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STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
October 8, 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 8,
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 VICE CHAIRMAN ANDI MINKOFF

10 COMMISSIONER JAMES R. HUNTWORK

11 COMMISSIONER JOSHUA M. HALL

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

MARGUERITE MARY LEONI, NDC Counsel

DOUG JOHNSON, NDC, Consultant

CHRIS HUTCHISON, NDC, Support Staff

MARION PORCH, NDC, Support Staff

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

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SPEAKERS FROM CALL TO THE PUBLIC:

- SUPERVISOR MARY ROSE WILCOX
- MAYOR JOSEPH C. DONALDSON
- ERIC EMMERT
- JIM HARTDEGEN
- FRANK SEANEZ

AGENDA DESIGNATED SPEAKERS:

- DR. ALAN HESLOP
- DR. FLORENCE ADAMS
- DOUG JOHNSON
- CHRIS HUTCHISON

1 Public Session
2 Tempe, Arizona
3 October 8, 2001
4 8:50 o'clock a.m.

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

7 CHAIRMAN LYNN: We have our attorneys, so
8 if you'll take your seats, we'll call to order the
9 meeting of the Independent Redistricting Commission.

10 The record should note all five
11 Commissioners are present along with legal counsel,
12 along with our consultants and IRC staff.

13 Ladies and gentlemen, this is a very
14 difficult time for our country. And because we have a
15 number of men and women this weekend in harms way
16 fighting for the freedoms we enjoy, our way of life,
17 what we believe is our right as a way of life, at least
18 for this country, I wonder if you would join me in a
19 moment of silence in reflection on their mission and the
20 mission that they are undertaking on behalf of all of
21 us.

22 (Whereupon, all join together in a moment
23 of silence.)

24 CHAIRMAN LYNN: Thank you very much.

25 I want to make a couple announcements with

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1 respect to public comment. This is a multiple-day
2 meeting. I don't know how many days it will go and
3 we've noticed it all this week. In the interest of the
4 public, I want to notice public comment will be held at
5 the beginning of each day's meeting, then we'll have
6 public comment at the end during the session, whatever
7 day that comes.

8 What that means is the public will have an
9 opportunity every day to address the Commission. Since
10 we don't know how long we'll go every day, for the end
11 of the day it will obviate the need to stay eight, nine,
12 10 hours wishing to speak. And you'll have that
13 opportunity first thing the following morning. It will
14 have the same effect. So in deference to your
15 schedules, we'll proceed that way.

16 Ladies and gentlemen, today the first
17 citizen conducted redistricting process enters the final
18 stages to conduct the final stages on the Legislative
19 redistricting maps.

20 The final stages of the Legislative grid
21 system brings conformity of the citizens' needs and has
22 brought us thousands of miles around the state. We've
23 taken thousands of pages of testimony at more than 40
24 public hearings, received thousands of letters, e-mails,
25 at more than five hearings. Five hearings with a very

1 demanding public schedule, more demanding than any
2 redistricting effort in history. We did so in order
3 involve Arizona in this process and ask you to help us
4 redesign the system. The real system in the districts
5 we'll adopt at the end meeting are citizen drawn
6 districts based on input we receive.

7 Another point to highlight is this
8 redistricting is being conducted under clear principles.
9 Our duties are to follow the mandates of Proposition
10 106.

11 When we began, some said the mandates are
12 so in conflict with one another we couldn't do a
13 principled redistricting. The suspicion was a
14 principled redistricting was a game of shifting mandates
15 from one area to one another. The public voice, among
16 voices, was communities of interest. That was very
17 significant and remains a very significant point in the
18 legislation.

19 We heard a lot of plain talk from cities
20 and counties, whether they wanted to be integrated or
21 not; heard a lot about historic areas, school boards,
22 neighborhoods, how one community area does or doesn't
23 relate to another. Of course, there are differences of
24 opinion. Not all information was consistent throughout.
25 There are differing points of view in the State of

1 Arizona.

2 In the final stage, we have to choose
3 among a number of alternatives, examine different
4 proposals, improve them, find ways of making districts
5 competitive. Then, during the most important charge at
6 this point, in one sense, all districts are drawn in a
7 far more competitive way than prior districts. None of
8 the districts are tailor made for incumbents.
9 Incumbents are not part of the process. In that sense
10 they are all competitive. We ignored incumbency. To
11 ignore incumbents was the guiding part of the process.

12 106 says we should favor competitive
13 districts if it does not produce a significant detriment
14 to other goals in the proposition. For example, we must
15 not favor competitive districts if they are in conflict
16 significantly with Voting Act requirements or do damage
17 to either of those principles, plain enough, and apply
18 that as we work through the alternatives.

19 Redistricting involves many difficult
20 voices, many difficult decisions which have to be made,
21 the sum total of which shape the public character of
22 this state for years to come.

23 We thank many of you, most of you, who we
24 consider to be regulars. I mean that as a term
25 endearment. I truly mean that.

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1 There are those in room today that have
2 been with us since the very first meeting of the
3 Commission and have steadfastly been part of the
4 process.

5 I hope you feel as we do it's been a
6 process of give and take, been a process of involvement
7 rather than pushing you away. And we are happy that we
8 begin this last series of meetings with some people that
9 have been with us since the beginning.

10 We appreciate not only the involvement but
11 appreciate your patience.

12 I don't know what you did, Dan, but it's
13 interesting.

14 Citizen conducted redistricting takes
15 longer because it's out in the open. It generally
16 creates more adversary than legislative redistricting.
17 In the end result, that's what counts. I'm confident
18 the end result bears the result of principled
19 redistricting which meets the requirements of the law,
20 satisfies the regulations of the Department of Justice,
21 and in the end will draw broad public support.

22 I now ask any other member of the
23 Commission who wishes to make an opening comment and to
24 be recognized to do so.

25 Well, I appreciate the acquiescence to my

1 comments.

2 We'll have public comment early, brief
3 presentation from consultants, also brief presentation
4 from legal counsel. I stress they are brief. At that
5 point we'll take public comment from this first session
6 and move on to the chore of addressing the maps.

7 We'll do Legislative first, because in
8 most of our opinions there is more work to do on that
9 map and we need to begin that work as quickly as
10 possible.

11 Let me ask NDC to begin that presentation.

12 DR. HESLOP: Mr. Chairman, Members of the
13 Commission, I'm going to report very briefly on the
14 citizen input from the second round of public hearings.

15 I think the lights should be dimmed a
16 little, but perhaps this will show sufficiently well.

17 As you know, you had a great deal of
18 testimony.

19 As the Chairman said, there were many
20 thousands of pages of testimony at the public hearings.
21 While that was going on, the Commission was receiving a
22 great many forms, letters, e-mails. We have attempted a
23 quick summary of all of those. And I have some results
24 for you now.

25 On the form, we asked respondents to state

1 whether or not they approved or disapproved of the
2 Congressional draft district. This is the result. I
3 should emphasize, as I suppose is clear, that people
4 tend to accentuate the negative when they are writing in
5 on a subject of this manner. So I think it's no great
6 surprise the Congressional draft districts had a slight
7 margin of disapproval.

8 When we come to Legislative draft
9 districts, the disapproval rate climbs significantly,
10 indeed. Indeed, I can comment beyond statistics by
11 saying that the Legislative draft attracted more
12 letters, lengthy letters, harsher letters, better
13 comments, by far, than the Congressional plan. Also on
14 the forms, there were opportunities for respondents to
15 indicate their general opinion. And these are the major
16 opinions as expressed on the forms on the Congressional
17 draft districts.

18 The first, largest of these responses was
19 general approval or keep the districts unchanged;
20 second, there were comments hostile to linkages the
21 districts established to difference areas or
22 communities; then many comments about respecting cities
23 and counties, keeping them together; after that, in
24 order, competitiveness needs to be increased in the
25 Congressional draft.

1 The comments on the Legislative draft had
2 a rather different emphasis to linkage of communities on
3 Legislative Districts. Less than a quarter of the
4 people said keep districts as they are.

5 Respect for integrity of cities and
6 counties, keeping them together, that was next.

7 And then competitiveness, only eight
8 percent. So.

9 These were the comments on the Legislative
10 drafts.

11 We have analyzed the forms and letters and
12 e-mails. And these are the areas that were emphasized
13 in the plan comments.

14 The area percentage here in terms of
15 origin address respondent and also area of emphasize are
16 usually the same.

17 Yavapai County attracted the most comment,
18 followed by Cochise, Mohave.

19 The Hopi split was criticized by seven
20 percent, and Coconino County attracted comment from four
21 percent.

22 Somewhat different ordering areas with
23 regard to the Legislative plan. Cochise, first,
24 followed by Yavapai, followed by Carefree and Cave
25 Creek.

1 I should say we looked carefully to see if
2 they were individually signed. There was an organized
3 effort by Carefree, Cave Creek, but they were
4 individually signed.

5 Mohave, La Paz, on this issue I should say
6 the bulk of those commenting.

7 On Tempe, seemed to wish to keep the
8 division in the Legislative draft map.

9 And finally Coconino County.

10 Mr. Chairman, Members of the Commission,
11 that's a brief oral report. We'll be providing more
12 detail to the Commission in written form.

13 CHAIRMAN LYNN: Questions on the second
14 round input?

15 COMMISSIONER ELDER: Do I get to plug in
16 my mike now?

17 CHAIRMAN LYNN: I hope so. See if you can
18 make it work.

19 COMMISSIONER ELDER: Yes.

20 Dr. Heslop, would you define or give
21 examples of linkages between areas, say, objected to or
22 with opposition, when it was in regard to legislative?

23 DR. HESLOP: Cochise, Yavapai counties,
24 how particular communities, Cochise had been broken up
25 or linked to or improperly linked to other areas.

1 Covering a wide array of opinion on other areas. That
2 was the focus.

3 CHAIRMAN LYNN: Other questions?

4 At this point, NDC attorneys will briefly
5 comment on a couple comments we'll be dealing with and
6 discussing throughout the remainder of work on the maps.

7 I would like the attorneys to talk a
8 little bit about the Voting Rights Act, requirements,
9 and the issue of competitiveness.

10 Mr. Rivera.

11 MR. RIVERA: IRC.

12 CHAIRMAN LYNN: What did I say?

13 MR. RIVERA: NDC.

14 I'll talk on voting rights.

15 Arizona is subject to Section Two and
16 Section Five. That requires us to go through
17 preclearance of Section Five by the Department of
18 Justice. There are a number of states under the
19 jurisdiction that require this.

20 In the 1960S, the Legislature brought this
21 in. Minority groups, Hispanic and Native Americans, had
22 an overriding concern, and Justice, the plan,
23 retrogression, minorities were worse off. The
24 jurisdiction has the burden of proof of proving the
25 absence of intent to impair the voting strength of

1 minorities and retrogressive intent.

2 They look over the totality of
3 circumstances, look at a variety of circumstances.

4 Bench mark, bench mark is what is being
5 used. 1990 districts to 2000 Census, whether they are
6 worse or better off than that in election history,
7 minority voters, community support, and a variety of
8 things. If after looking at that, if they think none of
9 this is absent, and it meets this criteria, they go
10 ahead and preclear it.

11 They have 60 days to preclear this. They
12 can write, ask any questions at any point in time. The
13 first question, if they ask the first question, it
14 starts the 60 days all over again. Thereafter, any
15 questions tolls it, asking any questions they ask.
16 That's a brief, brief history on Section Five.

