitted it, but, you know, these lines that we're creating isn't going to stop anybody from shopping anywhere.

And so we need to keep that in mind.

We're doing everything possible to balance all six criteria.

But in the end, you'll still be able to see friends that are in another district.

You'll still be able to shop at your favorite shopping mall and eat at your favorite restaurant.

But another comment about competitiveness, I think she hit the nail on the head.

From early on we were getting comments about people saying I was able to create 10 competitive districts.
I was able to create eight.

And I think if we had put competitive first above all, especially above all the state criteria, above all four, not the entire six, but of the four state mandated criteria, that we would have had, I really believe ten competitive districts.

We didn't do that. I know Commissioner McNulty didn't do that, I didn't do that.

We ended up balancing all six criteria.

I feel we were not able to create as many competitive districts as possible, but now we can, now that we're making changes, I think we can create a couple more, especially one in Maricopa County. I think we're able to create that as I saw, as I was able to demonstrate.

So I -- I appreciate Commissioner McNulty's comments because they're right on.

CHAIRPERSON MATHIS: Were there other districts that you proposed to enhance competitiveness.

VICE-CHAIR HERRERA: Madam Chair, 28 was the only one.

What I ended up doing, I felt that Commissioner McNulty was on the right path with 8. So I ended up leaving -- not touching 8.

I thought 9 and 10 were, in my opinion, were already competitive.
So I ended up, again, trying to keep 28, make it competitive but also maintain it within the city, within the city of Phoenix.

I wish I was able to bring more. If given more time maybe I'll be able to. But for now, 28 was the one I was able to make competitive.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Right now 28 includes the city of Phoenix, and the Town of Paradise Valley, which is about, I believe, about 10,000, 11,000 people, that's all.

It is one community of interest. It's really interesting to hear the rationales supporting various communities of interest, and how they more depending on which part of the map you're looking at.

That is -- it is a contiguous compact area that has common interest and a common need to speak with one voice at the legislature.

I'm reminded of some public comment at the Peoria hearing that Commissioner Herrera chaired, and there was a minister, and this is one of the public comments that really struck me, because it really resonated with me. A pastor of one of the churches that is on, I believe, along Lincoln or thereabouts, there's a number of churches along Lincoln between 32nd Street and Tatum, and they, the people who
attend those churches, come from Paradise Valley, Biltmore area, Arcadia area. That's the community they serve.

And I actually, I take my kids to the preschool at one place on Lincoln, and I attend a place down on MacDonald, and I am going to be popping between various legislative and congressional districts it looks like, as that -- as that well established longstanding community is being torn apart.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: One second.

Mr. Desmond, can you pull up the competitiveness.

WILLIE DESMOND: I just want to highlight that this -- this is the thing we're looking at.

This also includes 8 and 11.

So the splits in Maricopa County are probably better reflected by the first draft.

So it's three less splits to census places.

Looking at version two, which is based off of the working map, there's the competitiveness LD 8 -- or 28.

Excuse me.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Just a couple things.

You know, the issue of community of interest is an interesting one.
We've had Commissioner McNulty describe her definition of community of interest, and I agree with her. There's also one individual that has attended a good number of her meetings, has defined community of interest, and I love her definition. That's Jennifer -- Professor Jennifer Steir.

I wish she was here today and commented during the public period and talk about what community of interest means to her.

And again, I -- it just -- it is difficult to be able to create a map using -- balancing those six criteria without -- if every area is a community of interest, I mean, I -- I -- it's -- it would be virtually impossible.

And so that's why I'm doing it, trying to balance it out, trying to create the best district as possible, and being fair, and trying to create fairly competitive districts.

As you can see by 28, by the old standards and then the new ones, that's a pretty competitive district. Again, it's not -- it isn't something Democratic, it leans Republican, and it's not hyper-packing anybody.

Republicans tend to accuse us of hyper-packing. And then when we try to do the opposite, they bring up the argument we're trying to create districts that favor Democrats.
This one, what it does, it is as close to 50/50 as I could possibly get it.

And I would -- as I said before, I would encourage my fellow Commissioners to be able to create as competitive a district as possible, and keeping whatever areas of community of interest you think should be 28.

COMMISSIONER McNULTY: Mr. Desmond, we have more than one concept on this map; is that right?

So, I guess what I mean by that, is that the issue of the competitiveness of Legislative District 28 is addressed by changing 28 and 15 mostly? Is that right?

WILLIE DESMOND: It comes from 15 and also District 20. So, Districts 20 and 15.

COMMISSIONER McNULTY: Is 20 involved in any of the west valley changes that we need to look at later?

WILLIE DESMOND: Twenty, yeah they're all kind of in there. 20 had a portion of Glendale that goes to 22. So that is involved there.

Just to bring up the map quickly and turn off the roads.

So District 20 used to be a little bit more of a north-south and a portion of Glendale.

It's now, I guess, all in Phoenix, so it takes from 15.

Twenty-eight takes a little bit from 15.
Fifteen absorbs a lot from 28.

Twenty-eight takes a little, so these three kind of cycle together.

But also 22 takes from 20, and as a result, 20 takes from 22 a little bit.

Twenty-two takes from 21.

Twenty-one takes from 22.

They all do -- yeah, it's a good example of how one change really is a domino that they go through.

COMMISSIONER McNULTY: So which of the changes is it, the part of 20 has come into 28; is that right?

WILLIE DESMOND: Yes, so 28 grew over here.

That use to be in District 20.

Twenty-eight also grew up here, and that used to be in District 15.

Twenty-eight shrank here, and that all went back to 15.

Fifteen also grew up in here, taking all of New River and used to only have a portion of New River.

It already had Anthem, Cave Creek and Carefree.

And again, District 22 used to just have the northern portion of Glendale.

And used to have more of Peoria.

Now has less of Peoria.

This went to District 21, but now has all of
Glendale.

Twenty-one also grew here a little bit, into Surprise.

And just one more time.

Fifteen was, you know, northeastern Phoenix, Carefree, Cave Creek, Anthem and then the southern portion of New River.

It's now a little bit less of northeast Phoenix, but all of New River, and then a little portion of northern Phoenix here, going up to the unincorporated area of the very top of Maricopa County.

COMMISSIONER McNULTY: It helps me to try to think in terms of our goals.

Maybe we could recap those so that -- just to help refresh my memory of what they were in this whole area.

I think from my perspective, one goal was to enhance the competitiveness of 28.

Another goal was to reduce the split, if possible, in Glendale.

Another goal was to look at the area in and around El Mirage and 21, the emerging Hispanic areas that I had hoped could become part of the second congressional competitive district to enhance the merging competitiveness of a legislative district.

And then another goal was to take the arm that
reached into 13 and kind of even that out in western
Maricopa County, and perhaps to put La Paz County with Yuma
County.

WILLIE DESMOND: That's in your changes. These

are still Commissioner Herrera's sub-changes here up.

COMMISSIONER McNULTY: Right. I'm talking about

all the goals we gave in our various changes.

WILLIE DESMOND: Correct.

CHAIRPERSON MATHIS: Because it seems to me we
don't have to be in position to make decision change by
change and not have the ability to look at all those goals
if they all impact one another.

WILLIE DESMOND: Correct.

COMMISSIONER McNULTY: So are there other big
goods that we had in this area that we're trying to achieve?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I think you -- you at least

named all the goals I had.

But Mr. Desmond, can you do me a favor. There's

three congressional districts, I think there's ten -- I

think ten benchmark districts.

Out of -- just keeping the benchmark districts

aside, how many competitive districts would you say we have,

using Index 2?
WILLIE DESMOND: Five and under. Five percentage points, 47 to 52 and half or 55 to 45?

VICE-CHAIR HERRERA: Fifty-five to 45 -- no. So there's 47.

So not the 10 percent.

I think that wouldn't be considered competitive.

As close to a five percent performance deviation.

WILLIE DESMOND: Using that particular measure.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Herrera, has there been a definition of competitiveness that I'm not aware of?

VICE-CHAIR HERRERA: I think we all came up with our own.

COMMISSIONER STERTZ: Okay.

VICE-CHAIR HERRERA: That happens to be my definition of competition, something within five percent.

I think anything over that it starts getting away from being competitive. But, again, that's just my definition and I think we've encouraged each Commissioner -- and I think each Commissioner probably has their own.

COMMISSIONER STERTZ: So that is your opinion right now?

VICE-CHAIR HERRERA: My -- that is my opinion, definitely.

COMMISSIONER STERTZ: Okay.
VICE-CHAIR HERRERA: Go ahead.

WILLIE DESMOND: District 18 could be competitive using that definition. And I believe that's it.

If you extended up to a 6-percent total, then Districts 9 and 10 would also be competitive.

VICE-CHAIR HERRERA: So that is up to 6 percent?

WILLIE DESMOND: Yes.

VICE-CHAIR HERRERA: And that would be 18, 9 and ten.

WILLIE DESMOND: 189 and ten.

VICE-CHAIR HERRERA: Let's go to 10 percent.

WILLIE DESMOND: 10 percent, you bring in District 6. You bring in District 4. So that's not necessarily a good thing, because that's one of our voting rights districts.

That would be using Index 2.

VICE-CHAIR HERRERA: So Index 2, 10 percent would be adding 6 and 4. So we have three under 6 percent, 18, 9 and 10?

WILLIE DESMOND: Correct.

VICE-CHAIR HERRERA: And to me, competitiveness, yeah, definitely 6 percent would be around the ballpark.

Ten to me is not competitive.

So really, using Index 2, we only have, accordingly, three competitive districts. And let see,
would -- how many in Maricopa County using a five-percent index.

WILLIE DESMOND: In Maricopa County, 18.

VICE-CHAIR HERRERA: Eighteen, so that's just one. And 9 and 10 are in Pima County.

WILLIE DESMOND: Yes.

VICE-CHAIR HERRERA: So using Index 2, 6 percent and under we only have one competitive district in Maricopa County.

To me that is unacceptable. It really is.

I think for those of us -- I think all of us who were listening or attended public hearings the first round and second round.

And we heard the word competition spoken at every -- I don't care what area we were in, competition was brought up.

I think Mr. Desmond was able to show us in a word cloud version what some of the main phrases were and competition was in most of the areas. It was pretty visible and to me, this is creating three competitive districts, it's not -- it's definitely not putting it first, as some of our Commissioners have accused us of.

So I think we can do better. We can definitely do better than this, so...

Thank you for helping me out Mr. Desmond.
VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: The Constitution says nothing about the number of competitive districts in Maricopa County or anywhere else in the state.

When you take out the voting rights districts in Maricopa County, there is a huge registration differential between registered Republicans and registered Democrats.

In order to get districts that Commissioner Herrera thinks fit the definition of competitive, and who knows how the Commission is applying that definition, the meaning of that term, you have to come up with contrived districts that split communities and are not compact, and bear no relation to how Maricopa County fits together.

For example, just another example on that District 28, is, you know, one unique thing about the Arcadia area, it's part of the Scottsdale School District by and large.

And Arcadia High School is in the Scottsdale School District and has various feeder schools, those include schools in Paradise Valley.

In fact, when my family, a long, long time ago, moved up 44th Street up into Paradise Valley area, I would have gone to Cherokee grammar school, which I believe is in the Scottsdale School District.
Instead, I ended up finishing up at Devon Ingleside where I started out right there on Osborn right down the street from me.

It's because it's all tied together.

It's one community.

And that's being -- it's being destroyed with this map.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: The Constitution doesn't limit the number of competitive districts we can create.

It doesn't say you can create this many or you're limited to this. It gives us the discretion, it does, and that's how I interpret it.

And I also in listing to the people of Arizona that wanted to take away the power, our redistricting away from the constituents, from the legislators that were able -- what they were doing is basically securing their own seats, selecting the voters.

And we're not doing that. What we're doing is selecting the best area, you know, obviously changing the entire map, starting from scratch, but also looking at those six criteria, trying to balance, and competition is one of them. It's not the last one. I mean, it is the last one literally, but it's not the last one we should take into
consideration.

It's not the first, as I said before. And if I took competition as first criteria, we would have had more than three in the entire state of Arizona.

Again, this is unacceptable. We're not limited to how many we can create.

Again, I challenged Commissioner Freeman to be able to create a competitive district out of 28 and he has not done so.

I still encourage him, if competition is something he cares about, which I think he does, then he should redraw the map, 28, in particular, and try to see if he can create a competitive district. That's all I'm asking.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: The Constitution doesn't require me to create a competitive district in the area proposed LD 28.

That doesn't appear in the Constitution.

The Constitution does constrain, puts a constraint on the competitive districts.

The Arizona Supreme Court has a rule that the six criteria, the competitive criteria is the only conditional criteria, meaning we need to fit together the other criteria and then as long as there's no significant detriment, which
is a limitation, as is to the extent practicable, that is a limitation.

We should favor the creation of competitive or as the Arizona Supreme Court has said, more competitive districts.

And I emphasize that more competitive districts because I think it is going toward my opinion, treating the competitiveness factor fairly and evenly across all districts, so as you do not engage in this political gerrymandering where you stuff Republicans in certain districts, so you give a party that is at a big registration disadvantage in the county, an artificial leg up on the other parts of the Valley, that treats voters differently across the state.

