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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
October 11, 2001
8:30 a.m.

ARIZONA INDEPENDENT
REDISTRICTING
COMMISSION

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate No. 50349

1 THE STATE OF ARIZONA INDEPENDENT REDISTRICTING
2 COMMISSION convened in Public Session on October 11,
3 2001, at 8:30 o'clock a.m., at the Sheraton Airport
4 Resort, 1600 South 52nd Street, Tempe, Arizona, 85281,
5 in the presence of:

6

7 APPEARANCES:

8 CHAIRMAN STEVEN W. LYNN

9 COMMISSIONER JAMES R. HUNTWORK

10 COMMISSIONER JOSHUA M. HALL

11 COMMISSIONER ANDI MINKOFF

12 COMMISSIONER DANIEL R. ELDER

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ADDITIONAL APPEARANCES:

LISA T. HAUSER, Commission Counsel

JOSE de JESUS RIVERA, Commission Counsel

DR. ALAN HESLOP, NDC, Consultant

DR. FLORENCE ADAMS, NDC, Consultant

DOUG JOHNSON, NDC, Consultant

CHRIS HUTCHISON, NDC, Consultant

MARGUERITE MARY LEONI, NDC Counsel

CHRIS HUTCHISON, NDC, Support Staff

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LOU JONES, IRC Staff

CINDY LE, IRC Staff

KRISTINA GOMEZ, IRC Staff

AMY REZZONICO, IRC Press Information Officer

PAUL CULLOR, IRC Staff

TIM JOHNSON, MC, Computer Consultant

LISA A. NANCE, RPR, CCR, Court Reporter

1

2 SPEAKERS FROM CALL TO THE PUBLIC:

3 PAUL ECKSTEIN

4 MAYOR JAY TIBSHRAENY

5 MARGARET KENSKI

6 MAYOR JOSEPH DONALDSON

7 LEONARD GORMAN

8 RUDOLFO H. PEREZ, JR.

9 FRANK SEANEZ

10

11 AGENDA DESIGNATED SPEAKERS:

12

13 DR. ALAN HESLOP

14 DR. FLORENCE ADAMS

15 DOUG JOHNSON

16 CHRIS HUTCHISON

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1 Public Session
2 Tempe, Arizona
3 October 11, 2001
4 8:30 o'clock a.m.

5 P R O C E E D I N G S
6

7 CHAIRMAN LYNN: Ladies and gentlemen, I'd
8 call the meeting to order. I apologize for the lateness
9 and change in rooms, this morning's change of room.
10 We'll be in this room this morning and the Arizona room
11 after lunch. It's a larger room, nicer room, for
12 afternoon.

13 Today is the one-month anniversary of
14 really a change in the way we live in America. A month
15 ago, America was attacked, devastatingly unprovoked, and
16 it will change our lives probably for the foreseeable
17 future. In deference to the lives lost a month ago, in
18 deference to those lost lives, in deference to the 2000
19 lost lives, I wonder if we can all observe a moment of
20 silence.

21 (Whereupon, everyone joined together in a
22 moment of silence.)

23 CHAIRMAN LYNN: Thank you. Thank you.

24 Today our agenda concerns the
25 Congressional districting. And our first order of

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1 business, as is always the case, is call to the public.

2 This is the time for consideration and
3 discussion of comments and complaints from the public.
4 Those wishing to address the Commission shall request
5 permission in advance by filling out a speaker slip.
6 Action taken as a result of public comment will be
7 limited to directing staff to study the matter or
8 rescheduling the matter for further consideration and
9 decision at a later date unless it is the subject of an
10 item already on the agenda.

11 Several have filled out speaker slips.
12 I'll ask my fellow speakers, I'm in receipt of a letter
13 overnight from the Mayor of Tempe, Neil Giuliano.

14 COMMISSIONER HALL: No.

15 CHAIRMAN LYNN: I'll pass it around for
16 everyone to take a look at at the meeting, make it part
17 of the record.

18 The first speaker is Paul Eckstein, a
19 representative of the Arizona Democratic party.

20 Mr. Eckstein.

21 MR. ECKSTEIN: Good morning, Mr. Chairman,
22 Members of the Commission. I'm Paul Eckstein. I want
23 to speak primarily of the Downtown District on behalf of
24 Democratic party, then I have a few remarks personal to
25 C, not on behalf of the Democratic party.

1 Before doing that, I think it useful, at
2 the risk of repeating several points and positions of
3 the Voting Rights Act that are applicable and people
4 have voiced as reasons why a competitive Downtown
5 District cannot be created, Sections Two and Five of the
6 Voting Rights Act. There are three parts of the Gingles
7 Test that can be met, three parts of the Gingles test
8 that can be met, that go to the basis of the totality of
9 the circumstances, and determine if the minority has
10 less of an opportunity than the minority to elect
11 representatives of their choice.

12 Point number, one under Section Two,
13 failure to maximize minority dilution. The Supreme
14 Court said it said clearly in Bush vs. Rivera: Packing
15 can impermissibly sacrifice minorities, nonminority
16 districts, sacrifice their vote. That's exactly what
17 has been done with regard to the district, what they
18 did. Minorities can influence districts without being
19 the majority in the district.

20 Under Section Two, the Supreme Court has
21 said minority influenced districts are to be favored.
22 Under the plan that the group I'm representing has
23 submitted, I'll hand out data that confirms this, I
24 think you already have, not only are two
25 majority-minority districts preserved, G and D, minority

1 influenced district, a 39 percent minority vote is
2 created in a so-called downtown central city district in
3 District B.

4 Turning to Section Five, I think you all
5 know a lot better than I do that Section Five is
6 designed to assure a range of election on here. Talking
7 about redrawing lines. Does not have the purpose, will
8 not have the effect of denying or abridging the right of
9 the minority, protected minority, to vote.

10 Of course, the test is under the effects
11 of the clause, whether there is retrogression. Section
12 Five however does not require maximization of minority
13 voting power.

14 I want to read to you from the Miller
15 Johnson case, a US Supreme Court case that is absolutely
16 critical given what I understand the concern to be with
17 preclearance with the Justice Department.

18 Utilizing Section Five requires the states
19 to create minority-minority districts expanded with what
20 we upheld. Department of Justice is not the final word
21 on interpretation of Section Five. Where it has, as in
22 the Millet (phonetic) case, overstepped authority, the
23 state court has not been reluctant to slap it with Five.

24 The second point, Section Five, the key
25 point is where you have an increase in districts, that's

1 what we have, six to eight, Section Five does not
2 require newly created districts, majority created
3 districts, the Abrams Johnson case, a case out of
4 Georgia, where the argument was made African Americans
5 in one minority-majority district out of 10, in other
6 words, 10 percent, were not given a new minority Georgia
7 district. Georgia increased 10, 11. One out of 11, or
8 nine percent. The Supreme Court said that is not
9 retrogression.

10 What we have is the exact opposite under
11 any plan you are considering. We're going one out of
12 six majority districts, 16 and a sixth percent, to two
13 out of eight, which is 25 percent.

14 However you calculate it, whatever
15 mathematical system you use, however poor or good you
16 are in mathematics, that is not retrogression.

17 If there is someone in the Justice
18 Department saying that is retrogression, I suggest to
19 you that would not stand up in court.

20 Paragraph The third point, under Section
21 Five, it is not designed to support the electoral
22 success but rather be an opportunity to support the
23 electoral success of Bush vs. Rivera, 1977 Supreme
24 Court, success of nonretrogression is not a license for
25 a state to do whatever it deems necessary to assure

1 continued electoral success; merely mandates the
2 minorities' opportunity to elect candidates of it's
3 choice be not diminished directly or indirectly by it's
4 representatives. Here, not diminishing, 16 and 16
5 percent to 25 percent.

6 Now these principles, this is not new
7 stuff. These principles applied to this jurisdiction in
8 1992, in the Symington case. The argument was in part
9 over the current Congressional District, number two,
10 which has parts of Districts D and G, and roughly those
11 two districts. And what the Court was asked to do in
12 that case was say District 44.77 percent voting age
13 population and 50.46 percent Hispanic population was in
14 violation of the voting age population.

15 No, that is not in violation of the voting
16 age population. That is baseline, absolute age
17 baseline.

18 You have an increase, and we probably
19 ought to say again, it's a basic increase,
20 majority-minority increase. We have districts we're
21 introducing, increase in majority-minority districts.

22 Let me hand out the charts, and I think we
23 can illustrate it. I have enough copies for everyone:

24 MR. ECKSTEIN: First page, what I call the
25 working IRC proposal, Arizona Coalition for Downtown

1 Districts, the proposal made in which you have -- I made
2 several weeks ago. I gray-lined certain numbers there.

3 COMMISSIONER HALL: Mr. Eckstein, you
4 don't mean, the top is IRC not adopted draft B, or is
5 it?

6 MR. ECKSTEIN: Is it -- what we're working
7 with, adopted what is circulated.

8 COMMISSIONER HALL: Competitive B.

9 CHAIRMAN LYNN: The draft map widely
10 circulated, draft Congressional map.

11 COMMISSIONER HALL: Yes. The one
12 circulated.

13 CHAIRMAN LYNN: August 17.

14 COMMISSIONER HALL: I apologize.

15 MR. ECKSTEIN: Don't apologize. I hope
16 you have questions. When you have questions, you ask
17 them.

18 So what we you have, we're talking about
19 shifting, primarily shifting populations between D and B
20 preserving majority-minority status, number one; two,
21 more competitive, by our lights, keep it more
22 competitive, District B; three, creating minority
23 influence district in District B.

24 Focusing on the last point, the column in
25 the minority under the map circulated by the IRC, see

1 minority population, 11.8 percent. When you make the
2 adjustment we suggest, you have minority population of
3 39.35 percent, 28.86 percent Hispanic, 28.83 percent
4 voting age Hispanic, voting age population, which in any
5 terms is competitive in terms of performing. Hence, you
6 see, the district becomes more competitive than it was
7 before from 59.13 percent Republican performance to
8 59.15 percent performance, spread the of 19 points to a
9 little over five points, five percentage points.

10 COMMISSIONER ELDER: Mr. Eckstein, maybe
11 I'm not so sure on classifications. Minority, 11.78
12 percent B.

13 MR. ECKSTEIN: Yes.

14 COMMISSIONER ELDER: Hispanic, 39.35; and
15 B, 70.34; and D, 65, 65.67.

16 MR. ECKSTEIN: Numbers may be switched.
17 Obviously in error.

18 CHAIRMAN LYNN: Probably the last four.
19 Correct those. Illustrations. We have numbers as well.

20 MS. HAUSER: Mr. Chairman, I also have a
21 question, Mr. Chairman.

22 The Republic performance columns, can you
23 tell us what is the measure of performance you used in
24 this analysis?

25 MR. ECKSTEIN: I believe the measure used

1 by the IRC. I'm not sure of the measure used by the
2 IRC. I can pin that down.

3 MS. HAUSER: We had a number of them.

4 MR. ECKSTEIN: District D. The objective
5 is to preserve the minority-majority status. If you
6 look, that's preserved as well. Starts off at 60.99,
7 ends up at 59.42, a de minimis number change.

8 With respect to minority population, it
9 starts off at 70.34 percent. I think, if it isn't
10 packing, it certainly borders on packing, and would drop
11 some amount, basically four-and-a-half percent, to 65.67
12 percent, a very healthy number, to allow for compliance
13 with Sections Five and Two of minorities over age 18.

14 A similar set of numbers starts over 64
15 percent, ends up at nearly 64 percent, 60 percent
16 minority voting age population.

17 In most districts, most criteria, that is
18 a whole lot more than what is required by law.

19 Now, if you break down Hispanic, I think
20 data showed this eight years ago when we argued the case
21 for creation of districts in the Phoenix Union High
22 School Coalition voting between African Americans, no,
23 it isn't that it never happens. You'd ignore reality to
24 think it's only Hispanics that count, still, to have
25 53.59 percent Hispanic population and 48.32 percent when

1 you make these shifts.

2 Go back to Symington. What Symington
3 approved, 47.44, Symington, voting age population,
4 43-and-a-half plus higher than received the judicial
5 stamp of approval 92. 53.99 percent is three plus
6 percent higher than -- in terms of total Hispanic
7 population approved in '92.

8 MS. HAUSER: Is that the bench mark you
9 referred to previously?

10 MR. ECKSTEIN: That's a bench mark.

11 What we have here, you created another
12 majority bench mark. When you look at bench mark, you
13 look at two together. You can't just look at District
14 Two.

15 I know we're working on the assumption
16 here that current district number two is really a
17 substitute for or proxy for District D, or the other way
18 around, proxies for one another. That is not the case.
19 The assumption is District G is a new district. Well,
20 the fact of the matter is District D is a new district.
21 District G is the old district. That's the way it
22 started out. Started out that the Tucson district came
23 into Phoenix and picked up the votes in Phoenix. I
24 think if you look at it in terms of geography, District
25 D is a new district, District G is not.

1 I know everyone assumed here District G
2 District C is new districts. I suggest District G is a
3 new district. But, but, when looking at base lines in a
4 Congressional situation, when we added a district, we
5 can't look at one district. We look at the increase in
6 majority-minority districts.

7 MS. HAUSER: My question was with respect
8 to the number. I think I missed that.

9 Did you, in your previous reference to
10 bench mark in general, reference from the last time for
11 current Congressional two.

12 MR. ECKSTEIN: 1992 numbers, not 2000
13 numbers, numbers approved, and the district created on
14 the basis those numbers.

15 MS. HAUSER: You've not infused 2000 data
16 per the 2000 Census guidelines?

17 MR. ECKSTEIN: You'd have to do that with
18 District D and G. It doesn't apply.

19 You are creating, under the plan under
20 consideration, two majority-minority districts. The
21 only question is whether they are also a minority
22 district in Phoenix, Scottsdale, and Tempe, and whether
23 that district is more competitive. That's the issue
24 before you.

25 CHAIRMAN LYNN: Mr. Eckstein, so everybody

1 is clear, Ms. Minkoff found a problem with the minority
2 category, a typo on the 21.78 percent. We did the math.
3 All the other numbers make sense.

4 MR. ECKSTEIN: I tried to do the math last
5 night. I missed it last night.

6 Any other numbers on the first chart?

7 COMMISSIONER MINKOFF: I have a question
8 about your discussion of what is an existing district
9 and what is a new district.

10 Having lived in Arizona long as you have,
11 about as long as you have, I remember the creation of
12 that district, original District Two. It was a Tucson
13 district. If you look now, it is a Maricopa County
14 district.

15 Would the Justice Department look at that,
16 wouldn't they look at that as exhibiting a majority
17 district, forgetting the numbers, the territory makes up
18 existing districts, where the most territory ends up in
19 a new plan?

20 MR. ECKSTEIN: They won't look at it in
21 that sense, in the sense to say minorities or Hispanics,
22 say, number one, regressed, the ability to elect
23 representatives of choice regressed Hispanics, to elect
24 representatives of choice.

25 The first thing they'll see is not one but

1 two minority-majority districts. The percentage has
2 gone up 6 to 25 percent, almost 9 percentage points.
3 And you can't just isolate one district, when somebody
4 says "this is my district," like the person owns this
5 district. None of these people owns a district. None
6 of these people lay claim to a particular territory.
7 When somebody lays claim to a particular territory, that
8 current particular territory goes into Tucson, Pima
9 County, and Pinal County. One cannot just look at one
10 district and say minorities are being retrogressed or
11 denied equal opportunity to participate in the election.
12 One look at population, Hispanics' representation.

13 COMMISSIONER MINKOFF: I think I didn't
14 make the question clear. The Justice Department will
15 look at bench marks. Currently there's one
16 majority-minority district population, whatever it is.
17 I'm not sure what it is.

18 MR. ECKSTEIN: 25 percent, in terms of
19 Hispanic population. Somewhat higher than that. In
20 terms of your remarks, if we present a plan, there's no
21 intention to go through with it, if the Commission were
22 to present a plan with one majority-minority district,
23 the Justice Department would not reject one factor.

24 Under Abrams Johnson, one now, let me
25 emphasize we're not planning to do that.

1 I don't think anyone that's spoken
2 suggested that.

3 COMMISSIONER MINKOFF: I'm trying to
4 understand the issue. Adding an additional minority
5 issue, we recognize that's the appropriate thing to do.
6 Justice looks at issues of preclearance, looks at
7 additional issues, and a particular district has to meet
8 the bench mark or do they look at the two new districts
9 we've created and the bench mark gets set aside? How
10 does the bench mark gets set aside to do that, apply one
11 of the two districts, or not apply either one?

12 MR. ECKSTEIN: I can't say how justice
13 looks at it. This precise issue has not been litigated.
14 One close gives a clue how the Supreme Court comes out,
15 Abrams vs. Johnson, where they said in Georgia one need
16 not increase the majority minority by one to avoid
17 retrogression.

18 I think what justice ought to do is take
19 the two districts together. I don't think you get to
20 that. You, by definition, don't have retrogression if
21 you increase the representation in Congress 16 to 25
22 percent.

23 CHAIRMAN LYNN: Mr. Eckstein, I hope you
24 don't mind interruptions.

25 MR. ECKSTEIN: This is -- I don't mind it.

1 I welcome it.

2 MS. LEONI: Thank you.

3 Tuesday this week, we received a message
4 orientation from Danny Ortega. He pointed out the facts
5 like have you addressed the fact, if you might, pointed
6 out one of the reasons for protecting percentages of a
7 particular district, District D, is because of the fact
8 it falls within the measure of voting strength. He
9 pointed out in their analysis there's been a 10 percent
10 drop, based on lack of citizenship.

11 What I'd like to ask is a twofold
12 question, ask you both at, once if you would address
13 them both: Have you looked citizen rates in the
14 Hispanic community, proxy citizenship? Have you been
15 able review citizen rates, make some citizenship level,
16 whether they really do have an opportunity, and, number
17 two, has your group had an opportunity to do any
18 polarized analysis of voting patterns in the current
19 district?

20 MR. ECKSTEIN: The answer to both
21 questions is no.

22 To direct your attention to the second
23 sheet, particularly to G, the gray line for District G
24 under the maps circulated by the IRC, where you, by your
25 studies, have created what everyone recognizes is a

1 majority-minority district, 50.87 percent total Hispanic
2 percentage population and 50.87 voting age population,
3 is there any evidence in the record anyone seriously
4 believes that compilation or what was proposed in
5 District D is any different compilation, different than
6 D?

7 I suppose if anything, I believe it's not
8 based on any empirical data, non citizens District G,
9 than there would be in the Central Phoenix district.
10 Yet by your determination you've said, at least
11 tentatively, 44.8 percent Hispanic voting age population
12 sufficient, confirmed, at the time done, court found
13 44.66 percent was sufficient. If sufficient to create a
14 majority-minority district, District G, I have a hard
15 time even contemplating how it could not be sufficient
16 in District D until someone demonstrates that the
17 minority populations are so different in focusing on
18 Hispanic populations in District G and D.

19 What you are doing, what you would be
20 doing if you accepted our suggestion, or something
21 reasonably close to it, is lower the numbers somewhat in
22 District D. But they would still be above the numbers
23 in District G.

24 Turn to the next page --

25 CHAIRMAN LYNN: Mr. Eckstein, we're rife

1 with attorneys.

2 COMMISSIONER HUNTWORK: This certainly is
3 not a legal question. I wanted to ask and I think
4 you'll see the question. I appreciate your answer you
5 have. It's how you get the Hispanic population up in
6 proposed District G. There's the suggestion we've
7 somehow limited that district, which is simply not
8 factually correct. We sought every way possible to
9 increase the Hispanic population.

10 MR. ECKSTEIN: If you took my remarks,
11 it's not a sufficient minority district.

12 COMMISSIONER HUNTWORK: I took your
13 remarks.

14 MR. ECKSTEIN: My point was if G was
15 sufficient, 44.8 percent Hispanic voting age population,
16 clearly D is sufficient at 48 percent, which drops it
17 to --

18 COMMISSIONER HUNTWORK: I took your
19 remarks to mean we satisfied District D and stopped
20 trying to improve the demographics because we were
21 satisfied with it. The fact is we tried to improve the
22 demographics every way we could think of. It doesn't
23 mean we can't do better in District D. I'm suggesting
24 to you in our perspective that district is a non
25 sequitur.

1 MR. ECKSTEIN: I understand what you are
2 saying. I think it's an absolute non sequitur. If you
3 have determined, and I haven't heard anyone say, any
4 group say District G is not a majority-minority
5 district, anyone come up and say it's not a
6 majority-minority district, it is, and has 48.4 percent
7 voting age population. Would you like to find -- boost
8 that number somewhat? I understand why you might want
9 to do it. Not that it's a perfect minority-minority
10 district.

11 When you compare G to D and compare the
12 small diminution in percentage we propose still for a
13 percentage higher than what which was deemed
14 satisfactory by this group, and -- I think in terms of
15 everyone, I haven't been here, haven't heard anyone say
16 G is an inadequate minority district.

17 In part -- this isn't necessarily case
18 law. People recognize, may well get in case law. They
19 don't just look at percentages, but registration in
20 districts. One of the reasons District G is a very
21 strong majority district, there's strong registration in
22 the district. Whoever wins the Democratic primary has
23 an outstanding chance, not a deadbolt lock cinch, but an
24 outstanding chance to get elected.

25 MS. HAUSER: More to the point, perhaps

1 the most significant difference between G and D is
2 inclusion of the Native American population, such as the
3 Tohono O'odham, very similar to those. The Tohono
4 O'odham, and similar to those. In fact, included in the
5 44.8 percent number of Hispanic voting age population,
6 it includes other minorities I spoke of.

7 Basically, total minority voting age
8 population, 54.8. Wanted make clear for the record that
9 the conclusion, perhaps, people are making with respect
10 to District G may be based more on the 54.8 percent
11 number rather than 44.8 percent number.