17 Section Two is also a -- prohibits voting
18 practices and procedures that deny minorities to elect,
19 failing to unite geographically compact groups,
20 minorities, single group minority, or constitute in a
21 result of diluting votes; in other words, what is
22 commonly known as cracking or packing. Cracking, to put
23 minorities in insufficient numbers to elect a candidate
24 of choice or overly concentrate minorities to have
25 influence in a district. A Section Two lawsuit, that's

1 a clear, brief, history, quickly. I hope that's what
2 you got.

3 Thank you.

4 Ms. Hauser now on competitiveness.

5 MS. HAUSER: Mr. Chairman, Members of the
6 Commission, one of the focuses of your consideration
7 during this set of meetings will be adjustments for
8 competitiveness. And as we've indicated previously,
9 this is something that you are not able to account for
10 in the draft maps.

11 During the initial mapping phase, the
12 Commission was unable to consider registration and
13 voting history data essential to any kind of
14 competitiveness analysis. So the draft maps do not
15 reflect any consideration based on competitiveness. We
16 have, however, have the draft maps analyzed for
17 competitiveness, as we've also had various alternatives
18 that are up on the wall analyzed. And what I want to
19 focus on for just a minute to give you some information
20 or highlight, again, is the different methodologies of
21 competitiveness that are available to us.

22 The first is voter registration. And a
23 lot of the people who have testified before the
24 Commission about competitiveness focus on voter
25 registration spreads within districts. That's an

1 analysis -- it's not really an analysis, basic data that
2 goes with the districts, no analysis of any kind of
3 voting patterns or, you know, whether people in various
4 parts of the states, rural Democrats, vote the same way
5 as Democrats in metropolitan areas, et cetera.

6 The second methodology that we have used
7 is -- the shorthand term is AQD. You've seen that in
8 your books. Charts came with the test alternatives are
9 AQD. That simply stands for Arizona Quick and Dirty.
10 That's the methodology that we first used when
11 competitiveness could be considered.

12 You are understandably anxious to have
13 some information at your fingertips. What we used there
14 was races, Corporation Commission races, Democrats
15 running against Democrats. And those were used because
16 they are less likely to be the kinds of races where you
17 have a lot of other variables that come into play, so it
18 would tend to give you an idea of how people would
19 usually vote with respect to Republican and Democratic
20 candidates.

21 Third is the most sophisticated of the
22 three, and it's called Judge It. That methodology
23 allows us to look at any draft district as if it was --
24 basically you look at the election return. You can see
25 how the electorate would vote in the new district. And

1 it is a forecast of vote shares among the political
2 parties, removes incumbency as a factor, which causes
3 significant variations, otherwise.

4 So with that analysis, it is one that
5 gives you an idea of what the likely vote share would be
6 plus or minus three-and-a-half percentage points is the
7 margin of error in the percentage vote shares on the
8 Judge It analysis.

9 We also have asked for testimony from the
10 political parties. We went to the state party chairman.
11 We went to the district chairman, both the Republican
12 and Democratic parties, and asked them for anecdotal
13 information asking for what is competitive in their
14 area, what are various factors that come into play. I
15 would say we had sparse response to that request for
16 information. We did have some. That information has
17 already been provided to you through the citizen
18 comment.

19 Taking all those factors together, we have
20 a great deal of information we have developed, and in
21 addition, as plans have come before you, proponents of
22 plans have added relative competitiveness of those
23 districts. The difficulty is they used difficult
24 methodology than we do. It's difficult using apples to
25 apples than apples to oranges. For example, some plans

1 focus on different races.

2 Judge It, we've used all election returns
3 for election and statewide races rather than statewide
4 races. The more selective, it can skew results. Some
5 proponents coming forward come forward, if within seven
6 percentage points or 10 percentage points, consider it
7 competitive. Our expert focused on five percentage
8 points. We have variations there.

9 This is just a word of caution. "That
10 plan is more competitive than this plan," take a good
11 look at making sure you are comparing apples to apples
12 whenever possible. If you have any questions, we or NDC
13 will try to even it out for you as best we can.

14 CHAIRMAN LYNN: Thank you, Ms. Hauser.

15 Unless any comments from NDC or
16 Commission, this is the time for consideration and
17 discussion of comments and complaints from the public.
18 Those wishing to address the Commission shall request
19 permission in advance by filling out a speaker slip.
20 Action taken as a result of public comment will be
21 limited to directing staff to study the matter or
22 rescheduling the matter for further consideration and
23 decision at a later date unless it is the subject of an
24 item already on the agenda.

25 This is the time for consideration and

1 comment. If you've been with us before, your comments
2 can be incorporated by reference. We understand pretty
3 clearly comments in the room. We understand comments
4 from hearings before. Unless there's been some change
5 in position or you are offering something additional or
6 new for us to consider, we appreciate it if you just
7 reassert your support or opposition to whichever point
8 you are making.

9 With that said, the first speaker slip I
10 have is Supervisor Mary Rose Wilcox for the Coalition
11 for Fair Redistricting.

12 SUPERVISOR WILCOX: We're here to lend
13 support. As a resource, I have Aaron Kizer, Dora
14 Vasquez, Rudy Perez from MALDEF who submitted a letter
15 for clarification from MALDEF in your deliberations, who
16 are here to serve as resources.

17 COMMISSIONER MINKOFF: Are there copies
18 for each Commissioner?

19 CHAIRMAN LYNN: They should have been
20 distributed.

21 COMMISSIONER MINKOFF: I haven't seen it.

22 CHAIRMAN LYNN: Next speaker, Mayor
23 Donaldson, City of Flagstaff.

24 MAYOR DONALDSON: Thank you for the
25 opportunity to speak. And thank you for the moment of

1 silence. My son is in the Arabian sea on the USS Carl
2 Vincent.

3 On behalf of the City of Flagstaff
4 Council, I thank you and the Commission for your efforts
5 and accomplishments in this difficult and challenging
6 task.

7 The Flagstaff Council, at its 2 October
8 Council meeting reviewed the test maps released at the
9 24 September Independent Redistricting Commission
10 meeting and the draft maps released 17 August. The
11 Council discussed alternatives, considered its previous
12 positions and affirmed its previous policy
13 recommendations including:

14 Number one, the Council emphasizes the
15 imperative of maintaining the City of Flagstaff and its
16 Metropolitan Planning Organization area in one
17 Legislative District and one Congressional District.

18 Number two, the Council strongly supports
19 Legislative District boundaries established in
20 recognition of our regional community of interest that
21 includes economic, natural resources, cultural and local
22 government considerations.

23 In consideration of these policy
24 decisions, the Council determined the following choices
25 to be in the best interest of the community.

1 Number one, the Council strongly supports
2 the configuration of District C as described in the 17
3 August Draft Legislative Map, because it closely meets
4 the criteria set forth in Proposition 106 and respects
5 our community of interest and municipal/regional
6 boundaries. With respect to the community of interest
7 criteria, Flagstaff and its Regional Plan area most
8 closely identify with the incorporated cities and towns
9 in the Verde Valley.

10 In consideration of the difficult task the
11 Commission has in meeting the Proposition 106 criteria
12 and the expectations of many interest groups, the
13 Council would support legislative test map F2, with the
14 specific provision that the corporate limits and the
15 Metropolitan planning organization bounds are respected
16 within one district.

17 Second, The Flagstaff Council also
18 supports Congressional District C defined in the 17
19 August draft congressional map.

20 Again, in the spirit of cooperation, the
21 Flagstaff City Council would support Congress test map
22 District GG.

23 I understand some of our northern Arizona
24 neighbors have requested inclusion in a legislative
25 district with Flagstaff. I again ask that these

1 requests be considered recognizing communities of
2 interests we share; yet I understand the Commission's
3 challenge in meeting the Proposition 106 criteria and
4 balancing the many requests it receives.

5 As I stated in the 24 September 2001
6 meeting of the Independent Redistricting Commission, our
7 community of interest is defined by many criteria.
8 Among the most important is our relationship with other
9 local governments and representation of those interests.
10 The City of Flagstaff actively pursues and maintains
11 strong relationships with our Northern Arizona regional
12 partners, including Indian Nations. It is, however,
13 important for the Independent Redistricting Commission
14 members to recognize, as have the leaders of the Navajo
15 Nation and the City of Flagstaff, the issues of
16 sovereign nations are not similar to those of local
17 governments. I believe the draft map submitted by the
18 Navajo Nation demonstrates this principle clearly and I
19 respect those principles.

20 I thank you for this opportunity to
21 comment and request additional comments are considered
22 should the Commission weigh other district
23 configurations.

24 CHAIRMAN LYNN: Thank you.

25 I know I speak for everyone in wishing the

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1 best for your son.

2 Next is Mr. Emmert.

3 Eric Emmert, vice president of the Tempe
4 Chamber of Commerce.

5 MR. EMMERT: 1,200 businesses make up the
6 Tempe Chamber of Commerce. On the Legislative, the
7 Chamber of Commerce, the Tempe Chamber strongly
8 recommends US-60 as the dividing line for north and
9 south districts. Splitting at the US freeway
10 accomplishes dividing the north-south districts at US-60
11 and would adequately represent Tempe, we believe, and
12 create competitive districts.

13 With regard to alternatives, earlier this
14 year we posted a map with dividing at US-60 on the
15 website. Although not entirely in line with the
16 Chamber's wishes, it is much more preferable, divides at
17 Guadalupe and Elliott Roads. To provide further
18 specifics, it includes the entire Ahwatukee Foothills,
19 South Tempe, Ahwatukee. In addition, these demographics
20 would combine population to create one district.
21 Additionally, Northern Tempe District, East Phoenix, or
22 South Scottsdale, North Tempe, neither one of the areas
23 would provide the needed population for a second
24 Legislative District.

25 Thank you for this opportunity. I'd be

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1 happy to answer any question you may have.

2 CHAIRMAN LYNN: Thank you, Mr. Emmert.

3 Next speaker is Jim Hartdegen representing
4 the City of Casa Grande.

5 MR. HARTDEGEN: I hope when this is all
6 over we can meet a year from now and get up and talk.

7 A few comments.

8 Looking at the test maps presented, passed
9 out during the meeting with the Greater Chamber of Casa
10 Grande Farm Bureau people, I tried to explain the best I
11 could, the one we liked the best is G4. But a very
12 close, I mean a very close second is G. Both maps,
13 basically, are what we presented at the very first
14 hearings in Casa Grande. We could live with either one.

15 The Congressional District, to show they
16 don't listen to me in Casa Grande, they preferred AA
17 over on that. So that's our choice going into this then
18 during the go-round with you folks.

19 I would like to bring up at this point, I
20 know you probably discussed among yourselves or with
21 consultants, this is the opportunity to use variants.
22 You don't have to have exact population. The Court has
23 given leeway there.

24 Maybe in the last week of go-rounds, keep
25 population intact. You can look at it. You don't have

1 to have exact numbers. Leeway plus or minus. It might
2 be the time to look at that. I'll be here through the
3 end. If you need information from me, I consider myself
4 the common guy of the world. I'll be happy to tell you
5 what I think.

6 CHAIRMAN LYNN: Thank you, Mr. Hartdegen.
7 I remember when we started, your hair was another color.
8 I'm sorry we did that to you.

9 Are there other members of the public
10 wishing to be heard at this time?

11 Frank Seanez representing the Navajo
12 Nation.

13 MR. SEANEZ: Chairman Lynn, Members of the
14 Commission, NDC lawyers, and IRC staff.

15 First thing I wanted to say is happy
16 birthday to Amy Rezzonico. We've all grown older and
17 wiser.

18 I'd say Happy Columbus Day to you all, but
19 that's not something we --

20 CHAIRMAN LYNN: Nor we to you.

21 MR. SEANEZ: -- that's not something we
22 say up in that part of the northern part of Arizona.

23 What would make this a happy day is for
24 the Commission to really begin to consider the Navajo
25 Nation's proposals made back in January of this year.