We've heard rationales in favor of competitive districts or more competitive districts along the lines of voters of the minority party are harmed by being in a district where they're at a distinct disadvantage, as are voters in the majority party.

So when you're picking areas artificially, in disadvantaging voters in one part of the state, not giving them the benefit of a more competitive district, because you're stuffing members of one party, the Republican party, into certain contrived districts, and then giving all the blessings of a competitive district to the people living in
another part of the state.

That is, that's not fair. That's being -- that's being arbitrary, and I don't think that's following the Constitution.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: I just don't think that's right.

I think there are areas of the state where there are very dense populations of folks registered as Democrats and then there are other areas where there are very dense populations of folks registered as Republicans.

And Paradise Valley might be one example.

San Tan Valley might be another.

Saddlebrooke might be another.

East Mesa might be another.

And once you get out of those areas, the state is pretty balanced.

We're certainly not a huge voter registration advantage or disadvantage.

I think, you know, we've talked a lot about the fact that it's essentially, not exactly, but essentially a third, a third, and a third.

And the third that's growing the most are independents who clearly favor competitive districts.
So, I don't think it's quite like that.

I don't think anyone is gerrymandering anything to disadvantage one party or another.

I think it's our job to recognize that the state is fairly divided along Democrats and Republicans and Independents, even with the voting rights districts.

Once you take out the countervailing Republican areas of dense Republicans, you know, the state is pretty balanced.

That's what we're supposed to do, is achieve some balance, to develop a map overall, not district by district, but overall reflects the makeup of the state.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I disagree.

I think you can always come up with a contrived district to give any voter anywhere in the state the advantage of a competitive district.

But the district must be contrived.

And that's what's going on in the Phoenix Metro area.

I ask this question only because I do not have the information in front of me, otherwise I would not be wasting everyone's time with editorial today.

But I'm wondering if we could get the figures on
when you subtract out the Voting Rights Act, what the numbers are in Democrat and Republican in the rest of Maricopa County.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Last week I asked -- one of the things I asked of Mr. Desmond was to do -- was to include populations in our tables. Mr. Desmond, were you able to include that for us?

WILLIE DESMOND: I don't have it automated.

That's something that we can look up.

I did talk to Ken about that again this morning, and that's something he's working on programming right now for the change reports, is to add the total registration in changes. I could probably figure out the number of registered Democrats, Republicans, and Independent Others for the voting rights district and for the rest of Maricopa County.

But that's something that I would have to do by hand and it would take a couple minutes.

So I can do that now, if you like, or during a break another time.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I'm not trying to speak for
Commissioner Freeman, but I think what he's trying to say is just by general registration alone, there is approximately 150,000 more registered Republicans in the state of Arizona than there are registered Democrats.

And when the voters rights districts, both in the congressional and legislative, are put into place, somewhere between 75 and 80 percent of voting age Hispanics are registered Democrat.

Which takes out a large Democrat population already out of the depleted population. It's not a third, a third, a third. It's 30 percent approximately Democrats. 36 percent Republicans. And the remaining are Other and Independents.

And the Other and Independents, that's really what we've been talking about, is how -- that's what the voter trends actually focus on, are the 20 percent on the -- of the Independents vote Republican, 20 percent will vote typically Democrat.

And it's the 60 percent in between that's being bantied about by being the flex group of voters.

Really, when you -- when you take away that many Democrats into the voters rights district, there's just less Democrats to spread around.

So I know that Commissioner's Herrera and McNulty have been working diligently to move other folks around so
that we can give the intent of, or the goal of, of trying to get a competitive district however they can find one.

That's terrific. I get that.

It's where we can do that without having to break the other criteria. And that's all I've been saying since we started this, that if we can achieve all the other criteria and get competitive districts, terrific. I think that's our goal. That's how the Constitution was laid out.

And when I look at what can Commissioner Herrera has done to try to connect Paradise Valley up to Anthem, that looks like it was contrived for the sake of creating a competitive district.

And you said that it was created -- it was attempted to -- we wanted to get competitive districts, but you had to back into it by creating the analysis about how that community, those communities actually relate to each other as a community of interest.

And that, as far as the smell test goes, is really more of a challenge.

I think Commissioner Herrera is right. He sort of threw out an idea and said let's try to get one more competitive district out of it.

He's made an attempt at it.

I don't agree with his solution, but I've got to believe that there's a solution out there that we should try
to achieve.

   But to do so, means that we've got to grab Republicans and put them into one district, because we just don't have enough Democrats left to go around.

   And that's what makes this process so difficult.

CHAIRPERSON MATHIS: I would agree. It's -- I think that we can adjust the way -- I wouldn't say that it's contrived.

   I would say you can adjust for any of the Constitutional criteria and that's what we've been trying to do.

   And when you adjust for competitiveness, the only way to do that is to move Democrats and Republicans.

   There's no other way to adjust for that.

   So, I guess I would -- I wouldn't say that it's contrived, I would say you're adjusting for competitiveness.

   And that same verb goes with adjusting for any of the other constitutional criteria. And that's my perspective.

   If others have thoughts.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I would agree with you that-- I used the word contrived, because contrived means that we're -- contrived means that we are, in my head, was
that we are trying to -- you tried to back into the
competitiveness by creating a reason for the other
compliance issues, whether or not it's a geographic
continuity, or compactness, or community of interest, or
visible geographic features, or city, town boundaries, so on
and so forth.

And since we did not and have not created
definitions for anything, for any of the other
constitutional criteria, including competitiveness, we are
just going with whatever our individual opinions are, and it
is going to be a vote on whatever the districts looks like.

And there's going to be some agreement, as there
has been a little bit today.

And there's going to be some disagreement, as
there has been today.

So I think for us to be able to move the ball down
the field, is to -- we are going to have to come to close on
this sooner rather than later, and I am hoping that's
sooner.

I happen to be okay with the majority of
Commissioner McNulty's changes that she was recommending to
be made.

The ones that Commissioner Herrera has included,
although some of them have got some merit, when we talked
about this last week, there are some, for example, the ones
he just described, which is how he used -- I'll try to use the word -- but not use the word contrived, but were created to be a competitive district, which, in my opinion, breaches the other constitutional criteria so severely that it would fall under the clause of significant detriment.

And since we have not given ourselves any definitions as a Commission, we can only outline our own personal opinions on this.

And then take a vote.

So I think that that is where we need to start moving next, is start to bring closure to some of these.

And I am going to suggest that maybe we take a few minutes, and a break, and maybe come back and start moving down that path.

VICE-CHAIR HERRERA: Madam Chair, I agree with n Commissioner Stertz. If no one has any additional changes, I think we need to start doing that. Start deciding outside the majority-minority districts what the changes that each of -- there's been at least three or four Commissioners who have proposed changes to the legislative map, changes to respective districts.

We should vote on them.

And, I think that's not a bad idea, if, and only if there's been no other changes you're going to propose tomorrow. That if -- if everyone has everything on the
table, let's do it.

CHAIRPERSON MATHIS: Okay.

I would -- I think the idea of a break is a good one. So why don't we take a 15-minute break. It's 3:35 p.m.

Thank you.

(Recess taken.)

CHAIRPERSON MATHIS: Okay. We'll enter back into public session. The time is 4:03 p.m.

Did Commissioners have any thoughts over the break about anything?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: No, but Mr. Desmond did provide me with the State's registration stats for Maricopa County when you subtract out the voting rights districts.

It's just about a 15-point registration difference, and when you normalize that head to head, I think he said it was 60 to 40 Republican.

And if that's incorrect, Mr. Desmond, please correct me.

WILLIE DESMOND: 605,461 registered Republicans.

361,021 Democrats.

And 481,734 Independents and Others.

So if you -- if you look at it as a two-way
percentage, it's about 63 percent Republican, and then about
37 percent Democrat in the registration in the non-voting
rights districts of Maricopa County.

COMMISSIONER McNULTY: That's legislative?
WILLIE DESMOND: Yes.

COMMISSIONER McNULTY: By the same token, if
Republicans were a protected class, and we had minority
Republican rights districts, and we took the areas of
Republican concentration and set those aside, we may still
have balance, you know, in the rest of the state.

And we don't really know that, because we have
this convenient metric for determining the concentrations of
Democrats, because they're in the voting rights districts.
But we don't have the same metric for concentrations of
Republicans.

Madam Chair, would it make sense to look at the
west valley and some of those other changes, and maybe get
those out of the way, so that we could then focus on the
center city in Phoenix?

CHAIRPERSON MATHIS: I would be fine with that.

Did anyone else have any other thoughts on 28
before we go away from that?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Not on 28, which I think is
important. But on the issue of keeping Scottsdale School District as whole as possible, I know we had public comment about an issue between Districts 23 and 24, and getting the Coronado High School into -- out of 24, basically, into 23, if that's possible, without impacting the performance of the voting rights districts.

I think we're going to probably hear some more public comment about that today, as on the -- I was talking on the break with someone about that.

I don't know if that's also something that we can look at to see if that's possible.

CHAIRPERSON MATHIS: Sure we can do public comment, too. Would that be helpful to folks now, to do some?

WILLIE DESMOND: Is that something you want to do and then have me run the change report on?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Desmond, what would the change report be?

WILLIE DESMOND: I'm not exactly sure.

COMMISSIONER STERTZ: I'm sorry?

WILLIE DESMOND: What would it mean?

COMMISSIONER STERTZ: No, what would it be including?
WILLIE DESMOND: I'm talking about the difference between 23 and 24 and the Scottsdale School District. I'm not exactly sure what Commissioner Freeman is referring to.

VICE-CHAIR FREEMAN: Madam Chair, in one of the last iterations I think of District 24, we were trying to improve its performance. I believe we were shedding population, and we shed -- we moved the line down in one census block to improve the performance of 24.

If we would have picked a block just to the left, or the west of it, between Scottsdale Road and Hayden, versus Hayden and Pima, I think, we would have captured at least one other school, including Coronado High School, and kept it together with the rest of the balance of Scottsdale School District in 23.

WILLIE DESMOND: Do you know if that is the unified school district or the . . .

VICE-CHAIR FREEMAN: I believe so, but I'm not sure.

WILLIE DESMOND: This heavy pink line is the unified school district.

I don't see -- this one? No.

VICE-CHAIR FREEMAN: My suggestion would be to leave that up and see if there's public comment on this issue.
WILLIE DESMOND: Okay.

CHAIRPERSON MATHIS: Okay. Comments from anyone else?

(No oral response.)

Okay. Do you want to do some public comment now then?

I think I have five request to speak forms.

So we'll go ahead and start.

Lynne Breyer, representing self, from Maricopa.

VOICE: She had to leave.

CHAIRPERSON MATHIS: Bill Engler, representing self, from Anthem. He left?

Joshua Offenhartz, representing self, from Scottsdale.

JOSHUA OFFENHARTZ: First name Josh --

COURT REPORTER: Josh, will you please speak up.

JOSHUA OFFENHARTZ: Last name Offenhartz, O-F-F-E-N-H-A-R-T-Z.

And I'd like to actually speak to this map today. Again, it goes back to the attempt to improve the voting rights district in 26 and 24 that we talked about earlier today.

It seems that you would need to get non minority voters out of the district, and I think previous meetings, as I testified before, LD 23 can afford to pick up some
population.

So what we're recommending is if you zoom in a little farther on that kind of hook in south Scottsdale, we can show you what we're talking about.

Right now if you're looking at the lines, there's a high school that's in between -- It's actually between Oak and Miller.

I'm not sure if you can get that close.

I have a bar map over here.

COMMISSIONER McNULTY: Let's give the laser pointer to our speaker.

WILLIE DESMOND: This is Miller right here.

JOSHUA OFFENHARTZ: Coronado High School is okay, just south of Thomas. So this is Thomas and Miller, so it's going to be here.

This is actually -- there's a playschool right in here.

And that's Coronado High School. And so what we have found just doing preliminary data is that as opposed to using this chunk, if you shift this and kind of take a Scottsdale Road to Hayden Road chunk, you not only get the high school, you meet the same population requirements. It's just all about keeping that school district as whole as possible.

We offer this up just as if we're to move
population to ripple clean up lines, you know, this is just a way to keep as many schools, and thus the influence of Scottsdale Unified District with those Scottsdale legislators.

As you can see, if you followed LD 23 closely, when it comes to municipal boundaries, which we appreciate, this is one way to make it an even better district while at the same time ripple effects help the other goals that have been stated by the Commissioners, which is to make 24 more competitive and 26 and 24 gives you some room to make those stronger majority-minority rights districts.

And really it's just our opinion that if we don't have a reason for where that -- those 5,000 people should come from, or it's just we're looking for those non minority voters, why not bring the high school in there and keep that school district whole as well.

If there is extra population there's also a middle school in that area. It's just right along those, so it's this kind of block in between Scottsdale Road and Hayden Road, is really what we're asking for.

And it's just in an effort to keep, you know, that school district as whole as possible within the community.

Like I said, it does help with some of the -- the other goals that you've been looking at in some of the other nearby districts.
Yep.

And with that, I'd just like to give a few comments on LD 28.