12 MR. ECKSTEIN: Same with respect to D. As
13 currently proposed, it's made up most importantly of
14 Hispanics but also includes Native Americans, includes
15 African Americans, some Asians, 70.34 percent. Ends up
16 being diminished 7.6 percent, 7 percent points.

17 MS. HAUSER: Mr. Chairman.

18 Mr. Eckstein, would you please explain
19 that? Have not analyzed voting patterns shown blacks,
20 Hispanics vote different than blacks and Native American
21 Hispanics? Have you looked at it at all?

22 MR. ECKSTEIN: I have looked at it in
23 terms of data.

24 1992, when we filed the action asking that
25 the Phoenix Union High School District method of

1 electing members of the board be found unconstitutional,
2 we looked at it at that point. We were able to
3 demonstrate to the satisfaction of the high school board
4 that African and Hispanics in sufficient numbers, voting
5 block, and otherwise, though not able to persuade them
6 and, ultimately the court, five districts and two people
7 at large. We did have trouble then.

8 The answer is I haven't done that kind
9 analysis. I know from that work in fact elections were
10 analyzed in 1991 showing sufficient voting block between
11 African Americans and Hispanics.

12 Again, you have eight points margin there,
13 District D and G. I think that is without the empirical
14 data to back it up, from my understanding of the voting
15 practices.

16 CHAIRMAN LYNN: Mr. Hall has a question,
17 Mr. Huntwork has another.

18 COMMISSIONER HALL: My, along with legal,
19 heaven forbid.

20 Mr. Huntwork on my current train of
21 thought. I plan on switching gears.

22 COMMISSIONER HUNTWORK: I don't know how
23 legal-minded.

24 CHAIRMAN LYNN: Go ahead.

25 COMMISSIONER HUNTWORK: I want to come

1 back to the point of finding a way to strengthen G. I
2 don't disagree. If you or anybody else has suggestions
3 as to how to do that within further provisions of
4 Proposition 106, I'd welcome those suggestions. It
5 questions the mind pretty deeply. We've done the best
6 we can.

7 MR. ECKSTEIN: I agree with you,
8 absolutely agree.

9 COMMISSIONER HUNTWORK: I'll tell you, the
10 tests and studies we've looked at are not as good as
11 we'd like them to be in District D.

12 MR. ECKSTEIN: Not as good in D or G.

13 COMMISSIONER HUNTWORK: G. In G, not --
14 also may not be as good as one would like them to
15 be as it stands right now. The Question on my mind is
16 whether there's a feasible way to lengthen them. The
17 argument you are making strengthens G. The argument, D,
18 strength the district, waiting for votes in D. Numbers
19 I'm looking at don't show that. I'm saying disconnect.
20 You can go on with the argument like you wish to.
21 Actually it doesn't match what I've seen.

22 CHAIRMAN LYNN: Let me say two things.
23 Both districts have heavily Democratic registration and
24 performance. Whoever wins the Democratic primary 99
25 times out of 100 is elected if one really looks at the

1 ability to influence an election. One doesn't look at
2 the general. One looks the primary.

3 If you break numbers down, look minority,
4 Democratic primary, you'll read that. You'll see
5 numbers we don't have here, and it wouldn't surprise me
6 to see numbers in the 70, 80 percent range.

7 Looking in terms of practical politics,
8 meeting the standards of Section Two, ability to
9 influence an election, a very high percentage of the
10 time, 99 percent of the time, Hispanics elect a
11 candidate of choice. A high percentage of the time
12 they'll be able to elect a candidate of choice.

13 COMMISSIONER HALL: Thank you.

14 As you well know, Proposition 106 says
15 competitive should be favored long as it doesn't
16 influence, it is their opinion, to the detriment of the
17 community, influence other goals.

18 Would you respond to that general sense
19 and maybe you haven't heard some of that influence does
20 cause detriment to communities of interest and other
21 goals as stated in 106.

22 MR. ECKSTEIN: I heard that, read that.
23 Numbers stated are not a significant detriment in the
24 ability of minorities and Hispanics to elect
25 representatives of choice. Now, is there a detriment to

1 creation of communities of interest. To the extent that
2 means something other than Hispanic minority block
3 voting, if it means the same thing I think we
4 demonstrated through data, there's no significant
5 detriment.

6 The argument, as I understand it is, at
7 its most basic level, all Hispanics are part of the same
8 community. Divide Hispanics into different communities,
9 you violate the planning of 106.

10 I don't think it can be demonstrated all
11 Hispanics are part of the same community, only one
12 community. All of us are parts of different communities
13 of interest. If someone is a Hispanic person lives and
14 in rural Arizona, he may have a stronger attachment to
15 rural Arizona than a person does to -- a person that's
16 Hispanic in Central Phoenix.

17 What you have, M, the enhancement of
18 District B, or changes in District B, changes --
19 recognition of a different kind of recognition. Clearly
20 changes, recognition of the Voting Rights Act, will
21 trump the Voting Rights Act. All of this complies with
22 the Voting Rights Act. There are different communities
23 of interest, among the communities of interest written
24 down here, that create communities of interest, all
25 Tempe, south half of Scottsdale, to that Glendale

1 border. There's some suggestion they include Glendale,
2 what kind community of interest. And what do you have,
3 redevelopment, transportation, crime. Those are
4 significant communities of interest. I know there has
5 been questions about it. Is there significant detriment
6 to other goals? Compactness? No. If it's not the most
7 compact, it's probably not as compact as the East Valley
8 district. It can certainly compare to the proposed
9 District C compact district.

10 CHAIRMAN LYNN: There are several states
11 more compact than District C.

12 MR. ECKSTEIN: 25 states smaller than
13 District C.

14 CHAIRMAN LYNN: We all function with
15 Arizona's demography and geography.

16 MR. ECKSTEIN: -- I

17 COMMISSIONER HALL: Alaska is not one of
18 them.

19 MR. ECKSTEIN: Montana is not one.

20 I think when one looks at these numbers, I
21 just wanted to take a look, the third page of the charts
22 I handed out, and I alluded to it, District B, you go up
23 in terms of Hispanic voting age population from 12
24 percent to 23 percent. That creates a Hispanic
25 influenced district. At the same time, moving down

1 District D, three and a half percent points, 48.74 to
2 48.23 in terms of voting age population, that is more
3 than required by-law. I know people said if you don't
4 stick with these numbers. I'm saying you are on sound
5 ground staying with these.

6 CHAIRMAN LYNN: Follow-up number.

7 MR. ECKSTEIN: I want it absolutely clear
8 we think that District G is an effective
9 majority-minority district. We not only respect the job
10 you've done, we believe it's the best job that can be
11 done. It's a very, very good job.

12 One of the reasons you haven't heard
13 people criticize the district is because you did a good
14 job.

15 CHAIRMAN LYNN: Follow-up on communities
16 of interest. I'm intrigued in competitive of interests,
17 I'm mindful other goals. I'm in receipt of a letter
18 from the Mayor from Tempe. First is he'd like his
19 district kept whole within a Congressional District.
20 The district you propose does that. Goes on, didn't
21 find much community interest between the cities of
22 Tempe, Scottsdale, or City of Phoenix, infers there may
23 have been issues in the past or future of a federal
24 nature, competition for funding that are problematic
25 where the Mayor feels things might be detrimental and

1 brought up.

2 MR. ECKSTEIN: We know one issue,
3 airplanes, airports, sports arenas. I'm not aware of
4 any other issue.

5 What we're talking about here are issues
6 involve people every day. Football arenas and planes
7 don't involve people every day.

8 Crime is something that involves people
9 every day. Unity of interest, crime is a common
10 interest. I'd defy him or anyone else to say Tempe and
11 Central Phoenix don't have common interest in
12 transportation. That's probably a pretty good example
13 of not a conflict of interest but in unity. Everyone
14 has an interest in minimizing traffic, easing
15 transportation.

16 Rehabilitation, refurbishment, all three
17 areas have areas undergoing refurbishment.

18 Tempe has done a better job than others in
19 all phases of the issues. In any, district, 6,040 plus
20 people find some issues people don't agree go, it's the
21 own nature of people talking in communities of interest,
22 people kind of coming together in communities of
23 interest. I don't think a community of interest is
24 race, ethnicity, or language group. If it is, the
25 answer is easy, it's right here in these numbers.

1 I'll throw out something radical we talked
2 to you about. If you are concerned about, if you think
3 the Justice Department is not going to give you a fair
4 shake, you know the options. First, submit to Justice
5 Department. If disagree with their decision,
6 preclearance, appeal to the United District Court,
7 District of Columbia. If you truly believe, I don't
8 have a view on this, if you truly believe that the
9 Justice Department is not going to comply with the
10 Supreme Court, for whatever reasons, the Supreme Court,
11 and it is going to say one majority-minority district to
12 two, increasing 16 to 25 percent is retrogression, and
13 turn the thing down, you have the option to file
14 immediately your maps with the United States District
15 Court for the District of Columbia.

16 I understand the advantages and
17 disadvantages of it. The advantage and disadvantage,
18 it's in the District of Columbia, not Arizona. One of
19 the chances for the preclearance process and anticipated
20 litigation.

21 You've had numerous people threaten
22 litigation if you move an inch off one map or another.

23 Take people seriously. If you are
24 concerned, not enough time, and concerned you can't get
25 the Justice Department to act fairly, there is a way to

1 deal with it, while less convenient, and that's to
2 litigate in the District of Columbia, preclearance and
3 litigation at the same time, and the process would end
4 sooner. Approval would end sooner.

5 But I don't assume Justice will ignore
6 Miller vs. Johnson or Bush vs. Rivera or Abrams vs.
7 Johnson. They can read the cases, and I'd like to
8 operate on the assumption they'll read them fairly.

9 I think it's a given, if you'd like me to
10 talk about competition, I think people will believe, I
11 think the map we've suggested as an alternative map is
12 truly one that creates an District B. If there is any
13 question about that, I would be happy to answer those
14 questions.

15 CHAIRMAN LYNN: Mr. Elder has a question.

16 COMMISSIONER ELDER: Mr. Eckstein, you
17 brought up a couple good points. One you reiterate for
18 the record, I believe I'm speaking for the entire
19 Commission, community of interest, ethnicity or race;
20 you have viewed community of interest and race have been
21 viewed different. The question to you on District Two,
22 not Two, B, what percentage have you used to view
23 competitiveness?

24 MR. ECKSTEIN: Roughly five.

25 COMMISSIONER ELDER: Five.

1 MR. ECKSTEIN: I read something about
2 minority competitiveness of districts and the move to
3 District K, state previously for myself, Law Professor J
4 Gerald Herbert. He's the author of the book All Giving,
5 Realistic Guide to Redistricting, Avoiding Legal
6 Pitfalls. Updated that. In that Law Review Article, in
7 the George Mason Law Review published last year, here
8 he's talking about this issue about minority influenced
9 districts, so apropos for the District B, District D
10 issue, creating, talking blacks, African Americans, not
11 Hispanics, creating a minority opportunist 45 percent
12 black, continuing to provide minority voters with
13 effective opportunity to elect a preferred candidate and
14 protect neighboring offerers a better option for a
15 reasonably compact 60 percent black district. Find you
16 here are talking about that 65 percent minority district
17 as redrawn and almost a 54 percent Hispanic district.
18 The reason for that packed 69 district, it undermines
19 voters, undermines chances for victory in joining the
20 district. 45 percent black provides the voting district
21 a chance to elect the preferred candidate preferable.
22 45 percent black district, a better advance
23 representational input, advanced voters.

24 That's, I think, where you've gone a long
25 way to creating two majority minority districts. You

1 had the option, and that was to create more -- I don't
2 think an option, really, favor, legal, to put more
3 Hispanics into either G or D, one majority district, one
4 strong minority district. I know you made right choice.
5 But there are sufficient numbers in District D to
6 accommodate all of the goals of Proposition 106.

7 I think everyone understands very well,
8 don't dwell very long, that Proposition 106, because the
9 people State of Arizona wanted a more competitive
10 district, every statement in the voter pamphlet
11 commented on increasing more competitive districts. If
12 you can convince yourself without significantly harming
13 other goals, I believe you can and urge yourself to do
14 that.

15 CHAIRMAN LYNN: Mr. Huntwork.

16 COMMISSIONER HUNTWORK: Words you are
17 using are important and of course very important to us.
18 The question is whether we have put enough Hispanics
19 into a district to satisfy the Voting Act requirements,
20 too many to violate the essence of what we've been
21 trying to use carefully.

22 Using the same vocabulary and stating
23 conclusions, packing, cracking, do you have statistical
24 analysis of voting history, as we've performed it, with
25 respect to voting performance, as we share it with

1 regard to the record we developed that you can share
2 with us?

3 MR. ECKSTEIN: I haven't done voting a
4 report myself, and can't share it, other than what your
5 consultants have done.

6 A Large part of D, the Phoenix Union High
7 School District. That's eight years old, almost 10
8 years old now, I think it is at least relevant. Whether
9 it's the most relevant information, I do not know. I
10 know looking at these numbers the Democratic
11 registration is twice that of the Republic registration
12 of G. Republican registration is twice higher. We've
13 Done this, but we haven't done an empirical study at
14 this time. But the vast majority of Hispanics, the
15 majority of registered Democrats not Republicans, that
16 tells me the Hispanics vote with the Democratic primary
17 in District D as configured by us with a 3.5
18 diminishment, that is not a significant diminishment or
19 detriment to the requirement of the Voting Rights Act.

20 CHAIRMAN LYNN: Ms. Hauser.

21 MS. HAUSER: Two questions, Mr. Eckstein.
22 One is the Commission is familiar Mr. Hebert's work,
23 including the George Mason law review article. It
24 quoted his work at 60 percent, roughly 60 percent work.
25 Are you making an argument at the 60 percent level, that

1 is always packing?

2 MR. ECKSTEIN: I don't know it always is.
3 A lot of majority-minority districts at 60 percent, no
4 times one can't avoid it. I think it's suspect at that
5 high. I wouldn't say always packing. Clearly suspect.

6 MS. HAUSER: It clearly depends on voting
7 patterns.

8 CHAIRMAN LYNN: Not 60 percent, 70
9 percent. Even we, under our total, still above 65
10 percent.

11 MS. HAUSER: Second question, a day or two
12 ago, Neil Wake was here and presented information from
13 the campaign literature from the Proposition 106
14 campaign, read the following, a question and answer in
15 the literature, "Can all districts be political?"

16 "Answer: No. Many members heavily
17 populated, by one or another party, those
18 representatives, have the right to be reverse in their
19 believe, reverse gerrymandering. This preserves against
20 that gerrymandering. That can apply to other conducts
21 where one of these do tend to be registered.

22 MR. ECKSTEIN: As Hebert recognizes,
23 McDonald recognizes, the study he did for you, the
24 virtue of the party registration geography, Arizona is
25 not the easiest state in the union, and also 80 percent

1 of the population of Maricopa County, not the easiest
2 state in the union. We have districts B and D. This is
3 the perfect opportunity to do it. It's more difficult,
4 I agree. Northwest Maricopa opportunity, or southeast,
5 talking about making adjustment there, it's all the
6 difference in the world.

7 CHAIRMAN LYNN: Ms. Minkoff.

8 COMMISSIONER MINKOFF: Mr. Eckstein.

9 CHAIRMAN LYNN: You head it.

10 COMMISSIONER MINKOFF: Talking about
11 majority-minority districts, you cited an example about
12 black majority-minority districts and blacks,
13 referenced citizenship levels between blacks and
14 Hispanics. We also some information we received in
15 certain areas of our state regarding turn-out levels.
16 Do you comment on what that level might have been, the
17 effective turn-out level, D primary turn-out level
18 Hispanic?

19 MR. ECKSTEIN: I can. I come back to a
20 Hispanic population. District G is significantly more
21 citizens, more likely to vote with higher registered
22 voters than District G. I haven't heard it, don't think
23 anyone can register it. 44 percent, District G. That
24 you believe, everyone believes, I believe, is sufficient
25 because of percentage party vote that that represents to

1 allow Hispanics to elect a representative of their choic
2 or party, at 48 percent, though I recognize there are
3 significant numbers of people who are counted in the
4 Hispanic surname as citizens and can't register to vote.
5 That's reflected in part in what you've done in the drop
6 out. Part of it is people in the under age 18. Clearly
7 that's reflected in under age 18. Clearly compare D and
8 G. Ought to be good enough for G, what we suggest, and
9 the map circulated, 58 percent.

10 I don't see a significant enough
11 difference, 58 to 54 percent, trigger voting age
12 population.

13 CHAIRMAN LYNN: We've been generous with
14 time.

15 Let's move to District C, if you would.

16 MR. ECKSTEIN: I'm not representing the
17 party on this. This is difficult.

18 This is one I don't envy you solving. D
19 and G, the relative solution, one fairly obvious
20 solution. I don't know about an obvious solution. We
21 recognize there are not sufficient voters unless you
22 make a district that wraps around three-quarters of
23 Arizona and includes Mohave and Yavapai counties.

24 Here's my suggestion. I got involved when
25 my senior partner ran a campaign, what was then District

1 4, covered the northeast part of state, Gila, Apache,
2 Graham, and Greenlee counties. And that district pretty
3 much stayed that way, changed a little bit since 1972.
4 It's been clearly known as District 4 during the '70s,
5 '80s; '90s, District Six. It is a district dominated by
6 Phoenix districts. One creates a district going
7 slightly into Maricopa and Phoenix districts, some
8 thought going into Pinal County. I think that's not as
9 good a solution.

10 If one determines Mohave and Yavapai ought
11 to be removed, your analyst Mr. McDonald, it is only
12 competitive, that was looking, leaning Republican
13 doesn't take the fast growth of Yavapai, Mohave, that
14 looks Republican in two years and certainly frees
15 development where it is, it is, have no competitive
16 districts in 2002, certainly in 2004. You are off that,
17 how to deal with it. I don't know that there is a real
18 good solution.

19 I know if you went into certain areas of
20 Maricopa County with fairly high growth areas, 641,000
21 people in a Congressional District, it leaves 550,000 in
22 rural Arizona, I think a rural district. That violates
23 all rural county principles. If one really wants to
24 create a district, go straight down the border pick up
25 Cochise County. I've not suggested that, because there

1 has been a core district there. If one recognizes that
2 principle, try to keep a district reasonably close to
3 what it was, I think what do K, District H, a district
4 that has been a workable District for 20 years, apply
5 the same District to District C, and want to satisfy
6 Mr. Huntwork's concerns and not make District G more
7 problematic, take the votes of Pinal County and put them
8 into C, pick out an area of Maricopa County that's not
9 growing quickly. Salt River, Fort McDowell expressed a
10 district, wanted to be with a quote, Congressman. I
11 guess, I guess I understand the point, the Congressman
12 would not be there forever, not a whole lot of votes,
13 7,000 votes.

14 I think you have to do what is right and
15 what makes the district more compact. I think taking
16 Mohave Yavapai County, out moving it somewhat, makes it
17 more compact. Going into Pinal, it's losing
18 compactness. That's my point on that. It's a personal
19 observation of being in part of the district founding
20 the district in the seventies.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: So when I'm in
23 Maricopa county.

24 MR. RIVERA: You are a resident.

25 MR. ECKSTEIN: Have to get car your

1 inspected when you have been here long enough.

2 Not such a good deal.

3 CHAIRMAN LYNN: Paying for the stadium.

4 MR. ECKSTEIN: You've just been paying for
5 part of the stadium.

6 COMMISSIONER HALL: Everywhere I go, I see
7 new construction. Where is Maricopa County on the edges
8 of low or no growth.

9 MR. ECKSTEIN: No per acre, one per acre.
10 Fountain Hills is available for development, at least
11 one per acre. The area east of the McDowells is clearly
12 picking up about 90,000 people there. We're not saying
13 no growth. Mountain preserves. Slower growth.

14 CHAIRMAN LYNN: Follow up on growth. I'm
15 not sure about Pinal. Pinal is faster growing. Pinal
16 meets the definition. Pinal is asking, go on this now,
17 and contemplated it's really a bedroom community of
18 Tucson, what people anticipate. I'm not sure that's
19 considered a rule.

20 Comments are more extemporaneous than
21 previous ones. There's not a lot of study behind these.

22 Wouldn't you be guessing to specific
23 areas, if you made a switch, you would be substantially
24 changing the competitive character of C, making that
25 switch?

1 MR. ECKSTEIN: No. You'd improve
2 competitiveness, be trading one group for another group
3 of Republicans. Slower growth than Mohave and Yavapai
4 County. That's the answer to it. I don't think you are
5 going to increase the Delta between Democrats and
6 Republicans, make it less competitive, but you'll give
7 the rural areas an opportunity to maintain domination
8 but make it more competitive, because of the fast growth
9 of Mohave County and Yavapai County, probably the first
10 election and probably the second.

11 What really happened, that's what happened
12 in district five, the district created, was marginally
13 Democrat, Jim McNulty one, the major part pulled along
14 strong races in '94 Deconcini, and '94 Babbitt, Jim
15 Culburt won ever since. Shifted a little bit and won
16 ever since. That's what would happen ever since.

17 CHAIRMAN LYNN: Ms. Minkoff.

18 COMMISSIONER MINKOFF: We're committed in
19 District C to remaining rural, if not totally rural,
20 primarily rural. Population is 170,000 plus. All
21 population centers are currently in C. Black Canyon
22 City, Yavapai Y, if we pull the rest of Yavapai County
23 out of Y.

24 MR. ECKSTEIN: Pull line I-17.

25 COMMISSIONER MINKOFF: Still talking

1 hundred thousand people.

2 COMMISSIONER MINKOFF: Then look at Mohave
3 County, already in District C. Lake Havasu city is, the
4 southern portion of it. Bullhead City, New Kingman,
5 currently in District C. I imagine we're talking 60,
6 7,000 people there, at least, maybe more than that.
7 What we're talking about is moving close to 200,000
8 people out of that district, according to your
9 suggestion, into Maricopa County.

10 Can you talk about C remaining a rural
11 district?

12 MR. ECKSTEIN: To one rural.

13 COMMISSIONER MINKOFF: Growth patterns,
14 facets of growing areas in C. Flagstaff is the only
15 major area of C. Would that growth area match what was
16 pulling in?