1 The Navajo Nation, although we would
2 consider ourselves a regular at these Commission
3 meetings, we kind of feel we're one of those regulars
4 recognized when they enter into the bar, however, we
5 don't find ourselves being served.

6 Our concerns are severe, and they relate
7 to Section Five of the Voting Rights Act and Section Two
8 of the Voting Rights Act.

9 As advised by the IRS attorneys, the
10 baseline is 1990 and 2000 infused data. I'm sure as I
11 told the Commission, the initial draft did not do that.
12 Bench mark is 75 percent for a Legislative District
13 containing the Navajo Nation. The best you are doing in
14 all of the tests or scenarios which have been submitted
15 this far is around 61 percent. And that simply is not
16 good enough. The only way you are going to get around
17 bench mark is through adoption of the Navajo Nation's
18 plan. If you don't have a copy still, I'll provide
19 that. The only other one is legislative test F2. And
20 the Navajo Nation requests, very respectfully but very
21 urgently and strongly, the Commission consider that.

22 As well, the Nation continues to advocate
23 heavily for its Congressional District proposal which
24 was submitted to June 25th which unites the Navajo
25 Nation and the Hopi Nation.

1 The Navajo Nation has submitted an
2 alternative to accommodate the Commission's inclusion of
3 Fort McDowell and Salt River communities within the
4 Congressional District. However, the Navajo Nation
5 believes in order to stay true to principles of
6 compactness and to avoid gerrymandering, that the Hopi
7 Nation must be kept within the same Congressional
8 District as the Navajo Nation. As well, we've reviewed
9 the two reports that supplemented the knowledge of the
10 Commission in two areas, voting rights and
11 retrogression. The Frontier report that came in on
12 October 3rd as well as the competitiveness from the
13 Professor from the University of Illinois.

14 The Navajo Nation does not believe that
15 the voting rights report adequately addresses the issues
16 of polarized racial block voting affecting the Navajo
17 Nation and its neighbors and don't believe there's
18 anything in that report that would affect separation of
19 the Navajo Nation and separation of the Navajo Tribe
20 within the Legislative District or Congressional
21 District and does not support reduction or retrogression
22 of the Native Americans as set forth within the
23 Legislative draft map.

24 Moving to the competitiveness report, I do
25 not believe anything within that report believes

1 competitiveness would be increased by either keeping the
2 Navajo Nation and Hopi Tribes separated nor by reducing
3 the number of Native Americans within either Legislative
4 or Congressional draft maps.

5 Again, it's good to be with the Commission
6 this week. And the Navajo Nation will be engaged with
7 the Commission until such time as the maps are approved.

8 CHAIRMAN LYNN: Thank you, Mr. Seanez.

9 Are there other members of the public that
10 wish to be heard at this time?

11 If not, we'll at a minimum have public
12 comment again tomorrow morning after 10:00 o'clock.

13 What I cannot tell you is when we will
14 complete work today. I can assure you it will be a
15 fairly long day unless we have to break for outside
16 counsel or consultants to do specific tasks in terms of
17 getting back to us in terms of specific information.

18 Let me turn to the first major task we
19 have this week, consideration of Legislative Districts.

20 I want to suggest we really have four
21 things to discuss with respect to each of these maps.
22 The first is a big picture look at what we're attempting
23 to accomplish, discussion of the adopted draft, test or
24 permutations, alternatives or permutations to that
25 draft. Certainly we then need to be mindful of citizen

1 input on those issues. We need to be very mindful of
2 the competitive modifications in order to improve that
3 aspect of our work. And we certainly need to be mindful
4 of any legal adjustments that need to be made for one
5 legal point or another. Those are areas where we have
6 consideration on each.

7 I wonder if it would be appropriate to
8 have Mr. Johnson briefly go through, I mean briefly, we
9 have the material, briefly go through the most recent
10 tests and information. One in particular I want to
11 point out we gave the consultants an instruction with
12 respect to legislative districting in searching for a
13 more competitive map, how would district adjustments be
14 made in order to achieve that. The result of that test
15 is among those the consultants have worked on, have
16 those presentations and begin that presentation.

17 Mr. Johnson.

18 MR. JOHNSON: A very brief Power Point
19 that introduces what maps are we created in this test,
20 round of tests.

21 Mr. Chairman, Members of the Commission,
22 we termed this round three, the third batch of maps
23 presented as the process has gone forward through
24 different stages.

25 As described, the Commission gave

1 different instructions to create maps at the last
2 hearing. This presentation is a listing of maps we
3 created.

4 Base maps were all posted to the web.
5 I'll define the base maps here, and you have the maps on
6 your computers.

7 Starting with Legislative, the base maps,
8 took the maps the Commission at the last hearing focused
9 on, went ahead and population balanced them, three maps:
10 Adopted map, Apache with Navajo, 3F2, north district
11 comes down on district side, and then the Flagstaff with
12 Navajo effort on the north, which it was 3G. The
13 letters F2 and G correspond, three before them define
14 third round. 3P means third adopted plan.

15 I'll go through the detail for districts,
16 look first as directed by, Coalition 2, changes made,
17 making more competitive, how similar changes but without
18 disruptive affects of other criteria. What you'll see
19 on other computers. Three similar maps. Each looks at
20 H, I, and Z.

21 H, I, Tucson, Oro Valley, Saddlebrooke
22 District. Within each, attempted to make competitive,
23 successfully. So registration, one thing H, I
24 competitive. District H, H, E, D competitive.
25 Noncompetitive state, final map computer, not binder,

1 increased the binder, is called a 3-I33G competitive.

2 We made one new competitive, less effect
3 on city borders.

4 One thing in the slide, changes in city.

5 On a similar front, I can show to you as a
6 request from citizen tests, we do each test as
7 requested, as Commission requests.

8 CHAIRMAN LYNN: Let's not deal with
9 Congressional at this point.

10 MR. JOHNSON: I'll switch over to
11 Maptitude so I can show you detail here.

12 Beginning with the adopted draft, maps on
13 computers and posted on the website, I can add any
14 additional detail as we zoom in.

15 Since we are looking at the adopted map,
16 first map we're going to show you is 3P. If we zoom in,
17 I'll show you detail in this one, briefly show you how
18 they change each other base map scenarios. I'll make
19 this quick. So -- what you can see is this is simply
20 population adjusted.

21 Districts are very similar to the adopted
22 map, north-south districts, and District L outside here.

23 Really, when we do population adjustments,
24 working with very a small level within neighbors in
25 order to get from -- the adopted map had up to 300

1 populations, just eliminating those variations. You do
2 end up with squiggly lines.

3 Roads, putting on over here.

4 But essentially when you get down to,
5 talking exact population equality, they rarely work out
6 to be nice, square shapes. You get things like this in
7 essentially a district. Balance things, in balance Q,
8 and I believe balance F or O. Worked to minimize those
9 and find ways to make the most sense in terms of
10 streets.

11 COMMISSIONER ELDER: Mr. Johnson, the
12 deviation minimum, or average adopted plan and adjusted
13 zero?

14 MR. JOHNSON: Around zero, one person each
15 way.

16 COMMISSIONER ELDER: I'm wondering, one of
17 the public, I think maybe Mr. Hartdegen, talking
18 Legislative here, mentioned have some flexibility.
19 Making down to zero one percent, down allies and that,
20 doesn't make it easy to campaign, know where you are.
21 I'd like to know how much perhaps in this that should
22 happen. Maybe that's a decision. I'd rather have a
23 definable -- knowing the place where I know, not
24 something circuitous where I don't know where we are,
25 just to accomplice one zero deviation. I understand we

1 have to do that Congressional. Legislative, one percent
2 fine, we could clean up some things we're seeing there.

3 MR. JOHNSON: Commissioner, I think the
4 approach we've taken at this point is a disruptive
5 one-person deviation. The goals of one person, uniting
6 neighborhoods, using major roads, other goals of one
7 person, the slight side effect of a slight person
8 deviation, if that's something the Commission wants.

9 COMMISSIONER HALL: To that point, I think
10 it's, we have a requirement to balance all goals. It's
11 clear to me in some respects, as we attempt to have zero
12 deviation, in my opinion in some figures I'm looking at,
13 District F, there's not an alignment of communities of
14 interest, other goals as previously stated.

15 I think it's important we strive, this
16 Commission, to instruct the consultants to allow for
17 small deviations, it appears, in creating exact
18 equality, as it disrupts communities of interest.

19 COMMISSIONER HUNTWORK: I think where it's
20 a factor, we need to make our own determination. When
21 it's a factor, we need to make own determination whether
22 it's a factor.

23 COMMISSIONER ELDER: Whether it's
24 neighborhoods, communities of neighborhoods, edges,
25 jurisdictions, keep them together, whole counties,

1 edges, cities, they take precedence over having exactly
2 the right number. So on each basis we look at that and
3 say take us out half a percent on Legislative, we should
4 do that to keep the pieces whole and concise. If we can
5 do that on an individual basis, show why we made those
6 changes, we have a plausible plan.

7 CHAIRMAN LYNN: Mr. Elder --

8 I'm sorry, Mr. Huntwork and then
9 Ms. Minkoff.

10 COMMISSIONER HUNTWORK: I want to mention
11 where it comes up. Equal population comes up in two
12 places. It comes up, one, for criteria of apparent
13 equality. We shall consider it except as practicable.
14 And it must comply with the federal Constitution,
15 including the equal protection clause.

16 My understanding of the federal case law
17 to date is there is somewhat more leniency in
18 Legislative than with respect to Congressional cases
19 which have all been decided on a one man one vote. I
20 think it's very much up in the air on future court
21 rulings whether they are willing in this regard to give
22 some flexibility. There are other critically important
23 factors, also, to keep equal population a very high
24 priority and a close constitutional priority.

25 COMMISSIONER MINKOFF: I'd also remind my

1 fellow Commissioners, the 19th Amendment, one person one
2 vote.

3 COMMISSIONER HUNTWORK: All you had to
4 say.

5 MS. HAUSER: No fighting.

6 COMMISSIONER MINKOFF: All the criteria of
7 106 require us to do is a balancing act. We understand
8 we cannot run afoul of any federal guidelines. And the
9 Courts have been relatively strict in terms of
10 population deviation they'll allow. Any population
11 deviation that we allow, be allowed only to accomplish
12 one of the other goals of Proposition 106, and only to
13 the limits legal counsel advised us under federal and
14 state court standards. I don't think anybody suggesting
15 violating any standards.

16 I support it.

17 COMMISSIONER HALL: That's clearly the
18 intent of the motion. My intent of the motion is more
19 specific wording needs to occur.

20 CHAIRMAN LYNN: I only add that I do
21 think, to Mr. Elder's point, when he brought the subject
22 up, it is very difficult to work with a map,
23 particularly urban areas, that carry throughout the
24 state, explain to someone, why a block, or corner of a
25 municipality was not included when to do so would make a

1 fairly small variation in population, make people take
2 into account the balancing act. Two points come up.
3 The desire for nearly equal population as possible based
4 on the Constitutional issue, to be sure people
5 understand communities of interest, cities, towns, other
6 things of which we have been advised, keep communities
7 as together as possible.