I personally favor something along the lines of Commissioner Freeman and the draft map.

I say that having lived and worked in the area, just some things that I noticed about the proposed shift.

I think it's a great idea, you know, to be competitive, but things that I noticed were the proposed shift makes LD 15 have six municipalities within the district.

You know, to me, for a legislative district, I find that that may be hard for the legislator to represent all of those views, especially when you consider that Paradise Valley is more of a tourist destination. Let's bring in beds and fill our resorts, whereas Anthem and New River are developing.

Also, I think that your shift -- while I like what you do, you lose part of the Madison School District, which does creep into that Paradise Valley area. So if you could make some changes to kind of, again, to keep those school districts whole, that would be great.

Other than that, you guys are in the home stretch. I think you're doing great work. Keep it up. But really, we would like it if you could adjust that area, as
opposed to this area, to keep those schools whole.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Michael Rubinoff, representing self, from Scottsdale.


Thank you.

Good afternoon, members of the Commission.

And as a Scottsdale resident, I'm glad I can share with you just a few thoughts, because I've been following the redistricting process.

And I know all of your work, which I know is a tough lob that you've had, and I commend you for your public service. I remember seeing Mr. Stertz at the south Scottsdale hearing, which I think was one of the largest attended hearings. In fact, we were the first round of public comments.

I would like to add on to what Mr. Offenhartz has talked about, with the change in District 23, 24, as to which block you're adding to 24, to 23 as based on a south Scottsdale resident, and advocate the change that has been put forward last week, that would truly bring some consolidation of what the Scottsdale Unified School District has wanted.
There are three schools that you can actually bring into that Scottsdale oriented District 23.

And that would be both the early child care campus, which is on First Street.

The Sierra Academy, which is right next to it, which is a high school for special needs students.

And then Coronado High School, which is the oldest high school in the City of Scottsdale.

CHAIRPERSON MATHIS: Could you repeat the first school. I couldn't hear.

MICHALE RUBINOFF: The early child care campus which basically helps younger kids.

CHAIRPERSON MATHIS: On which street?

MICHAEL RUBINOFF: That's on Oak Street.

All three schools are basically running together on one side of Oak Street. And directly across the street from them on Miller Road is El Dorado Park, which serves the community, and Coronado High School, which use the facilities in the El Dorado Park for their swimming team for to 40 years, and the Scottsdale Boys Club complex, which is there also. What we have is that these three schools all joined together with this area on both sides of Miller Road.

And, thus, that's the reason we're calling for this switch. Is that, A, you strengthen Scottsdale's real window of legislative responsibility, which has not been in
there the past decade because the jurisdiction has been
under Tempe and old District 17.

And this would actually help the Scottsdale School
District keep this focused.

And you also unite between Scottsdale Road and
Hayden, ancillary parts of the Scottsdale Healthcare campus,
which is on Osborn Road.

This has been divided for the past ten years.

You also have the Banner Health Hospital for
Psychiatric Care, which is on the south side of Osborn.

So if you go with this suggested plot here, you're
going to strengthen both the medical care campus, your
senior assisted care facilities and apartments, and then as
you cross over Thomas Road south, you pick up the schools,
and you also pick up this community of interest.

And last but not least, you basically make
incumbent upon the Scottsdale legislators, for the first
time in ten years, to have legislative responsibilities for
looking at redevelopment of the McDowell Road corridor.

This has been something which is a priority for
the City of Scottsdale. It's been an area, if any of you
have been there in the past decade, has gone into a state of
decline, as the automobile dealerships have packed up and
left.

The ASU SkySong development at Scottsdale and
McDowell leads us to believe there's going to be some positive things, but even the smallest between -- Mr. Herrera is suggesting, if you can even add some population, because the schools might be taking up what might be residential just east of Hayden Road, you give Scottsdale a chance. Because south Scottsdale is the most under-served part of the city.

And so I would simply urge you to look at making this shift.

It's not going to change things much in terms of your goals between District 24 being Voting Rights Act district and District 23, which certainly is not.

But I think you strengthen Scottsdale's oversight, of what has been an under-served high school and community for the past ten years.

It's not a major change, but one that I know the school district, based on my conversations with their leadership, they support.

I know the City of Scottsdale cares very much about getting some oversight into their legislative team in towards McDowell. And so I certainly appreciate your consideration, and hope that you can make this possible adjustment when you are doing your changes.

Thank you very much for your time.

CHAIRPERSON MATHIS: Thank you.
Our next speaker is Shirley Dye from Gila County, representing northern Arizona.

SHIRLEY DYE: Good afternoon, Commissioners.

I really don't have a whole lot to say right now, because I have been following the draft maps on my computer at home, but I can't print anything out and I haven't been able to do that because I was sick for four weeks, and saved a lot of gas money. But over the last number of months where I've driven up and down the mountain, I could have purchased a really nice tablet so I could sit here and know what you're talking about.

My latest map that I have is your draft map.

And in looking at this area here, and trying to compare it to the draft map, it is so absolutely completely different in what you've done this last two weeks, that I can't tell what is going on.

And I wish that I could printout stuff.

On last Thursday there was a map by Mr. Freeman of the legislative draft map that showed a strip attaching the Navajo Nation down the east side of the New Mexico border, and then picking up the Apache San Carlos and White Mountain Apaches that allowed Eagar and Springerville and Pinetop and Lakeside to be joined with Show Low and Snowflake and Payson, and over into Flagstaff, that really kept our community of interest, and kept our people that we have been
working so hard together for forest issues and things like that.

And then on Friday, I saw a map that was posted for the end of the day on Friday, studied it really really well.

Studied it again on Saturday, checked out the other maps.

And now I'm hearing from various people that what I think I remember seeing on those maps is not what is now on the maps.

So I don't know whether you changed things again over the weekend, or what. But until I get a chance to see those maps and where you are now, I really cannot comment.

So I have really found it interesting discussion that you've just had on the number of Republicans, Independents and Democrats, and how you are socially engineering some districts just to make them competitive. When ordinarily, in the natural scheme of things, if you were actually looking at communities of interest, county boundaries, city boundaries, and all those that I feel are higher along the priority list than the last one, which is competitive, you know, that you're engineering those districts to somewhat of an advantage that ordinarily wouldn't be there.

So I'll be back tomorrow, and hopefully by then
I'll in some way be able to -- hopefully, tonight you're going to post where you left off, so I can examine that, because at this particular point I don't know where you are.

And so thank you.

CHAIRPERSON MATHIS: Do you have a comment?

VICE-CHAIR HERRERA: Yeah, Madam Chair, I want to make sure that all the maps that we proposed are online. To my knowledge, they all are.

WILLIE DESMOND: I believe everything's online except for the changes that were presented today to 8 and 11, and add the new LD 26, so we said for kind of like parallel analysis.

Just to clear up any confusion, the map that everything has been going off of is the working map, which I believe is the top section on the website.

So the working map is what changes are considered to and then all the individual changes are listed separately.

VICE-CHAIR HERRERA: Mr. Desmond, do you mind quickly showing where the working draft map is, and will you be able to post our proposed changes to 8 and 11 and 26 either today or tomorrow?

WILLIE DESMOND: I hope so.

If not, we'll see.

Legislative and congressional working map is the
top box here.

   Outlined in red.

   If you -- there's -- that section on the left is a congressional working map.

   Section on the right is legislative.

   You have the shape file, which is, if you want to load that into mapping software, you have the D E F, which also allows you to load it.

   If you have JPEG, which gives you a quick picture of it.

   And then all the other data tables and stuff.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Lauren Bernally, Policy Analyst for Navajo Nation.

LAUREN BERNALLY: Good afternoon, Commissioners.

My name is Lauren, L-A-U-R-E-N, Bernally, B-E-R-N-A-L-L-Y.

Commissioners, first again, congratulations making it through another week. I look forward to working with you until we complete this whole redistricting process.

I'm here on behalf of the Navajo Nation. I wanted to re-emphasize our perspective with respect to the working map that was completed on December 9, 2011, that shows the Navajo Nation adjustments.

The Navajo Nation, as well as the other indigenous
nations with respect to this, continue to support this map
and request Commissioners to put this in the forefront of
District LD 7.

      CHAIRPERSON MATHIS: Thank you.
      VICE-CHAIR HERRERA: Madam Chair.
      CHAIRPERSON MATHIS: Mr. Herrera.
      VICE-CHAIR HERRERA: Would it be okay if Mr.
Desmond shows the map that Ms. Bernally is referring to, the
portion of that area that she wants us to stick to.

      WILLIE DESMOND: Which?
      VICE-CHAIR HERRERA: Legislative District 7.
      CHAIRPERSON MATHIS: I think it's dated December
9th, right.

      WILLIE DESMOND: Yes, I believe that district is
the district in the --

      VICE-CHAIR HERRERA: Working map.
      WILLIE DESMOND: So District 7.
      VICE-CHAIR HERRERA: Thank you.
      CHAIRPERSON MATHIS: Okay. Was there anyone else
from the public that wanted to address the Commission?

      Thank you for your input everyone.

      Based upon that, did Commissioners have any
thoughts about any proposed adjustments they'd like to see
explored?

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

VICE-CHAIR FREEMAN: Could we look at whether that tweaking of 24 and 23 is feasible?

CHAIRPERSON MATHIS: It's south Scottsdale?

VICE-CHAIR FREEMAN: Yeah.

CHAIRPERSON MATHIS: Uh-hmm. Does the school district later come up, Mr. Desmond, too?

WILLIE DESMOND: I'll add it.

I'm going to quickly create a new plan so we can analyze it without affecting all of the other current change maps.

(Brief pause.)

WILLIE DESMOND: Okay. So we have unified school district, we also have the elementary school districts, and the secondary school districts.

I don't know that there's necessarily, in this area, any school districts, but, we can put in those particular schools.

The one thing to be aware of is just that this District 24 is a voting rights district.

So if I remember correctly, here on Miller Road and Oak is the high school.

Commissioner Freeman, do you want to use the laser pointer to highlight the area you would like to see added to District 23?
VICE-CHAIR FREEMAN: Okay. I can't, unfortunately, with my eyes I cannot see the road. I think it's roughly swapping this block, the population, for a block over here. And I think you end up grabbing the high school and the elementary school, but not being able to see, I can't know for sure.

I think we probably want to have our layer up, HVAP layer up, to know whether it's an even-Steven swap. Because this is affecting 24.

CHAIRPERSON MATHIS: Sure, Mr. Rubinoff.

MICHAEL RUBINOFF: There's some questions about exactly where the schools are. Can I take the liberty of helping you with the map.

CHAIRPERSON MATHIS: Certainly.

MICHAEL RUBINOFF: Can we make that larger? Now, that top line that says for 23, that is Thomas Road, where I'm looking right there.

WILLIE DESMOND: This right here is Osborn.

MICHAEL RUBINOFF: This is Hayden?

WILLIE DESMOND: Yes.

MICHAEL RUBINOFF: An this is Scottsdale?

WILLIE DESMOND: No, that is Miller.

MICHAEL RUBINOFF: What we're talking about essentially is where this line is here and this you bring that community together.
The high school is about here.

WILLIE DESMOND: I believe -- I believe the high school is here. This is Oak.

MICHAEL RUBINOFF: Where's Oak?

WILLIE DESMOND: Right here.

MICHAEL RUBINOFF: So you basically can take this. This is most -- this is mostly park area here. I might add, see, there's not going to be much residential other than this little layer here.

You have the Boys Club and so forth over here, and you also have -- the schools are using the athletic fields, so if can take all of this, you're going to get the high school which is right there in the vortex.

And so you bring that in, and you swap the area here, which is heavily residential, where this is not, and this is Scottsdale Road over here.

WILLIE DESMOND: This is Scottsdale. Scottsdale is right here.

MICHAEL RUBINOFF: So you actually bring at least these four quadrants in. That would do it.

The Scottsdale Unified District means both high schools, middle schools, they're all together, and you actually have one of three varieties all there at this vortex. And you bring in three, as you say, you bring in three schools. That brings in all but three schools.
There's a couple other schools in south Scottsdale which are, unfortunately, not able to be brought in on this.

MR. MURATORE: Madam Chair.

CHAIRPERSON MATHIS: Mr. Muratore.

MR. MURATORE: That is Thomas Road?

MR. RUBINOFF: This is Thomas Road, yes.

This is where the health care, the Scottsdale Health Care Shea is at Osborn, and Banner Health is right on --

VICE-CHAIR HERRERA: Madam Chair --

MR. RUBINOFF -- and you have all these assisted care apartments and complexes, rehabilitation centers, residences and so forth, that serve all that community. So you're able to unite it, which, of course, is one of the biggest hospital complexes and health facilities in the metropolitan area. And right here at Thomas you then go and get the schools over here.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Are we -- I think the changes were to swap some population between 23 and 24, or did I misunderstand?

CHAIRPERSON MATHIS: I believe it's this district, this block, we'll call it, to the east that would be swapped.

But I'll have to ask Mr. Freeman.
VICE-CHAIR HERRERA: I mean, I think I'm correct, 24 is one of the majority-minority districts, and I think to reiterate, let's wait until the analysis gets back before we make any additional changes to 24.