17 MR. ECKSTEIN: I don't know. It's an
18 almost intractable problem, and one of those districts
19 that can't be created the way you want to create it. 80
20 percent of the population lives in Maricopa County.
21 Bonus to move Maricopa County. That's just the reality
22 of the numbers in the State of Arizona. One clearly, to
23 create districtings La Paz, it wraps around, goes all
24 the way down to Cochise. That is, I think, a district
25 that is very difficult to represent. Even though it is

1 quote, "rural," to say that the interests of people on
2 the Navajo reservation, like interests on Lake Havasu
3 City, is real stretch.

4 It goes back to the definition of
5 community of interest. While being a part of rural
6 Arizona is kind of a community of interest, I think some
7 communities of interest are more dominant and more
8 important.

9 I know early on you voted to have all that
10 district, one district, totally rural. You are
11 prisoners of that vote. I suggest you may want to
12 reconsider. I'm not suggested my suggestion is perfect.
13 I'm just suggesting.

14 CHAIRMAN LYNN: Mr. Huntwork.

15 COMMISSIONER HUNTWORK: I don't want to
16 cut off any questions anyone has.

17 I've found Mr. Eckstein's testimony very
18 thought-provoking, very helpful. I feel he's made a
19 real contribution to this process and assure you we'll
20 take your comments very seriously and give them full
21 consideration.

22 MR. ECKSTEIN: Look, you've had a very
23 difficult task. Whatever you do, there will be people
24 unhappy people. No one can say you didn't try to comply
25 with the proposition. Good faith is not at issue.

1 There can be and is honest disagreement about some of
2 the issues. I don't think you want to be known as the
3 Commission that basically left the competitiveness goal
4 out of the picture when all is said and done, whenever
5 you got to that. I know you don't want those comments.
6 I don't have comments on the competitiveness issue.
7 It would make it less of a competitiveness issue. No
8 competitiveness -- no competitive issues are
9 competitive. Your legacy ought not to be a continuation
10 of that. You ought to strive mightily, and I know you
11 will, to create as many competitive districts as you
12 can. I think when you strive mightily well, you will
13 create one. I think whatever you do, create, C will be
14 competitive.

15 CHAIRMAN LYNN: Mr. Eckstein, there comes
16 a competitive time, I mean it, for a comfort break for
17 our reporter.

18 We'll be back in 10 minutes.

19 (Recess taken from 10:32 a.m. to
20 approximately 10:46 a.m.)

21 CHAIRMAN LYNN: Commissioners are all
22 back, along with legal staff, consultants, and IRC
23 staff.

24 We'll continue with public comment.

25 Mayor Tibshraeny.

1 MAYOR TIBSHRAENY: I'll be brief.

2 Addressing Legislative, maps, working with
3 Congressional, looking at Apache Junction, option H, our
4 probably one part of the state, other problems, other
5 parts of the state, the East Valley is satisfied with
6 districts drawn, the current draft, 4G.

7 4G reflects our community interest,
8 districts 4H, on the record, supporting the draft. 4G
9 was drafted by all four Mayors, Pinal, Apache Junction,
10 four supervisors, the largest city in Pinal County. The
11 reason there's Pinal County communities of interest,
12 East Mesa fought for the community with them. Option H
13 may alleviate one problem of the state for you, a domino
14 effect with other problems in the state, especially when
15 the state reconfigures that. It's been involved since
16 the beginning, and we appreciate the work for us.
17 Hopefully this input will be helpful for you as you end
18 this difficult task.

19 CHAIRMAN LYNN: Quick question.

20 COMMISSIONER MINKOFF: Mr. Mayor, one
21 question, specifically, what is it that troubles you in
22 terms of trouble that you don't do with H, another
23 draft? What harm to your community?

24 MAYOR TIBSHRAENY: Couple things. One of
25 the districts, another plan a good chunk of citizens for

1 each of the districts, good about not one district,
2 divide, plan. Divide, such as H shows, 25,000 or less.
3 Not good for my community, the way 4G is, all
4 recognizing something better than 4G is. Let's not be
5 selfish. The support for 4G is, honors the request 4G.

6 CHAIRMAN LYNN: Next speaker, Margaret
7 Kenski, Arizona Opinion.

8 MS. KENSKI: Thank you for giving me time
9 to speak. Tangentially to redistricting efforts, I said
10 I'd never have anything to do with it again. It's the
11 hardest job on the face of the earth, politically
12 speaking.

13 Polling in Arizona for 25 years, I have
14 access to other kinds of data sources I think is
15 pertinent to the work you're doing, or you started off
16 doing. Working with Moe Udall, funding to do all the
17 polling you ever want to do, polster paradise, Jim
18 McNulty and your Jim Colby. And I have a lot of data in
19 the base. As I sat and listened this morning and read
20 editorials in the newspaper, saw the data used, my life,
21 margins like that: Hey, that's how life works.

22 Comments that relate to District H, as an
23 example, talking about, basic here party registration
24 figures, party data, don't often give a complete picture
25 underlies competitiveness of races.

1 Polling in Arizona for 25 years, if it
2 weren't for the factor of incumbency, District H,
3 District 5, I'm old enough to know had you had to always
4 be competitive. I'm not speaking about a competitive
5 polster's job was to keep people in office. You don't
6 go buy party registration figures, quite frankly. It's
7 more like indicating why they believe that, a party ID
8 weekend. 20 percent plus voters aren't registering
9 Republican or beyond that.

10 Beyond the simple fact of one's own voting
11 data, I had the opportunity last year Anna Burring
12 Center at the University Center of Pennsylvania. One of
13 the things I found, 13 percent aren't a member of the
14 party to which registered. Shifting was going back and
15 forth, which really casts doubt about party guidance and
16 competitiveness.

17 Arizona used to opine lack of Democrats.
18 Republican at the same time whined the breed was not
19 reliable. Shifting goes around.

20 The second thing is personality trumps
21 party. You see that in crossover. 40 years ago I
22 worked my first campaign for Moe Udall. The first big
23 race. Moe got -- it was a special election steward,
24 went to become interior, Moe got 11 percent of the
25 Republican vote, a typical thing that happens in

1 Southern Arizona. Dennis vote gotten vote. Goldwater
2 got Democrats. Jim Colby consistency gets 25 percent of
3 Democratic vote. It's a given. Reenforces the notion
4 districts are competitive, look beyond registration,
5 calculus changes, things enormously.

6 In any given election, voters in district
7 refer primarily to what H would be, pick and choose
8 candidates based upon issues and personality.

9 They like to point out, give you sheets,
10 data from the last come elections I was looking at. Jim
11 Colby, 175 elections, Hull, 184 percent, Napolitano, 195
12 percent. '92, Peru got one-quarter vote, something
13 people forget. Last year, 2000, Colby 125 percent this
14 time. Bush, .5 percent, Bill Mundel 5 percent. A race,
15 more typical if behind with registration patterns.

16 I think the other thing that happens, I've
17 seen year after year, turn out rates in years underlines
18 districts.

19 We knew District 2 at the time, 40 percent
20 minority in population. We knew 30 percent, give or
21 take a point or two in voting age, percentage of voting
22 age population.

23 Election day, 11, 12 percent variance in
24 voting turnout factor, the kind of thing we always look
25 at. Incumbency is a tremendous force here. It applies

1 to all districts. Understand, it make districts safe.

2 It's important to realize in the polling I
3 do, I do a number of districts. If not competitive
4 relative to that one particular office, it could be
5 people are satisfied with the representation they are
6 getting. I don't think you want to legislate away these
7 things clearly. Don't care if republican, 90 percent
8 chance stay in, that's true across the country.

9 I gave you a data sheet that shows one of
10 the ways we look at things. It's that second sheet that
11 says descriptive statistics. And what we do all the
12 time is calculate, this one is done from a Republican
13 perspective. A Democratic client used it to do it the
14 other way. The margin, the edge in a district, by which
15 the registration, Republican, and Republican candidates
16 win over Democrats, created a seven point index based
17 upon total marginal difference. The mean edge is what
18 we call it, in the seven races.

19 Look toward the bottom of the page there.
20 Republican voter edge, the edge for Colby in '98, 2000,
21 so on and so forth. I think it demonstrates the power
22 of incumbency.

23 Once Gene Jim's margin, 64,000, two races.
24 Bush had 7,000. Clearly someone in office awhile would
25 have advantage. May think contradictory when I said

1 it's contradiction. We figure he's not running wide
2 open again. Absolutely we know it's a wide open
3 district. I think the same Ed there. He'll stay unless
4 something awful happens. If he's not there, things will
5 be different in terms of who the incumbent will be.

6 Across the state, a number of districts
7 are safer than others, clearly, as Mr. Eckstein was
8 pointing out this morning. Some are safe. I don't
9 think it's a safe district at all, don't consider it
10 such. Power of incumbency is the difference. Scale of
11 things, indices each candidates get, one being very
12 Democratic, seven being very Republican, Colby's edge
13 always higher by about a point than the average
14 Republican, he's a little over five, the district itself
15 sort of in the middle. I think that is another thing to
16 keep in mind. You can't legislate out incumbency. It's
17 not going to happen. Some districts, should incumbents
18 step down that are more open than others?

19 Another thing, problems with party
20 registration has to do with changing population
21 demographics. Both CD five and CD six plurality,
22 demographic of districts, after the last redistricting.
23 Plurality of Democrats, the edge for Democrats.
24 Population changes all the time. District G proposed
25 right now, for example, is likely to change somewhat,

1 although I think it's safe to say district Democrats,
2 what we're going to see in Tucson, and something I think
3 happening this other parts of the state, the north side
4 development is seriously locked. There's going to be
5 relative balance between the local parties. You can't
6 deal that one. No one can, apparently.

7 The bottom line, all this seems to me is
8 that these districts, District H is a swing district,
9 competitive district. Seems to me rather than looking
10 at the party register, pollster, I have to look at this.
11 I have to look at candidate qualities as we go through
12 this, a good candidate gem to political party.

13 One year Jim Colby ran against someone,
14 someone that stole a motorcycle. That year he had spent
15 time in Cochise. That doesn't happen too often, unless
16 you have an overwhelming factor. We needed an
17 overwhelming, sense of what was competitiveness. Didn't
18 need to be too narrowly served or do disservice to the
19 communities we serve.

20 CHAIRMAN LYNN: Question not so much
21 Congressional, but Legislative.

22 If it were the case of drawing 30 new
23 Legislative Districts, some close calls, districts drawn
24 clean, straight. Any closeness, somewhat coincidence.
25 In any case, in none that you reside you've made a case,

1 incumbents running in new districts don't have
2 relationship with voters. What is the take?

3 MS. KENSKI: Open seed. An open seed
4 situation. My remarks. We call them open seed. I'll
5 address it with what that name represents. It's hard
6 for political junkies, if not in the district you were
7 in, and you are moved over, maybe one or two percent,
8 you wouldn't know your name. Basically that would be an
9 open seed situation.

10 CHAIRMAN LYNN: Ms. Hauser has a question,
11 so does Mr. Elder.

12 With respect to the trend, we do see away
13 from party registration, either independent, third
14 party, or new preference.

15 MS. KENSKI: Yes.

16 CHAIRMAN LYNN: Could you impact that
17 trend in the political arena.

18 MS. KENSKI: In instances, it legitimates
19 something under law that a long time ago, back in '80s,
20 doing polling largely out of Michigan, in parts 23 to 30
21 percent were independent. Structures, legal structures
22 at the time encouraged you to go one way or other, were
23 beginning to be on a role then. People had to remember
24 the '60s and the presidential primaries back in 1960.
25 It was very important to be a member of a political

1 party so you could do that.

2 Now days people are open, not identifying
3 with a political party. They don't want to give way.
4 Both have parts of the coalition to worry about, and
5 they're really more independent minded. Now they're
6 open, I don't know if respectable is the right word, but
7 I people think have a badge of honor to be independent.
8 Who wants to be narrow, partisan, if you put it like
9 that.

10 CHAIRMAN LYNN: Mrs. Hauser.

11 MS. HAUSER: Ms. Kenski, during the
12 campaign for 106, which the primary focus was to create
13 the Commission and let people draw lines instead of the
14 Legislature, a number of arguments contained reference
15 to competitiveness, not letting incumbents draw the
16 lines, that if incumbents were not drawing lines,
17 districts would naturally be -- the result would create
18 more competitive districts.

19 MS. KENSKI: Seems like that's what you
20 are commenting on. People saying that may be different
21 than people at large. I did polling on this at the
22 time. I think that people saw some ethical situations.
23 I think people saw definitely conflicts of interest
24 there, which is why you all are having a fun job. I
25 think they thought that anyone looking at old maps would

1 have a childhood gone crazy with a pen on some of them.
2 I think some very clearly picked that up a little in the
3 polling, some had drawn a benefit to the individual. I
4 don't know that you could deny it. I don't know what
5 people thought about outcomes. Based on communities of
6 interest, socioeconomic and communities of interest,
7 that one party or another would do better. I'm not sure
8 about that. I think they saw it as antigovernment, an
9 ethical thing, and a situation where a more common
10 sensical maps could be drawn by a group such as
11 yourself.

12 MS. HAUSER: To follow up on that a
13 moment, if, for example, in the situation Commissioner
14 Lynn asked you about, a situation where you have an
15 incumbent who is left to his or her own devices, his
16 previous devices with give or take.

17 MS. KENSKI: Value to that.

18 MS. HAUSER: And an incumbent happens to
19 reside where there's some shifting population of that
20 district you have, maybe some people they currently
21 represent but others as well, and a loss of some
22 previous constituency, I think you indicated in that
23 scenario, that creates more what you consider an open
24 seat.

25 MS. KENSKI: From a campaign perspective.

1 New populations.

2 MS. HAUSER: Since the Commission is not
3 allowed to consider residence of incumbents, and voters
4 are made aware of that, in creating districts, they
5 cannot know what incumbent is in them, or as I is
6 understand likely to happen through this process,
7 multiple incumbents placed together in districts, what
8 is read on how that affects incumbents, incumbents
9 playing a large role?

10 MS. KENSKI: More open seats, a more
11 competitive process. Two incumbents running against
12 each other, that enhances competitiveness, also.

13 MS. HAUSER: Thank you.

14 MS. KENSKI: Thinking Congressional
15 populations, that happened frequently. Liz Hallman was
16 forced to run against other incumbents.

17 CHAIRMAN LYNN: Mr. Elder then
18 Ms. Minkoff.

19 COMMISSIONER ELDER: A couple questions,
20 one was alluded to by Ms. Hauser.

21 COMMISSIONER ELDER: What statistical key
22 or advice to a client, something to look for or ask a
23 consultant to look for, advice, no incumbency, dual
24 incumbency, or no incumbency.

25 MS. KENSKI: Go through the data bank,

1 what they did.

2 COMMISSIONER ELDER: What percentage, all
3 over the board? What percentage?

4 MS. KENSKI: Five percent is too narrow.
5 Something like 10, 12. That's my comfort level after 25
6 years of doing this stuff. I've won elections from
7 behind by 15. Mayor in Tucson. I don't like to take it
8 on if much over that, tell you the truth.

9 CHAIRMAN LYNN: How much does
10 nonpreference third party registration shift bear on
11 that kind of range?

12 MS. KENSKI: I think it has quite a bit to
13 do with it. Republican vs. Democrat, the basic
14 assumption is old Republicans and no party, shift.
15 Mr. Lynn, we do know from data those that are no
16 preference, and this is from national data, from exit
17 polling done in 2000, independents don't have a common
18 agenda at all. You can't split them down the middle.
19 They're composed of people, traditional, intimidated,
20 left behind, dot com people, terribly left at all,
21 miserable from a polster's perspective to apportion
22 relevant to one kind of outcome;

23 CHAIRMAN LYNN: Of course not. I am
24 independent. Wouldn't be able to answer.

25 COMMISSIONER MINKOFF: And a riddle.

1 CHAIRMAN LYNN: Inside a conundrum, that's
2 me.

3 COMMISSIONER MINKOFF: My question related
4 to that, the issue of independents, or nondesignated
5 party assessing independents. Certainly any time
6 independents are 50 percent registration of a political
7 party, that's a competitive district. Really in fact it
8 is not.

9 MS. KENSKI: It may not be at all. Most
10 districts do not have 40 percent registration with
11 either of the two major parties.

12 COMMISSIONER MINKOFF: Other complicated
13 scenarios we're getting data from our consultants, you
14 do have to identify where we factor in, we're looking at
15 numbers trying to understand our consultants' numbers,
16 understand AQD, Arizona Quick and Dirty, and factor
17 numbers determining: What are numbers?

18 MS. KENSKI: I can tell you what I do
19 in factoring numbers. 45 percent Democratic, 35 percent
20 Republican, the rest independents. I probably, as a
21 rule of thumb, start off doing a split of that vote in
22 the same -- first of all, okay, you look to see if,
23 let's see, of that, of the independent third party, if
24 15 percent, the whole Libertarian, tell you one thing,
25 sit down, party by party, assign mentally, 80 percent

1 Libertarians go Libertarian. That's what we do. I
2 realize. Might go down as independents, Libertarians
3 hold, as starting point. Frankly, I don't know what
4 else you could do.

5 CHAIRMAN LYNN: Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Do you have an
7 opinion you can state as a whole? All other things
8 being whole? All other factors, ignoring incumbency,
9 state as a whole, everything else?

10 MS. KENSKI: It's a misunderstood state,
11 tilting to the Republican party overall, and the
12 impression is that the state is a very conservative
13 state. My own personal view is that that is
14 exaggerated.

15 I think there is a Republican advantage
16 and attitudes. This is among Republicans highly
17 individualized, close to a majority -- plurality party.
18 I think that overall there is, can be a high level of
19 competition.

20 Democrats can win statewide depending on
21 the issue of the package. Take Janet Napolitano. Issue
22 packages make a difference in all of this, statewide.
23 Okay? I think strength of the candidate and quality of
24 the campaign determine the outcome more than the
25 campaign. It's competitive enough for that.

1 By the way, there are bad campaigns on
2 both sides, may I say.

3 CHAIRMAN LYNN: Thank you very much for
4 coming this morning. We appreciate time.

5 Next speaker, Mayor Donaldson, Mayor of
6 the City of Flagstaff.

7 MAYOR DONALDSON: Thank you for the moment
8 of silence for those that lost their lives September
9 11th.

10 Thank you in response to the requests I
11 made to the City Council of Coconino County and other
12 regional partners.

13 I reiterate the issues I raised
14 previously, the need for the wholeness of Flag and the
15 Flagstaff Planning Area. The community is rural
16 entities, including the Verde Valley Planning Community.

17 We appreciate the time and consideration
18 given that.

19 CHAIRMAN LYNN: Thank you.

20 Steve Olson, Government Relations Director
21 for City of Scottsdale.

22 Leonard Gorman, Chief of Staff Assistant,
23 Navajo Nation.

24 MR. GORMAN: My name is Leonard Gorman,
25 I'm Assistant Chief of Staff to the Speaker of the

1 Navajo Nation.

2 I just wanted to cover several issues or
3 information, comments issued in yesterday's session of
4 this week.

5 The first one looks at discussion from
6 yesterday evening regarding tests elected on number H, I
7 believe is the correct term, looking at the relationship
8 between the Navajo Nation and Hopi Tribe in that
9 respect. There is -- perhaps were legal issues brought
10 to you during Executive Session, and Navajo believes
11 legal advice given to you, that turned that direction,
12 so we appreciate that in that respect.

13 Navajo believes the necessary review of
14 recommendations is still falling short based on comments
15 made yesterday, for example, that stated that the map H
16 has not been thoroughly reviewed, how far the
17 recommendations been reviewed by the Commission, to go
18 further and further reviewing recommendations of the
19 Navajo Nation surrounding where the Navajo Nation is
20 located.

21 For example, the F2 map is closely related
22 to the Navajo Nation and the revised recommendation, the
23 submitted map, the Commission did not direct one area
24 studied, although it mentioned a number of times in
25 yesterday's hearings, it was not unfold had, F2 H, how

1 the Commission had not fully explored, examined what the
2 Navajos recommended.

3 One wanted to comment on the community of
4 interest issues. There were a lot of discussions on the
5 Congressional plan, District B, in the Phoenix
6 Metropolitan area. Lot of critique of the proposal
7 about that, called a dumbbell district, referred to as
8 the dumbbelled proposed district. It was ridiculed.

9 The consistency between those type of
10 comments and proposed District A, I think there's some
11 connections and commonalty between proposed District B
12 and District A.

13 I don't see how the neck of the flying
14 giraffe is not gerrymandered in A. I don't want to see
15 the distinction in comments between proposed District B
16 and the proposed District A district. The proposed
17 District A district, proposed ample information,
18 northern Arizona, those communities, those areas, I ask
19 the question to the Commission what they see as a
20 community of interest, community of ethnicity and, say,
21 for example Peoria? What is the community of interest?
22 I don't see any at all. Comments between communities of
23 Scottsdale, Tempe, Mesa. Example given was traffic. I
24 don't see community of interest. Traffic issues exists
25 in the City of Peoria, and City of Peoria, none at all.

1 No traffic issues in that area. This, there is a lot of
2 commonalty that exists in the northeastern area, the
3 level of prime issues, again, violence and how much
4 communities interacted, bus routes, transportation
5 issues. There is a lot of community of interest, issues
6 in that regard.

7 I think you are on the right track when
8 you criticize proposed District B iterations. That is a
9 gerrymandered proposal.

10 I figure the same gerrymandered proposal
11 in number A.

12 Comments of sovereign nations provided on
13 their own, that's very good. Indian Nations on their
14 own. Not communities of their own. When it comes to
15 the Supreme Court about jurisdictions, it tends to be
16 all Indian Tribes. More often than not, Navajo is the
17 leader in how to address those decisions, damaging
18 decisions. Damaging issues. Tomorrow there will be a
19 decision of the Hicks case, outcome of the Atkinson case
20 with the Inter Tribal Council of Phoenix. Navajo is not
21 a part of the coalition. Navajo will directly impact
22 with Navajo, the rest of Native American, New Mexico, in
23 that regard. Navajos have community of interest.