8 I support the notion we can, can within
9 what we think are acceptable limits, in terms of any
10 future test, direct you to relook at districts where
11 making those adjustments and example does not do
12 significant damage to variations that will work. It's
13 much more understandable, explainable, reasonable, in
14 terms of districts left behind.

15 Are we ready for the question?

16 COMMISSIONER HALL: I think Ms. Leoni had
17 a question.

18 CHAIRMAN LYNN: I guess in terms of
19 procedure this week, what I want to do, because the
20 things we are doing, they need to be on the record, need
21 to be very precise, unless deciding something, do this
22 on a roll call vote.

23 Ms. Minkoff?

24 COMMISSIONER HUNTWORK: "Yes."

25 CHAIRMAN LYNN: Mr. Huntwork?

1 COMMISSIONER HUNTWORK: "Yes."

2 CHAIRMAN LYNN: Mr. Hall?

3 COMMISSIONER HALL: "Yes."

4 CHAIRMAN LYNN: Mr. Elder?

5 COMMISSIONER ELDER: "Yes."

6 CHAIRMAN LYNN: Chair votes "yes."

7 The consultants are directed as it makes
8 other adjustments to account for minor variations in
9 population where to do so would achieve one of the other
10 goals to protect communities of interest or make sure
11 that jurisdictions or other variations not difficult to
12 explain, as a practical matter, for someone to work with
13 once the maps are adopted.

14 MS. HAUSER: Mr. Chairman, to that point,
15 with respect to administrative feasibility, also, when
16 Congressional and Legislative lines are very close to
17 each other, that should also be taken into account, so
18 we don't create mini precincts.

19 CHAIRMAN LYNN: I think perhaps again we
20 should entertain motion one things is synch up with
21 Congressional lines so we don't create that, by motion.

22 COMMISSIONER MINKOFF: So moved.

23 CHAIRMAN LYNN: Second?

24 COMMISSIONER HALL: Second.

25 MR. JOHNSON: Mr. Chairman?

1 CHAIRMAN LYNN: I might place a request to
2 the motion.

3 MR. JOHNSON: There's a difference between
4 Congressional and Legislative lines, in administrative
5 and time interest. It's different after you pick a base
6 map rather than doing it on a variety of maps.

7 CHAIRMAN LYNN: I'm not suggesting any
8 maps, that it take place on overall variations. After
9 we select the base map, these are adjustments we'd wish
10 to that.

11 COMMISSIONER ELDER: Mr. Chairman, so I
12 understand, when you say a "mini precinct," what type of
13 scale population, or scale deviation are you -- what
14 constitutes a mini precinct?

15 MS. HAUSER: Mr. Chairman, Commission
16 Elder, we have the information from Maricopa County. I
17 can't give you the -- it's very difficult to band up a
18 five-, 10-person precinct.

19 COMMISSIONER ELDER: That's the scale.
20 Not thousands.

21 DR. ADAMS: Commissioner Elder, I believe
22 in the material we received from Maricopa County, most
23 were zero, just very sliver areas, very small, most any
24 of the ones they commented on was 14 persons. I also
25 received information from Coconino County and also from

1 Cochise County. Traps cause these little spaces. And
2 also it's something we definitely must look at at the
3 end. And the direction of the Commission is
4 appreciated.

5 MR. HUNTWORK: I think at a point we
6 discussed previously, it seems Congressional population
7 is more precise. Methodology, wait until the
8 Congressional Districts, wait until after have
9 Congressional Districts and have the lines.

10 CHAIRMAN LYNN: Clearly it makes sense,
11 moving Congressional lines. That adjustment can be made
12 once we have Congressional lines.

13 COMMISSIONER ELDER: Since Mr. Hall gave
14 proxy while gone, I call the question.

15 CHAIRMAN LYNN: Ms. Minkoff has a further
16 question.

17 COMMISSIONER HUNTWORK: Relative to
18 Legislative, Congressional Districts, 15, 20 people,
19 asking like that, want in synch, make adjustment to a
20 Legislative District, a larger percentage of a district
21 than a Congressional District, add or subtract people
22 from a Legislative District? More impact because it's a
23 Legislative District? In that concern, advocate an
24 adjusted legislative?

25 MS. HAUSER: Overall, I think, given the

1 fact wherever we have leeway with respect to
2 Legislative, I suppose it's possible there could be a
3 situation where lines are out of sync in a large enough
4 way to make sense to trade population back and forth.
5 I'd not draw it. I leave it to the line-drawing gurus.
6 Also talking population small enough that it really
7 isn't going to throw population of legislative out of
8 wack enough. Enough population, it can be a district.
9 It's just where close enough it created a trap of a mini
10 precinct that it becomes an issue.

11 CHAIRMAN LYNN: Further discussion on the
12 issue?

13 Want to vote?

14 Mr. Huntwork?

15 COMMISSIONER HUNTWORK: "Aye."

16 CHAIRMAN LYNN: Mrs. Minkoff?

17 COMMISSIONER MINKOFF: "Aye."

18 CHAIRMAN LYNN: Mr. Hall?

19 COMMISSIONER HALL: "Aye."

20 CHAIRMAN LYNN: Mr. Elder?

21 COMMISSIONER ELDER: "Aye."

22 CHAIRMAN LYNN: Chair votes "aye."

23 (Motion carries.)

24 CHAIRMAN LYNN: Mr. Johnson, go ahead.

25 MR. JOHNSON: Mr. Chairman, Members of the

1 Commission, the changes with 3G, F2, the same very small
2 geographic. If the Commission wishes, in the interests
3 of brevity, I'll jump ahead, switch the layers here.

4 You can see the changes here. This is the
5 first effort done on improving the competitiveness on
6 registration AQD measurements H and I inspired Coalition
7 map and other maps. Interests reduce criteria. This is
8 first, and I'll show you the second attempt on this.

9 COMMISSIONER HALL: What map is this?

10 CHAIRMAN LYNN: 3D Competitive.

11 Competitiveness.

12 MR. JOHNSON: H, I, 3D Competitive, 3D
13 Competitive, places those vary low spinoff affected
14 surrounding districts.

15 Let me get spinning lines here.

16 Impact is I changes East-West District and
17 I wraps around it.

18 I'll highlight the city lines here.

19 Glendale --

20 If the Commission wishes --

21 You can see it's divided. The north part
22 is in the gray district up at the top. The north part
23 is District D. J comes across, picks up a piece of it.
24 I split Glendale and adopted the draft as well.

25 One thing we'll look at in the previous

1 motion, this piece, population district map, we'll look
2 at that.

3 Let me show you Peoria. And Peoria gets
4 divided, a small piece to look at, population, if you
5 clean it up, one, two, three -- Peoria is the next
6 competitive adjustment. That gives you a sense, other
7 cities in here, Goodyear, Glendale -- that gives you a
8 sense of where these lines go and these lines go.

9 One thing focused on -- not impact of
10 Districts M, N, O, P, not affected.

11 Let me show you other districts.

12 This one, focused L2 safe.

13 COMMISSIONER MINKOFF: Which is this?

14 MR. JOHNSON: 3G, New Competitive. So
15 this is the map we're looking at.

16 This District H wraps around oddly, but
17 the reason for that is city borders. We're largely
18 following city lines. What we managed to do was the
19 split the City of Peoria, still sitting. Weird is Sun
20 City has been taken out and this also, another request
21 that is sitting out there, doing the test, take all
22 input into account, this test has the effect of uniting
23 El Mirage. It's not a minority district, influence
24 district. Because of influx --

25 COMMISSIONER MINKOFF: Doug, related to

1 that question, El Mirage link to the original mile of
2 Surprise, was that linked to that as well?

3 MR. JOHNSON: Yes. This is actually kind
4 of directly north of El Mirage, Old Surprise, in many
5 maps.

6 In this, we add this finger, Old Surprise,
7 for two reasons. Needed more population. Two,
8 splitting the city in one place. Take it around the
9 side there.

10 Avondale remains split as split in the
11 adopted map as for other reasons.

12 So that's the second approach to
13 competitive Maricopa Districts we looked at.

14 CHAIRMAN LYNN: Doug, what does this
15 version do to Glendale?

16 MR. JOHNSON: Glendale, it's still split
17 as in the other one. We could look at cleaning it up as
18 in the other one. The changes are fairly significant to
19 Glendale.

20 The other one, the competitive district
21 was Tucson. If the Commission has other questions on
22 this, I can answer them now or later.

23 CHAIRMAN LYNN: The district in the
24 northwest corner of that, identify that?

25 MR. JOHNSON: D.

1 CHAIRMAN LYNN: Is that D?

2 MR. JOHNSON: Yes. Non-Tri Cities,
3 southern Tri County.

4 One thing we did not look at drawing that,
5 where it should go in F. So this F, little weird D,
6 both sides, and could be moved either way.

7 CHAIRMAN LYNN: Mr. Huntwork?

8 COMMISSIONER HUNTWORK: I want to ask a
9 pretty basic question about methodology. If I'm looking
10 correctly, you basically took two districts, pretty
11 heavily Republican, one an 18 percent spread and another
12 19 percent spread, reduced them to seven percent and
13 three percent at the expense of District L, five
14 percent, and broadening it to a 23 percent spread, 23
15 and a half. My reaction, that's what we're not supposed
16 to do. That in itself is a violation of
17 competitiveness. Some districts are more competitive,
18 another district much less competitive. And I think
19 what concerns me, the focal point of the competitive is
20 we could have made H and I less uncompetitive. Clearly
21 we would have had to make H and I less uncompetitive but
22 didn't have to go so far in less of any of the
23 directions, three districts, any of which were
24 bulletproof. That's where I thought, at least, we were
25 supposed to stop. Apparently you have a different

1 impression.

2 You made another district bulletproof in
3 order to make these two, quote, bulletproof.

4 MR. JOHNSON: You make a good and valid
5 point on making things competitive.

6 Our approach in making competitive is to
7 show what is possible and leave it to the Commission to
8 see if it's a good or bad idea, go all the way, if good
9 or bad idea. We know we can scale back halfway, if
10 that's the Commission's preference.

11 From a testing point halfway, I wasn't
12 sure if go all the way. Both options are still
13 available.

14 CHAIRMAN LYNN: Mr. Huntwork.

15 COMMISSIONER HUNTWORK: Another question,
16 the arm of Sun City that comes down. You have done all
17 this adjusting around that and left that in place, and
18 yet testimony from Sun City has been, clearly more
19 recently, people would be interested in having a split.

20 What would happen if you included a
21 noncompact finger of people throughout that area?

22 MR. JOHNSON: With the goals of trying to
23 get to close registration spreads, made that possible.
24 That's a way to do what you were talking about, halfway,
25 and something we could look at.

1 COMMISSIONER HUNTWORK: Make sure I have
2 that straight. You are saying a heavily Republican way.

3 MR. JOHNSON: One way or another. Heavily
4 Republican. Took it out and only took out because it
5 made our tests fail.

6 COMMISSIONER HUNTWORK: What we're doing,
7 we're -- I don't want to do it, packing Republicans into
8 a finger of Sun City that comes down, making it 23
9 percent more favorable to Republicans in order to reduce
10 Republican registration in two other districts. Is that
11 what -- I can hardly say it -- is that correct?

12 MR. JOHNSON: In the first competitive
13 map, yes. And the ones you are reading data from. L
14 becomes a noncompetitive district. In the second one --
15 other one, two. H is noncompetitive. Wasn't a goal of
16 packing Republicans or packing other ones, taking drawn
17 and numbers. Equations here.

18 The other side of the equation, in order
19 to do, we're packing Republicans so we create two
20 competitive districts, what, a heavily Republican area.