I still think we can. The analysis will come back and tell us what changes we need to make. That's still my recommendation.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Well, we just made a change to LD 2 today, so, that's a majority-minority district.

So I think this is another change worth considering.

Yes, the swap would be just to equalize the population, get the school district as whole as possible, get the schools in with the rest of Scottsdale.

And then take out whatever population is necessary to restore the balance.

And again, I think we would have to be mindful of the Voting Rights Act implication of 24 to make doubly sure that we're trading apples for apples.

If, you know, to make sure it's feasible to even entertain this change.

WILLIE DESMOND: It looks like this area in red, which is currently in District 23, has roughly the same
population as the area we just looked at.

This area is 5,346 people.

While this area is 5,070.

The reason we initially took this area to the right was because, I'll make this a little bigger, a little more obvious, because we were trying to remove areas that have relatively low Hispanic percentage.

The lighter colored areas have lower Hispanic percentage, as well as poor performing on some of our key race indicators.

So that the decimal points you see there in the little white boxes are the performance in the mine inspector race for both Hispanic and of choice.

So these areas were worse, that's why we did it.

That's not to say this will have a giant effect.

If you just wanted to look at this swap. we could run a change report and see what it does. But just so I understand correctly, we are talking about a swap, right?

This area would go back into 24?

Vice-Chair Freeman: Well, I guess whatever makes the most sense to preserve performance of 24. See what that looks like.

Willy Desmond: Okay.

And, I will -- ideally we can probably take both of those areas out. District 24 is already under-populated
by 8300 people, so we can't afford to shed much more population without growing it somewhere else.

I'm sorry, this is a little extreme.

It doesn't seem to be a great area to grow.

Let me just go ahead and do this.

Now the border looks something like this.

Is that correct? If so, I will run a change report.

And as you know by now, this will take a few minutes.

We can look at other things in the meantime, or just hang out.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Just so I understand what we're considering here, the boundaries of the school district, we're not moving something to conform to the boundaries of the school district, we're moving something to include three specific schools?

WILLIE DESMOND: I believe so, yes. The boundaries of the school district, I'll be able to show you in one second, don't run through our new area or our old area necessarily.

COMMISSIONER McNULTY: Right. You showed those to us earlier.
So I'm not suggesting I have strong objection to this, but I'm just not understanding the purpose of it. Wouldn't these schools be administered at a school district level, if we aren't changing any boundaries to conform to the school district? What is the purpose of this? I'm just not sure I understand.

VICE-CHAIR FREEMAN: I think the rationale we just heard today and last week, is that Scottsdale School District viewed itself as a community that's being sliced up unnecessarily, and that diminishes its votes in the legislature, to the extent that it can be kept more whole or divided up less and that more of those schools kept together in one district versus being divided, we just heard that that preference was to keep them.

That's all.

COMMISSIONER McNULTY: Okay. Thanks.

CHAIRPERSON MATHIS: I'm assuming we're not losing schools in the block, we're swapping out. I didn't ask that question earlier, but... WILLIE DESMOND: Are there any schools north of Oak and east of Hayden, but south of Osborn?

MR. RUBINOFF: There is one school that is south of Oak between Hayden and Pima, so it was not in the swatch that you are substituting here. That already was a grade
school that was south, on the south side of Oak Street.

Oak Street is an incredible corridor of schools there on the south side of Scottsdale.

So what you're doing with this switch, you're directly bringing three schools in and losing none, because the elementary school is on the other side of Oak Street on the south side, so I hope that clarifies.

You're grabbing three schools while it's not -- and Commissioner Mathis, you had said about the school district, right now the school district is drawn in four draft legislative districts.

There's Tempe, one precinct. Actually is in Scottsdale School District, and your new draw for District 26 has it there.

I know that the district's real issue is to try to be able to have at least as much of it not bifurcated and trifurcated.

And while some of it's going to be in the voting rights District 24, at least you're able to bring the Coronado High School community, which has been really separated from Scottsdale for the past ten years, because it was assigned to a Tempe jurisdiction.

You're bringing that in and it's been the under-served high school of Scottsdale, as well as the academy, which is also looking at learning disabled students and
students at risk, so that you bring that Sierra Academy in. I think these are some of the district's main concerns, that Scottsdale based legislators will be able to have this focus in contrast to where it would otherwise have been, basically, a Phoenix legislative one.

I don't know if this helps at all.

Thank you again for your consideration.

WILLIE DESMOND: Are there other questions? I can do other Maptitude things while this is running.

CHAIRPERSON MATHIS: Other questions or things we want to explore?

COMMISSIONER McNULTY: Should we just set this aside while its running and come back to it, and move to one of the other change orders? Does that make sense?

CHAIRPERSON MATHIS: Sure. To me it does.

WILLIE DESMOND: Okay. Any preference? We're all done with the changes that Commissioner Herrera proposed. Should I go to another set?

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: As much as I'd like to postpone it, I suggest that we address LD 6 and Mr. Freeman's proposed changes, because if we were to go down that route, I think it would make some pretty substantial changes to the map. We're going to need to address that.
Might as well do it.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: One of the reasons I was bringing it up, is because I wanted to hear from the Navajo Nation and the tribes, and I think we've heard from them. And I said, you know, if the Navajo Nation and the tribes in that area want to pursue it, then I'm definitely looking -- would look into it. But they were pretty clear that they wanted to stay with what we have in the draft maps.

So that would be one big reason why we shouldn't pursue it.

Those are people that would be affected, and it's not -- it's not something that they want to pursue. So to me, I'd rather move to some other things, some other areas of the map that are -- that are being proposed, that may be approved or that may have a shot at getting consensus, that's something that we want to pursue.

But that particular change, I'm sorry, I just don't see it happening.

WILLIE DESMOND: So, I'll go to the LD 7 change or, we can wait a minute. It's actually printing now, the change report.

VICE-CHAIR HERRERA: You know, I guess I was under the impression, Madam Chair, that we were going to start
looking at areas in the map that we wanted to lock in outside of the majority-minority districts. That was my impression that we were going to be doing. If we are, I think that Commissioner Stertz appeared to be pretty serious about it, so I -- I second that. I think we should go and look at areas where we can come up with hopefully a consensus, and not just vote to see if there's a 3-2, 4-1, 5-0, and see what we can agree.

CHAIRPERSON MATHIS: Yes, now we have the change reports from the Scottsdale schools proposed adjustment. Commissioners have any thoughts on this now, seeing the change reports? Or legal counsel?

COMMISSIONER McNULTY: Madam Chair, my first reaction is it's not an insignificant reduction in the metrics based on the size of the changes. I'm not adverse to doing it, but I would want legal counsel, you know, to tell us that this isn't significant.

JOSEPH KANEFIELD: Madam Chair.

CHAIRPERSON MATHIS: Mr. Kanefield.

JOSEPH KANEFIELD: Looking at the change report for District 24, which is one of our minority districts, it does bring the numbers down for Hispanic voting age population, Hispanic citizen voting age population slightly, but it does bring those numbers down and this is one of the districts that it was pretty close to begin with. So we'd
have to take a careful look at this number before we could recommend this change take place.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: I wouldn't be in favor of any change that reduces the Hispanic voting age population, or voting strength for minorities, especially in 24. I think 24, as Mr. Kanefield stated, is one of the ones that we're looking at strengthening. So any change at this point that would diminish the strength, is not something that I would be in favor of.

CHAIRPERSON MATHIS: I would have to agree. I know Mr. Adelson isn't here, but I can't imagine that he would think that the Hispanic CVAP hit would be something that we would want to explore.

Are there other ways to look at that quadrant to accommodate partially what is being desired, and not hurt the performance of 24?

I guess what I'm wondering is what if you took the top of both of those quadrants.

WILLIE DESMOND: So if we were to remove some of the areas we just put back in, that would help.

I mean, just a little bit.

However, District 24 is already under-populated by nearly 8,107 people.
Taking out just the top two block groups would further remove 2,454 people, putting then District 24 at a negative population deviation of 4.96 percent.

Removing fully the area that we just put back in, would under-populate District 24 by 6.31 percent.

And it's -- 23 has room to grow still, no doubt, but 24 would probably have to find population somewhere else.

I mean, in some of our other things we've looked at taking population from 27.

However, 27 is already under-populated.

There is no -- it's possible with a series of changes to a bunch of districts, however, it's going to start affecting many districts. But it's something that we can explore right now, if you like.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Mr. Desmond, I'm not excited about the prospect of moving around a bunch of districts.

What if we removed vertically rather than horizontally.

I think two of those are .46 and two are .43.

WILLIE DESMOND: What we could do is make District 23 maybe, at its most extreme, bringing in the
school would be something like this.

Although that's less than an ideal district shape.

Again, the school is right in this corner down here, the high school.

And I am not sure we might have just removed the two other schools that were intended to be put back in.

COMMISSIONER McNULTY: Does it strengthen the voting rights district or dilute it?

WILLIE DESMOND: This change, mine inspector Dem would be 59.69.

So probably it's better than it was in this latest change.

It looks to be a little better than it was in our working map.

Total minority voting age would be 47.29.

So that looks to be a little stronger than the working map and stronger than the change map.

Let me just see.

District 24 is still under-populated.

District 23 is only 500 people away from the ideal population value.

COMMISSIONER McNULTY: What about CVAP.

WILLIE DESMOND: Again, I'm sorry, I don't have CVAP as part of our census operation. It's run on a separate portion of Maptitude. So I'd have to run the
change for it to work.

MICHAEL RUBINOFF: Commissioner Mathis, if I can just state, given their configuration, I think does achieve most of the goals that I think we have outlined. I think that because you're bringing -- it is an interesting kind of finger, but I think we are getting those schools through there as I'm looking at that, because that middle brown line, I guess Thomas Road, so I think we're achieving those goals, so if that helps the Commission.

CHAIRPERSON MATHIS: Thank you.

WILLIE DESMOND: Should I run another change report?

CHAIRPERSON MATHIS: Yeah.

(Brief pause.)

JOSHUA OFFENHARTZ: Madam Chair.

Just on this idea, I'm just thinking out loud in the back, if the Commission were to go ahead and accept something like this, I realize that it causes some ripples, but I think that based on what I'm observing in the testimony, there does seem to be some discrepancy about what to do with the 28, 26, 15 area. And I think this allows you to focus your differences on that area to try to shuffle those lines to meet the reduced population and majority-minority issues. I'm also beefing up the 23.

Obviously, we're self-advocating over here, but I
do think it makes your job a little easier by focusing your differences in the one area as opposed to stretching across half of the northeast valley.

CHAIRPERSON MATHIS: Thank you.

WILLIE DESMOND: I can print it, if you like, or else I can show it to you on the screen.

Here's the change report.

So we're -- it looks like we're very, very close to the working map as far as CVAP goes, a difference of four people.

But it's a positive increase, even though we lost four people because the district is slightly smaller.

Registration is 28 people different, a tenth of a percent.

We're about even on most of our ability to elect measures, slightly lower non-Hispanic white percentage.

Slightly higher total minority percentage.

The district is 598 people further under-populated, bringing it to 8,981, 4.2 percent. I'll leave to counsel to say if that's within a margin for voting rights district or not.

I don't think it's our most under-populated district at this point.

Are there any questions right away or would anyone like a paper copy?
MARY O'GRADY: Madam Chair, in terms of the population deviation, I think this is in the ballpark of what we've been doing in terms of the other voting rights district, so I don't have a problem on that issue.

As far as the deviation, it seems like it's close enough that it would be a policy call, and you could kick if for analysis, if you wanted to do so.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Ms. O'Grady, would you advise that we put it on a parallel tract that we agree to substitute it in the working draft pending your discussion with Mr. Adelson and Ken, to make sure that there's no -- they don't see any issues, and if they don't?

MARY O'GRADY: Commissioner, I think that makes sense, you know, to permit us to have a further discussion if it is a change that the Commission is interested in making, to defer it for the lawyers and Ken, and Dr. King, for further discussion.

COMMISSIONER McNULTY: Okay.

You probably don't need a motion for that. Do we have consensus that we would like you to look at it and advise us if you see issues that aren't apparent on the change report here?

VICE-CHAIR FREEMAN: I'm sorry. I'm having a hard
time with the acoustics, hearing everything.

If you're both saying if it's more analysis, I'm in favor of it.

COMMISSIONER STERTZ: And add it in.

COMMISSIONER McNULTY: Do you want a motion or do you -- I think we just do it.

CHAIRPERSON MATHIS: I think everybody agrees.

COMMISSIONER McNULTY: The lawyers will look at it and if they're comfortable that it serves the same purpose as our existing voting rights district, they can advise us and at that point we can substitute it.

WILLIE DESMOND: So, just so I understand, is this in the working draft or is this a separate thing?

I think from a point of just keeping everything straight, it would be better to either incorporate it or not, but it's up to you.

COMMISSIONER McNULTY: All right, I'll make a motion that we -- well, I don't want to do that until the lawyers have had an opportunity to talk among themselves about whether this raises any other issues. So I would just request that Mary and Joe and Ken and Dr. King look at this today. Tomorrow, if they feel comfortable tomorrow telling us that we can substitute it, then I'd be happy doing that.