24 There is a community of interest in the
25 northeastern area.

1 I would like you to look to those type
2 issues and into others with community of interest.

3 Another thing, again stated yesterday, the
4 high level of voter turnout. Our numbers seem to differ
5 from those type turnouts. As you know should be aware,
6 at the present time the Navajo Nation is made out of 110
7 communities and states, three states along I 10, Utah
8 Arizona, California. The hierarchy, chapters being at
9 the lowest level, national chapter the highest level,
10 middle level we call agencies.

11 Agencies are made up of various chapters.
12 The Chinle agency is located entirely in Arizona. In
13 the Chinle agency, for the year 2000 primary election,
14 the chapter primary election done early election,
15 primary election in fall, last year 2000, Chinle agency,
16 total number was 12,268. 8,380 did not vote. 3,888
17 voted. That translates to a 32 percent voter turnout.
18 So with that kind of data, we have a difficult time
19 accepting the data Navajo have a good turnout. Overall
20 turnout, three states overall, 87,044 Navajos register.
21 Only 31 percent came out to vote for that primary
22 election. This just Navajo election. That's
23 information we have in Navajo election.

24 Proposed B we have, dumbbell
25 gerrymandered, will not continue, would be

1 gerrymandered.

2 Navajo continue to be vocal on how ugly it
3 is, how gerrymandered, and it should not be continued to
4 be reviewed. And two tribes are not similar. Those
5 comments continue. And it's referred to as the tribes.
6 Numbers surrounding Moenkopi, Native American, it
7 doesn't breakdown which Native American they belong to.
8 Doesn't say Hopi. Doesn't say Paiute. But one thing I
9 want to come across with. When we look at those
10 numbers, knowing where some of these numbers reside, we
11 know for a certainty that Navajos do live on the Hopi
12 area.

13 So when you -- if you are going to utilize
14 that Hopis are different than the Navajos, Navajos are
15 different living on Navajo land. Be very, very careful
16 on that respect. I don't think you want to go down that
17 alley, separating down that alley separating down racial
18 ethnicity, people living down the alley by ethnicity.

19 What you want to do is follow what is
20 going on in the State of Arizona at the present time.

21 Yes, lives changed with the September 11th
22 incident. We've all decided to unite because of that
23 devastation. I think that same motive is in order for
24 your review.

25 Our lives have changed. We need to move

1 on under an all-united plan. That's where the Hopi-in
2 plan is more favorable. The Navajo presented in the
3 past a plan that is a Hopi-in plan, although stated in
4 the past as a Navajo standard flexible, came back as D
5 and F, a possible way for the Legislative District and
6 came with the back Legislative draft. How could it be
7 changed? Numbers of 6,000, 43,643 plus .04 percent,
8 Native American 144, 24.06 percent. Even with Hopi in,
9 it's 23 percent. So we've made recommendations and
10 offered comments regarding these matters.

11 I appreciate you listening to me again.

12 CHAIRMAN LYNN: A couple questions.

13 Ms. Minkoff has one start to with.

14 COMMISSIONER MINKOFF: Voter turnout
15 figures you gave me were in chapter elections, correct?

16 MR. GORMAN: Yes.

17 COMMISSIONER MINKOFF: Do you have similar
18 statistics for state primary elections or is that a
19 difference?

20 MR. GORMAN: Presently we're looking, at
21 the present time, have staff back in Window Rock,
22 looking into that process.

23 CHAIRMAN LYNN: In testimony, it's very
24 difficult when people use words different ways, intimate
25 things to perhaps make a point. You refer to different

1 mappings, Navajo, Hopi, gerrymandering, gerrymandering
2 to include or exclude other parts. It's not quite
3 different, but odd.

4 No matter how we assign a shape or how it
5 looks to us, would you not allow in some Navajo plans in
6 order to get some other Native Americans in communities
7 you feel are communities of interest to be in the same
8 district as Navajo, they simply look odd? I won't
9 characterize odd looking. That's some other character
10 looking. Wouldn't you allow odd looking?

11 MR. GORMAN: The Navajo looking plan
12 satisfies the threshold, 75 percent threshold. Navajo
13 does not look at it as being odd. We look at as
14 submitted at the June 25th session. We never drew a
15 line as crooked, that comes from the south, central
16 west, south -- northeast area of Arizona.

17 CHAIRMAN LYNN: Ms. Leoni.

18 MS. LEONI: Mr. Gorman, has the Navajo
19 Nation developed solid figures for Native Americans
20 living in the Hopi Reservation area?

21 MR. GORMAN: We are looking at those
22 numbers. As we generate them, we'll present the
23 numbers. Several programs in the government work with
24 different areas. The government works with those areas.
25 I imagine the Governor, really appointed homeland

1 security issue, how much confronted with government of
2 nation, times of responses.

3 CHAIRMAN LYNN: Mr. Huntwork:

4 COMMISSIONER HUNTWORK: Mr. Gorman, thank
5 you for your thoughtful remarks. Again, we'll take them
6 seriously.

7 I wanted to correct one thing regarding
8 map F2. In September, F2, we were careful to compare it
9 to the current F3. F2 received careful statewide
10 analysis, and the reason for that, it was the single map
11 we felt most preferable for testing the consequences of
12 uniting the Apache Navajo. I thought you'd like to know
13 that and I'd share that with you.

14 CHAIRMAN LYNN: Mr. Gorman, as always,
15 it's good to hear from you.

16 Ladies and gentlemen, we need to vacate
17 this room about noon. If we do not finish public
18 comment at noon, we'll take the lunch break and
19 reconvene in the afternoon. If we get close, I'm not
20 sure how much time we'll need, not to impinge on the
21 time, rather impinge on the break.

22 The next speaker to join us, we're pleased
23 to have join us, Rudolfo Perez.

24 MR. PEREZ: I'm Rudolfo Perez with the
25 Mexican American Legal Defense Education Fund, an

1 organization for Latinos to have the ability to elect
2 candidates of choice.

3 I'm here to talk about the Congressional
4 map, Congressional District D and G, and why we support
5 the present draft map, IRC draft map. It's a difficult
6 time, for Gs and Bs.

7 MR. HUTCHISON: 3PP.

8 CHAIRMAN LYNN: At the moment.

9 MR. PEREZ: The Latino population, African
10 American population, as cited in one, two cases, wanted
11 to cite differences between the African American
12 community and Latino. One is voting age population,
13 it's much younger than African population and white
14 Anglo. The fact there are many members younger than 18
15 is a factor in drawing maps. Another factor is
16 citizenship. There's a significant percentage
17 undocumented, ineligible to vote. That's another
18 factor.

19 Voter effectiveness, or performance, not
20 just number registered. Turnout, how effective voters
21 are. In certain areas, Arizona is electing candidates,
22 the voters choice, if you took a look analyzing any
23 draft map, the reason why Latino G and D is much more
24 effective in choice, it's a well-represented Tucson city
25 council, Pima County Board of Supervisors, compared to

1 the City of Phoenix. The difference, it has one-third
2 the population. City of Phoenix, no representation, an
3 eight-member city council, zero. One out of a quarter
4 of the members.

5 School board members, school board
6 members, not effective local school board members.
7 Tucson, very effective Latino electorate. Southern
8 Arizona Tucson formed an effective partnership
9 coalition, if you will, Native American community, Yaqui
10 Indian Community, formed an effective voting block.

11 Again, a factor, District G, you don't
12 have to be as high for the same reason.

13 Again, we wanted to provide insight for G
14 with D why the numbers were different.

15 Voters turn out in Arizona, in Tucson in
16 particular. There's a much more effective Latino voice
17 than Phoenix, and they're able to effect candidates of
18 choice.

19 CHAIRMAN LYNN: Mr. Hall has a question,
20 Mr. Perez.

21 COMMISSIONER HALL: Mr. Perez, hopefully
22 sometime today we'll get to Congressional maps. I
23 wonder, did you have a chance look at test 4G, Central
24 Maricopa County, that was discussed in some detail?

25 MR. PEREZ: I did get a chance. No

1 statistics or numbers. I took a look at the photograph
2 or map.

3 COMMISSIONER HALL: I assume we can get
4 that to you today.

5 CHAIRMAN LYNN: Have it today.

6 MR. RIVERA: When we break for lunch.

7 COMMISSIONER HALL: I'd appreciate your
8 input on the test. That gentleman to your right will
9 get you whatever you need.

10 CHAIRMAN LYNN: He'll get it to you. We
11 got it today.

12 MR. HUTCHISON: Legislative. I'm
13 Congressional.

14 MS. LEONI: Yes.

15 CHAIRMAN LYNN: We'll get it over the
16 lunch break, if you have sufficient time.

17 The last speaker slip I have --

18 If others wish to speak this session, this
19 is the last speaker slip I have. It is from Frank
20 Seanez.

21 This slip, it shows you are an attorney.
22 I don't want to limit comments, but you have five limits
23 until we need to get out of here.

24 MR. SEANEZ: Thank you, Mr. Chairman.
25 Sorry for the title on the speaker slip. It tears it.

1 COMMISSIONER HALL: My apologies.

2 MR. SEANEZ: Some things to follow up on
3 Mr. Eckstein's statements, supplemental reports of the
4 AIRC consultants.

5 Mr. Eckstein clearly indicated in
6 statements he was referring to Congressional
7 Districting, not referring to Legislative Districts.
8 That's very important for the Commissioners to note.
9 Mr. Eckstein was referring to the effective
10 retrogression dilution on Congressional Districts,
11 expanding six, eight districts. The same analysis does
12 not apply at all when you are talking about 30
13 Legislative Districts. You still have to be concerned
14 about retrogression dilution, in a way, arguably, but
15 you don't have to be looking at Congressional Districts.
16 You're looking at Legislative Districts reports, looking
17 at the AIRC, which indicate that there is racially
18 polarized block voting within the State of Arizona that
19 has not decreased. It is present in District 3.

20 It's present in District 3, and there's
21 nothing as regards Dr. McDonald's supplemental report of
22 October 7th, or Dr. Handley's one-page report of October
23 8, nothing in Dr. McDonald's report, her findings,
24 contained in page two of her previous report, that
25 three-quarters of the races within the State of Arizona

1 have racially polarized block voting to some extent,
2 one-quarter of the races greatly involved in voting
3 regards ones racially block voting not present, 65
4 percent of those races.

5 Excellent testimony by Ms. Kenski relative
6 to those incumbent sorts of races in general elections,
7 primary elections.

8 Minorities vote with minorities supporting
9 racially polarized block voting, the majority of
10 minority candidates tended to win. Nothing in the
11 October 7th Dr. McDonald disagrees with that.

12 As well, Dr. McDonald's report indicates
13 racially block voting, especially proposition 203, as
14 recently reported to the Commission would be such a
15 finding when the consultants finally got around to it.

16 Nothing in the reports right now supports
17 a reduction in Native American population, Congressional
18 nor Legislative Districts, from bench mark.

19 I heard recently the bench mark figure was
20 an artificial figure. That's not the case. Heard NDC,
21 and harken back to what NDC noted, the bench mark number
22 from their own legal consultants as late as Monday.

23 Other thing I'd like to point out is to
24 caution the Commission in not giving too much credence
25 to Mr. Eckstein's statement, that any minority statement

1 above 60 percent situations like we have in the
2 northeastern part of the state, a high percentage of
3 minorities there.

4 In some situations, because of that
5 population is going to be very high and should be very
6 high, numbers and percentages of minority populations.

7 Another thing I'd like to point out in
8 closing, there was a comment in the Congressional
9 District perhaps Lake Havasu, Lake Havasu didn't have
10 much in common with Congressional C as a rural district.
11 Even though you can see some truth to the comment, it
12 may not have much in common with Lake Havasu, or Gila
13 County has much, nor the comment about Maricopa having
14 much in common, we're familiar with the one-acre
15 limitation, home site leases generally being one acre.

16 Navajo Nation: You have a hogan dirt
17 floor, horse trough out in front. North Scottsdale:
18 One-acre lot, multimillion dollar house, and swimming
19 pool.

20 Thank you, Commissioners.

21 CHAIRMAN LYNN: Thank you, Mr. Seanez.

22 There may be questions after we take
23 lunch.

24 Will you be with us?

25 MR. SEANEZ: Yes.

1 CHAIRMAN LYNN: All right. We'll
2 reconvene after lunch.

3 (Whereupon, a recess was taken from 12:00
4 to approximately 1:15 p.m.)

5 CHAIRMAN LYNN: The Commission is now in
6 session with all five Commissioners, consultants, legal
7 counsel, and staff.

8 Any other unfinished business from counsel
9 or questions for Mr. Seanez based on his succinct
10 comments?

11 Mr. Elder.

12 COMMISSIONER ELDER: I guess I'll leave it
13 as a comment rather than motion.

14 We have a lot of work to do in the next
15 two days. I'm afraid it will take two days. I'd
16 encourage comments longer than two minutes, develop a
17 document, provide it to us so it can go into the record.

18 Comments and concerns do get to us.

19 We need to try to respect the candidates
20 and people trying to run for election here in a few
21 months. We're not making the progress I'd like to see,
22 if possible, I'd like to see.

23 CHAIRMAN LYNN: Thank you, Mr. Elder.

24 Presentation from NDC.

25 Dr. Adams, will you make a presentation?

1 DR. ADAMS: I will begin it.

2 Mr. Chairman, Members of the Commission,
3 you were passed out items this morning. To make certain
4 you have all the items you need for the presentation
5 Chris will make, I'll relate to the items you received
6 this morning.

7 There's a stapled item Power Point
8 presentation I'm giving you. I'll hand you an
9 additional two items, a single page, four slides on it,
10 that goes with it, in addition to the Power Point, that
11 looks like this. You also have a packet that looks like
12 this. The front page, Congressional Test and
13 Modifications Following the October 9th Commission
14 Instructions delineating tests. Following that table it
15 gives further information behind that, maps, documents,
16 all in one document. The only other document is a
17 spread sheet. The spread sheet is revised and dated
18 October 10th, the other item you need to have before you
19 for this information.

20 COMMISSIONER HALL: Not attached.

21 DR. ADAMS: If you need one, Amy has
22 further ones.

23 DR. ADAMS: Items we'll work with this
24 session. Chris Hutchison is working hard.

25 Start the Power Point and go into the

1 interactive.

2 CHAIRMAN LYNN: Thank you.

3 Mr. Hutchison, thank you.

4 MR. HUTCHISON: Mr. Chairman, Members of
5 the Commission, Congressional tests, modifications.

6 Modification, presentation of tests. The
7 Commission instructed NDC pursue, go through each in
8 detail, pursue each NDC interactive.

9 Detail, 3PP in the draft map, lifted the
10 Biltmore area into District B, part of Biltmore District
11 D to compensate. Biltmore District B, the rest was as
12 approved in the draft map.

13 The second test, the 3AA shift, the Salt
14 River, Fort McDowell Reservations, and the rest of rural
15 Maricopa County into District E.

16 The second was a shift Sahuarita in Tucson
17 into H.

18 The third test, an incorporation presented
19 Tuesday, not incorporated that round to test FF, to see
20 how successful we were in incorporating that.

21 Lastly, adjust a competitive test Tuesday,
22 not adjust the developed Hispanic AUR, striving to
23 develop a Hispanic test AUR.

24 CHAIRMAN LYNN: Pause. Is everyone
25 comfortable the instructions given are what were given?

1 COMMISSIONER MINKOFF: Was the competitive
2 B test a square district?

3 MR. HUTCHISON: It is square, yes.

4 CHAIRMAN LYNN: Proceed.

5 MR. HUTCHISON: Draft map revisions.

6 Incorporated Biltmore 2 into 3PP and 3AA.

7 Shifts involving two reservations and
8 Sahuarita area updated are in a single spread sheet,
9 called test 3PP revised. Stuck with test 3PP, since we
10 knew what it was.

11 Next, incorporation of B test into round 2
12 test FF. This district incorporated round 2 test FF map
13 has the configured test B configured Tuesday night.

14 District D as the Commission requested,
15 what was the impact of D, G.

16 District D is almost the same as
17 Competitive B test.

18 As you recall, test G south, it comes into
19 Maricopa County southwest, continues up southern
20 Buckeye, Goodyear, takes off a portion of southern
21 Avondale. The only portion of D was about 350 persons.
22 Regain population, shifting South Mountain.

23 Districts A compensates for its losses,
24 38,000 persons from G, gaining in North Phoenix, Cave
25 Creek, and Carefree areas. District B is, of course,

1 competitive, of course, in shifts.

2 Here's statewide test FF with Competitive
3 B included within it.

4 This is a close-up of Competitive B
5 with -- this D that has been shifted with G, D shifted
6 picking up the mountain itself.

7 CHAIRMAN LYNN: Mr. Hutchison wanted to
8 check. We'll go back over it. He wanted to check the
9 spreads for that particular map showing now the last map
10 packet.

11 MR. HUTCHISON: The last map packet.

12 CHAIRMAN LYNN: Spreading with it.

13 MR. HUTCHISON: Spreads of AQD. The
14 spread of all the other information.

15 To highlight what happened, AQD
16 incorporated Competitive B, test FF. One district
17 remains the seven percent margin we talk about.
18 District H is not affected in test FF. District C
19 continues outward to become roughly 11, a 10 and a half
20 percent spread between Democratic and Republican
21 candidates on AQD.

22 COMMISSIONER MINKOFF: Chris, go back then
23 and review for me how C has changed. You pulled -- I
24 see, pulled Yavapai out.

25 COMMISSIONER ELDER: Part of Yavapai.

1 MR. HUTCHISON: Part of Yavapai, added
2 eastern Pinal out --

3 COMMISSIONER MINKOFF: Seeing --

4 COMMISSIONER ELDER: The exception is the
5 Verde Valley.

6 MR. HUTCHISON: Exception is Verde Valley.

7 The meeting as of the last table variation
8 FF, except Verde Valley, Mohave, about the same size.

9 COMMISSIONER ELDER: Either a benefit on
10 the basis of competitiveness?

11 MR. HUTCHISON: If looking strictly on
12 competitiveness, C.

13 COMMISSIONER ELDER: You mentioned Mohave
14 or Yavapai?

15 CHAIRMAN LYNN: Competitiveness, which
16 district?

17 COMMISSIONER ELDER: C.

18 MR. HUTCHISON: Spreads AQD. Spreads AQD.
19 Have it in incorporated E, one removes Mohave. I
20 believe E. I haven't incorporated that. I guesstimate
21 Yavapai is more Republican, would reduce the advantage
22 of Republican under the current AQD spread.

23 COMMISSIONER HALL: Go back to that chart,
24 Chris, will you?

25 CHAIRMAN LYNN: In fact, Chris, taking

1 time going through this, take time the first time so we
2 can absorb it, get us further down the road.

3 COMMISSIONER HALL: The point, the obvious
4 phase, District B, the reason for the configuration,
5 registration is essentially half, 18 to 9. change.

6 MR. HUTCHISON: 9.56. It is exactly the
7 same as it was in the Competitive B test.

8 COMMISSIONER HALL: Current adopted draft
9 18 essentially cut that in half.

10 CHAIRMAN LYNN: Mr. Huntwork.

11 COMMISSIONER HUNTWORK: Mr. Chairman, it
12 would be really helpful to have columns on here, one to
13 show the original test.

14 COMMISSIONER MINKOFF: You have it on A.

15 COMMISSIONER HUNTWORK: Right here.
16 Explanatory information.

17 One thing we haven't gained is a
18 competitive test.

19 One before the one now, we lost C as a
20 central competitive district. This test is not
21 motivated on communities of interest, I believe. It's a
22 competitive test. It hasn't gained us any significant
23 competitive benefits. It's interesting, as far as that
24 goes. It's less competitive. It's part of an important
25 look at what we've done. It's not a valid exercise at

1 looking at one district or how one looks at the whole
2 array. I don't see how it does that unless you have all
3 the numbers.

4 COMMISSIONER MINKOFF: I think it has
5 improved competitiveness. First of all, if you recall
6 comments this morning, the current configuration of
7 District C does show almost a five percent spread in
8 AQD. That district, under Dr. McDonald's analysis, as I
9 recall, was pretty close to break-even. If you look at
10 it as a break-even district, the growth taking place in
11 the district, if it is competitive, it's competitive at
12 best in one election. One election, two years removed
13 from the Census taken. I submit by September, November
14 2002, it will no longer be even a close Republican
15 district.

16 Even though the figures don't look like
17 District C, under this plan it does become a very
18 competitive district relative to the change, the
19 district change.

20 I recognize the comment a day or two ago,
21 the 58 and a half, 48 and a half split, pretty
22 uncompetitive, 58 and 41 to 61 and 39, probably wouldn't
23 see a great of deal candidate's issues, voting behavior.
24 I don't like to see issues with that kind of spread.
25 That allows districts to be more competitive.

1 District A is not competitive, any more
2 competitive, short of just busting voters. Any more
3 districts, currently reside in District D, simply
4 noncompetitive, a mirror image. That doesn't bother me.
5 District D was never competitive. There's nothing we
6 can do to make it competitive.

7 CHAIRMAN LYNN: I want to ask, the chart
8 that follows the second page, this is the excerpt of the
9 chart, and I'll use the numbers. Follow along, looking
10 at District C, and understand something. Maybe this
11 question is for the attorneys. They're dealing with AQD
12 and other tests. Anybody can answer it.

13 The adopted draft District C, the spread
14 is 52.45 to 47.47, shows Democratic, with a .06
15 difference, PP revised goes from Democratic to
16 competitive.

17 MR. HUTCHISON: If I may comment, it's
18 built off Microsoft Excel in that Doug Johnson built it
19 off, not competitive, within seven percent, more than
20 seven percent, more than seven percent help, within
21 seven.