21 CHAIRMAN LYNN: I'm not sure the
22 characterization is accurate. The achievement is more
23 competitive districts is necessarily a process of moving
24 around registration from one party or another, among the
25 districts. I don't think the intent is to pack or not

1 to pack. The intent was to see if more competitive
2 districts could be created by moving populations by
3 looking at areas known to be heavily Democrat,
4 Republican, or whatever.

5 To your point, Mr. Huntwork, if to make
6 two districts competitive, we make one district
7 uncompetitive to an extreme, that may not be acceptable,
8 it's part of what we're looking at.

9 Mr. Huntwork.

10 COMMISSIONER HUNTWORK: I want to step
11 back from this, step back. What party is involved,
12 analyze one example. I disagree that in order to create
13 competitive districts it is always necessary to create
14 more noncompetitive districts. For example, one, two
15 districts close to each other, one 60/40 one way and the
16 other is 40/60 or 60/40 the other, the -- in that case
17 create two competitive districts by simply balancing,
18 drawing the line a different way and draw the line in
19 the two districts. I want to say that's what I believe
20 we are supposed to be doing. The other is two districts
21 side by side one 60/40 and the other is 60/40 the same
22 way. Now create a 50/50 district by creating a 70/30
23 district. I believe that's exactly opposite of what
24 we're supposed to be doing. And that is I believe what
25 these tests actually do.

1 CHAIRMAN LYNN: Ms. Minkoff.

2 COMMISSIONER MINKOFF: Mr. Chairman, using
3 the examples Mr. Huntwork just gave, other things came
4 into play, looking at going into play, two districts
5 side by side one 60/40 Republican, voting rights
6 considerations do not allow you, there are certain
7 adjustments can make, certain adjustments you cannot
8 make. I believe that if you have a district that is
9 already noncompetitive, if it's 60/40, and the
10 adjustment makes it a major difference to voters in that
11 district, it's a noncompetitive district before and you
12 live in a noncompetitive district, if doing that we make
13 it a noncompetitive district, done more benefit for
14 people in the State of Arizona without seriously
15 disadvantaging people in the State of Arizona. If we
16 can do that without violating any of the other criteria
17 of Proposition 106, I think there's some justification
18 for doing that.

19 COMMISSIONER HALL: To that point, it's
20 not just some justification, we're asked by the
21 directive to do that. The proposition states
22 competitive districts should be favored. It should be
23 favored if no significant detriment to other goals.
24 What is represented is whether or not the, for example,
25 in Sun Cities, yes, highly populated by Republicans.

1 That's where they all choose to live. The fact is we
2 should favor a district that does not cause significant
3 detriment. They at least started down the road
4 realizing opportunities within a central metropolitan
5 area would increase lines in metropolitan districts.

6 CHAIRMAN LYNN: Mr. Huntwork and Elder.

7 COMMISSIONER HUNTWORK: I'll give more
8 thought to the consider and wisdom of my fellow
9 Commissioners.

10 I could not disagree more with what
11 Commissioner Minkoff said. Hispanic, Anglo, young, old,
12 white, Anglo, you can be packed. We're aware of issues,
13 more sensitive to issues of the Voting Rights Act in the
14 context in order to protect a vulnerable group of
15 people. The federal law prohibits those things.
16 Whoever we're doing them to, it reduces the
17 representation of a group of people, and it is wrong to
18 do it.

19 CHAIRMAN LYNN: Mr. Elder.

20 COMMISSIONER ELDER: I take objection with
21 the characterization Mr. Hall just made in the respect
22 it says we shall be fair --

23 What was the phrase?

24 COMMISSIONER HALL: Favored.

25 COMMISSIONER ELDER: Favored when it's the

1 same category.

2 COMMISSIONER ELDER: One district over
3 another district. Competitiveness shall be taken into
4 account not to the detriment of another. Not to the
5 detriment. Compactness, communities of interest, areas
6 like that. When we go in, look at saying make something
7 that's 70/30, go 70/30 to 50/30, that stands on its own.
8 Tested, does it do detriment to something of 106? That
9 said, several examples can't be tested, packing,
10 gerrymandering, noncompactness, or the almost
11 noncontiguous areas; and when that happens, then
12 competitiveness may have to take a back seat.

13 CHAIRMAN LYNN: Mr. Johnson, please
14 proceed.

15 MR. JOHNSON: The other area we focused on
16 in competitiveness was the Tucson area. Focused to see
17 if it made it more competitive. Put it on so we -- as
18 adopted in district Z, it takes in Saddlebrooke and
19 northern suburbs and comes down into the Casas Adobas,
20 Flowing Wells.

21 What we did is took more registration and
22 the AQD approach, brought it further down into Tucson.
23 You see the highlight of Flowing Wells. Flowing Wells
24 before was in BV. It's now in district Z.

25 CHAIRMAN LYNN: Flowing Wells is not

1 incorporated but a Census area designation.

2 COMMISSIONER MINKOFF: Where is it? I'm
3 having trouble finding it.

4 MR. JOHNSON: It's a small area to the
5 north -- northwest section of the City of Tucson.

6 MR. JOHNSON: The river area here coming
7 down. Essentially we crossed the river a little bit
8 south of Flowing Wells in an effort to add more
9 competitive areas to this district, also to increase the
10 area. It takes in Pinal County slightly to take in --
11 it takes in Oracle. Is with Maricopa districts,
12 attempted to minimize, no change to voting rights
13 districts. Changes ripple through BB, AA, and DD.
14 Maricopa, changes were the same. 3P, 3P, 3G, F2.

15 Let me flip through those.

16 The same general approach. 3G, three
17 series example, 3G took in Pinal. As you've seen and
18 had printed in books, it took in this area. In order to
19 take in registration and AQD competitiveness, it took in
20 the area of Flowing Wells. Small area of change, it did
21 not have nearly as much effect on the map. You have the
22 maps in a binder, and I can zoom in on any maps.

23 G, picking up Flowing Wells and the
24 immediately surrounding areas. Z, Saddlebrooke and
25 Flowing Wells and/or D.

1 CHAIRMAN LYNN: What affect did the area
2 have on BB and DD?

3 MR. JOHNSON: Ripple effect is BB loses
4 areas, so BB took over BB, picks up DD. Ripple effect
5 is DD, Casas Adobas.

6 CHAIRMAN LYNN: Does DD go in and take in
7 Sierra Vista or not?

8 COMMISSIONER MINKOFF: In District Z, can
9 you tell me approximately how much population is in that
10 part of Pinal County north of Oracle, San Manuel,
11 Hayden, Mammoth, Kearny? I can't tell if Hayden is in
12 or out. Just approximately.

13 MR. JOHNSON: I haven't added it up. If I
14 do just towns -- population focused in just towns, 3,000
15 in Superior.

16 COMMISSIONER MINKOFF: Is Superior in Z in
17 the map? It's right on the line.

18 COMMISSIONER MINKOFF: Right. Okay.

19 MR. JOHNSON: Superior has another 3,000.
20 Dudleyville has 1,300. San Manuel has another 4,000.

21 COMMISSIONER MINKOFF: Hayden and
22 Winkelman.

23 MR. JOHNSON: Those are included as well.

24 MR. JOHNSON: At the break I'll get an
25 exact number for you. We're talking 10,000 or so.

1 CHAIRMAN LYNN: Other comments or
2 questions?

3 Are those the only areas of this
4 particular test?

5 Other comments or questions about this
6 test?

7 COMMISSIONER MINKOFF: Since 3G is a new
8 map we're really seeing for the first time, do you have
9 back-up data sheets you can show individually?

10 MR. JOHNSON: We haven't had a chance to
11 print them up, but we can provide them.

12 CHAIRMAN LYNN: Perhaps this is good time
13 to take the first break of the day.

14 In recognition of the fact every time I
15 ask for a 10-minute break it goes 15 minutes anyway,
16 let's take 15 minutes and stick to that, reconvene at
17 quarter of.

18 (Recess taken at 10:30 a.m. until
19 approximately 10:45 a.m.)

20 CHAIRMAN LYNN: The Commission will come
21 to order.

22 For the record, all five Commissioners are
23 present.

24 Are there additional comments or questions
25 relating to maps already removed or are we ready to move

1 on?

2 MR. JOHNSON: Additional information to
3 the map of Pinal County, an additional configuration,
4 the total in Pinal County, 25,510, 47 are in the
5 Saddlebrooke area, 4,700 from Saddlebrooke and 20,600
6 from the other area.

7 COMMISSIONER MINKOFF: Okay. And do you
8 know, I'm not -- I'm looking at community of interest
9 issues here. Actually I can probably figure it out
10 myself. I have it in terms of San Manuel and Oracle.

11 MR. JOHNSON: The other point,
12 Mr. Chairman, I wanted to add, on each of the
13 competitive issues, the Commission can accept or reject.
14 They are separable. If the Commission likes competitive
15 H, Competitive I, not or other one, we can draw base
16 maps to meet those requests. As Commissioner Huntwork
17 said, do something similar or not. The Commissioner can
18 do each of those individually.

19 CHAIRMAN LYNN: Do you have additional
20 presentation on competitive mapping?

21 MR. JOHNSON: No.

22 CHAIRMAN LYNN: Let me review just for the
23 Commission, the concept we need to address on the
24 legislative maps, the big picture, indicating which
25 alternatives we wish to be pursued in some fashion,

1 whether or not we have a preference in terms of the
2 mapping that has been done, sticking with a base map or
3 using one of the alternatives to zero in, or
4 modifications necessary with one of the choices from
5 competitive, legal, or citizen standpoint.

6 What is your pleasure?

7 Mr. Huntwork?

8 COMMISSIONER HUNTWORK: Mr. Chairman, this
9 is not the response you are looking for.

10 During the break my computer went dead and
11 I can't get it to come back on. Can somebody help me
12 get it to come back on?

13 CHAIRMAN LYNN: Well, while we're doing
14 that, that's all right. You need that. While doing
15 that, is there any sort of affirmative motion or
16 discussion with respect to choosing among the
17 legislative options for further consideration?

18 Mr. Elder.

19 COMMISSIONER ELDER: Want it in the form
20 of a motion, or discussion, or how should we proceed?

21 CHAIRMAN LYNN: Since unrehearsed, don't
22 get to discuss the form of a motion, we don't have a
23 plan at this point in how to move forward, zero in on
24 how to move forward or -- how to move forward.

25 COMMISSIONER ELDER: Look at the specific

1 map.

2 My preference, 3G. We can look at
3 specific maps. Preference then is outside in. Look at
4 the rural areas before we look at the urban areas, just
5 so we get a context of what the edges of the urban areas
6 are doing.

7 Also, in looking at competitiveness and
8 how the urban areas might be modified, they pretty much
9 look like it's a rotation or management of two, three
10 different numbers.

11 From that standpoint, I think we could
12 make and come to the conclusion that we have something
13 pretty close in the rural area and focus in on rural
14 areas where the focus for competitiveness is pretty
15 high.

16 COMMISSIONER MINKOFF: I have a question.

17 When you say you favor scenario 3G, would
18 that leave various modifications and permutations of 3G
19 on the table? There are a number of those: 3G, 3G
20 citizen, 3G Competitive, and 3G New Competitive.

21 COMMISSIONER ELDER: The intent is 3G and
22 permutations, a work-around. If you see something you
23 don't like, bring those in or bring them on board.