If they aren't, then I guess I'd request that we put it on a parallel tract in the same way that we did in
another district earlier, and just get confirmation that it
works as well as the other; does that sound okay.

CHAIRPERSON MATHIS: Yep.

VICE-CHAIR FREEMAN: I agree.

WILLIE DESMOND: Okay.

We will take a look at this later and kind of
confer.

CHAIRPERSON MATHIS: Okay, any other? Do we want
to move onto the next area of the leg map.

COMMISSIONER McNULTY: I vote for that.

WILLIE DESMOND: Which one are we looking at? I'm
sorry.

CHAIRPERSON MATHIS: Open to any preferences from
anyone.

COMMISSIONER McNULTY: I'd like to address 6,
because if we were to change that, it would have an impact
on everything else that we've looked at.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: While looking at 6, I'm
looking down into -- I know that there's going to be
discussion surrounding Flagstaff and greater Flagstaff.

I also want to look at Gila County. Part of the
testimony received last Thursday is that we split Gila
County into three different legislative districts, ranging
55,000 odd population of the county. We broke it up into
18,000, that's in 8, and the rest broken up into 7 and 6.

Is there any way -- I'm throwing this out to the other Commissioners because I don't have an answer to the question. Is there any way we can look at trying to get -- right now Gila County has been used as a population balancing tool, it appears.

Is there a way that we could re-look at Gila County as a way to try to get that to be more whole, so that they can receive some proper representation in the legislature?

I'm throwing this open for ideas.

I don't have any solutions this time.

Has anyone looked at this, or do we want to take a hard look at how to fix Gila County.

Because Gila County, as it pertains to 6, we've got 27,635 people out of Gila County that are populating 6.

6,966 populating 7.

And another 18,996 that are populating 8.

And it's a shame from what all the people that we've heard from in Gila County, that we're not able to do a better job.

COMMISSIONER McNULTY: Madam Chair, I'll give my thoughts, which are that I think it's been looked at really hard for months now. And I don't think that Gila County has been used to balance population. And I also don't think
they won't have adequate representation. I think it's a falsity that just because they aren't in the same legislative district that they're in now, that they won't be well represented.

I think it's kind of unfortunate to view it from that perspective.

I think the diverse population shares county governments, and that doesn't mean that some part is not getting represented at all.

I mean, part of what we're trying to do is create districts in which not -- there isn't an overwhelming advantage for one party. So whoever it is that does represent them has to be receptive and responsive.

So from my perspective, it's not as if I haven't thought about that. It's not that I don't care about that. I do care about that.

But we have to achieve a balance, and you bump up to things in maps where you just can't do everything that everybody wants, and I think this is a place where we've bumped up against that.

But I feel strongly that the balance that we achieved in the draft map was a good one.

CHAIRPERSON MATHIS: Comments from other Commissioners?

VICE-CHAIR HERRERA: Madam Chair, I echo
Commissioner McNulty's comments.

You know, making changes to the leg map trying to not break up, you know, keep as many counties whole, lessen the splits, you know, again, it's just a balancing act and we did our best we could.

So, again, I agree with Commissioner McNulty.

CHAIRPERSON MATHIS: I would ask, I guess, our mapping consultant, is he aware of anything that he's seen in this area that might be improved, to answer Mr. Stertz's question, with regard to Gila County?

WILLIE DESMOND: Well, since District 8 is now being submitted for analysis as a possible voting rights district, that and district -- the reservation areas in District 7 are now in voting rights districts kind of, so that complicates things.

The only option I guess would be to add in more area to one of those.

But I don't think that necessarily works.

If it turns out that District 8 is not a viable option, then, that we don't want to take to justice.

It's possible that District 6 could grow further south and incorporate all of Gila County.

As Commissioner Stertz mentioned, it is a fairly large portion of the county in District 8. So about half of the district is in 6.
About 35 percent is in 8.

And the remainder is in District 7.

COMMISSIONER McNULTY: I would point out that we did go through that exercise when we went through the draft map, and we concluded that it wasn't the way we wanted to go, and that would be my view now also.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: You know, I'm responding to the testimony that we received last week from the representative who came on behalf of the Board of Supervisors for Gila County, and his level of frustration on their behalf.

My crystal ball is broken. I don't know what representation is going to look like and whether or not they're going to be properly represented or not.

I'd like to think that any representative that has had any part of any county in their district is going to represent them appropriately.

But that's not -- that's an -- that's -- like I said, my crystal ball is broken.

I can't tell what's going to happen in the future.

I want to make sure that we feel, as a Commission, that we have adequately responded to what was clearly an emotional concern of someone representing the Board of
Supervisors of that county, and therefore, representing those constituents and those residents of the county, that we have done our best to represent, whether or not we can extract areas out of 7 to move them into 6, out of 8 to move them into 7, out of 6 to move them into 8, I can't answer that.

Because as all things do, they all have a massive ripple effect.

Right now 7 and 8 are in for analysis and those are now connected right through the center of Gila County.

WOMAN IN AUDIENCE: That is not the working map on the screen, is it?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Madam Chair. No, that is not a work draft map. That is a proposal that Mr. Desmond put forward given some instructions I had given him which were a little different.

Of course, it's possible to keep Gila County whole if the will is there.

It's likely that there would be at least one split of Gila County, because of the San Carlos Indian Reservation and the desire to keep it whole. But with respect to the non-reservation part of county, that can be kept whole if the will is there and the desire is there.
Certainly we heard loudly and clearly in Payson, contrary to other interpretations, that they wanted to keep Gila County whole.

We heard that in Globe, a lot about their county and county government, and the way the people speak through their county.

We heard that in the Thatcher-Safford hearing about the desire to keep the Gila and Graham and Greenlee together, eastern Arizona together. And, unfortunately, I don't think those people will be heard.

I think voices are going to be drowned out by voices in other parts of the state, and I think that's unfortunate, because I do think they should be heard.

COMMISSIONER McNULTY: Madam Chair, I think it's important just to say that they have been heard.

We've listened to everyone that's come before us. We've heard a great deal of testimony from northern Arizona and from eastern Arizona. It's a difficult balancing act, and I do believe that in the draft map we had achieved a good balance.

Change is frightening, so I know there is a lot of emotion. But that doesn't mean that things don't change. And it doesn't mean that people won't be well represented. And it doesn't mean that people can't participate in their democracy.
All of those things can and will continue.

But the thing we're talking about right now are things that we talked about at great length as we developed the draft map.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: With all due respect to Ms. McNulty, that comment has a little tinge of -- sounds a little patronizing and a little dismissive of what those people had to say.

And in terms of the Commission listening to those people, we've got a Commissioner who believes that the Clarion call of the Payson public comment hearing was to link Payson with Prescott.

And as I pointed out on Friday, the word Prescott appeared twice in over 8,000 words of transcript, and on one occasion that was an individual talking about how it would be inappropriate to link Payson with Prescott.

And the other person was someone who I believe was a representative from the Gila County Democratic party.

And he did say -- out of all of the people that turned out at that public hearing, he did say, yeah, Payson is just like Prescott, Sedona and Bullhead City, so they belong together.

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

COMMISSIONER STERTZ: During the public comment that I heard at -- during the 30-day post draft map approval, both in San Carlos and in Globe, was that San Carlos and Globe are, were, are absolutely connected as communities.

They are one and the same. They shop together, they live together, they commute together, they were absolutely connected.

We've heard that both in San Carlos and in Globe. And yet, we have by virtue of a few miles, pulled Globe out of the connection with San Carlos and plugged it into 8, and now we're representing San Carlos with the District of 7.

So I think that we had -- we could work harder to fix these connections, to fix those relationships that are there, if we so chose. And I find that it would be disingenuous of me to not give that -- to give that a try.

So I guess I would start looking at this, of the folks that are located in 7. What I'm hearing is that, is that because 7 is under -- is under analysis right now, it's an untouchable district, and now we've just, by a 3 to 2 vote this morning, made 8 a likewise untouchable district during its analysis.

And, therefore, we're not going to be able to even
attempt to respond to the comments that were not only given last Thursday, but also in San Carlos by two hours of testimony, and by folks in Globe, and the two-and-a-half, three hours of them that they received there.

And I am sure we also have other volume of testimony that have been put on the record.

So as I said, we've -- by virtue of these decisions that have been made down the line, and I said this earlier today regarding the 8, 11 discussion, we are -- we are fixing districts by virtue of them going to analysis. And where I just see this going is that the analysis is going to comes back, it's going to say 7 looks great. These other districts look great. Let's not touch them, so we don't have to go through and delay the process any further.

So...

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Two points. I think Globe Miami, it's part of copper country. It's part of the copper corridor. I think it makes perfect sense for it to be tied to the copper communities and the Latino communities that we talked about this morning in LD 8.

And on the issue of sending things for analysis, I think it's been two months or more since we finished our second round hearings.
And so we've been working all through this process to come up with ideas to try and address these things, and now is the time to send things to analysis. And I think the fact that Mr. Stertz doesn't have an answer to this, I understand, because we've looked really hard to try and find an answer to it.

And we've, again, I think, achieved a balance in light of all the testimony that we've received in the past months, that makes sense.

It doesn't make everyone happy, and it makes a select group of folks very unhappy, and I understand that. But it doesn't mean that we haven't tried hard.

It doesn't mean that we haven't achieved a good balance of the criteria.

It doesn't mean that they won't be well represented.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: And I would also add that it doesn't mean that we haven't listened, too.

Mr. Herrera.

VICE-CHAIR HERRERA: Sure, I think we've -- we -- I would say that there's no one in this Commission that hasn't listened to people, you know, whether they attend all the meetings or not, whether they participate via Skype, whether they listen to the public hearings in person or they
were, again, they were listening to the public hearings during streaming.

I think we all listened, and I think we would all agree that it's a difficult task that we have to -- when we put together these maps. Not everybody is going to be happy, and I think we all agreed to go forward. That we knew going in that we weren't going to make everyone happy.

And I even said I wish I -- if I could -- if I could, it would be one of my goals is to make everyone happy when we created these maps and when we finish them, but I knew that wasn't realistic.

What I want to ask is how many of the majority-minority on the legislative side are being sent for analysis? Is it all of them, Mr. Desmond?

WILLIE DESMOND: Yes.

VICE-CHAIR HERRERA: So that's ten plus one, so with the eight and that's 11.

So that's 11 that we're not messing with out of the 30.

What I'd like to start doing, I'd like to start locking other of the LD districts, again, outside of the majority-minority districts that Mr. Stertz was, that was his idea, and actually I liked that idea, if we could do that, then, I'm all for it.

CHAIRPERSON MATHIS: Do other Commissioners have
thoughts on changes, proposed changes outside of the voting rights districts?

COMMISSIONER McNULTY: Did we have another change in 6 that's open? There was just the one change that I had requested to move, Camp Verde; is that right, that we postponed for later today?

WILLIE DESMOND: There was that and --

COMMISSIONER McNULTY: What else is outstanding?

WILLIE DESMOND: I think that's it.

You also have your change report that deals with the western counties.

COMMISSIONER McNULTY: I just mean 6.

WILLIE DESMOND: I think that does not touch 6 at all.

I'm almost positive, but . . .

COMMISSIONER McNULTY: I'm almost positive of that too, but let's just double check, if we could.

WILLIE DESMOND: Okay.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Leading off on this, 7, as it's crafted, is an untouchable district.

Eight is now an untouchable district.

Four, three, and two.

That leaves five, which is Mohave and La Paz.
We've taken a notch out to fix Colorado City, right? That's been handled?

CHAIRPERSON MATHIS: Yes.

COMMISSIONER STERTZ: So we've got 5 and 13 on the west border.

And now we're connecting the north side of the city of Yuma with Avondale in 13, correct?

Are we -- is that where -- is that where -- is that where we're all ending up on 13? In an attempt to looking at particular districts, if we're going to be looking at -- so if you're looking at the western districts we have 14, 13 and 5, that we can actually do something with.

And if we can get Yavapai, so that it doesn't poke its head into Phoenix, I think that might be a success.

And if we can get Yuma so that Yuma isn't bulk headed by one side north of the 8 going into -- going into Avondale, none of these were population gains, or for Buckeye.

So do we have any thoughts on where we are with those districts?

CHAIRPERSON MATHIS: So did you have proposed changes for the 13, 14 interface?

COMMISSIONER STERTZ: Trying to determine what the -- what the solutions might be.
Commissioner Freeman, did you have a 14 change that you wanted to propose?

VICE-CHAIR FREEMAN: No, I'm in favor of keeping Yavapai County as whole as possible.

COMMISSIONER STERTZ: So that little notch in north 22, that doesn't show up on this, that little piece of the north side of 22. Mr. Desmond, is that just a --

WILLIE DESMOND: Right here?

COMMISSIONER STERTZ: That's a -- it's a zero population.

WILLIE DESMOND: This right here has seven people, and it is a portion of Peoria. So it keeps Peoria --

COMMISSIONER STERTZ: Keeps Peoria whole.

WILLIE DESMOND: It is just seven people, so it isn't any split of Yavapai County. So it's six and one.