22 CHAIRMAN LYNN: .06 difference didn't take
23 out of realm of seven percent.

24 MR. HUTCHISON: Took it into realm.

25 CHAIRMAN LYNN: Then adopted drafts C are

1 within range.

2 COMMISSIONER MINKOFF: It's 4.9 percent.

3 CHAIRMAN LYNN: No.

4 COMMISSIONER MINKOFF: It's 5.90 -- 5.96.

5 District C, 52.45, and isn't it 4.9? It
6 should be yes.

7 CHAIRMAN LYNN: Typos make it difficult.

8 I'm trying to look at -- also, I mean I believe.

9 Adopted drafts, to competitive districts by this
10 definition.

11 Two districts within seven percent.

12 MR. HUTCHISON: Yes.

13 CHAIRMAN LYNN: Thank you.

14 COMMISSIONER ELDER: I'd also like ask to
15 question the adopted and 3PP revised. Both end up
16 having two competitive districts. Why keep pushing 55,
17 44, on Competitive B test version 1 where we lose a
18 competitive district.

19 CHAIRMAN LYNN: We don't know we lose
20 necessarily.

21 COMMISSIONER MINKOFF: Can I respond?

22 CHAIRMAN LYNN: If you must.

23 COMMISSIONER MINKOFF: Looking
24 Dr. McDonald's analysis, which we were told was a
25 sophisticated analysis, switch AQD with Dr. McDonald's.

1 AQD 52-and-a-half Democratic, 42-and-a-half.
2 Dr. McDonald has 42 percent Democratic and 42.3
3 Republican. And looking at growth patterns in the
4 district, I submit today, a year removed from the
5 Census --

6 MS. HAUSER: Dr. McDonald, he didn't do
7 this.

8 COMMISSIONER ELDER: Ms. Minkoff, if I
9 understand you, you are increasing the spread now in
10 future, get better.

11 COMMISSIONER MINKOFF: No. Yes. What I
12 am saying, if we leave the district as it is.

13 COMMISSIONER ELDER: Competitive.

14 COMMISSIONER MINKOFF: It's no longer
15 competitive as it sits today. It become less
16 competitive. Growth rates, various parts of the growth
17 rates. Time of election, the district next year, it
18 will no longer be a competitive district within the
19 seven percent range, 6.4 -- 6.6 now, and losing rapidly.

20 CHAIRMAN LYNN: Logic, disenfranchise
21 future voters, move into, and shouldn't have a voice at
22 all.

23 COMMISSIONER MINKOFF: The district at
24 best is barely, barely competitive.

25 If you look at Dr. McDonald's analysis,

1 proposed Congressional plan, one, two, three, four, five
2 solid Republican Districts, two solid Democratic
3 districts, one district temporarily competitive. Based
4 on his analysis, I don't think we have a single
5 competitive district.

6 COMMISSIONER ELDER: Ms. Minkoff, I'm
7 lost.

8 If going from --

9 COMMISSIONER MINKOFF: Not his analysis.
10 It's more sophisticated, they say.

11 COMMISSIONER ELDER: 52.45 Democrat to
12 45 -- 47.45 Republican, really need to get 55, 45 up now
13 in the future, going to have a competitive district.

14 COMMISSIONER MINKOFF: That's not what I'm
15 saying. The district is really not 52.45 and 47.45,
16 according to Dr. McDonald, 45.67 and 45.3. This is his
17 analysis.

18 COMMISSIONER ELDER: I understand, taking
19 growth into consideration. Not barely. Skin of the
20 teeth, none.

21 COMMISSIONER HALL: Which?

22 COMMISSIONER MINKOFF: Draft maps.

23 COMMISSIONER HALL: Does logic have
24 anything to do with it? Increase the spread three
25 points, assert Mr. McDonald's spread goes up.

1 COMMISSIONER MINKOFF: But increasing the
2 spread, increase the spread three percent, 49 percent
3 Democratic, 53.7 Republican.

4 CHAIRMAN LYNN: Straight trade, don't
5 input a straight trade population into that more
6 sophisticated.

7 COMMISSIONER MINKOFF: Add more Democratic
8 voters, take back a more Democratic shift, it's back
9 more than the other direction.

10 COMMISSIONER HUNTWORK: Shift is a good
11 word. I feel the sand shifting.

12 Be careful with definitions. Be careful
13 with logic. Be sure anything we do has a solid
14 foundation, has real numbers and real science to back it
15 up.

16 Let's keep going and see if we come to
17 that point.

18 COMMISSIONER HALL: To that point,
19 Mr. Chairman, I appreciate the variety.

20 This Commission could go along and define
21 what it's going to use to compare apples to apples.
22 For, I guess on, one, simply party registration, two is
23 a formula now on Excel, technique party registration.

24 MR. HUTCHISON: Which formula Excel?

25 COMMISSIONER HALL: AQD.

1 MR. HUTCHISON: AQD.

2 COMMISSIONER HALL: AQD party
3 registration, and McDonald.

4 COMMISSIONER HALL: For my clarity, I
5 thought the request, whatever we were going to use, it
6 was apples to apples. I think it's helpful, if
7 comparing McDonald, AQD, and party registration to
8 McDonald, it doesn't help me or the process. The last
9 discussion has been indicative of that.

10 I'm wondering --

11 I'd make a motion to that effect,
12 Mr. Chairman.

13 CHAIRMAN LYNN: I'm willing to bet we
14 could have a discussion on that motion to Sunday.

15 Here's what I believe.

16 The point on apples to apples is valid.
17 When, if many comparisons in a district, numbers relate
18 one another, if we make a point to compare numbers on
19 registration, numbers on AQD, and don't make numbers
20 beyond that cannot be made. Each level of
21 sophistication is lower to the higher one to themselves.
22 If asking, I think asking Commission Hall to engage each
23 of us to define competition and some common definition,
24 competitive estimation as time stands.

25 COMMISSIONER HALL: I concur. For the

1 sake of this presentation, I think Mr. Hutchison
2 utilized AQD as his spread.

3 MR. HUTCHISON: It was the easiest to
4 input.

5 COMMISSIONER HALL: You don't need to
6 justify. We just need to know what it is.

7 Relate and then justify. At the end, we
8 may welcome, certainly argue other more broader, total
9 state competitiveness, potential growth, what McDonald
10 may say. At this time, we utilize AQD for discussion of
11 analysis.

12 COMMISSIONER MINKOFF: I understand the
13 importance of apples to apples. The problem is looking
14 at the Judge It analysis, which we all recognize is a
15 more complex process, takes more factors into
16 consideration, and we've been told is a more
17 sophisticated analysis. Looking at material, we got
18 material, got no test on FF. When the time comes to
19 make a decision, we don't have the decision.

20 I'd like to recommend as quickly as
21 possible we ask for the Judge It test on every single
22 one of these.

23 If that is a better, more accurate,
24 sophisticated analysis, we shouldn't be making a lesser
25 mode analysis because we don't have a more sophisticated

1 one on some of the tests. Go back, do the Judge It
2 analysis on everything we consider.

3 CHAIRMAN LYNN: I can only say to that,
4 the Judge It analysis helps us with one factor, one
5 factor only, competitiveness.

6 COMMISSIONER MINKOFF: Right.

7 CHAIRMAN LYNN: If that were the only
8 difference in the maps, then that would be a very
9 important test to have for you all on the maps.

10 I assure you, each of the tests has other
11 implications, other goals of 106. We've explained any
12 alterations acceptable, then and only then we'll order
13 the test by McDonald. We'll see the maps, I'm guessing
14 today. They won't be pretty. They won't do nice
15 things. They wouldn't be something we'd like to have.
16 We'd find it simply not appropriate to order testing if
17 we don't have support of the Commission.

18 COMMISSIONER ELDER: I agree. We need to
19 proceed with the recommendation we use the Down and
20 Dirty as the relative rationale of what is competitive
21 and is not competitive, rational in review of plans, go
22 through the plans, what plan modifications of a plan we
23 take look at, run Judge It on a couple plans rather than
24 eight or nine we have permutations that we generate this
25 afternoon.

1 COMMISSIONER HALL: For the record,
2 Mr. Chairman, I agree with Minkoff's point to see this
3 test shows what is competitive. However, I disagree the
4 information this on morning H was not competitive.

5 While I agree with many points being
6 stated, what I'm stating in an effort, progress, work
7 off numbers here, allow Mr. Hutchison to proceed.

8 MR. HUTCHISON: Moving off test FF,
9 Competitive B included, four versions of the original B
10 test developed. The original B test, now labeled
11 competitive V1, V2, V3, V4.

12 MR. RIVERA: When start bombing England.
13 Competitive B tests, each test revised, B PP map. Hopi
14 included, excluded, in all maps. Competitive test maps
15 V2, V3, and V4 do not exclude the Hopi.

16 COMMISSIONER HALL: Hopi have to have
17 three very V3, they are included.

18 COMMISSIONER HALL: Exclude in V1.

19 MR. HUTCHISON: Tests V2, V3, V4,
20 succeeded more of developed Hispanic AUR areas north of
21 I-10 and east of I-10, within Phoenix. Each test
22 maintains greater than 50 percent voting age Hispanic
23 population within District D. Each test improves
24 competitiveness within District B. The Biltmore area
25 remains in District B in all tests.

1 In these tests, Mesa and Tempe are split
2 at US 60. These splits can be lifted, if the Commission
3 so wished, to include more Tempe, less Tempe, or vice
4 versa, districts completely contained within E and F,
5 unless the districts came into those areas.

6 Focusing on competitive test B V1, it's a
7 slightly more competitive test. I shifted rural
8 District C out of Competitive B, got it in there.
9 Shifted rural C out of Mesa's northeastern corner and
10 out of Maricopa County clearly adding to E.

11 District C gains Fort Mojave Reservation
12 and remaining portions of Mohave Valley CDP near
13 Bullhead City.

14 District A gains 3,500 people in southern
15 Yavapai County to balance District C. The district
16 gains 3,500 people in northeast Phoenix to balance
17 District E.

18 And this is an image of District B as it
19 stands in test V1.

20 And you can see, green District A, the
21 area we take the 3,500 people is right here. It is
22 bounded by Bell Road on the north, Scottsdale to the
23 east, McDowell on the south, I-17 and Glendale City
24 limits on the west.

25 And this is an image of District B and D

1 together. You get a sense how Phoenix plays out.
2 District D compensates for its losses into southern
3 Glendale, Peoria, and El Mirage.

4 COMMISSIONER MINKOFF: I imagine you can't
5 do in Power Point the way the overlay, original overlays
6 B with boundaries in alternatives.

7 MR. HUTCHISON: Yes. Easily.

8 COMMISSIONER HALL: Yes. Sorry to
9 interrupt. Why isn't mine not pulling up? It's giving
10 me "file not found."

11 MR. HUTCHISON: If no further questions,
12 I'll move on.

13 The AQD chart for competitive test B V1, H
14 moves from 49.02 to 50.98, B moves from 45.22 to 54.78,
15 and C goes from 52.44 to 47.56.

16 CHAIRMAN LYNN: And the shift on H is
17 Sahuarita?

18 COMMISSIONER HUNTWORK: Chris do I have
19 the shift on each?

20 MR. HUTCHISON: Mr. Huntwork, each test
21 should be on the printout for each and the test for the
22 entire plan.

23 COMMISSIONER HUNTWORK: Okay.

24 MR. HUTCHISON: To highlight, District B,
25 test V1, is centered almost completely in Phoenix. The

1 only portion not entirely in Phoenix, Paradise Valley
2 cuts significantly in the developed Hispanic AUR. If I
3 go back, the area north of McDowell Road, east of I-17,
4 up to roughly Camelback, bounded by the East Biltmore
5 area, roughly 120 persons.

6 COMMISSIONER MINKOFF: Total population
7 or?

8 MR. HUTCHISON: Total Hispanic population.
9 Applicable test C1, applicable to every V
10 test, the large majority of population. Modify trading
11 off, more off the original draft map of Tempe,
12 Ahwatukee. Succeed more in Mesa down south.

13 CHAIRMAN LYNN: Mr. Huntwork.

14 COMMISSIONER HUNTWORK: I feel that's a
15 given. Why are we looking at tests that don't do that?
16 To the extent whether or not, if to change, we also have
17 E's configuration, couldn't be changing it.

18 CHAIRMAN LYNN: We didn't order it. The
19 instruction to the consultant was not to maintain
20 everything else, or to specifically maintain it in
21 District F, as I understand, Mr. Hutchison, maintain --

22 MR. HUTCHISON: All have original B tests
23 Tuesday night. If you recall, the genesis of that test
24 was originally the adopted draft map and several
25 variations, like 3PP and competitive H, competitive

1 tests 3HH, why rural Mesa, like 3HH.

2 CHAIRMAN LYNN: Mr. Huntwork.

3 COMMISSIONER HUNTWORK: I understand that,
4 on the face of it. Does this change, significantly
5 impact the community of interest, change, make the East
6 Valley? In my mind it significantly impacts the
7 community of interest.

8 What I hear you say goes that way toward
9 Phoenix, to some extent. To my thinking, it's
10 critically important to know what that fix is and how
11 much of a problem remains.

12 MR. HUTCHISON: To estimate, roughly
13 150,000 persons in the remaining portions of Tempe,
14 Ahwatukee. Roughly a few more in Chandler. Every
15 person in Ahwatukee, add back to F in Mesa.

16 COMMISSIONER HUNTWORK: How many were
17 taken out of Mesa?

18 MR. HUTCHISON: 200,000.

19 COMMISSIONER MINKOFF: Most of Mesa.

20 COMMISSIONER HUNTWORK: Net impact is
21 50,000?

22 MR. HUTCHISON: Rough impact, 50 to a
23 hundred thousand would be the net impact.

24 COMMISSIONER HUNTWORK: Okay.

25 COMMISSIONER MINKOFF: Can I ask.

1 CHAIRMAN LYNN: Ms. Minkoff.

2 COMMISSIONER MINKOFF: Any other splits?
3 Is Chandler split? Gilbert split? Any other in the
4 East Valley?

5 MR. HUTCHISON: Strictly changes Gilbert,
6 Mesa. We don't have statewide, a Power Point.

7 CHAIRMAN LYNN: Go through the Power
8 Point. Work each of the maps. If that's our desire,
9 the interactive, once we have the Power Point, then we
10 can see the impact of each of the tests, how it impacts
11 the rest of the Maricopa area.

12 Proceed.

13 MR. HUTCHISON: Something to note, total
14 minority population within B C1 is 33.1 percent.

15 COMMISSIONER HALL: Quick question,
16 Mr. Chairman.

17 CHAIRMAN LYNN: Sure.

18 COMMISSIONER HALL: Refresh my memory. It
19 seems to me the testimony relative to percentages able
20 to influence another district, was that just someone's
21 opinion or thresholds on that issue, or high as possible
22 by the look I'm getting.

23 As you were, Mr. Hutchison.

24 MR. RIVERA: Influence districts.

25 COMMISSIONER HALL: This District, 33.1.

1 No legal threshold.

2 MS. HAUSER: Depends on the situation.

3 MR. RIVERA: I hate to give you an answer
4 that depends on that sort of answer.

5 COMMISSIONER HALL: I hate to have you say
6 that.

7 MR. RIVERA: I hate to say that.

8 MS. HAUSER: Mr. Eckstein threw out 39
9 percent this morning.

10 COMMISSIONER HALL: I couldn't remember
11 what he said.

12 MS. HAUSER: If you are looking at
13 something for comparison.

14 MR. HUTCHISON: Version two of the
15 competitive test, regain competitiveness. Regains much
16 of Glendale, Peoria, El Mirage, Surprise, gains a
17 portion of Phoenix just north of Indian School Road and
18 south -- just to the west of 59th Street. District D
19 regains population to the northeast within Phoenix
20 bounded on the north by Bethany Home Road and Glendale.
21 District E regains Paradise Valley and Arcadia.
22 District A gains Phoenix communities north of
23 Scottsdale. This is District B in this test. North
24 boundary, most part of Bell Road. Sun City is in this
25 area here to east of El Mirage and west of Peoria,

1 Thunderbird Boulevard. South of Indian School Road is
2 the primary boundary, Bethany Home Road, Bethany Home
3 Road until you get over -- District D, lolls closely to
4 district D, does not go into D.

5 CHAIRMAN LYNN: The effect on the East
6 Valley is the same currently.

7 MR. HUTCHISON: Currently.

8 COMMISSIONER MINKOFF: Nothing to do with
9 the two districts.

10 MR. HUTCHISON: It's the effect on the
11 East Valley Downtown District no matter how you draw it.

12 MR. HUTCHISON: Here, B 8.1, 8.12 spread
13 between Republican and Democratic.

14 COMMISSIONER ELDER: Chris, refresh my
15 memory. We adopted C3PP revised, whatever that is now,
16 the base number we're working with. B came down nine,
17 seven, eight.

18 MR. HUTCHISON: Original 9.56. This goes
19 down to.

20 8.92 to test revised 17.28.

21 CHAIRMAN LYNN: One, something first test.

22 COMMISSIONER MINKOFF: Cut in half over
23 the first test.

24 CHAIRMAN LYNN: Down one over the first.

25 MR. HUTCHISON: District C, two portions

1 of Phoenix, the Glendale portion, Peoria, and El Mirage,
2 divides Surprise, Old Surprise out, divides Glendale,
3 divides Peoria.

4 COMMISSIONER MINKOFF: Where is Surprise?

5 MR. HUTCHISON: Old Surprise. Old
6 Surprise is in B.

7 COMMISSIONER MINKOFF: The rest of
8 Surprise is in A.

9 MR. HUTCHISON: Surprise. The five-mile
10 wide north-south five-mile east-west Hispanic AUR Indian
11 School and Camelback Road to west of 68 Avenue, 85,000
12 persons, same discussion of Mesa, total minority
13 population is 34.0 percent.

14 CHAIRMAN LYNN: Increased one percent over
15 the former test.

16 Go ahead.

17 MR. HUTCHISON: No more questions to this
18 test. An attempt to increase competitiveness further
19 adding Tempe north of US-60. Tuesday, not felt it a
20 good idea. District B gains Tempe north of US-60, also
21 gains persons in the corridor north of 60. D gains
22 population to the northwest of Litchfield Park and north
23 within the Phoenix offset population taken away from
24 corridor E. Gains Phoenix communities north of Paradise
25 Freeway. A gains the freeway.

1 This is District B. Competitive B test is
2 southeast or west for competitiveness. This goes.

3 CHAIRMAN LYNN: Not an animal's name
4 south. Decide what it looks like. Still working.

5 COMMISSIONER HUNTWORK: Right side up, a
6 camel.

7 CHAIRMAN LYNN: Let's go on.

8 D looks in conjunction with it, I should
9 look at this scenario, half of Tempe gained the
10 equivalent, gained Mesa now, and added District F as an
11 offset.

12 CHAIRMAN LYNN: Added back.

13 MR. HUTCHISON: Added back. AQD, 5.8
14 percent spread in B, retaining seven percent spreads in
15 C and H.

16 E goes to draft map, 58 percent Republican
17 to 53 in this map as well.

18 What's significant, about 10 percent, add
19 both sides, increase in deviation.

20 B is not centered in the district, this
21 map, connected with Tempe, El Mirage. It divides
22 Surprise, Tempe, Glendale, Peoria, and removes the
23 five-mile portion of the Hispanic AUR. Total minority
24 population is 34.9 percent.

25 COMMISSIONER MINKOFF: Let me ask a

1 question, Chris. The five-mile portion of the Hispanic
2 AUR, is that the northern portion of D, between
3 Camelback and Glendale? If you had moved that to D,
4 that area off, run it back, would it be changed
5 significantly?

6 MR. HUTCHISON: Speaking move to B.

7 COMMISSIONER MINKOFF: Moving it.

8 MR. HUTCHISON: It's something I explored,
9 or have identified that, eliminated as a possibility.
10 Something had to be done.

11 COMMISSIONER MINKOFF: All right. Thank
12 you.

13 MR. HUTCHISON: Version 4, a driven
14 attempt to increase B's competitiveness by adding the
15 remaining portion of Tempe south of US-60. B gains
16 Tempe south of US-60. District D gains population to
17 the northwest of Litchfield Park, north. There is
18 District B, this map. The difference in 3, 4 gained the
19 rest of Tempe, lop off the rest of the district.

20 COMMISSIONER HALL: Tempe unified. This
21 is to the extent 3HH was presented the other night.
22 Very similar, more compact.

23 CHAIRMAN LYNN: It does not go into
24 Glendale. It does not go as far north as Tempe,
25 Phoenix, as a result.

1 CHAIRMAN LYNN: Three sixties basically.

2 COMMISSIONER MINKOFF: Not any Scottsdale.

3 CHAIRMAN LYNN: Or Paradise Valley.

4 COMMISSIONER HALL: What was the impact on
5 D?

6 MR. HUTCHISON: Every scenario thus far
7 shown, every competitive test, the Hispanic voting age,
8 voting age percentage dropped off, Scottsdale City
9 limit, and goes up to Camelback. There is District D in
10 conjunction with it. Here are AQD numbers.

11 District B goes to 6.5 percent spread.
12 You'll notice the district for Tempe to Glendale, it
13 divides Surprise, taking Old Surprise out and Glendale,
14 removes the same five-mile portion between Indian School
15 and Camelback. Same results in Mesa. Total minority
16 population is 32 percent.

17 That's the end of the Power Point.

18 We can move into interactive.

19 CHAIRMAN LYNN: It will be a good idea for
20 the interactive to be shown. If you can do that, answer
21 questions at the same time, I have one. Maybe it's a
22 statement.