24 This area resolved the issue we're talking
25 about. If you have a dynamic back and forth between the

1 plans, I don't know what that happens to do with Doug or
2 Chris, selected 3G, one that seems to fit most of the
3 issues I see in the southern part of the state. Beyond
4 that, if somebody else has a preference, defer to them.
5 It's a starting point from my position.

6 CHAIRMAN LYNN: From my standpoint,
7 selecting any of these, select permutations of any of
8 these. We can use a starting point for permutations, if
9 we stick with the southern part of the state. One of
10 the starting points under the G scenario, select that as
11 the included portion, move to another portion of the
12 state. It's really not there, and work it similarly.

13 COMMISSIONER MINKOFF: With that, I'd
14 support that. Although there are things in plan 3G I
15 find issue with, there are things in all the plans I
16 find issue with.

17 COMMISSIONER ELDER: As I do, too.

18 COMMISSIONER HUNTWORK: The approach, use
19 it as a base plan to modify, it comes closest to where
20 I'd like to find us to end up.

21 As you didn't, do you entertain a motion?

22 CHAIRMAN LYNN: I'd entertain anything
23 that moves us forward.

24 COMMISSIONER HUNTWORK: I'd entertain we
25 use 3G with permutations as our base map for moving

1 forward.

2 COMMISSIONER MINKOFF: Second.

3 COMMISSIONER ELDER: Second.

4 CHAIRMAN LYNN: Discussion?

5 Roll call.

6 Ms. Minkoff?

7 COMMISSIONER MINKOFF: "Aye."

8 CHAIRMAN LYNN: Mr. Huntwork?

9 COMMISSIONER HUNTWORK: "Aye."

10 CHAIRMAN LYNN: Mr. Hall?

11 COMMISSIONER HALL: "Aye."

12 CHAIRMAN LYNN: Mr. Elder?

13 COMMISSIONER ELDER: Aye.

14 CHAIRMAN LYNN: Chair votes "Aye."

15 Motion carries five-zero.

16 I feel pretty good about this.

17 COMMISSIONER ELDER: Is that because the

18 Chair hasn't had to make a decision about it?

19 CHAIRMAN LYNN: Possibly.

20 To Mr. Elder's earlier point, are you
21 feeling good about starting with rural areas and moving
22 into urban areas in terms of approach? That is to say,
23 just as a suggestion, if we adopt that methodology, look
24 at permutations in various tests that affect rural
25 areas, suggest one or more adjustments to improve, in

1 effect, the 3G map we started with as a base, get some
2 condition of the Census on those adjustments, make a
3 move on to other portions of the state, other
4 adjustments that need to be made, and so on?

5 COMMISSIONER HALL: In my mind,
6 Mr. Chairman, of the outlying areas, two areas need some
7 focus. One would be previous focus on the Yavapai
8 County area, and I think some discussion regarding
9 Tucson, Cochise, eastern Pinal areas.

10 Are those basically the only two
11 categories, outlying --

12 COMMISSIONER MINKOFF: I think one other,
13 the Hopi-Navajo issue.

14 COMMISSIONER HALL: That's correct.

15 CHAIRMAN LYNN: Northern issue in general.

16 COMMISSIONER ELDER: Flagstaff as
17 remaining whole, irrespective of what district it might
18 be in.

19 CHAIRMAN LYNN: So does that methodology
20 work for you?

21 If that's the case, then let's start with
22 any one of those issues. Let's, just for the sake of
23 orderliness, let's start to the south and move north,
24 means we might start with Cochise in that area, move to
25 Yavapai, and finish up with the north district as a

1 method of discussion.

2 Let me start the discussion, because it's
3 an area I'm relatively familiar with, on the G issue of
4 discussion, a unified discussion, the Santa Cruz County,
5 Nogales, a border district. It goes to other important
6 things as far as I'm concerned. It does maintain
7 Cochise County whole, including Sierra Vista, which I
8 think is important. It also affords us the opportunity,
9 notwithstanding the adoption of District Y, in its
10 current form, I also allows us to consider some of the
11 competitive adjustments that were made with respect to
12 District Z which won't impact on this particular
13 problem, will impact on Tucson as we get into the
14 interior part of the state. I suspect we'll do that
15 separately as we get into Cochise, fix Tucson, how that
16 might work.

17 Ms. Minkoff, Mr. Elder, either one.

18 COMMISSIONER ELDER: Don't you consider
19 Tucson as part of the rural parts of Arizona, only the
20 State of Maricopa we're dealing with?

21 COMMISSIONER MINKOFF: I certainly agree
22 with that.

23 CHAIRMAN LYNN: Just remember the press is
24 here. As they do often when printing, they something
25 take for a serious comment when it isn't, as they

1 attributed too many statements to me and others at the
2 Prescott meeting. An interesting bit of repartee.

3 COMMISSIONER MINKOFF: District Y as
4 configured in this plan works. We heard a lot of
5 different testimony from Cochise, wanted a different
6 district, Graham and Greenlee. One thing we all were
7 unanimous about, Cochise wanted to be united in one
8 district. This does it. That's a big plus to my mind.
9 We did not hear that from Santa Cruz County. Santa Cruz
10 was happy to be divided. Pima County is rural in
11 nature, too large for a single district.

12 This works.

13 If the Chair would entertain such a
14 motion, I move we approve the configuration in Y as in
15 draft map G.

16 COMMISSIONER ELDER: Second with
17 discussion.

18 CHAIRMAN LYNN: Absolutely. Discussion.

19 COMMISSIONER ELDER: I'd like to ask NDC
20 what the influence of the Hispanic minority and total is
21 in this district.

22 Do we have strong influence district out
23 of this or majority minority? I don't believe we do.

24 COMMISSIONER MINKOFF: Barely. It is
25 barely majority minority. 80,000 non-Hispanic white of

1 171.

2 MR. JOHNSON: Majority basis, 18 plus, 47
3 and a half minority voting age. Majority minority
4 population, almost there.

5 COMMISSIONER ELDER: At worst, strong
6 influence.

7 CHAIRMAN LYNN: Further discussion on the
8 motion?

9 Mr. Huntwork.

10 COMMISSIONER HUNTWORK: It's my
11 understanding we have not reduced the number of
12 majority-minority districts as a result of these
13 changes; is that correct?

14 MR. JOHNSON: Yes. We didn't change any
15 of the voting rights affected districts.

16 CHAIRMAN LYNN: Mr. Hall.

17 COMMISSIONER HALL: One of the strengths
18 of the district in discussion, as per request, it
19 unifies a lot of communities that address border
20 communities, and that's an important component of the
21 district. And I'd be in favor of the motion.

22 COMMISSIONER ELDER: An additional one,
23 for the record: Do the Tohono O'odham and Pascua Yaqui,
24 are they all unified in this district?

25 CHAIRMAN LYNN: Mr. Johnson.

1 MR. JOHNSON: Commissioner, the
2 reservations are united. The Pascua Yaqui discussed
3 three other areas, but we did not unite those.

4 CHAIRMAN LYNN: For clarification, the
5 reservation is included. Old Pascua is not. Those in
6 Marana are not, and several families in Pascua Pueblo is
7 not.

8 COMMISSIONER ELDER: Several things on
9 record, not something we read and public, Department of
10 Justice at least knows we considered.

11 CHAIRMAN LYNN: Yes. I think it should be
12 important to know the Tohono O'odham Reservation is
13 included.

14 Further discussion on the record?

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: It's important to
17 recognize in making other decisions about the other
18 districts because of the ripple effect of all decisions.
19 In that effect, taking Sierra Vista out of play, we're
20 balancing the districts in Tucson is my comment. Seems
21 as though we've achieved that. Maintains pretty compact
22 districts there. Recognizes some communities of
23 interest we've identified. There are other benefits to
24 this besides just what it does for them, a district
25 taken in isolation.

1 CHAIRMAN LYNN: I think the tradeoff on
2 this district is if you keep Cochise whole, you balance
3 to the north. If you don't, you balance to the south.
4 If the choices were easier, balance to the south,
5 particularly tradeoffs and permutations to the north,
6 it's a reasonable tradeoff with Northern Pima County.

7 Ms. Minkoff.

8 COMMISSIONER MINKOFF: The other thing the
9 draft map did, put Sierra County out of the Cochise
10 District. What it did was take the City of Sierra Vista
11 out. Sierra Vista is key to Cochise. It's taking a lot
12 of population out of Cochise County.

13 I'm not comfortable to use Sierra Vista to
14 balance Tucson districts, anyway.

15 CHAIRMAN LYNN: Other comments?

16 Ms. Minkoff?

17 COMMISSIONER MINKOFF: "Aye."

18 CHAIRMAN LYNN: Mr. Huntwork?

19 COMMISSIONER HUNTWORK: "Aye."

20 CHAIRMAN LYNN: Mr. Hall?

21 COMMISSIONER HALL: "Aye."

22 CHAIRMAN LYNN: Mr. Elder?

23 COMMISSIONER ELDER: "Aye."

24 CHAIRMAN LYNN: Chair votes "Aye."

25 If we may move to Yavapai.

1 COMMISSIONER HALL: I assume by reason of
2 the fact that essentially we -- Z is okay?

3 CHAIRMAN LYNN: Z may change with one of
4 the permutations. Notwithstanding Mr. Elder's comment,
5 Tucson is more urban than rural, even though not part of
6 the Great State of Maricopa. We'll revisit Tucson and
7 Phoenix areas after we finish other nonurban areas of
8 the state.

9 COMMISSIONER ELDER: On District W, I
10 think that the break, along the lines where Z is,
11 eastern edge of Pinal, makes sense. Western edges or
12 Pinal are agra based. Eastern edges are retirement and
13 mining based. Succeeded in combining urban tribes in
14 Maricopa area. I think that all in all, that the
15 balance of the districts fits the goals represented by
16 the representatives of Pinal County.

17 CHAIRMAN LYNN: Trying to figure out what
18 to do with Yavapai.

19 COMMISSIONER ELDER: Sorry. Trying to
20 figure out -- I thought working with south.

21 CHAIRMAN LYNN: Like to go to Yavapai
22 next, if we could.

23 COMMISSIONER ELDER: Well, never mind.

24 CHAIRMAN LYNN: Trying to get back at you
25 for your other comment.

1 COMMISSIONER ELDER: I'm not paying
2 attention to the Chairman, obviously.

3 CHAIRMAN LYNN: Why should you be any
4 different than anyone else?

5 Perhaps we need --
6 Would a review of the Yavapai mapping be
7 useful?

8 Give a review of Yavapai, going in. May
9 be useful.

10 MR. JOHNSON: Certainly.

11 Last meeting looked at two maps, G and G4.
12 These are essentially identical in Yavapai County. What
13 we looked at, called G and remains called G. Tri-Cities
14 area, Tri-Cities are united, Census places to the south
15 of the Tri-Cities do get split off. The reason for that
16 is the way that the area are splits up.

17 C, the yellow district you see there,
18 consists of Sedona, Verde Valley, and areas around
19 Flagstaff but not Flagstaff, and then the Tri-Cities
20 balanced by District D, the southern and far western
21 portion of Yavapai. And D is a Maricopa dominated
22 district.

23 The other is G4.

24 COMMISSIONER HALL: Can you show that,
25 Doug?

1 MR. JOHNSON: Yeah.

2 CHAIRMAN LYNN: Maybe a side by side, if
3 possible. I don't know if you have enough room to zero
4 in on those. It would be helpful if you did.

5 MR. JOHNSON: Okay.

6 Wasn't sure if it would work.

7 On the right we have D, Tri-Cities, on the
8 right, keeping Tri-Cities, Verde Valley. Verde Valley
9 and Tri-Cities, remainder, and that also comes down into
10 Maricopa. It's a tradeoff, keeping the two valleys
11 separate and both come down into Maricopa, dividing the
12 valley region and keeping the valleys separate, but it's
13 a rural region.