COMMISSIONER STERTZ: So we've got District 5. I'm trying to work my way around here and see if we've got anyplace where we can start clipping off districts, as I suggested earlier, if 14 is good. 13 is good, 5 is good. We'll start -- let's start working our way around the map.

Because we know there's areas that we can't be manipulating right now, based on a -- the concept that we've got 11 districts that are under analysis.

Those districts, there's very few districts in the
rest of the state that don't stuff those districts.

So I'm not so sure how we're going to be able to not just say, well, you can't touch, there's very few that you don't affect all the rest of the districts.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: You know, I agree with Mr. Stertz that we should probably be tackling, as I said before, districts that we want to lock in except for majority-minority districts.

And, you know, if -- if -- eventually we're going to do that. I don't think it's any surprise to anyone, because we've been working on this for a while now. We knew we were going to send the information for analysis. And we probably have a strong idea that while they were being analyzed, that we didn't want to be messing with those, with the majority-minority ones, but what we can do now is look at the changes we've made to, for example, 6.

I'm a big fan of the way 6 looks in the draft map, and I would be -- that would be a district that I would lock in.

There's other ones, but definitely that one.

As I said, I think we spent a lot of time on 6. We heard a lot of public testimony.

And keeping 7 the way it is, the way the Navajo
Nation wanted and the way it is in the draft map, it would kind of limit the way we can change 6.

But, again, I'm happy to lock in 6.

COMMISSIONER STERTZ: Or are we making --

Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Are we making adjustments to 7 after we got the submittal that affects 6?

VICE-CHAIR HERRERA: Madam Chair.

I think all the changes would be dependent on the analysis coming back saying, you know, the districts are good the way they are. So I think any -- any approval of any of the districts outside of the majority-minority, those are going to be dependent upon the analysis that comes back on those majority-minority districts.

COMMISSIONER McNULTY: Madam Chair.

To answer, I think, what Mr. Stertz was asking, the only change I proposed in 6 was a population balancing change in 6 that we looked at earlier, but we postponed that until we got to that part of the state, and it does not affect 7 at all.

I'm not sure Mr. Stertz was here when we first looked at the changes that Mr. Desmond put together in 13, 5, and 14.

Let's -- could we --could he pull those up and
(Brief pause.)

WILLIE DESMOND: Okay.

COMMISSIONER McNULTY: Mr. Desmond, if we could just focus on 13, 14 and 5.

So what I had asked him to do was to look at the arm that reached from Yuma into Maricopa County, to consider Ms. Pancrazi's request, that we think about putting La Paz County with Yuma and to use the more agricultural, rural areas of western Maricopa County to supplement the population to the extent possible, rather than the denser urban portions of Maricopa County.

And so Mr. Desmond prepared this, and we'll explain this, but one of the trade-offs that he explained to me, was that we can either put La Paz County with northern Yuma County, and, if we do that, then Yavapai County has to shed some population into Mohave County.

Or, we can leave La Paz County with Mohave County and back out that additional split of Yavapai County.

I'll let Mr. Desmond add anymore.

WILLIE DESMOND: So what we've done here is, District 5 is all of Mohave County except for the reservation lands.

That, by itself, is not quite enough population, so it did need to grow.
The working map, it has La Paz County.

And District 13 has the northern portion of Yuma, and that kind of fit an arm that comes in and grabs through Buckeye and through Goodyear.

Or what we're able to do here is, is 5 goes into northern Yavapai County.

I can remove the shading, so you can see exactly what it takes from Yavapai County.

It comes in and takes Paulden and Chino Valley.

And some unincorporated legs.

The north western portion of Yavapai.

District 13 then, takes all of La Paz, the northern portion of Yuma County, and comes in and takes the entire northern half of Buckeye, instead of kind of an arm that comes across Buckeye with a portion. If I turn on the working map, you'll see what I'm talking about.

Briefly, northern Buckeye was all in District 14.

The rest of Yavapai County.

Thirteen came in, then across Buckeye, came in and took Citrus Park, parts of Glendale, parts of Surprise.

What this does is it takes all this portion of western Maricopa County and that goes into District 13 with La Paz and Yuma.

There is still a portion of northern Goodyear that goes in, but it does remove a split from Surprise, it does
remove a split from Buckeye.

As a result, District 14 has lost both in the north and in this portion of western Maricopa.

So we did this. This is how the changes are all interrelated. It does come down. It takes Wickenburg and some of the unincorporated lands north of Surprise and Peoria.

It also comes in and takes New River, Anthem, Cave Creek, and Carefree in their entirety, and puts that with the rest of Yavapai County.

So there are other effects in Maricopa County, but as far as District 13, 14 and 5, that's what happens.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Desmond, the splits report that you just handed to me, is that reflective of this latest iteration of 6?

WILLIE DESMOND: Well, in this one, District 6 should be unchanged from the working map.

What numbers does it give you?

COMMISSIONER STERTZ: Other than the changes that Commissioner McNulty --

WILLIE DESMOND: I think that's just an unincorporated block, because there's no population shifts.

COMMISSIONER STERTZ: Okay.
WILLIE DESMOND: This, too, should say all zeros when you look at population changes.

COMMISSIONER STERTZ: And the modifications that Commissioner McNulty was going to -- deferred from this morning to this afternoon?

WILLIE DESMOND: That is not included in this change report.

That's one thing that we should look at.

COMMISSIONER STERTZ: Can we look at those real quick?

WILLIE DESMOND: If we were to do that, District 14 would go from an overpopulation -- assuming you did this change and that other change, District 14 would be underpopulated by about 5,000 people.

It starts out in the working map overpopulated by 7,382.

When it sheds some population to District 5 here, it drops to overpopulated by 5,453.

It gives up Camp Verde and removes another 10,000 people. Which does bring District 6 closer to its ideal population. But District 5 goes to positive deviation of 2.6 percent to 3.5 percent. If we don't do this change, to a roughly negative deviation of, I think, like one, two-and-a-half percent, depending.

You could still do the population balance and
adopt this change.

COMMISSIONER STERTZ: Just as a clarification, Madam Chair, maybe Commissioner McNulty, the splits report right now does not reflect the Camp Verde exchange; is that correct?

COMMISSIONER McNULTY: That's correct.

COMMISSIONER STERTZ: Which would give us 5,000 negative population in --

WILLIE DESMOND: In 14.

COMMISSIONER STERTZ: -- in District 14. And it would balance, essentially balance population in District 6; is that correct?

WILLIE DESMOND: District 6 would be, I think, roughly 1100 people over.

COMMISSIONER STERTZ: So well within the --

WILLIE DESMOND: Well within. District 6 is currently about 9900 people underpopulated.

I think it would add something like 1300 people.

Excuse me. I think it would add something like 11,000 people.

COMMISSIONER STERTZ: Do you remember if we increase the competitiveness of District 6 or 14 by that change?

WILLIE DESMOND: Give me one second to tell you.
COMMISSIONER McNULTY: I think it was about the same. I think it was population balance.

WILLIE DESMOND: District 6 becomes slightly less competitive. It starts again just looking at Index 2, as 54.1 percent Republican, 45.9 percent Democrat.

It would drop to 54.7 percent Republican, 45.3 percent Democrat.

So it's a change of about six-tenths of a percent more Republican, 6/10ths of a percent less Democrat.

COMMISSIONER STERTZ: And that's in 6?

WILLIE DESMOND: Yeah, that would be with the population balance.

District 14 would shed Camp Verde. Doesn't really see much of a change. Camp Verde is pretty much right at the district average. So removing it doesn't affect it too much.

The only thing it does is it makes -- it makes the District 2/10ths of a percent higher in registration Republican.

But doesn't affect neither indexes, that are based solely off of election results.

COMMISSIONER STERTZ: Curious on how you can in crease in both district when they're being exchanged.

WILLIE DESMOND: Because one of them started out out here, so it's shedding some of its lower part.
It's still higher than the other district, so it's a net gain for both.

COMMISSIONER STERTZ: All right.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Mr. Desmond, can you zoom that out a little bit?

Okay. If Gila County was what's for lunch in the service of LD 6, unfortunately, I think Yavapai County is what's for dinner now, with this proposed change.

It's got some significant -- I mean, the population is just sliced and diced.

And, unfortunately, while there's one sort of repair that occurs in drawing the line somewhat in western valley area, western Maricopa County area, I mean, it's that, quote, unquote, fix or change that perhaps was helpful, is just countered completely by putting New River, Anthem, and Cave Creek, and Carefree into a district with part of Yavapai County.

Probably, I don't know, what percentage. Probably a major part.

It's just so you've got two parts now of Maricopa County being linked in with a substantial part of Yavapai County, with other parts of Yavapai County being sliced off to go into LD 6 and LD 5.
I'll grant you that on the draft map LD 13 is a problematic district. And perhaps needs some attention. But to try to salvage that district by doing what I regard is all this damage to other parts of the map, I think is something I would support.

WILLIE DESMOND: One thing in this change, District 5 is overpopulated by about 5,000, or about 6,674 people.

If you made the population balance with 14, that would then leave 14 under-populated by about 5,000 people, so you could also balance 14 and 5, then remove a little bit more population from Yavapai into District 14. But only about 5,000, 6,000 people.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Desmond, could you zoom in on New River, Cave Creek, and District 26. This is the dip you're talking about. This is on the latest drawing that's been voted, correct? This has not been available yet?

WILLIE DESMOND: This change is available. It was discussed last Friday, I believe.

COMMISSIONER STERTZ: I just downloaded it or uploaded it.

I don't have it.
WILLIE DESMOND: You just --

COMMISSIONER STERTZ: I must have grabbed the wrong one.

WILLIE DESMOND: This change is -- I think it's called -- it's called change report leg McNulty changes 12/15/11.

I believe it was -- it was prepared last Thursday, but not presented until Friday, because the meeting got cut short on Thursday.

It should be online from the 15th.

COMMISSIONER McNULTY: Mr. Desmond, do I correctly understand that we could do this one of two ways? We could alternatively back out the population from Yavapai County back into Yavapai County from Mohave County to Yavapai County from 5 and 14, and then put La Paz County with Mohave County?

WILLIE DESMOND: Correct.

And then 13 would need to go in and grab more population in Maricopa.

COMMISSIONER McNULTY: How much more?

WILLIE DESMOND: Roughly 20,000 people. That's what's in La Paz County.

COMMISSIONER McNULTY: They couldn't take that from 14? I thought we were moving 20,000 people from 14 to 5 in Yavapai County. No?
WILLIE DESMOND: I can show you.

If we were to take District 14, that would move 21,191 people back into Yavapai County.

So that District 5 would be under, you know, would lose 21,000 people.

District 5 could then go grab La Paz County.

That would move 20,489 back in.

So at that point, 5 would be balanced.

Fourteen would be overpopulated by 21,000 people, and 13 would be under-populated by 21,000 people.

So 14 would need to give 13 the 21,000 people.

It's possible that we could do that as a direct swap. However, then you're introducing probably another split of Yavapai.

What's more likely is that 14 would retract itself somewhere from Maricopa County and that population would be shifted over to 20, 21, or 22.

Does that make sense?

COMMISSIONER McNULTY: Yes.

WILLIE DESMOND: I mean, that's how the working map is right now.

COMMISSIONER McNULTY: Is there, on the working map now, is there a place where you would suggest that we take those 20,000 people from?

I know what I said just makes no sense, but based
on the working map now, can you identify for us what you think would be a logical alternative to --

WILLIE DESMOND: Let me bring up the working map.

There's no -- having looked at this quite a bit, there's no real answer.

You'll have to split something.

We can go ahead and look at that, though.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

WILLIE DESMOND: I can go back.

COMMISSIONER STERTZ: No, go ahead and execute whatever Commissioner McNulty was asking you to look at.

But I'm just going through this and there's a ripple effect about to take place. I think there might have been some logical moves that you got to where you got to here, and that's why I wanted to look at what was going on in central Maricopa County.

WILLIE DESMOND: So essentially, in the working map, District 14 does not come down into the New River, Cave Creek, Anthem areas whatsoever.

It comes down and takes parts of Buckeye, parts of Surprise.

And that's what creates this arm from District 13.

If District 13 was to -- was to take more of this area in western Maricopa County, District 14 needs to make
that up somewhere. That's why I came down and took New River, Cave Creek and Anthem, was to allow this, you know, the west valley to be cleaned up.

The other option would be District 14 coming down and taking Surprise or Peoria. Does that makes more sense? But District 14 does need to get some population from Maricopa County.

If District 5 comes in and takes 25,000 people, it needs to take 20,000 more people from Maricopa County, essentially.

Is there -- maybe a good way to start, is there an area of Maricopa County that makes sense to go with Yavapai County? What would be the ideal?

CHAIRPERSON MATHIS: Does anyone have an answer, or even just a thought?

COMMISSIONER McNULTY: I don't think there's an ideal solution to this problem.

So that's the draft map, right?

WILLIE DESMOND: This is the working map.

COMMISSIONER McNULTY: Right, the working draft.

WILLIE DESMOND: Yes. The difference between District 5 here and the draft map that you guys approved, is that the portion of Mohave that's Colorado City and stuff, has been added into District 5.

COMMISSIONER McNULTY: Okay. All right. I
understand.