23 Since you've been working with these
24 districts for the last couple days in terms of trying to
25 make this happen, make a statement. You tell me if it's

1 a fair statement for the versions shown to include a
2 district, they must, in order to achieve the
3 competitiveness goal, or work the competitiveness goal,
4 must go as far east as Tempe. In one instance, as far
5 as Tempe; one instance into Tempe. There's a direct
6 correlation, it seems, with the ability to move toward a
7 competitive district and the ability, in effect, to go
8 either into Tempe for the purpose to pick up voters,
9 Democratic voters, throw them in, and this would be a
10 result of voters, pattern of voters, which to me spreads
11 down the spread, pattern of voters and spread.
12 Glendale, Phoenix, Tempe have things in interest, one
13 might call it a community of interest. Compact
14 interest, may only be North Phoenix, part of Glendale;
15 elements of El Mirage, Surprise, get a more compact
16 district. Cannot be as compact by definition. There's
17 a certain amount of competitiveness to be achieved that
18 relates more to communities of interest.

19 From your working with it, does that
20 square from the challenge you see with it?

21 MR. HUTCHISON: That is perfectly
22 accurate. You are -- I believe you are speaking to test
23 version 2, west instead of Tempe.

24 CHAIRMAN LYNN: Yes.

25 MR. HUTCHISON: 82.1 spread, able to

1 achieve that limit without limiting other voting rights
2 concerns.

3 CHAIRMAN LYNN: Just an observation based
4 on the four presentations, for me a significant
5 observation. Pits two goals against each other in a
6 clear way. A judgment will have to be by made each of
7 us as to which goals may or may not be made against each
8 other.

9 COMMISSIONER HALL: The first test, test
10 FF, combined a test. Focus on B 1 through 4 and go and
11 consider other areas.

12 CHAIRMAN LYNN: Absolutely. If you have
13 the tests interactively, start at the beginning.

14 COMMISSIONER HUNTWORK: Mr. Chairman,
15 before we do that, I would like to look at what is
16 proposed.

17 CHAIRMAN LYNN: Our draft. Highlight the
18 valley.

19 MR. HUTCHISON: 3 BB as revised.

20 CHAIRMAN LYNN: I don't have it emblazened
21 in memory.

22 COMMISSIONER MINKOFF: Go through the
23 options in terms of D and B. Overlay the boundaries on
24 the districts you are considering, various alternatives.

25 CHAIRMAN LYNN: Mr. Huntwork, the

1 configuration.

2 COMMISSIONER HUNTWORK: Let me highlight
3 in the plan, the communities of interest we identified.
4 Firstly, we had the East Valley together, the University
5 request, a request not to change it from a competitive
6 standpoint. There was no way to make the East Valley
7 competitive. Presently, a way to use the excess
8 Republican valley to make other ways noncompetitive, and
9 we've certainly resisted any temptation do that,
10 universally to do that, including Republicans, so that
11 is done.

12 Moving west we have, at the heart we
13 united Tempe and Scottsdale and growth areas of
14 Scottsdale, or surrounding Scottsdale. Tempe,
15 Scottsdale, anybody familiar with the valley understands
16 the communities of interest, the communities there, the
17 border between Tempe and Scottsdale, two major cities,
18 not Phoenix, non-East Valley, not East Phoenix.

19 In common, put Ahwatukee together, it
20 doesn't go anywhere else. It's a piece of Phoenix in
21 that district. It is a small piece, does not change the
22 character of that district or communities it unites.

23 District B would succeed, add basically in
24 uniting almost all of Phoenix, and isn't in a minority
25 District D.

1 That's a Phoenix district that unites
2 growth areas of Phoenix with established residential
3 areas of Phoenix and keeps them pretty well together.

4 Moving west, united areas of the West
5 Valley, haven't broken up, included West Valley Road
6 districts. Also succeeded very well in allocating
7 growth areas among these districts. So there is
8 capacity for growth in each of those districts. And we
9 have, I think, divided it as well as we can be while
10 keeping other communities of interest in one map. I
11 apologize for taking this time. Look at other maps,
12 talk about how they might be affecting communities of
13 interest, might be very important in keeping the bedrock
14 we labored long and hard to get right in the first place
15 in respect to those issues.

16 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

17 With that said, if we could move to the
18 first test, Ms. Minkoff asked, Mr. Hutchison, to
19 superimpose B and D.

20 COMMISSIONER ELDER: B 1.

21 COMMISSIONER HALL: FF and B 1.

22 MR. HUTCHISON: B 1.

23 COMMISSIONER HALL: I think come back with
24 a larger map and focus on B 1.

25 CHAIRMAN LYNN: Two Commissioners would

1 like to see FF and B1.

2 COMMISSIONER HUNTWORK: I prefer to see
3 them separate.

4 COMMISSIONER HALL: The point is,
5 Mr. Chairman, that what is happening outside B district
6 on this map, is independent inside. For the sake of
7 flow, B1 is this B.

8 COMMISSIONER MINKOFF: One question I want
9 to ask before you change anything on this. I share
10 Mr. Huntwork's concern about the split that occurred in
11 the East Valley, the split of Mesa, Tempe, on a number
12 of versions, looking at this map, with the exception of
13 a little area of mountain you added to D, I don't see
14 how you change the boundaries of B, D, A with any impact
15 on the East Valley to figure out how that happened as a
16 result of B, D, or any other districts.

17 MR. HUTCHISON: I can speak to that.
18 Since this test, test FF is competitive, they are the
19 same as FF. District F includes much of the East
20 Valley, far western Mesa, roughly a hundred thousand
21 people. This is what I was speaking to earlier. Change
22 the dividing lines in the East Valley, taking Tempe,
23 Ahwatukee, and pushing it up into District E as done in
24 this draft map.

25 COMMISSIONER MINKOFF: Blue lines are the

1 old districts?

2 MR. HUTCHISON: Exactly.

3 COMMISSIONER MINKOFF: Mesa is united
4 under the old plan, not split.

5 MR. HUTCHISON: Split along the blue line.

6 CHAIRMAN LYNN: Western Mesa.

7 COMMISSIONER MINKOFF: Whatever we're
8 doing with B and DD, unless we pick one of the options
9 that goes into Tempe, it does not impact these districts
10 at all, we'll have Mesa split no worse than before as a
11 district, Tempe, a Scottsdale district like before,
12 without doing any more damage than by the adopted draft;
13 is that correct?

14 COMMISSIONER MINKOFF: That area.

15 COMMISSIONER ELDER: Here and here.

16 COMMISSIONER MINKOFF: A separate East
17 Valley competitive district. I'm not sure there's
18 anything to do. We don't want to chop Tempe, Mesa,
19 Scottsdale more than anything else. It distressed me to
20 see it as various options explained as a result of what
21 we were doing with B. Explained some B with Tempe. One
22 part Tempe, another all Tempe. Maybe we don't know
23 which to try because of it. Seems others don't. How
24 messed up the East Valley is, whether that becomes an
25 issue on what to do with competitive District B.

1 CHAIRMAN LYNN: Mr. Hutchison.

2 MR. HUTCHISON: Split Mesa. Other
3 Competitive B tests result in 3HH which did do that,
4 split, if I recall, at Broadway.

5 CHAIRMAN LYNN: From curiosity, why use it
6 as a base rather than FF?

7 COMMISSIONER HALL: Easier to work off of.

8 CHAIRMAN LYNN: Manipulated.

9 COMMISSIONER MINKOFF: Look at E1. Fall
10 in love with District E and B, go back approximating
11 something in those districts, E, F, not split along the
12 Superstition Freeway.

13 MR. HUTCHISON: Close to this, draw up to
14 be sure, impact Mesa, substituting Tempe, roughly
15 175,000 persons, close to this.

16 CHAIRMAN LYNN: Mr. Hall.

17 COMMISSIONER HALL: I apologize for not
18 being clear earlier. It's difficult for us to solve
19 hypothetical problems.

20 Let's take this sandwich a bite at a time.
21 As we know, I suggest, and then determine, if the
22 Commission has direction relative to that, let's work
23 out words, see what the impact is to other areas.
24 Mr. Huntwork's point is valid, all are valid. Again,
25 for us to try and work outside in for this scenario, it

1 doesn't seem to make sense in light of the fact we
2 pushed the consultants to get maps not necessarily on
3 the same premise.

4 CHAIRMAN LYNN: It's a useful discussion,
5 Mr. Huntwork's premise. Parts of the map that
6 Mr. Hutchison has now clarified can work inside out, and
7 perhaps, I understand he'd need to draw it to validate
8 it, do no more damage outside working in. The map here,
9 if I understand, has useful information. In my mind
10 splitting any more, substantial, influence my opinion,
11 this helps.

12 COMMISSIONER HALL: Already stated it.

13 CHAIRMAN LYNN: Acutely stated.

14 COMMISSIONER MINKOFF: Sometimes it helps
15 to see it.

16 CHAIRMAN LYNN: V1.

17 MR. HUTCHISON: Blue ones are 3PP revised,
18 to be clear. Competitive test 3 V1, 3PP map. The only
19 competitive test does exclude Hopi, would be decided
20 irrespective of the Downtown District.

21 Let me just reiterate what B does. It
22 does pick up a substantial district, formally puts in B
23 120,000 people east of 17, north of I-10.

24 CHAIRMAN LYNN: Ms. Minkoff.

25 COMMISSIONER MINKOFF: The question I

1 recognize from that particular AUR, looking at what you
2 added to District D in the northwest, the portion of it
3 that is immediately west of District B.

4 MR. HUTCHISON: Yes.

5 COMMISSIONER MINKOFF: What does that do
6 to competitiveness of B, add back the area just north of
7 I-10 into District D? I can't see street names.

8 MR. HUTCHISON: The Glendale border is
9 here.

10 COMMISSIONER MINKOFF: Looks close to the
11 downtown border.

12 MR. HUTCHISON: Resembles version two.
13 Adds areas taken in version two. In version one, pick
14 up areas in two rather than version one.

15 CHAIRMAN LYNN: Engage in any kind of
16 suggestion there's a fairly regular and extensive basis
17 to do this. You have the ability at some point, perhaps
18 not this point, to highlight by voter registration where
19 pockets of voters are making the district competitive.

20 MR. HUTCHISON: Thematic mapping,
21 registration, any scale you like.

22 CHAIRMAN LYNN: At the same point, it may
23 be useful, my guess, is to highlight dramatically why
24 small changes or not, trading population is of no
25 advantage in diminishing population.

1 MR. HUTCHISON: Pretty much what I used in
2 drawing it.

3 CHAIRMAN LYNN: Comments or questions on
4 this version?

5 COMMISSIONER HUNTWORK: Mr. Chairman, this
6 is the only version I have seen with any integrity to
7 it, a compact District B, somewhat what was proposed in
8 the first place. We rejected it for various reasons,
9 primarily wanted to put growth areas with growth areas,
10 and so on, compactness going in, a test to begin, go
11 into gerrymandered permutations, and pick out individual
12 pockets. This one keeps people at home.

13 CHAIRMAN LYNN: It does that. It does
14 create and includes Paradise Valley with the central
15 part of Phoenix above I-10, which clearly they don't
16 have a lot in common. However, Congressional Districts
17 obviously have broader latitude because of the
18 population necessary. I think we laid it off there.

19 Mr. Hall.

20 COMMISSIONER HALL: So we have a little
21 history, I think it would be helpful if we started with
22 B1, consideration of B2, the concern expressed, concern
23 of the northwest being included in D, included
24 previously in northeast D, significant Hispanic.
25 Adjustments D1, B1, exchange northeast of D was more

1 agreeable to some representatives of the Hispanic area
2 to garner population to the west which allowed for
3 another competitive district.

4 CHAIRMAN LYNN: Mr. Huntwork.

5 COMMISSIONER HUNTWORK: I agree to some
6 extent. Everyone knows I agree with taking growth areas
7 into consideration. The problem leaves me back to the
8 original proposal. Pretty well united. We're losing
9 that. Start talking growth areas, we should follow
10 through with that other argument.

11 CHAIRMAN LYNN: Comments at this time, at
12 this moment in particular on that configuration?

13 Why not V2?

14 MR. HUTCHISON: It accomplishes that, El
15 Mirage, Glendale, and the five-mile strip border. We
16 approved the drafted map, five-mile wide, one-mile wide
17 north-south streets of Indian School and Camelback.

18 CHAIRMAN LYNN: Competes not with B or D,
19 A. Next to F. The notch there, that is a result of an
20 old district, just go to the west, being squared off
21 with this one.

22 MR. HUTCHISON: Scottsdale border.

23 CHAIRMAN LYNN: Comments on this version?

24 Mr. Hall?

25 COMMISSIONER HALL: Question: Communities

1 of interest, I request from the urban Commissioners what
2 comments are relative to some of the detailed
3 communities of interest with respect to this particular
4 interest.

5 COMMISSIONER MINKOFF: There appears less
6 damage to the Hispanic AUR, it's compliance with the
7 Hispanic AUR. It's a reasonably compact district,
8 includes a lot of Glendale. Most Glendale, northwest
9 Phoenix, a lot in common, a lot of connection, a lot of
10 communities of interest. El Mirage, and testimony
11 saying El Mirage in District D is not a good fit, El
12 Mirage and Glendale are a reasonably good fit. It's not
13 as square, as good a district. There are better things
14 in terms of communities of interest.

15 CHAIRMAN LYNN: Mr. Huntwork.

16 COMMISSIONER HUNTWORK: I think this
17 district, obviously B, breaks up communities of
18 interest. I don't think it's possible Glendale
19 considers it part of Phoenix. Put them together,
20 there's a strong sense of independence. There just
21 isn't.

22 Glendale thinks of itself as a gateway,
23 coming over as a gateway, in essence. A and B in a
24 sense lose separate identities.

25 As compared to the base map, that's a

1 significant thing that happens with this map. I really
2 object to it. It cuts Sun City out of the mix. In the
3 end, there's obvious gerrymandering in the map to avoid
4 concentration of votes and pick out other votes.

5 The first version, I felt there was a lot
6 integrity. It was compact and picked up everything in
7 the vote.

8 CHAIRMAN LYNN: May I, Ms. Minkoff.

9 COMMISSIONER MINKOFF: Sure.

10 CHAIRMAN LYNN: From an urban-dweller's
11 point of view, I've spent many years dwelling here.

12 COMMISSIONER MINKOFF: Urban area.

13 CHAIRMAN LYNN: Let me emphasize several
14 things. There's a significant tradeoff. Community
15 interest, perceived communities of interest, you will
16 see degradation to some degree or another, some degree
17 it's attempting. That's a given. One of the things,
18 it's a relative comment, not because it's relative
19 living in the district, relative living here. There are
20 things I like. Not as far east as Paradise Valley. I
21 think if there's some reason to believe in a central
22 district, you drive any streets in North Phoenix, drive
23 west to Glendale, you certainly know you're in Glendale
24 often by the number of car dealerships there. It is a
25 fairly decent part of Phoenix. It's a relative comment.

1 The problem with the AUR, entirely, it's a tremendous
2 distance, that distance, there's a tremendous number of
3 people. What this at least does do, you could not take
4 them, unify them, at least I hope, and wait for some
5 competitive, analytical numbers, allow minority
6 influence at some point. They might have additional
7 growth to them. It's less compact than one before them,
8 no question about it. It takes a reasonable portion of
9 the north end of it.

10 On balance, I'm giving you a relative
11 assessment, favor this one or the first one for those
12 reasons.

13 COMMISSIONER MINKOFF: I agree. I have a
14 comment and question. The retirement communities AUR, I
15 don't think this is gerrymandering up north,
16 gerrymandering. Sun City, Sun City West, Sun City
17 Grand, they are definite communities of interest.
18 Matter of fact, we get a lot of opposition squared off
19 there, boycotting into Sun City, do damage to both
20 District A and District B.

21 City of Glendale, highlight City of
22 Glendale so we see how it's highlighted.

23 MR. HUTCHISON: See that?

24 COMMISSIONER MINKOFF: See that better?

25 COMMISSIONER ELDER: Red worked well.

1 CHAIRMAN LYNN: It's not in B at all.

2 COMMISSIONER MINKOFF: Okay. Yeah. I
3 think that works.

4 The northern part of Glendale is very
5 different than part of B. The northern part of Glendale
6 subdivisions, housing developments, getting close to the
7 Peoria ranch -- what is that area way out west? Is that
8 Glendale?

9 MR. HUTCHISON: Luke Air Force Base.

10 CHAIRMAN LYNN: Yes, it is incorporated in
11 the limits of Glendale, annexed to it.

12 COMMISSIONER MINKOFF: Excluding Luke Air
13 Force Base, that's reasonable.

14 COMMISSIONER ELDER: Is it possible to
15 outline V1, how much further it goes to the east, how
16 much further it goes to the west, just black, red,
17 green, anything?

18 Steve, how much further goes the red line.

19 CHAIRMAN LYNN: One versus two. Red is
20 one. I didn't know how much further it went into the
21 east area, how much it would take to clean up the
22 westerly edge. I think, in my opinion, there is
23 detriment to District D. And it comes out, back out
24 of -- the western part of Phoenix is probably
25 beneficial.

1 CHAIRMAN LYNN: May we move to 3, or
2 Version 3, please?

3 COMMISSIONER ELDER: That's fine.

4 I did not mean to be inattentive. I have
5 the beginnings of a kidney stone.

6 CHAIRMAN LYNN: We'll have a district for
7 it.

8 COMMISSIONER MINKOFF: Came from a growth
9 area.

10 Version 3. The main is I don't see any
11 way to make it work, salvaging the East Valley, and
12 moving on.

13 COMMISSIONER ELDER: So much more
14 character.

15 COMMISSIONER HALL: Second that.

16 CHAIRMAN LYNN: How about 4, Chris?

17 Let us be the first to say your district
18 is ugly.

19 COMMISSIONER MINKOFF: Not ugly, wasn't
20 workable.

21 Tradeoffs are not worth it. More
22 competitive, but not worth it. The expense to the East
23 Valley communities more than outweigh the benefit.

24 CHAIRMAN LYNN: Both districts involve
25 Tempe. The numbers are better.

1 COMMISSIONER MINKOFF: Absolutely.

2 CHAIRMAN LYNN: The tradeoff is very
3 clear. If the numbers are down to levels most everybody
4 can agree are competitive, it or some permutation.

5 Mr. Hutchison.

6 MR. HUTCHISON: The Mesa tradeoff. Unite
7 more of Mesa. We couldn't do it. District E down, the
8 remaining portion. We're willing to do that, bring more
9 of Mesa down to F, in this area. Otherwise...

10 CHAIRMAN LYNN: That reason?

11 COMMISSIONER MINKOFF: If you show us what
12 that would look like.

13 COMMISSIONER HALL: Ms. Minkoff, put the
14 gun back in the holster you just pulled out.

15 CHAIRMAN LYNN: Not more than one person
16 wants in the mix.

17 Anybody else active.

18 COMMISSIONER ELDER: No, not active.
19 Verify the numbers, correct half a percentage point gain
20 over the previous. Horizontal.

21 CHAIRMAN LYNN: Both.

22 COMMISSIONER ELDER: Third percent,
23 gerrymandering rigging.

24 COMMISSIONER MINKOFF: A little splitting
25 of Tempe, better split one and two.

1 MR. HUTCHISON: Actual data spread, AQD,
2 too, 8.12.

3 CHAIRMAN LYNN: Don't see any other
4 sentiment for keeping it active.

5 Mr. Huntwork.

6 COMMISSIONER HUNTWORK: It seriously
7 divides communities of interest.

8 CHAIRMAN LYNN: Let's do this: We're
9 coming up on a break anyway. Let's take a break. Put
10 version -- go back to 4 a while, talk about that. Do
11 that right after the break.

12 (Whereupon, a recess was taken at 3:35
13 until approximately 4:28 p.m.)

14 CHAIRMAN LYNN: If I can have the
15 Commissioners back up to the dias.

16 Well, that was the dinner break.

17 COMMISSIONER HALL: For the record, I've
18 been in my chair for some time.

19 CHAIRMAN LYNN: For the record, that means
20 you'll need a break soon.

21 Further discussion on these discussions of
22 these maps.

23 Ms. Minkoff.

24 COMMISSIONER MINKOFF: Options of a
25 competitive district, this one seems to be the best.

1 It's not as competitive as I would like, not as
2 competitive as we hoped we'd be able to achieve.

3 Chris I'm asking a question, and I'm not
4 going to like the answer.

5 Do you see any way you can adjust the
6 edges of this district to make it more competitive
7 without further inroads on the Hispanic AUR in District
8 B?

9 MR. HUTCHISON: To make a long story
10 short, no.

11 COMMISSIONER MINKOFF: That's what I
12 thought you'd say.

13 MR. HUTCHISON: I wouldn't say we couldn't
14 improve the competitiveness a hundred percent, a few
15 hundredths of a percent along the edges. This one is
16 actually 46 percent Republican; this one 43.

17 Pretty much we're not going to make
18 further inroads into the Hispanic AUR.

19 COMMISSIONER MINKOFF: This particular
20 version is not going into Tempe.

21 CHAIRMAN LYNN: Mr. Huntwork then
22 Mr. Elder.

23 COMMISSIONER HUNTWORK: Mr. Chairman, I am
24 concerned, thank you, I am very concerned about a number
25 of communities of interest all through the Phoenix

1 Metropolitan area that I feel are disruptive by this
2 particular configuration. Nevertheless, in order to
3 give it the best test possible, I do think it's
4 important to notice it back. As currently configured,
5 Scottsdale doesn't go into Tempe, all the way into
6 Scottsdale. It divides Scottsdale all the way to Pima
7 Road.

8 CHAIRMAN LYNN: District A is a result of
9 dividing B.

10 COMMISSIONER HALL: I apologize. That's
11 what I mean.

12 COMMISSIONER HUNTWORK: I think that we,
13 in terms of criteria of Proposition 106, now are
14 splitting cities as well as communities of interest. I
15 do feel at least we can correct that. Hopefully we can
16 correct it or minimize it by, one would think, coming
17 down into Paradise Valley and maybe even Arcadia rather
18 than taking Scottsdale. I don't know how many people
19 are involved.

20 COMMISSIONER MINKOFF: District A.

21 COMMISSIONER HUNTWORK: Yes.

22 CHAIRMAN LYNN: A south rather than
23 Scottsdale.

24 COMMISSIONER HUNTWORK: I'm not sure of
25 the people south, uniting Paradise Valley. Look at the

1 West Valley and Colorado River as Scottsdale, at least
2 in terms of dividing communities, and try to avoid
3 political subdivisions, avoid that.