14 CHAIRMAN LYNN: Mr. Elder.

15 COMMISSIONER ELDER: Doug, is it a
16 difference in the limits of Flagstaff?

17 MR. JOHNSON: The difference is 3G is
18 population balanced, a couple hundred people difference.
19 Two people in couple sense had C, D the same, the line
20 between the two that moves.

21 CHAIRMAN LYNN: Ms. Minkoff.

22 COMMISSIONER MINKOFF: A couple comments.
23 One comment, the area Kachina Village, it's really a
24 part of Flagstaff and is currently not in the same area
25 as Flagstaff. There's only 1,000 people in it. I

1 wonder if there's some way of pulling some population
2 from rural areas of District A somehow so we unite
3 Kachina Village with Flagstaff. They asked for it.
4 It's part of the Metropolitan Planning Area. It makes
5 sense.

6 Are there areas where you find a thousand
7 people from A to put into C, put into Kachina Village?

8 MR. JOHNSON: District A is tight. Looked
9 at A, a similar question with Page up north. The areas
10 in the green outside the reservation, other than Grand
11 Canyon Village, are uninhabited. The area north of
12 Winslow, there's a few hundred people.

13 We could look at it. It's pretty tight,
14 difficult to expand it.

15 COMMISSIONER MINKOFF: The mission I would
16 like you to explore, if you can, is unite Kachina
17 Village with Flagstaff. If you can, I think that would
18 be a major improvement.

19 CHAIRMAN LYNN: Do you have a preference?

20 COMMISSIONER MINKOFF: Whichever we end up
21 with. Doesn't impact on either scenarios. It's the
22 northern part of the district. In terms of either
23 scenarios, the one on the left is a little uglier, works
24 better. The disadvantage is both go into Maricopa.
25 There's a strong advantage separating Verde Valley from

1 the Tri-City area, which they pleaded with us to do.
2 They don't want to be with the Tri-City area. They have
3 serious issues in conflict, trying to work things out.
4 Since population is smaller, they're concerned if
5 represented by the same legislator, legislators, their
6 issues would not get same kind attention if in the same
7 district. The only configuration of C, D I'd support is
8 the one on the left, separate Verde Valley.

9 MR. JOHNSON: G4 is on the left.

10 CHAIRMAN LYNN: So G4.

11 COMMISSIONER MINKOFF: G4 configuration I
12 think works best in terms of public testimony we heard.

13 COMMISSIONER HALL: Ms. Minkoff, both maps
14 separate Verde Valley.

15 COMMISSIONER MINKOFF: No. If you zoom
16 in, they don't.

17 MR. JOHNSON: Commissioner, G, right,
18 Tri-Cities are with Humboldt.

19 COMMISSIONER HALL: Okay. I stand
20 corrected.

21 My concern with these maps, I agree with
22 comments of Ms. Minkoff, it's probably a better split,
23 G4. The challenge is you've taken C and made that, if
24 not now, certainly in the immediate future, an urban
25 dominated district. And my sense is that the many

1 communities within those areas are kind of
2 self-contained and issues are probably more rural in
3 nature. In either case, D will be dominated by urban.
4 I don't have an idea which is the best solution. In a
5 short period of time, District C, under the plan
6 District G4, Maricopa will have it.

7 COMMISSIONER MINKOFF: Mr. Chairman.

8 CHAIRMAN LYNN: Mr. Huntwork first.

9 COMMISSIONER HUNTWORK: I wanted to see
10 G4. We have insisted upon it. But if you look at G,
11 District C is rural. We've managed to create a rural
12 district there. That was one of our fundamental AURs,
13 three fundamental AURs equal to Hispanic, Native
14 American considerations. Wee also have more, I think
15 more compactness overall, I think. That's my general
16 sense of it. In G4 you have almost the same problem you
17 created with the old unamended District Y, or whatever
18 it was, Cochise.

19 CHAIRMAN LYNN: W.

20 COMMISSIONER HUNTWORK: I think you have
21 some of the same concerns there.

22 People in Williams, Sedona, W, people in
23 those places suddenly are finding themselves in a
24 northern Maricopa district.

25 I tend to favor G.

1 CHAIRMAN LYNN: On that basis?

2 COMMISSIONER HUNTWORK: My initial
3 reaction was G4. Much of the testimony in Prescott was
4 to keep Prescott united with some of those areas to the
5 south. Also in that location it was keeping it united
6 with the Verde Valley as well. I think G would satisfy
7 a lot of the people.

8 COMMISSIONER MINKOFF: In scenario G4, the
9 testimony from people in Dewey and Humboldt was pretty
10 strong, was not separating them. They are not separated
11 in G, are separated in G4.

12 In terms of Verde Valley, I listened to
13 what they were saying. It's clear their preference was
14 to be in a district with Flagstaff. I don't see any way
15 to make that work. And they are not large enough to
16 dominate any Legislative District.

17 What I heard from any testimony is they'd
18 rather be in a district dominated by Maricopa than a
19 district dominated by the Tri-Cities. Maricopa County
20 would not be opposing them on water issue problems.
21 They believe the Tri-City area will. I believe if they
22 had to choose who is going to dominate the district,
23 from what I heard from the public issue, G would work
24 better for them.

25 CHAIRMAN LYNN: Mr. Elder then

1 Mr. Huntwork.

2 COMMISSIONER ELDER: Been able, first one,
3 cherry pick a district. Now coming into an area where
4 we're looking at Flagstaff on the perimeter. Soon we'll
5 address District A. District A can affect the
6 demographics on Flagstaff. And if Flagstaff, and
7 testimony heard in Flagstaff and the Cottonwood area
8 prevailed, we'd have the Flagstaff-Cottonwood area
9 separated from Prescott, Sedona, Cottonwood.

10 When I asked the question of the Mayor, I
11 can't remember his name, the Mayor, would he prefer be
12 to linked in with Cottonwood or areas there, he said
13 rather linked in with Cottonwood, second choice was
14 Prescott. Looking at the dynamics, rule of priority is
15 still the strongest, and G fits that in most all
16 instances.

17 We do have the water issue, the Verde and
18 watershed eventually comes together and is managed and
19 impacted there. One district, I think that's
20 advantageous.

21 COMMISSIONER HUNTWORK: Gentlemen, I want
22 to comment on water a minute. I think the people in
23 Prescott, Cottonwood, Camp Verde, the main issue is to
24 keep it from all going to Maricopa County. Once they
25 succeed there, the subsidiary issue is how to divide it

1 between themselves. To the extent we disenfranchise the
2 people in the Verde Valley and make them a minority in a
3 Maricopa controlled district, I believe we've done a
4 disservice to it. I believe as Commissioner Elder just
5 said, I believe they'd recognize that.

6 CHAIRMAN LYNN: In terms of lesser of
7 evils, I think that's an instructive point, generally.
8 We're not going to be able to solve all difficulties in
9 parts of the state whether over water, or a difficulty
10 over something else. It's not our job or something we
11 can do. The best job we can do, it's thoughtful in
12 terms of creating a district dominated if not
13 immediately, immediately, soon, by a very significant
14 urban area versus, number one, keeping districts rural,
15 number two, making it abundantly clear we understand
16 issues and it is a matter of making choices in terms of
17 the way things work out.

18 I, too, would lean toward on the basis of,
19 C, rural, and doing the best we can a little better on
20 compactness and understanding nuances on the
21 relationship between communities. I'd lean toward G on
22 this point.

23 Is there a motion?

24 COMMISSIONER HUNTWORK: Can I ask a
25 question of the consultants?

1 Other this issue, is Dewey and Humboldt,
2 are there a lot of people that live there really they
3 are part of the Prescott metropolitan area? Did you
4 examine, attempt to find out if you could unite them and
5 find out it just wasn't possible?

6 MR. JOHNSON: Commissioner, definitely. I
7 don't think there's any doubt about the strength of the
8 feeling. And we tried hard to find options to make it
9 come out better. These were the best.

10 COMMISSIONER HUNTWORK: How many live in
11 C? And did you test G, north of I-40?

12 MR. JOHNSON: It would take a couple
13 minutes, test the map, to find that. It's sparsley
14 populated. I could run that.

15 Not including the parks there, four on the
16 high side. If you like, I can take a few minutes.

17 COMMISSIONER HUNTWORK: If we made D ugly,
18 a crescent around the north, add six, 10,000 into D,
19 south of the Tri-Cities area.

20 COMMISSIONER MINKOFF: Doesn't help you
21 take out from D if you it put into C, C from A --

22 COMMISSIONER HUNTWORK: Trade from C and
23 D.

24 CHAIRMAN LYNN: Rotating C and D,
25 population differential of Dewey-Humboldt.

1 COMMISSIONER HUNTWORK: Not A and C.
2 Probably rather unpopulated area in the west part of C,
3 south of I-40 to include. Just aren't a lot of people
4 there. Probably south of I-40 as well. Parks, cutting
5 communities. Wouldn't be so ugly perhaps.

6 CHAIRMAN LYNN: Before too far afield in
7 terms of suggestions, we don't have a motion on the
8 floor in terms of a map. Start with that.

9 COMMISSIONER HUNTWORK: Mr. Chairman, I
10 don't have enough information, demographic information
11 on G4 at this point on competitiveness. I'd like to see
12 that before a motion. The other to thing talk about,
13 have it in a book.

14 MR. JOHNSON: G4 is in the maroon book
15 from the last hearing.

16 COMMISSIONER MINKOFF: I have it.

17 CHAIRMAN LYNN: What population north of
18 I-40 or is that something we can direct you on and you
19 bring back to us?

20 COMMISSIONER MINKOFF: Not just north of
21 I-40, the western part of C south of I-40, make it look
22 better, look at and bring back to us.

23 MR. JOHNSON: Wrapping around, primarily,
24 for clarification asked for, include as a chance,
25 including Williams and Park in wraparound, or those stay

1 in District C.

2 COMMISSIONER ELDER: One other concern
3 there, go from Chino Valley to northwest, that's the
4 beginning of a watershed. Both are concerned about the
5 watershed. That portion is held in the same district,
6 the whole watershed would be whole. With that, may not
7 be able to come further to the east. If we take D, this
8 is the right one, move the D line to the east, pick up
9 geographic areas we don't want to pick up. The idea of
10 picking up and taking and going north of the freeway or
11 40, picking up there, keep the watershed whole, more
12 than likely.

13 CHAIRMAN LYNN: Mrs. Minkoff and Mr. Hall.

14 COMMISSIONER MINKOFF: Look again, D is or
15 soon will be dominated by Maricopa County. If going to
16 put communities in that district, as much as I want to
17 put Dewey-Humboldt and Mayer with Prescott with Maricopa
18 County, it's a better fit with Dewey, Park, and
19 Seligman. It has no fit with Maricopa at all.

20 CHAIRMAN LYNN: Mr. Huntwork, are you --

21 COMMISSIONER HUNTWORK: Demographics, they
22 are the same.

23 COMMISSIONER ELDER: Mr. Chairman, I take
24 it C district is as represented on map G.

25 CHAIRMAN LYNN: Want to extend to D as

1 well?

2 COMMISSIONER ELDER: C and D on map G.

3 CHAIRMAN LYNN: Second?

4 COMMISSIONER HUNTWORK: Second.

5 COMMISSIONER MINKOFF: Can we include on
6 that a separate motion to try to include unification of
7 Kachina Village with Flagstaff?