WILLIE DESMOND: So District 5 has grown since the
draft map.

COMMISSIONER McNULTY: And it's -- does it need to
lose population?

WILLIE DESMOND: It wouldn't hurt for District 5
to lose population.

It's currently 3.1 percent overpopulated at 6,000.
It's currently overpopulated by 2.8 percent.

MARY O'GRADY: Madam Chair, Commissioners.

In terms of our state, our population deviation,
although it's certainly in the range, that's certainly
something that would need to be justified, or reduced. So
if could be reduced, that would be a good thing.

So 5 is in the working map were 590,072
overpopulated, and then going down the Colorado River area,
13 was also -- well, that's 6,000 overpopulated in the draft
map.

Excuse me, in the working map.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Desmond, would you be so
kind as to bring up the map that you had just before you
brought this one up, that showed the inclusion of Anthem,
Cave Creek in 14?
WILLIE DESMOND: Sure.

COMMISSIONER STERTZ: And is that map available?

WILLIE DESMOND: Yes, that's the draft map, or the change that Commissioner McNulty had asked for.

I believe it's on the website as of 15 -- on the 15th.

Here it is.

It's there as LD McNulty.

It's the last of the maps listed, the lowest from changes from 12/15/2011.

COMMISSIONER STERTZ: Not the LD 8 McNulty block equivalency, but the 12/15 map. Okay.

WILLIE DESMOND: This map does do more than just 5, 13, and 14. There are changes in Maricopa County, too, but in the earlier areas those are the changes.

Does not change anything with 6.

COMMISSIONER STERTZ: Could you look at 21, 22, 23 and 28, please.

WILLIE DESMOND: Sure.

Twenty-three is unchanged.

So here's the working map.

You can see that 22 has changed.

COMMISSIONER STERTZ: Could you turn the working map off for now so I can acclimate.

WILLIE DESMOND: Yes. Sorry.
So 15 is more in northern Phoenix.

There is a split removed from Glendale, so it's gone from 6 to 5.

District 28 has been changed, but not quite so much as Commissioner Herrera's changes.

COMMISSIONER STERTZ: Sign it.

CHAIRPERSON MATHIS: What was that?

COMMISSIONER STERTZ: I said sign it.

CHAIRPERSON MATHIS: Sign it?

COMMISSIONER STERTZ: Madam Chair, there's got to be -- there's going to have to be some compromise in regards to population centers. We've broken down Yavapai County by the inclusion of north Phoenix by population.

It's reducing splits and increased some potential conflict of where population centers are going to be located.

I think that would be improvements to District 23 that were made earlier today.

Twenty-eight organizationally makes sense to me in that configuration, rather than the configuration which goes vertical and picks up New River and Cave Creek.

There's -- even though there's a lot of compromise in this map, some things that may not make total sense, there's a lot here that makes sense.

COMMISSIONER McNULTY: Mr. Desmond.
WILLIE DESMOND: Yes?

COMMISSIONER McNULTY: I wonder, what can you do -- looking at this view or iteration, do we still have population balancing issues? Large ones? And if so, could you tell me what they are -- tell us what they are?

WILLIE DESMOND: Well, District 1 is overpopulated here but that's because this is based off of working maps. You do have that population balance earlier today. So that's rectified there.

You also have District 9, which is here, under-populated.

District 18 is overpopulated, and that's something that none of these really address. That's down in the east. That's because it's absorbed a lot of population from District 26. That's something else to consider.

District 6 is still very under-populated here. 9,908 people.

You do have the option in the north to move Camp Verde into District 6. That will make District 6 almost ideal population.

Fourteen will be under-populated. Might not be a bad thing because it could balance with 5 to bring those two to exact population in this map.

District 5 here is overpopulated by 6700 people.
2, 3, and 4 are all under populated.

Those are voting rights districts.

Six again is under-populated.

Seven is under-populated, but it's a voting rights district.

Nine, that's been corrected.

In this map as it is currently drawn, District 13 is too large, 6800 people.

So that's something that would have to be looked at.

One possible solution would be for District 22 to maybe take some population or District 21, they're both overpopulated but not to the same extent.

District 23, which does not include those changes that we did today to south Scottsdale, is about populated at the right level.

And I think it remains so, even with that change.

Continuing on.

Twenty-four is again a voting rights district.

Twenty-five within 2 percent.

Twenty-six a voting rights district. There's several different iterations of that.

So that goes all over.

District 27, another voting rights district.

Twenty-eight is overpopulated by 5,486.
It's possible that 28 could shed some population to District 15 and bring those a little closer.

It could also -- 15 could also maybe absorb some from 20.

And then 29 and 30 are voting rights districts. And those are populated fine.

COMMISSIONER McNULTY: So it would still -- we would -- it would still make sense to do the Camp Verde change, and that would resolve the population imbalance in 6.

COMMISSIONER STERTZ: Fourteen.

WILLIE DESMOND: Should I just show you how that looks right now, so we can see?

COMMISSIONER McNULTY: Okay.

WILLIE DESMOND: Okay.

So moving into District 6, just Camp Verde, moves 10,873 people. That would put District 6 at a positive deviation of 9,065 people, just under a half percent.

District 14 would be under-populated by 5,419 people.

I would recommend since district 14 would be under-populated by 5400 people, District 5 is overpopulated by 6700 people, to kind of meet in the middle there. They would both be within 1,000 people deviation.

I don't have anything prepared to where that makes
sense, but we can look at ways of doing that.

COMMISSIONER McNULTY: Then we would need to balance in 13, did you say?

WILLIE DESMOND: Thirteen is high.

Mary or Joe, did you have a number you're comfortable with? It's currently 3.2 percent overpopulated.

So it would probably want to lose some.

It doesn't have the ability to shed population to Districts 19 or 29, really, because those are both voting rights districts.

So it probably would have to go somewhere to 21, 22.

Maybe you can split some with 14.

There's options.

MARY O'GRADY: In terms of the population, it's over-populated now, and so an effort should be made to reduce that or at least adjust to just why -- why it's kept at that level.

One or the other.

And the other, just in 23, I think, as Mr. Desmond mentioned, it's right at the right number now, which means it could probably take some.

Because we are -- we do have some that are low, so we're going to need to have -- obviously, we're going to have some others that are over.
VICE-CHAIR HERRERA: But that's something that we could probably work on subsequently.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Desmond, you're making that exchange right now?

WILLIE DESMOND: I didn't do that.

I can, we can look for 5000 people, this District 14 to move to District 5.

COMMISSIONER STERTZ: Or are we just assuming that 5,000 under-populated in that district would be acceptable?

WILLIE DESMOND: Again, I have to defer to the lawyers.

MARY O'GRADY: It's within the range if you wanted to make a record that, you know, you've tried, and you've looked, and you decided this is a necessary deviation. That for whatever reason, you made that decision. Just make the record.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Desmond, have you done a complete 30 district competitive analysis on this design as currently contemplated?

WILLIE DESMOND: I don't believe so.

I don't think I've done the full packages for any
of the legislative changes, just for some of the congressional.

That's something I could run. It would take a little longer.

I can probably have competitiveness ready in 20 minutes.

It could be running mostly in the background. There would have to be time to do some formatting and stuff.

COMMISSIONER STERTZ: Would that analysis also include the modifications that were forwarded today for District 8, 11, and for the adjustments that were made in one, ten, two?

WILLIE DESMOND: No. It would not. That would all have to be -- I'd have to create the new working map, and then run it on that. Something that I would try to have for you tomorrow morning. Or I could do it tonight.

That would take, probably, perhaps an hour, hour and a half.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Due to the lateness of the hour, may I suggest that these conclusions be made and that a full splits and competitive analysis be made based on this latest iteration, so that we can do a -- put this first on the agenda tomorrow. See if we can get our legislative map
put to bed?

CHAIRPERSON MATHIS: How do other Commissioners feel about that?

COMMISSIONER McNULTY: Repeat that for Mr. Freeman.

COMMISSIONER STERTZ: Mr. Freeman, I suggested that because of the lateness of the hour, the modifications that occurred earlier today to District 23, 24, 1, 2, 10, the -- I hate to include this as something I'm saying, but the inclusion of the 8-11 split, and also the adjustments of Camp Verde.

COMMISSIONER McNULTY: The movement of Camp Verde to 6.

COMMISSIONER STERTZ: Camp Verde to 6, be done, and a full splits report be prepared, including a competitive analysis, and make this as part of the first agenda item, first discussion point for tomorrow, so we can put the legislative map to bed.

VICE-CHAIR FREEMAN: Okay. We're having reports run on what was just done now over the last couple hours and have that first thing tomorrow morning?

COMMISSIONER STERTZ: Yeah.

VICE-CHAIR FREEMAN: Okay.

COMMISSIONER McNULTY: That would include what we've been looking at here?
COMMISSIONER STERTZ: That's correct.

VICE-CHAIR FREEMAN: And we start at -- was it 1:00 tomorrow or 1:30?

COMMISSIONER STERTZ: Yes, 1:00.

WILLIE DESMOND: Just two quick questions.

The change to 23 and 24 in south Scottsdale, is that to be part of the working map? It was my understanding that was going to be a separate thing, once the lawyers have had a chance to look at it.

Would you like that included in the reports or. . .

COMMISSIONER STERTZ: I think that we heard testimony from our counsel that it was a lateral move, okay? That, and that they didn't see anything that would be -- anything negative that would come out of it, and it would be something that would be assisting the Scottsdale School District.

WILLIE DESMOND: Okay. Just so I'm clear, what I will have tomorrow, then, would be a change -- a change report for the new working map.

A full set of reports for the new working map, and then additionally, another full set of reports that encompasses these changes to 5, 13, and 14, based off of the new working map, correct? These changes are not to be considered the new working map, that's what we're going to
analyze tomorrow?

COMMISSIONER McNULTY: I think we're going to put them in the working map.

COMMISSIONER STERTZ: 5, 13 and 14.

Fourteen is the inclusion as I'm looking at it on the screen.

Six would be the inclusion of the Camp Verde extension into 4.

Fourteen -- what changes there in 5?

WILLIE DESMOND: Five comes into Yavapai County now and loses La Paz.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Just to allow myself to get caught up, that was not in the -- was that modification in the splits report that came on Friday that you just handed to me?

WILLIE DESMOND: That splits report did include that.

COMMISSIONER STERTZ: Five, 13?

WILLIE DESMOND: Yes.

COMMISSIONER STERTZ: So if that would be correct, 5 became slightly overpopulated by this move?

WILLIE DESMOND: Slightly overpopulate. Thirteen will be slightly under-populated.
Ideally, we want to move 5,000 people from 5 to 13.

In this particular block group right here, doesn't move any. It wouldn't have to split the census place at all and it would move about 2100 people.

That would put 5 still overpopulated, but by less than two-and-a-half percent.

It would also make 14 still under-populated, but by only a couple thousand people, so I would recommend some other small population balance between 5 and 14 that doesn't split a census place.

For instance, if we did take 5,000 people from up here, we would have to split the Chino Valley.

So I think it makes more sense to deal with a narrower population deviation, but not any more splits to census places. Does that make sense?

COMMISSIONER STERTZ: It does.

Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Could you zoom in on 5, the La Paz-western Maricopa County connection?

So this keeps La Paz County whole with the northern half of Yuma County, southern half of Yuma county is the majority-minority district, and this keeps La Paz the less population attachment to the urban components of
western Maricopa County; is that correct?

WILLIE DESMOND: Correct.

In the current working map that district goes into Surprise, so it's able to remove itself from Surprise.

It does have more of Buckeye and the kind of unincorporated area of western Maricopa County.

COMMISSIONER STERTZ: Okay.

CHAIRPERSON MATHIS: Okay. Is everyone in agreement that that's all we're looking for on the leg map?

Mr. Stertz?

COMMISSIONER STERTZ: Madam Chair, the adjustments that were made to the Town of Guadalupe today, I would expect that those would also be, that Guadalupe would be included now in the adjustment district that we had discussed earlier today.

CHAIRPERSON MATHIS: Can you specify what that is on the map, Mr. Desmond?

COMMISSIONER STERTZ: I think he pulled Guadalupe into 27.

WILLIE DESMOND: I do want to point out one more small thing out on this map that came to my attention.

CHAIRPERSON MATHIS: Sure. Go ahead.

WILLIE DESMOND: Mr. Mills pointed out there is this unin -- non-contiguous area of District 15 to clean up.

It is zero population.
So it's not a big deal.
Okay. Going into Guadalupe.
It's my understanding that that change has already been sent to Dr. King to start analysis.

COMMISSIONER STERTZ: And that change was that Guadalupe is now moved from 20 --

WILLIE DESMOND: From 26 back to 27.

COMMISSIONER STERTZ: Twenty-seven.

WILLIE DESMOND: And a series of other changes that involves 26 taking some area from Phoenix here, also incorporates part of the Salt, takes the Salt River reservation into 26.

District 24, as a result, takes some area here, north of Van Buren.

And then there's a slight population balance between 27 and 19 right here.

And it's my understanding that Guadalupe -- with Guadalupe in 26 and without Guadalupe in 26 are both going to be analyzed in parallel, to see if both are acceptable.