4 COMMISSIONER ELDER: I'd like to ask
5 Mr. Huntwork a question and not lose the floor when I
6 get the answer.

7 CHAIRMAN LYNN: We'll give you the floor
8 as long as you like.

9 COMMISSIONER ELDER: The area we're
10 concerned with, this area of Paradise Valley, Arcadia,
11 get this part of Arcadia as a whole?

12 CHAIRMAN LYNN: Yes.

13 COMMISSIONER ELDER: I suppose going,
14 driving recently in this part of Paradise Valley, am I
15 still in Scottsdale? You don't know whether you are in
16 Scottsdale or still in Phoenix. A resort hotel
17 straddles the property line. There's not a lot of
18 difference there. I'm wondering if splitting Scottsdale
19 further to the south, I think, would it not be better to
20 put that community of interest, that the mountains
21 divide out from the balance, part of -- not Tucson,
22 Phoenix, keep that together, even if it lost part of the
23 split of Scottsdale to another location?

24 My comment is B, I guess, is probably
25 okay, but it does that to our plan in A which I'm not

1 really happy with that. Work around, maybe leave Chris
2 direction after we talk through about that.

3 The problem for me, it's not a compact,
4 isolated area. It's not really representative of much
5 of A or any other part of the state. I have a problem
6 with that area.

7 CHAIRMAN LYNN: Mr. Huntwork.

8 COMMISSIONER HUNTWORK: In terms of
9 criteria of proposition 106, what I was basically
10 arguing is splitting communities of interest, anyway.
11 You don't have to split subdivisions. That's another
12 criteria, eliminate one of the violations, keeping
13 political subdivisions together.

14 CHAIRMAN LYNN: Ms. Minkoff.

15 COMMISSIONER MINKOFF: I'm pretty familiar
16 with the area of Scottsdale for the simple reason my
17 grandchildren live there.

18 COMMISSIONER ELDER: Do you have a
19 picture?

20 COMMISSIONER MINKOFF: Yes, I do.

21 MR. RIVERA: Add another day.

22 CHAIRMAN LYNN: Ms. Minkoff adds another
23 day.

24 COMMISSIONER MINKOFF: I understand what
25 you're saying about not splitting subdivisions in a

1 perfect world. Let's try to put Scottsdale back
2 together. Putting Paradise Valley back into District A.
3 It's probably more a problem than that portion of
4 Scottsdale. The boundary line of Scottsdale, Phoenix,
5 that area is very artificial. The new area, growth
6 area, pretty soon it's one car dealership after another.
7 They're going up there like crazy. Scottsdale is split
8 not in a bad way. The only way to reunite Scottsdale,
9 Arcadia, is District A. I think I'd not favor it.

10 CHAIRMAN LYNN: Mr. Huntwork.

11 COMMISSIONER HUNTWORK: A couple things.
12 It's been said Scottsdale has to be split. I'm not sure
13 it has to be split. We voted Scottsdale as an AUR. I
14 wasn't in favor of that, simply, at the time, as it's a
15 redundancy. Look back at our own records, a community
16 is an AUR, community of interest, a political
17 subdivision. If I had to make a choice on this area,
18 keep Scottsdale whole, fill in population another way.

19 CHAIRMAN LYNN: Mr. Hutchison.

20 MR. HUTCHISON: Mr. Chairman, members of
21 the Commission, I'd clarify I'm not entirely positive
22 even the tradeoff of Paradise Valley, A, into
23 Scottsdale, 30,000 persons to Scottsdale, I'm not
24 exactly sure the numbers are there. It's something I
25 could look at. It does exist as a possibility to add

1 areas of Paradise Valley to A that are still needing to
2 go into Scottsdale's population.

3 CHAIRMAN LYNN: Another angle should be
4 discussion of whether or not the district is
5 competitive. Let me draw that to our attention at the
6 moment. I'll use an analogy. I don't mean to be
7 flippant. This is a real analogy.

8 If you have something not very attractive,
9 dress it up, it becomes more attractive, whatever it is.
10 It still isn't what we wanted it to be. It's more
11 competitive than the B we had in the Legislative map by
12 half.

13 Competitiveness of District B, the spread
14 in B, has been cut in half, give or take. What hasn't
15 been is drawn into the range where most would consider
16 it yet competitive. In fact, if we ordered the more
17 sophisticated analysis of B to be done, of course, which
18 surprised me before, notwithstanding the view of the
19 other districts, I bet Mr. McDonald would tell us it's
20 not competitive.

21 Now having said that, the judgment here is
22 it's ultimately going to be is it a better, more
23 competitive district for the central part of Phoenix,
24 not a competitive district, but more competitive
25 district, and do whatever drawing that district does to

1 whatever around it.

2 We cannot draw a district without impact,
3 or whether we draft a map as presented, we did do a
4 number of things in terms of preserving communities of
5 interest. Is the better choice given you can't get
6 where you're going with this map? Get part way there.
7 Use the analogy of going on vacation. We want to go to
8 Disneyland, wind up Yuma. Is it worth the trip?

9 MR. FLEISHER: Is it as good as
10 Disneyland?

11 CHAIRMAN LYNN: Those particular
12 communities, or anywhere else, are headed to the
13 destination. Halfway to the destination, that's as far
14 as you can go. Is it worth taking the trip?

15 COMMISSIONER MINKOFF: First of all, only
16 someone from Tucson would be talking about Yuma when
17 going to Disneyland.

18 CHAIRMAN LYNN: How unfortunate. Yuma is
19 a beautiful place.

20 COMMISSIONER MINKOFF: We don't do it that
21 way.

22 What we hope for is districts responsive
23 to the people living in them. The closer we get to a
24 competitive district, the more responsive.

25 Whoever was elected in that District 2,

1 his or her constituency can't ignore the people, 11, 8
2 percent spread, ignore the people at your peril. It's a
3 dangerous thing to do. Contests, people feel they have
4 a say, buy into the result of the process, believe they
5 truly do have a choice, submit, and the six districts,
6 the one most competitive in our analysis, voter
7 registration, is the one that has a representative, one
8 most central, most contests, and most responsive to both
9 people on both sides of the political spectrum. Can't
10 achieve, not willing to give up on it. I believe it's a
11 positive step, better for the voters of Arizona.

12 CHAIRMAN LYNN: Mr. Hall.

13 COMMISSIONER HALL: Mr. Chairman, ROI
14 there, businessman, return on investment there,
15 considerable time and effort redrawing downtown,
16 determining whether or not, to be convinced of an
17 extremely competitive district without touching Tempe.
18 Believe me, we tried. It doesn't seem possible without
19 abnormal, bizarre configurations.

20 I believe with your question, the premise
21 of your question is whatever collateral damage to the
22 existing map, is it worth what we've done in this
23 district.

24 One man said he was smart enough to know
25 what I don't know, defer those, have more intimate

1 knowledge areas. What damage may or may not be. On the
2 face, it appears very reasonable. I'm probably missing
3 something.

4 CHAIRMAN LYNN: The other option, I could
5 only suggest it, is perhaps what we ought to do to fully
6 vet this issue. Two maps in front of us, one complete
7 to our draft, one completes this option fully and takes
8 into account what Mr. Hutchison needs to take into
9 account around the state, to be able, if in fact our
10 choice is between these two, the draft map and this map,
11 this issue, we probably should make a decision on full
12 disclosure. That would allow that to happen.
13 Mr. Hall's question is a great question. It may be
14 fully answered looking side by side.

15 COMMISSIONER HALL: The reminder, haven't
16 answered FF, does address external variations.

17 CHAIRMAN LYNN: Mr. Huntwork.

18 COMMISSIONER HUNTWORK: I think you asked
19 a very probing question. I want to answer it a little
20 differently than Mr. Hall. The way I'm reading
21 Proposition 106, it does not allow us to even create a
22 competitive district if the result would be to do
23 significant detriment to other criteria. It does not
24 appear to me to set up balancing. It's testing how much
25 damage we do and how much competitiveness we achieve.

1 I think that the threshold question is is
2 do we do damage. And if not, then I think we're free to
3 try to create a competitive district.

4 COMMISSIONER HALL: And the answer is?

5 COMMISSIONER HUNTWORK: I certainly have
6 expressed my opinion. Don't want to beat my fellow
7 Commissioners over the head.

8 COMMISSIONER ELDER: Mr. Huntwork, did I
9 hear you say any damage?

10 COMMISSIONER HUNTWORK: The threshold test
11 is whether what we're doing is significant damage. It
12 isn't whether the damage we cause is worth it relative
13 to the amount of competitiveness we achieve. It's
14 whether we do significant damage.

15 COMMISSIONER ELDER: There wasn't any
16 damage issue. It almost sounded that way.

17 Our responsibility is to determine what is
18 substantial and determine where then and go down the
19 line.

20 Thank you.

21 CHAIRMAN LYNN: Post hypothetical, at some
22 point go through and make changes to the map comparing
23 the full map, and I think do that regardless. I hope
24 it's more than hypothetical.

25 Assume the full map damage is constant

1 between the map we have, have drawn here, and our base
2 map. And I don't know how to assess that other than
3 city splits, a number of other things anomalous to other
4 goals in the act. In this version we have increased the
5 competitiveness of one of the districts and done
6 whatever damage is done. In the other map we have done
7 the damage and we have not increased the competitiveness
8 of District B.

9 Here's the problem. What the act says is
10 competitive districts should be favored. And indeed
11 they should. The real issue is going to come down to
12 whether you think this district is competitive. The
13 real issue is it's not. I bet the test shows it's not.
14 The test is to the extent the issue, the act is more
15 competitive districts are to be favored when no
16 significant damage is to be done to other districts. If
17 that's the criterion, there's a number of districts
18 perhaps to revisit around the state.

19 Ms. Minkoff.

20 COMMISSIONER MINKOFF: Mr. Chairman, we're
21 muddying the waters.

22 CHAIRMAN LYNN: All right. Mississippi.
23 Could you put Version 4 up for a minute.

24 COMMISSIONER ELDER: 4, G4.

25 COMMISSIONER MINKOFF: B V4, whatever

1 we're calling it.

2 CHAIRMAN LYNN: As long as it's not BB V4.

3 COMMISSIONER MINKOFF: Scottsdale is not
4 split. Tempe is not split. Mesa is split. Mesa was
5 already split in the draft map. Does other things than
6 that, you know, puts Tempe with Phoenix and a portion of
7 Glendale.

8 Maybe we ought to look at this again.
9 Once again, keeping the interest together, Tempe
10 community of interest united. Glendale community of
11 interest. Phoenix is split regardless because of its
12 size. None of the other east valleys are split. Only
13 one split. Mesa is split in all the plans. Maybe you
14 need to look at that again.

15 CHAIRMAN LYNN: V4?

16 COMMISSIONER MINKOFF: V4.

17 COMMISSIONER HUNTWORK: Sticking to the
18 point you raised, I don't know how Proposition 106 would
19 allow you combining the point Mr. Elder made. I don't
20 know if there's any damage created by the district,
21 noncompetitive. It does allow us to do damage as long
22 as not substantial in order create a district that is
23 truly competitive.

24 COMMISSIONER MINKOFF: This is.

25 COMMISSIONER HUNTWORK: That, in my mind,

1 would be the answer to your question.

2 CHAIRMAN LYNN: Then to Ms. Minkoff's
3 suggestion, this is a district which upon testing would
4 fair better than B2, clearly areas Ms. Minkoff
5 articulated, some goals we're dealing with, also fairs
6 well. Let's take some. Also goals of contiguous,
7 compact, probably compact, significantly noncontiguous
8 or noncompact, just enough noncontiguous, noncompact.
9 Can't draw this district as noncompetitive or noncompact
10 without drawing that this goes, goes where it goes, to
11 be --

12 What is the spread?

13 MR. HUTCHISON: 6.5 percent.

14 CHAIRMAN LYNN: AOD.

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: All the testimony
17 we compiled in two rounds of hearings around the state,
18 I don't recall anybody, anybody, maybe there were one or
19 two people, voices certainly were lost in the crowd, I
20 think it's great idea bringing into a district
21 completely dominated and controlled by Central Phoenix.
22 Testimony we heard fairly convincingly by the Mayor of
23 Tempe, I think Mr. Hallman yesterday, and just our own
24 common sense about what we know about the valley and one
25 of the reasons Prop 106 calls for geographic diversity

1 of Members of the Commission, is common sense about
2 things. There's no community of interest between Tempe
3 and north Central Phoenix. It doesn't serve an interest
4 for either one of the areas to put the two together of
5 these. Not downtown Tempe or downtown Phoenix.

6 All Tempe residential areas, what I
7 recall, north Central Phoenix was artificially
8 connected, artificially put together, and, you know, to
9 me, there was no sense of community of interest
10 analysis.

11 CHAIRMAN LYNN: The flip side of the
12 argument, things we agree on, a differing point of view,
13 to the extent we established major AURs in the state,
14 Hispanic AUR, everywhere else in the state Native
15 American AUR, we've not ever split a reservation.

16 Would we agree there's substantial damage
17 to a Hispanic AUR, that that is not acceptable
18 regardless of the result of a competitive test? Then
19 the question is, as we look at the central area of
20 Phoenix, or the valley, for each of us, what substantial
21 damage is or the detriment to B, and draw a competitive
22 damage heartbeat. If we took all the resources of B and
23 D put together, no predetermined issues with an AUR any
24 other community of interest. I could do it. Chris
25 wouldn't have to do it. The problem is do we have the

1 principle, the principle we're able to go on. Is it
2 important to us? The AUR is important. Each of us can
3 determine how much damage is within the tolerance limit
4 we're able to draw distinct, drawn sufficiently
5 competitive to warrant what we did to two AURs. It
6 seems to be the district at hand.

7 COMMISSIONER MINKOFF: Mr. Chairman, the
8 response, interestingly, this version, according to
9 statistics, there's less damage to the Hispanic AUR and
10 it's a more competitive district:

11 COMMISSIONER HUNTWORK: Don't know about
12 the Mayor of Tempe.

13 CHAIRMAN LYNN: It's short enough. Happy
14 to have you do it. Alluded to it while talking to
15 Mr. Eckstein.

16 COMMISSIONER HUNTWORK: In the letter
17 addressed October 10th, Neil Giuliano offered comments
18 about the downtown district, reaffirm the first priority
19 was to remain with the City of Tempe, have it retain one
20 Congressional District. They had done this test,
21 additionally there were some similarities in the
22 downtowns of Scottsdale, Tempe, not cities with large
23 downtown districts, but share communities of interest.
24 Not Mayors of Phoenix, Scottsdale. And the topic,
25 advancement, once again, the priority of the City of

1 Tempe was one Congressional District.

2 This particular test, we have all downtown
3 Tempe, none of downtown --

4 CHAIRMAN LYNN: Any downtown Scottsdale.

5 MR. HUTCHISON: Chairman Lynn, did not
6 include Scottsdale in different 3HH, did include 3HH,
7 had downtown Scottsdale.

8 CHAIRMAN LYNN: 3HH, the case downtown
9 together, constituted downtowns, constituted community
10 areas, or construes, correctly points out one downtown,
11 all Tempe, none of Scottsdale, and none of downtown
12 Phoenix. Up, down Phoenix.

13 COMMISSIONER MINKOFF: Downtown Glendale.

14 Two downtowns.

15 1.4, getting communities of interest.

16 There's an obligation to keep communities of interest
17 together to the extent practicable.

18 The City of Tempe is an AUR, a community
19 of interest where about -- a little over 160,000 people
20 less than five percent of any Congressional District
21 might be contained. Obviously this particular AUR will
22 be a minority in any Congressional District and is going
23 to be, because of size of a Congressional District,
24 areas are not completely like it.

25 We have respected the Tempe AUR. I think

1 that we have an obligation to do it.

2 I had a problem with the other version
3 that split Tempe down the middle. I don't think we can
4 stay here, down the middle.

5 Put every AUR down in the state, it just
6 doesn't work like that.

7 CHAIRMAN LYNN: I'm glad someone logged
8 on.

9 Thank you very much.

10 Mr. Huntwork.

11 COMMISSIONER HUNTWORK: I think that is
12 true. And it needs to be kept carefully in mind. The
13 trick here is to combine communities of interest with
14 which they are compatible. There's a clear
15 understanding of this in the area minority, minority
16 districts.

17 The discussion this morning, you know, was
18 alignments and voting patterns of Native Americans,
19 Hispanics, in southern districts, a case in point rather
20 than polarized voting.

21 We've had examples of District Z in
22 Tucson, retirement communities, fixed mining
23 communities. Even though they might not have
24 minority-majority issues, the interests are so
25 completely polarized, what emerges from that dialogue

1 may not be essentially a candidate where one side wins
2 completely, one side loses completely, and you don't get
3 what you want.

4 Looking at the positive, to create
5 competitive, not throwing two unconnected explanations
6 together, I don't know how to characterize this, while I
7 suggest political and municipal interests of tomorrow,
8 we would be served at this time in history perhaps worst
9 of all in subsuming Tempe district controls entirely by
10 Phoenix.

11 CHAIRMAN LYNN: Where would you like to go
12 next, dinner?

13 I didn't hear any objection to maps side
14 by side here, impact, nonimpact of this, the other
15 district, do both, all three. This option in play for
16 discussion. It's probably a matter of time on task.
17 Time on task, all three. Full impact, state known
18 corrections. Hopis, valley, other test? Is that
19 something you would like to do?

20 Let's try again.

21 Part of the problem is focusing on two
22 districts, dealing on the Hispanic AUR, competitive
23 district, trying to create one. It's been pointed out
24 by more than one Commissioner the impact of this map,
25 drawing the East Valley and other locations, because the

1 particular test used to draw the map, that being HH.
2 What we ought to do, in fairness to the base map, is use
3 the adopted map. We ought to use another map, probably
4 PP.

5 Keep nodding at the map.

6 MR. HUTCHISON: Revised.

7 CHAIRMAN LYNN: 3PP revised, as to
8 solutions we're discussing, a clear picture, two
9 discussions impact options for the state. We need to do
10 that anyway, order that at some point.

11 At a future point, also order one or both
12 of those maps be tested to garner two pictures of
13 districts, I think. I mean, that's my opinion.

14 Mr. Hall.

15 COMMISSIONER HALL: I agree, Mr. Chairman.
16 We have something similar to that with another test run.
17 We may well want to examine that in addition. We
18 previously indicated it does indicate what configuration
19 of the East Valley will not change.

20 CHAIRMAN LYNN: We don't know. Chris is
21 not absolutely certain. Doesn't think it will.

22 COMMISSIONER HALL: Configuration FF map,
23 it's essentially identical, represents what will be
24 under both B maps.

25 COMMISSIONER HUNTWORK: Mr. Chairman, B2

1 yes. B4 takes Tempe out of the mix.

2 MR. HUTCHISON: Unless the Commission were
3 willing to take out Ahwatukee and the remaining portion
4 used before.

5 COMMISSIONER MINKOFF: Add to B.

6 MR. HUTCHISON: Add to E.

7 If you recall, Ahwatukee, western Mesa,
8 was taken out of the blue lines on the draft map.

9 CHAIRMAN LYNN: Part of the collateral
10 damage. E laterally wraps around.

11 MR. HUTCHISON: An option, if we wanted to
12 keep it the same.

13 COMMISSIONER HALL: Collateral damage or
14 improvement.

15 CHAIRMAN LYNN: Collateral impact. Could
16 be an improvement.

17 COMMISSIONER ELDER: Mr. Chairman, I would
18 like to find out if there's any support for this map to
19 stay in the game.

20 COMMISSIONER HALL: Looking at me, I'm
21 assuming, for a response?

22 I'll go on a limb. I guess you and
23 Mr. Huntwork don't support it.

24 COMMISSIONER ELDER: I have to take the
25 position Mr. Huntwork, irrespective, for compactness

1 issues, community of interest between Tempe and Phoenix,
2 the disaster places of Scottsdale, Ahwatukee linkages, I
3 don't see much merit.

4 CHAIRMAN LYNN: Want to respond, Mr. Hall?

5 COMMISSIONER HALL: Yes.

6 CHAIRMAN LYNN: I'll let you respond, then
7 get to Mr. Huntwork.

8 COMMISSIONER HALL: No question from a
9 compactness sense, we created some other amebic animal.

10 COMMISSIONER ELDER: Haven't labeled it
11 yet.

12 COMMISSIONER MINKOFF: No joke.

13 COMMISSIONER HALL: On the face of B2,
14 it's something I worked on. It's certainly something, a
15 much more aesthetically pleasing picture. The concern I
16 have, I guess, is what I'm hearing is a technical strict
17 interpretation of competitive. I'm trying to remember
18 in the process where that seven percent became a magic
19 number, who dedicated the seven percent magic number. I
20 guess if it's a feeling of the rest of the Commission,
21 if not quote, unquote, seven, it quote, unquote, is not
22 competitive, therefore, quote, unquote, not considered
23 or favored, that strictness of interpretation concerns
24 me, frankly.

25 My reaction, gut reaction, certainly at

1 this time, seems to be diversity with respect Tempe and
2 Phoenix. I read Tempe, Mayor Giuliano's letter. On its
3 face, it sends a message.

4 Is the community of interest a detriment
5 to that community of interest? I stated openly I don't
6 know I'm qualified to make that desertion. I think
7 there are issues on both sides. Quite frankly, that's
8 why I've been listening for significant relative input
9 on that issue.

10 COMMISSIONER ELDER: I think the
11 historical standpoint started off at five, the Delta
12 Democrats, Republicans forty-two thirty-seven, that
13 range, a letter back. Mr. McDonald, he used seven, now
14 looking at eight, nine. Going further from where we
15 started. I have no objection to that as long we
16 understand what we're doing.