And it's a judgment call which to go with. If one of them works or one of them doesn't, or still the possibility, until the analysis is done, that something more dramatic needs to be undertaken.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.
COMMISSIONER STERTZ: Lastly, I'm assuming that because this is a broader brush of analysis, that the small specific adjustments that we talked about regarding lines and arterials and collectors and cleaning up areas, would be done subsequent to any analysis that would take place for delivery tomorrow; is that correct?

WILLIE DESMOND: Correct. If I notice anything easy, I'll incorporate that for you and note it so that you're made aware.

However, I would like to spend some time with any sort of closers to done maps, and also send that off to the different counties so that they can look at it in relation to their districts, and come back to us with any major headaches that it creates.

COMMISSIONER STERTZ: Thank you.

Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I just got buzzed telling me I need to be in Tucson at 8:30 tonight, so, if there's anything that we need to conclude in the next few minutes, we need to conclude.

CHAIRPERSON MATHIS: All right. Do Commissioners have anything else that they wanted to tell Mr. Desmond for tomorrow with regard to the leg map?

(No oral response.)
CHAIRPERSON MATHIS: Okay. Hearing none. So do we want to talk about the congressional map?

VICE-CHAIR HERRERA: Madam Chair, yeah, I'd love to talk about the congressional map.

CHAIRPERSON MATHIS: I don't know what -- we kind of operated under the premise that we would have five bipartisan representation. I don't know what Mr. Freeman's availability is, but if people are up for it, and we can talk a little longer, we can continue.

The time is -- we can take a short break, if we need it, 6:32.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I'm not particularly up for it. I do not want to -- I would like to get home with my wife, put everyone to bed, and I'm kind of worn out being here since 9:15 this morning.

I don't think there's that much left to do.

Well, let me strike that.

There's still an enormous amount to do, but in terms of what we're going to be fiddling with, we have tomorrow afternoon to wrap up the leg and perhaps even the CD maps. It's possible, I guess, that we can do it tomorrow.

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

COMMISSIONER STERTZ: My desire would be to be in that discussion, so if the rest of the Commission is acceptable, I would hope that we could hold off anymore discussion on CDs tonight, so we can talk about it freshly tomorrow.

I think we've done some yeoman's work today.

CHAIRPERSON MATHIS: Any thoughts from other Commissioners? Is there anything anybody needed to just tee up on it for tomorrow, in order to discuss it, or not?

COMMISSIONER STERTZ: If everybody is okay not talking about it tonight, then I won't have a new map to talk about tomorrow.

That was a joke.

CHAIRPERSON MATHIS: Okay. I think Mr. Bladine does have a couple of items, just about meeting next week. He heard back from all of us and has some options.

And then I have one request to speak form, and I thought we'd also just cover that really briefly, if possible.

So that's Judy Dworkin, speaking for Craig Boates of Anthem. And then we'll have Mr. Bladine maybe.

Mrs. Dworkin, do you want to come up now and address the Anthem.

JUDITH DWORFIN: My name is Judith Dworkin,
spelled D-W-O-R-K-I-N.

And I'm here tonight simply to read a statement from Craig Boates, who's from the Anthem area.

And he asked me to read this because he couldn't be here.

Madam Chairperson and Commissioners. My name is Craig Boates. I have been an Anthem resident and business owner since 2002.

During that time I've been very involved in the community and serving as a Board member of the Chamber of Commerce of Anthem and Gateway, and the past president of the Rotary Club of Anthem. Additionally, I currently serve as the president of the Board of Directors of the Anthem Community Council.

My comments are my personal opinions, but are based on my active involvement in the Anthem community. As you may recall, three representatives from Anthem provided public comment on December 8th, 2011.

With those statements the representatives asked the Commission to give further consideration to two important realities about our community of approximately 26,000 people.

One, our geography. Anthem has always been and continues to be a single unified community.

This is despite the fact that our population and
The government is divided by Interstate 17.

The portion that we call the east side of Anthem, east of I-17, is located in the unincorporated Maricopa County, while the west side is located in the City of Phoenix.

While exact census figures are not known, we believe our population is split roughly 25 percent on the west side and 75 percent on the east side.

This is my editorial comment.

I believe that on the west side it's approximately 2900 population.

Our alignment -- Point two. Our alignment: The entire community of Anthem is economically, socially, culturally and geographically an integral part of the north valley, which encompasses the communities of Tramonto, Desert Hills, Carefree, Cave Creek, north Scottsdale, and the northeast portion of Phoenix.

We are not connected to nor do we have any commonality with Kingman, Prescott, Payson or the west valley.

On December 8th we were concerned that at least one of the redistricting proposals split our community into two separate congressional districts.

The west side included with the northwest metropolitan areas of Phoenix, and the east side included
These proposals were in direct conflict with both of the realities that are mentioned above. Looking at the recent changes contained in this last week's proposal by Commissioner Stertz, and also reflected in the combo maps submitted by Chairperson Mathis, Anthem was reunited into the proposed Congressional District 4.

This certainly addresses our geography, but included us with the west valley, which is in conflict with our alignment.

Looking at the legislative district population balance map, December 16th, we note that the community of Anthem has been divided along Interstate 17, with the east side in LD 15 and the west side in LD 22.

While both of these districts include portions of the Phoenix metropolitan area, in recognition of our alignment we are still concerned that this divides our community in conflict with our geography.

Therefore, we ask the Commission to consider how our community can be reunited in a single legislative district which would contain all of Anthem, consistent with our alignment.

We understand the process of drawing the new congressional and legislative districts is a daunting task
with many factors to consider. However, we strongly believe that it is in the best interest of all of the Anthem residents to have common representation, aligned with our neighboring communities in the north valley, in both federal and state legislative-wise.

    Thank you for your consideration.

CHAIRPERSON MATHIS: Thank you.

Can you indulge me, Mr. Desmond, and pull that up, because I'd like to see this on the map, just Anthem, since census place on the, yeah, LD.

    That white piece, what is that? Is that part of Anthem at all, or no?

JUDY DWORIN: That is a portion of it.

I'm going to give Mr. Desmond a map that will help him.

CHAIRPERSON MATHIS: Oh, great. Thank you.

VICE-CHAIR FREEMAN: Dennis, I think if you put the block layer up, I think it perhaps becomes apparent what's being spoken of.

JUDY DWORIN: Yeah.

WILLIE DESMOND: So it looks like it's this area right around here.

    A good portion of that is in the Phoenix census place. That's probably part of the reason this has been happening.
CHAIRPERSON MATHIS: Do Commissioners have any thoughts on that in terms of trying to unite Anthem into a single legislative district?

It's clear that we're using 17 as a dividing line.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: As contemplated under Commissioner McNulty's submittal, Anthem is united in Legislative District 14.

CHAIRPERSON MATHIS: Oh, it is?

COMMISSIONER McNULTY: I believe so, yes.

CHAIRPERSON MATHIS: Is that true?

WILLIE DESMOND: Yes, it is.

COMMISSIONER STERTZ: And as contemplated under the congressional district map that I submitted last Thursday, Anthem was united as well.

It had been bifurcated by 17 in both legislative and in congressional maps until the McNulty adjustment in 14 and the Stertz adjustment on last week, Thursday.

CHAIRPERSON MATHIS: Great.

Problem solved.

Okay.

Anything else that anyone wants to raise with regard to mapping?

Then I'll let Mr. Bladine come up.
COMMISSIONER McNULTY: No.

CHAIRPERSON MATHIS: Okay.

Mr. Bladine just passed out availability sheets for next week in terms of meetings.

Thank you for gathering all this from us.

RAY BLADINE: Chairman Mathis, I'd like to ask everybody to please look at it and make sure that I did properly reflect what you said.

If you're wondering on Mr. Freeman's what that all means, on Friday it means not available, maybe a half day, last resort only.

So he is showing his flexibility, but it's not really what he'd like to do.

CHAIRPERSON MATHIS: Okay.

RAY BLADINE: I think the rest is probably pretty clear.

CHAIRPERSON MATHIS: My situation Tuesday afternoon is just that I have a meeting that I can't get out of from 1:30 to 2:30.

And it's in Tucson. So I could start chairing at 3:00, if people wanted to do that from Tucson, or if you all wanted to meet, start earlier in the afternoon, and I join. However you'd like to do that.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.
COMMISSIONER STERTZ: This is a question for legal and for Strategic. When are the reports from Dr. King anticipated to be returned?

MARY O'GRADY: We anticipate, if not a written report, a verbal report, as we said today. So far all the maps have checked out that we've submitted, and the only one that we're really digging deeper on is 26, and we'll have an update call Wednesday. And things are moving. Things move much quicker, you know, when we submit new things to them.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: So you're saying by the morning of Tuesday, the 27th, we'll have a complete analysis, if not written, but verbal, back from Dr. King?

MARY O'GRADY: I'll have a better sense for that Wednesday, but that's what I expect.

COMMISSIONER STERTZ: Okay. Perfect.

Madam Chair, I trust we can maybe fix the schedule tomorrow, after we get better counsel from Ms. O'Grady and the outcome of tomorrow's hearing?

CHAIRPERSON MATHIS: Any other thoughts from anyone on next week?

COMMISSIONER McNULTY: I agree with Mr. Stertz. I think maybe once we have a better sense of what we can receive from Dr. King, and when, hopefully tomorrow,
it might make sense to -- I think we need -- we would need
to have some significant feedback from him in order for it
to make sense to try to meet that week.

MARY O'GRADY: And we'll have that -- we'll have
more information Wednesday. But the information we have now
is that everything checks out except for 26, is the only one
we're getting more information on.

CHAIRPERSON MATHIS: Any other questions on
schedule meeting for next week?

I have a question for tomorrow, actually. We're
starting at 1:00 p.m., and I believe Mr. Kanefield won't be
available.

Mr. Kanefield, will you have anybody tomorrow,
since I know we're starting at 1:00 and I don't think you'll
be here.

JOSEPH KANEFIELD: Madam Chair, no, I won't be
here.

I can find out if Bruce can come in and be
available in case there's any questions.

I will talk to him later on.

Mary will be here, of course, though.

CHAIRPERSON MATHIS: Okay.

Okay.

Anything else Mr. Bladine?

RAY BLADINE: I could wait until tomorrow.
All I was going to do is summarize some things we talked about a couple days ago. I can do it tomorrow, unless you want me to do it now.

CHAIRPERSON MATHIS: Go ahead, if it's not too long.

RAY BLADINE: Just a couple quick things. We all agreed that once we get all the statistics together we'd release a press release, and we're working to get all those statistics together on all of the various outreach activities, so we're working on that.

We're putting emphasis on getting the transcripts coded for Catalyst and assigning most of the staff to do that.

Several weeks ago, I guess it was actually December 8th, I sent you a draft expenditure estimate. I haven't come back to visit that with you because the big unknown is legal costs.

And while in doing that analysis I indicated that there could be the possibility of a deficit by the end of June.

I really wasn't comfortable with it, because I haven't -- I haven't had a lot of information in terms of the actual cost coming in.

And as you will recall, I also pulled together a separate spreadsheet on legal costs to get a picture of
that.

So my thought was, through December we should have a better idea again on legal costs, and then I'd come back and sit down and talk to you about what it looks like.

Lastly, I also have not forgotten to bring back the item that Commissioner Stertz brought up about what was our plan for meeting Minutes and action items. I was going back to try to find the memo, but my recollection was, that we had agreed for public hearings and mapping meetings, we would do transcripts.

For business meetings we would do action items.

But I have -- that's my memory.

I haven't gone back to see what -- what was really said, and I'll bring that back for discussion. And that's probably what I would recommend doing.

And mostly I call this a mapping meeting, because there's a lot to log in terms of actions other than what's going on with the change reports and documents that are created. But I'll bring that back as an item to discuss, if not tomorrow, then early next week.

And that's all I have. I'm certainly available for questions.

CHAIRPERSON MATHIS: Any questions?

(No oral response.)

RAY BLADINE: Okay. Thank you very much.
CHAIRPERSON MATHIS: Thank you very much.

Any -- just to go through the agenda really quickly.

Number five: Review and discussion of possible future agenda items.

Anything anybody needed to raise?

(No oral response.)

CHAIRPERSON MATHIS: Okay.

Number Six: Legal advice, direction of counsel, discussion, possible action and update regarding litigation on open meeting law.

Is there anything, legal counsel, that you wanted to address?

JOSEPH KANEFIELD: Madam Chair, very briefly, the County Attorney today filed his Notice of Appeal on the open meeting law, open meeting case.

CHAIRPERSON MATHIS: Any questions on that?

(No oral response.)

CHAIRPERSON MATHIS: Okay.

We've done public comment.

Was there anyone else who wanted to address us?

(No oral response.)

CHAIRPERSON MATHIS: Okay. That leaves adjournment. So the time is 6:50 p.m.

Thank you Commissioners for your hard work today,
and staff, and the public for providing input. We greatly appreciate it.

This meeting is adjourned.

(Whereupon, the meeting adjourned.)

* * * * *
BE IT KNOWN that the foregoing proceeding was
taken before me, Marty Herder, a Certified Court Reporter,
CCR No. 50162, State of Arizona; that the foregoing
259 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