17 CHAIRMAN LYNN: Mr. Huntwork.

18 COMMISSIONER HUNTWORK: What I intended to
19 say has been said.

20 COMMISSIONER MINKOFF: Mr. Chairman in an
21 attempt to kind of move us forward.

22 COMMISSIONER HALL: Thank you.

23 COMMISSIONER MINKOFF: I would like to
24 suggest to look at, especially because there are more
25 competitive other versions we're examining, I like the

1 redesigned Ahwatukee, connected, more concerned, looks
2 like a delegation, has the looks of a district.
3 Ahwatukee, Mesa have redesigned unifying Ahwatukee.

4 Let's get the Judge It analysis of this.
5 Get the same thing for B V2, or whatever we're calling
6 it, with whatever analyses we decide around the state.
7 Keep it on the table.

8 CHAIRMAN LYNN: Motion.

9 Seconded?

10 COMMISSIONER HALL: I'll second it.

11 CHAIRMAN LYNN: One question. Have you
12 been able to determine how long a Judge It review take.

13 MS. LEONI: We have not heard back from
14 Dr. McDonald. He's been reasonably responsive.

15 MS. HAUSER: Yes.

16 CHAIRMAN LYNN: Might we expect if we sent
17 it, the files today, we'd receive the Judge It tomorrow?

18 MS. LEONI: Yes. I hope -- turnaround,
19 turnaround test requested, several hours. Substantially
20 larger files. Hoping to hear from him fairly shortly.
21 He's not online at this point.

22 CHAIRMAN LYNN: Discussion on the motion.

23 Hearing --

24 COMMISSIONER HUNTWORK: Again,
25 particularly if the test can be done quickly, I'll vote

1 in additional tests, not including B1, that one said
2 before more integrity, closer to the original test,
3 compact. We had found a compact population in the midst
4 of all else. That one we could reasonably argue stayed
5 home, created a district.

6 CHAIRMAN LYNN: I'd invite you to make a
7 motion subsequently. To go, add a third. Perfectly
8 appropriate you do so, rather than get maker, seconder,
9 to do so unless readily able to do so.

10 V1 had a worse percentage as far as
11 competitive, not much, point and a half.

12 COMMISSIONER HUNTWORK: Okay.

13 CHAIRMAN LYNN: Further discussion on the
14 motion?

15 If not, different roll call today.

16 MS. HAUSER: Restate the motion.

17 COMMISSIONER MINKOFF: B V2, no
18 redesignation. B V2 has no redesign. Just tested as --

19 CHAIRMAN LYNN: No.

20 COMMISSIONER MINKOFF: B V2 needs
21 reunification of Tempe, Ahwatukee in Tempe.

22 CHAIRMAN LYNN: No, Andi. B V2 needs to
23 be shown on the map as 3PP revised. That's what B V2
24 needs. B V4 needs to be shown also on B V2 revised,
25 needs to be altered so that --

1 Finish the thought.

2 COMMISSIONER HALL: In the interest of a
3 result, I thought I said first, overlay the central
4 districts inside the map, depending on what we did in
5 the rural areas.

6 COMMISSIONER MINKOFF: Develop central
7 district tests and add some rural areas to them, yeah.
8 I don't know what the rural area tests are yet.

9 Actually, the clear way of saying what I
10 intended to say, actually right, take test B V2,
11 superimpose it on 3PP revised; take V4, superimpose it
12 on 3PP revised, with the connection of Ahwatukee to the
13 rest of District E, and of course finding adjustment of
14 District F.

15 CHAIRMAN LYNN: With that adjustment are
16 you still seconding it?

17 COMMISSIONER ELDER: I have no idea what
18 it is.

19 COMMISSIONER HUNTWORK: I second it.

20 COMMISSIONER MINKOFF: Unifying it.

21 COMMISSIONER ELDER: I understand. Long
22 way there.

23 CHAIRMAN LYNN: Ms. Hauser, clear on the
24 motion?

25 MS. HAUSER: We all are. Thank you.

1 CHAIRMAN LYNN: Further discussion on the
2 motion?

3 If not, roll call.

4 Mr. Elder?

5 COMMISSIONER ELDER: "Aye."

6 CHAIRMAN LYNN: Ms. Minkoff?

7 COMMISSIONER MINKOFF: "Aye."

8 CHAIRMAN LYNN: Mr. Hall?

9 COMMISSIONER HALL: "Aye."

10 CHAIRMAN LYNN: Mr. Huntwork?

11 COMMISSIONER HUNTWORK: "Aye."

12 CHAIRMAN LYNN: Chair votes "Aye."

13 (Motion carries.)

14 COMMISSIONER HUNTWORK: Talked me out of
15 it.

16 COMMISSIONER HALL: Revisions V1, V2, very
17 interested parties surrounding the areas, not to mention
18 more competitive.

19 COMMISSIONER HUNTWORK: I agree and feel
20 that V1, not being a competitive district, it's not
21 worth it to make a test on.

22 CHAIRMAN LYNN: Where would you like to go
23 next?

24 COMMISSIONER HALL: Can I recommend we
25 look at map FF?

1 COMMISSIONER HALL: Probably so
2 appropriately titled.

3 CHAIRMAN LYNN: From the beginning of the
4 process in February until now, I've chosen not to speak
5 at length on issues. First, oftentimes one or another
6 of the Commissioners expressed views on issues, so I
7 felt the issue was expressed and I it did not need
8 additional support by me.

9 Now decisions are made and maps are drawn
10 from the product. I don't want anybody to misconstrue
11 my inserting opinions into the mix more at this stage of
12 the process. I, like each of the Commissioners, am
13 responsible for one of the votes on the Commission and
14 will make sure as I vote on the final maps my position
15 is very clear before my vote is taken and will continue
16 to give every Commissioner more than ample time as well.

17 COMMISSIONER HALL: I didn't know you were
18 lacking of opinion earlier.

19 COMMISSIONER ELDER: I've always known he
20 wanted to play to a big room.

21 CHAIRMAN LYNN: We've had bigger rooms
22 than this. I'd have played three times a day to South
23 Mountain. That was a bigger room than this.

24 COMMISSIONER HALL: Comment on this test,
25 central, this incorporates V1, outside areas, an attempt

1 really to make this district not only a rural area but
2 all the citizens we heard from, significant testimony,
3 Native Americans, they want insurance they'd have
4 adequate representation.

5 Our desire, my desire, is not only a case
6 of the number of tribes included in the district, all
7 citizens of native Arizona, to that point, the southern
8 portion, light blue area portion of Pinal County. Zoom
9 out. Then go back in. To the exclusion of Pinal
10 County, division of Verde Valley at Mingus Mountain.

11 Pros and cons to this. You may recall we
12 had another test on that one occasion, it excluded
13 significant portions of the exchange down in Pinal. All
14 of us knew, wonder what the test is about.

15 CHAIRMAN LYNN: Mr. Hall, if we use the
16 analysis test FF, Competitive B, we're interested in a
17 test outside the Phoenix area, refer to a test that
18 doesn't border Phoenix with all the right answers; is
19 that correct?

20 MR. HUTCHISON: In terms of this test, it
21 didn't have an impact on rural.

22 CHAIRMAN LYNN: Didn't have an impact on
23 rural districts, Chris?

24 COMMISSIONER HALL: It did.

25 MR. HUTCHISON: The Competitive B insert.

1 CHAIRMAN LYNN: Representation of numbers,
2 adopted drafts, overlaid.

3 CHAIRMAN LYNN: Two sheets to PP,
4 Competitive B V1 portion, interior Phoenix. If I want
5 to know what happened in District C, I can look at C to
6 see.

7 MR. HUTCHISON: Entirely correct.

8 CHAIRMAN LYNN: Gives me a fair amount of
9 looking.

10 For example, Mr. Hutchison, District C, we
11 have a, in the adopted draft revised, total minority
12 population of 36.8 percent. I should be able to compare
13 that to total minority population in FF of 40.1.

14 MR. HUTCHISON: That is correct.

15 CHAIRMAN LYNN: Okay. I understand how to
16 compare those two. Thank you.

17 Mr. Huntwork.

18 COMMISSIONER HUNTWORK: Some things I
19 like, some I don't.

20 One thing I like, it unites the Colorado
21 River two districts. One thing I dislike is it divides
22 Pinal County in a very bad spot.

23 I tried to zoom in on my map.

24 CHAIRMAN LYNN: Central valley, Casa
25 Grande west, and leaves Eloy east.

1 COMMISSIONER HUNTWORK: With those lines
2 on it, it's not as bad as I thought, not with the
3 cities, community clearly identified to us.

4 The other thing I don't like about this
5 map, the numbers I'm looking at, it has a
6 competitiveness page, and it has noncompetitive. More
7 sophisticated may say it's competitive. The essence was
8 to take, make this a Democratic district, or so it seems
9 to me.

10 There was another test we did, if going to
11 go this way, test E, that we never followed up on. Test
12 E also united the Colorado River because there were test
13 rivers in the portion of -- Mohave County brought into A
14 to allow -- brought it further across to unite, I
15 believe, the overall competitiveness of that district,
16 leave a little competitive leaning, better than this.
17 If we leave it this way, it's a better test than this
18 one. This has side effects.

19 CHAIRMAN LYNN: Mr. Hutchison.

20 MR. HUTCHISON: Something to keep the
21 members aware, C is competitive against BB V1. District
22 C, the spread sheet is 10 and a half, spread sheet for
23 registration of District C. Gila County didn't include
24 the 15,000 Democrats in the numbers, identifiers of
25 every party, but they are Democrat.

1 CHAIRMAN LYNN: Do you have a factor?

2 MR. HUTCHISON: Added the number of
3 Democrats listed on the side there, something that shows
4 Libertarians, other reforms, divide the new total, it's
5 probably a more accurate registration.

6 COMMISSIONER HUNTWORK: How many?

7 MR. HUTCHISON: Increase independents,
8 increase absolute numbers. Increase absolute numbers.

9 COMMISSIONER HUNTWORK: How many
10 Democrats?

11 MR. HUTCHISON: 141,169.

12 COMMISSIONER HUNTWORK: Gila County?

13 MR. HUTCHISON: 15,142.

14 COMMISSIONER HUNTWORK: How many
15 Independents?

16 MR. HUTCHISON: Little more than 3,000,
17 actually.

18 COMMISSIONER HUNTWORK: 50-50. You have
19 16,500 additional. Say you don't, includes
20 Independents, well that's another three percent change.
21 That's been there in every map we've had.

22 I don't want to take the one competitive
23 map we have, make it noncompetitive. It boggles the
24 mind.

25 COMMISSIONER MINKOFF: AQD, Dr. McDonald,

1 did more than voter analysis, probably corrected that
2 omission of the Gila County figures.

3 Test FF has a real positive. I believe if
4 groups don't want to be together, we should not force
5 them to be together.

6 Classic county, don't want to be in the
7 Northern District, don't think of ourselves as the
8 Northern District, have been with Western Maricopa, then
9 representatives of the northern county, not part, don't
10 want to be with them. Clearly two parties or areas
11 don't want to be together. If there's a way to listen
12 to them, make it work, I think we should do so.

13 Yavapai would be much happier with this
14 district and the Northern District, or rural district,
15 much happier with this configuration.

16 In terms of competitiveness, PP revised,
17 this, I don't think we can deal with this. Every
18 analysis Dr. McDonald has done in that northern area has
19 shown party registration, AQD analysis, showed much
20 higher percentage of Democratic voters than his analysis
21 did. Before we analyze competitiveness of District C,
22 out of the analysis, ask him to run the test for us.
23 Then we'll have real numbers to look at.

24 CHAIRMAN LYNN: Further discussion.

25 Anyone wish to offer a motion?

1 COMMISSIONER HALL: Mr. Huntwork offered
2 another alternative we're hunting for.

3 CHAIRMAN LYNN: Back a ways.

4 MR. RIVERA: Day one.

5 COMMISSIONER HALL: We've been stuck in
6 reverse before.

7 Test EE.

8 COMMISSIONER MINKOFF: Second round.

9 MR. HUTCHISON: Accurately reflected what
10 is in your binders.

11 COMMISSIONER HALL: That's it.

12 No question about Mr. Huntwork's point on
13 Pinal County being much improved, C is much more
14 compact.

15 CHAIRMAN LYNN: What about Yavapai?

16 COMMISSIONER HALL: Yavapai is in.

17 CHAIRMAN LYNN: Completely?

18 COMMISSIONER HALL: Completely.

19 COMMISSIONER MINKOFF: Completely.

20 COMMISSIONER ELDER: Yep.

21 CHAIRMAN LYNN: Mr. Hutchison, bring the
22 Commission's attention to something. Putting Casa
23 Grande into C, G goes to Phoenix, takes more of the
24 Hispanic AUR.

25 COMMISSIONER HUNTWORK: It does.

1 MR. HUTCHISON: I have it up on R.

2 COMMISSIONER HALL: District D, in this
3 test, is negatively impacted.

4 MR. HUTCHISON: No.

5 COMMISSIONER HALL: What did you say?
6 Avondale, Tolleson, portions of Phoenix nearby.

7 CHAIRMAN LYNN: I think the difficulty is
8 matching. Matching, a zero sum game, make changes on
9 the periphery, it will affect the interior. Can't
10 impose on them these kind of exterior maps, V2, and look
11 at the maps entirety by and large. We can look at the
12 general effects, ask the consultants to give input on
13 different maps. Each and every one will have
14 consequences.

15 MR. HUTCHISON: Spread sheet EE, District
16 D, maintains the vast bulk of minority communities
17 percentagewise. I caution moving north, you take more
18 of the Glendale Hispanic communities, other communities
19 negatively impacted by a downtown competitive district.

20 CHAIRMAN LYNN: Mr. Elder.

21 COMMISSIONER ELDER: Is G still maintained
22 as a majority-minority district?

23 CHAIRMAN LYNN: I believe so.

24 COMMISSIONER MINKOFF: FF or E?

25 MR. HUTCHISON: EE.

1 COMMISSIONER ELDER: Next question, look
2 for numbers.

3 The influence of Maricopa County on this
4 one, seemed like a hundred thousand before.

5 MR. HUTCHISON: A hundred thousand, test
6 3, K, C, 40,000 in test FF.

7 CHAIRMAN LYNN: You may not have run. It
8 will be done in minute.

9 COMMISSIONER MINKOFF: Majority-minority
10 district. 61 percent. It's 50 .7 one Hispanic and 61
11 percent total minority.

12 COMMISSIONER ELDER: G.

13 MR. HUTCHISON: G, same percentagewise,
14 incorporation of Maricopa County, a hundred thousand
15 again. It does take in all of Tolleson and all of
16 Avondale.

17 COMMISSIONER HUNTWORK: Effect of D.

18 MR. HUTCHISON: Effect of D, quarter
19 effect lower. You are compensating more -- the
20 demographic base area, taking the effect to create any
21 demographic base.

22 COMMISSIONER HUNTWORK: If we do a
23 demographic base, this is off the table.

24 If there's a downtown competitive base,
25 this is off the table.

1 CHAIRMAN LYNN: What is your pleasure?

2 Mr. Elder?

3 COMMISSIONER ELDER: My question, maybe
4 Commissioner Huntwork or Commissioner Minkoff can
5 answer. How much damage with configuration D have we
6 done to the AUR working there? We lopped off an area
7 west that was tested and shown in presentations and
8 propositions, how they voted by a continuity, with the
9 reason for the blue AUR, it took to the west. Here
10 we're not. Is there significant damage to the AUR?
11 It's something in previous comments I know we want to
12 maintain that has been hindered.

13 CHAIRMAN LYNN: Both have been asked.
14 Chris can answer or you.

15 COMMISSIONER HUNTWORK: There was a piece
16 of Glendale, an important part of the Hispanic AUR,
17 added to make up for the difference. That was really a
18 fairly central part, central -- strong part of the
19 original AUR.

20 MR. HUTCHISON: Two things. As an
21 additional AUR, the Biltmore area is added in this plan.
22 It was compensated for in the past. With regard to the
23 Hispanic AUR, test FF, 40,000 persons out of Maricopa
24 County, Goodyear, 350 persons in District D, 100,000
25 persons, roughly 60,000 persons out of the Hispanic AUR.

1 COMMISSIONER MINKOFF: Western areas of
2 Tolleson, Avondale, if they wanted to be in District G,
3 it's a resounding "No." They are part of the western
4 Phoenix Metropolitan area, and they looked to an area
5 linked with, in District D. Frankly, I'm amazed you had
6 to add so little geographic area to B in the northeast
7 and northwest.

8 CHAIRMAN LYNN: It's very dense in Central
9 Phoenix.

10 COMMISSIONER ELDER: To question more, the
11 cultural, social, what glue holds the area together,
12 population, and becomes major parties along the river,
13 had along the river, something we don't want to do.
14 There are parties both ways.

15 COMMISSIONER MINKOFF: What kind of
16 parties are you talking about?

17 CHAIRMAN LYNN: Discussion on the map.

18 COMMISSIONER HUNTWORK: The issue on
19 raising no thought to do, until we decide what to do
20 about the downtown competitive district, or call it what
21 you will, the district in Central Phoenix.

22 CHAIRMAN LYNN: It seems clear to me, at
23 least, because of the inter-relationships of the maps if
24 in the future test the decided central district is not
25 an option, for whatever reason, there should be more

1 consideration for features in this map that do not
2 impact negatively the final map. That seems clear.

3 I think the scenario is correct. We ought
4 to make that decision first unless we think these
5 changes take precedence over those, I suspect.

6 COMMISSIONER MINKOFF: Both scenarios, DD
7 and FF.

8 MR. HUTCHISON: DD, FF --

9 COMMISSIONER MINKOFF: FF.

10 Yavapai County, there's less impact. I'm
11 wondering if there's a way to make some change in
12 Northern Arizona and still work with a competitive
13 district in Maricopa County.

14 Let's just take the test FF examples.
15 Currently it doesn't have a Downtown District in it.

16 COMMISSIONER HALL: Yes, it does.

17 COMMISSIONER MINKOFF: One Competitive B
18 one we acknowledged, a Hispanic AUR.

19 COMMISSIONER HALL: Any competitive
20 districting, test FF.

21 COMMISSIONER MINKOFF: Yes.

22 COMMISSIONER HALL: Not E, FF.

23 COMMISSIONER MINKOFF: Good reason, FF.

24 MR. HUTCHISON: Good reason FF. Cannot do
25 it. If you want a downtown competitive district, it's

1 hard to do it. If you change the outside, you know,
2 outside Phoenix areas, in such a way we can't grab extra
3 Democrats, because there aren't enough to go around.

4 CHAIRMAN LYNN: Mr. Fleisher can attest to
5 that, trying to correct that as best he can.

6 COMMISSIONER MINKOFF: Given the attempts
7 to correct, I'd like to proceed, suggest we proceed with
8 FF.

9 COMMISSIONER HALL: E is already off the
10 table. I wanted to pull it up, refresh my memory. E is
11 off.

12 COMMISSIONER MINKOFF: Have we asked for
13 tests on FF?

14 COMMISSIONER HALL: Mr. Huntwork has
15 requested tests on FF.

16 COMMISSIONER MINKOFF: Not McDonald on FF?

17 CHAIRMAN LYNN: We only want to do it if
18 everything about FF is worth incorporating.

19 COMMISSIONER HALL: And I'm concerned
20 about the Pinal split. I'm hunting for solutions. I'd
21 say I agree with the solution. We need to proceed to
22 see if we proceed with the district, meanwhile we can
23 see what other opportunities there may be in an effort
24 to improve this district.

25 COMMISSIONER MINKOFF: All we need to do

1 in Pinal County is move Casa Grande, Pinal, Casa Grande,
2 options for a switch.

3 COMMISSIONER HALL: Casa Grande is
4 comprised of significant Hispanics which affects the
5 majority-minority of G, affects the Hispanic
6 majority-minority of G.

7 We're all hungry.

8 CHAIRMAN LYNN: We can stay here long as
9 you like. We're going on fumes.

10 COMMISSIONER HALL: Send them and go back.

11 (A candy bar is given.)

12 COMMISSIONER HALL: Fun size.

13 CHAIRMAN LYNN: Excellent. Not much fun
14 here.

15 COMMISSIONER HALL: Run the requested
16 tests as shown. This map doesn't impact what occurs
17 here in significant detail, in my opinion, unless you
18 get real radical. Meanwhile, consider other details.

19 CHAIRMAN LYNN: We already voted for that.

20 At this point, what is suggested, we not
21 order any further tests, full analysis, on the Downtown
22 District viable option that would affect anything else
23 we want to do. I tend to agree with that, no other
24 testing other than the ones already ordered.

25 Any other ideas relative to Congressional

1 maps you want take up this evening or is it appropriate
2 to break for the evening and revisit these tests when we
3 get back?

4 COMMISSIONER ELDER: One quick question.
5 On the McDonald map, there was the same level of
6 requesting here.

7 CHAIRMAN LYNN: Apples to apples.

8 COMMISSIONER HALL: My opinion, the answer
9 to my question where are we on Legislative, bounce back
10 headway, I saw an appropriate wag of the head. I'd be
11 willing to be done by Friday. That's wat my goal is.
12 No lucid information forthcoming.

13 CHAIRMAN LYNN: Anything anyone else would
14 wish to do this evening on Congressional mapping?

15 What I'm hearing is at this point we've
16 ordered additional testing, one to tie large Gordon
17 knots that deal with the Downtown District, and we can't
18 go further until we get them answered.

19 Anything else to answer on the
20 Congressional, Legislative until tomorrow?

21 Mr. Hutchison?

22 MR. HUTCHISON: No.

23 Anything from legal counsel to address
24 this evening?

25 No one is listening to me.

1 MS. HAUSER: We are.

2 No.

3 CHAIRMAN LYNN: Then without objection,
4 we'll recess until 8:30 tomorrow morning, here.

5 (Whereupon, the hearing concluded at
6 approximately 5:50 p.m.)

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 162 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 23rd day of November, 2001.

LISA A. NANCE, RPR
Certified Court Reporter
Certificate Number 50349