8 COMMISSIONER ELDER: I'd accept that as an
9 amendment.

10 My concern would be we're looking at
11 critical edges with A. As long as we can start
12 understanding how the A dynamics affect other areas
13 around it -- and we probably are looking at a whole map
14 that's flexible until we get everything, move, the
15 ripple moves the framework down. That's the goal.

16 COMMISSIONER MINKOFF: Maybe a separate
17 motion.

18 CHAIRMAN LYNN: Probably a later motion.
19 It's one of the adjustments that fall in the motion
20 cleaning up a map, or cleaning up small pieces, if we
21 can.

22 There's a motion on the floor to accept
23 districts C and D as represented in map G.

24 Further discussion on the motion?

25 Roll call.

1 Ms. Minkoff?

2 COMMISSIONER MINKOFF: "Aye."

3 CHAIRMAN LYNN: Mr. Huntwork?

4 COMMISSIONER HUNTWORK: "Aye."

5 CHAIRMAN LYNN: Mr. Hall?

6 COMMISSIONER HALL: "Aye."

7 CHAIRMAN LYNN: Mr. Elder?

8 COMMISSIONER ELDER: "Aye."

9 CHAIRMAN LYNN: Chair votes "Aye."

10 (Motion carries.)

11 CHAIRMAN LYNN: So much for light lifting.

12 Let's going to a heavier issue: A.

13 Mr. Hall.

14 COMMISSIONER HALL: With respect to A,

15 it's a real difficult issue with respect to population.

16 The issue presently is Flagstaff is incorporated all

17 within A, that being the large population base. Any

18 tweaking around any edge of the border causes a split of

19 Flag. That's the automatic choice. With respect to

20 that, that's something we need to consider as a

21 Commission. There is currently a total minority

22 population of almost 75 percent. Total Native American

23 voice in A is over 77 percent. Those are certainly

24 strong numbers with respect to information you've seen.

25 I think it's also important to recognize the fact our

1 experts have told us the Navajo turnout is astoundingly
2 high in previous elections and they've previously had a
3 good ability to elect candidates in the past. I think
4 those are also some important factors to consider and
5 look at numbers and consider ramifications of this
6 district.

7 CHAIRMAN LYNN: I'm asking a letter be
8 passed out we received today from Hopi Tribe impacts
9 specifically on this discussion. I wanted the
10 Commissioners to be aware of this additional testimony
11 prior to the time we discuss the final determination.
12 This is from Chairman Taylor. Hopi were prepared to
13 testify and then not able to testify. Perhaps we might,
14 in the interests of considering all points of view, take
15 a minute to take a look at that letter so each becomes
16 familiar with it.

17 Take a couple minutes to read it.

18 Members of the public, other than reading
19 it aloud, I apologize. The Hopi offers their
20 perspective on the Legislative and Congressional maps
21 and essentially reasserts their position on
22 Congressional District C and their objection to the
23 current configuration of District A and offers possible
24 solutions.

25 (The following letter is a written

 ATWOOD REPORTING SERVICE
 Phoenix, Arizona

1 submittal from the Hopi Tribe dated October 1, 2001:

2 "Mr. Steven W. Lynn, Chairman

3 "Ms. Andi Minkoff, Vice Chair

4 "Members

5 "Independent Redistricting Commission

6 "1400 W. Washington, Suite 10

7 "Phoenix, AZ 85007

8 "Dear Chairman Lynn, Vice Chair Minkoff

9 and Commission Members:

10 "On behalf of the Hopi Tribe, I would like
11 to thank you once again for providing such an open
12 hearing and comment environment in which the Hopi Tribe
13 could participate. We appreciate the time and diligence
14 the Commissioners have committed to this process. This
15 letter serves to reiterate the position of the Hopi
16 Tribe as the Commission commences its final
17 decision-making. Our position is summarized in two
18 points;

19 "The Hopi Tribe supports the Congressional
20 District C as proposed by the IRC, which includes Hopi
21 with northern Maricopa County and maintains a separation
22 of the Hopi from the Navajo.

23 "The Hopi Tribe strongly opposes the
24 current draft legislative plan, which places the Hopi
25 and Navajo in the same district, 'District A, Rural

1 Northern Arizona District.' Rather, the Hopi Tribe asks
 2 the Commission to include the Hopi reservation in
 3 Legislative District (LD) C. This can be done
 4 successfully by moving an area of southwestern Yavapai
 5 County to LD B. Communities to be moved would be
 6 Seligman, Ash Fork, and Paulden. Golden Valley and
 7 Dolan Spring (in Mohave County) would move into LD A and
 8 out of LD B.

9 "Relevant population statistics for the
 10 Commission's draft legislative district 'A', as taken
 11 from Census and Redistricting data, are as follows:

12 "Total Population, 170,795 (100%)
 13 "Racial Breakdown/Voting age: VAP (Voting Age
 14 Population 18 and over)
 15 "White, 50, 562 (29.60%) 37,626 (34.78%)
 16 "Hispanic, 6,157 (3.60%) 3,602 (3.33%)
 17 "Black/other minorities, 1,899 (1.11%)1,165 (1.07%)
 18 "Native Americans, 112,177 (65.68%) 65,785 (60.81%)
 19 "Total Minority, 120,233 (70.40%) 70,553 (65.22%)

20 "Under the proposed district, the
 21 legislative status quo will continue for Navajo. In
 22 their current District 3, the Navajos hold two House
 23 seats and one Senate seat. This would remain the case
 24 under the new district - regardless of whether Hopi is
 25 included or not. Therefore, there is no harm to the

1 minority balance by withdrawing the Hopi. This is true
2 if a separate population of equal size is substituted in
3 Hopi's place or even if it is not.

4 "The key issue for the Hopi is one of fair
5 representation. We are not arguing that the Hopi are
6 being deprived of the right to vote or that the Hopi
7 votes are not counted. Instead we would argue that
8 'fair and effective representation' is not possible for
9 members of the Hopi Tribe within a Navajo Nation
10 dominated district. No other community of interest
11 suffers the same geographic conundrum -- landlocked by a
12 hostile community that over hundred of years has acted
13 repeatedly to destroy, ignore or inhibit it, depending
14 upon the issue. Landlocked as Hopi is, meeting a
15 compactness test indeed must be sacrificed in order to
16 allow it to connect with a district where it can achieve
17 fair representation. The Hopi right to 'fair and
18 effective' representation should not be sacrificed to
19 the desire for contiguity and clean map making.

20 "The purpose of Redistricting is to
21 produce a different, a more politically fair result than
22 would be reached under the current legislative district
23 plan or some other plan. A redistricting plan that
24 places the Hopi within a Navajo dominated district will
25 not produce a politically fair result for the Hopi

1 people. Indeed its unfairness to the Hopi would be a
2 step backwards from the previous legislative district
3 configurations that have kept Hopi separate from Navajo
4 for the last 20 years. To change that status quo would
5 be retrogressive for the Hopi.

6 "We appreciate the challenge the Hopi face
7 in electing a Hopi representative to the legislature,
8 regardless of the district. However, this is an issue
9 separate from fair representation. Were it included in
10 the Navajo district, Hopi would not only have a
11 slim-to-none chance of electing a Hopi representative,
12 but it would also have little or no opportunity to
13 influence the Navajo representatives to act favorably on
14 behalf of the Hopi an their political interest.

15 "In the 2001 Legislative session alone,
16 the Navajos introduced 31 bills, none of which included
17 Hopi. All but one failed. The Hopis introduced 4
18 bills, all of which passed, though one was vetoed by the
19 Governor. It was only through Hopi diligence to the
20 critical issues concerning their people and the help of
21 non-Navajo legislators that the bills were successful.
22 Further, since 1995, Navajo legislators have introduced
23 61 bills; every single bill introduced addressed the
24 needs of the Navajo Nation only.

25 "Placing the Hopi within a Navajo

1 dominated district will have the effect of consistently
2 degrading the Hopi vote and the Hopi ability to influence
3 the political process as a whole. The result would be
4 denial of the Hopi people's chance to effectively
5 influence the political process.

6 "Hopi rights are violated when a
7 redistricting plan serves 'no purpose other than to
8 favor one segment -- whether racial, ethnic, religious,
9 economic, or political -- that now occupy a position of
10 strength at a particular time, or to disadvantage a
11 politically weak segment of the community.' In this
12 case, the proposed legislative plan favors no one but
13 the Navajo and does so to the detriment of the Hopi, and
14 most probably to the detriment of other populations
15 included within the district. The equal protection
16 clause guarantees citizens, including members of Hopi
17 Tribe, that they will be governed impartially.
18 Impartiality will be an impossibility for Hopi within a
19 Navajo dominated district.

20 "Finally, the Hopi People have learned a
21 valuable lesson from the new political system under
22 which we find ourselves these past two hundred years...
23 the smaller the minority and community...the more
24 important its voice and representation and will do all
25 that we must to guarantee our right to fair and

1 effective representation. We cannot fail in securing
2 the continuance of separate representation. For Hopi,
3 it is a matter of survival. We formally ask you one
4 more time, hear our concerns and adopt the Congressional
5 and Legislative recommendations we have made to you.

6 "Finally thank you once again for you
7 dedication to public service these past several months.

8 "Sincerely, Wayne Taylor, Jr.,
9 Chairman/CEO, The Hopi Tribe.")

10 COMMISSIONER HALL: Mr. Chairman, as we,
11 with respect to the Native American, is that number, is
12 that number, is not that number a relevant 3.8 percent
13 reduction, Doug?

14 MR. JOHNSON: Yes.

15 CHAIRMAN LYNN: Did you say "a relevant"
16 or "irrelevant"?

17 COMMISSIONER HALL: A relevant, an
18 extremely relevant.

19 CHAIRMAN LYNN: Ladies and gentlemen, what
20 is your preference on District A?

21 Mr. Huntwork?

22 COMMISSIONER HUNTWORK: District A raises
23 the most serious, most sober issues that I think we have
24 to deal with. The complexity and difficulty of the
25 issues does not relieve of us in any way from my ability

1 to make a decision. The information we've received from
2 our consultant and experts leads me to believe that
3 District A as configured more than adequately satisfies
4 the Voting Rights Acts concerns. It is retrogressive or
5 appears to be so relative to the Native American
6 percentages in the district that currently contains the
7 Native American tribe; but as currently configured the
8 demographical information currently suggests the
9 Navajos, suggests the Navajos would be readily able to
10 elect candidates of their choosing in that district.
11 That being the information we have, having carefully
12 selected our consultants and having received from them
13 clear information and advice on this matter, I feel that
14 we need to make that decision; and that were we to
15 increase the percentage in that district, we would,
16 based on the information that we have, be guilty of the
17 opposite sin.

18 We're talking about minority-majority
19 districts where voting rights of minorities are narrowly
20 over 50 percent. Here's a district where it surpasses
21 that, is over that by a considerable percent, and where
22 they've had good success turning out the vote where the
23 vote was considered.

24 I think with that same scrupulous effort
25 at honesty and complete analysis, we need to consider

1 the request made by the Hopis in terms of the abilities
2 of Native Americans within that district, again, to
3 elect on the basis of their choice.

4 I don't have, I don't know if I have, a
5 study that shows me what the demographics, shows me if
6 we did what the Hopis are requesting, exclude them and
7 adding other districts, add other areas, significant
8 Native Americans. Maybe we could consolidate some
9 planning area regions more completely within that
10 region, perhaps Winslow, perhaps Page. But I think we
11 should consider that possibility before we make a
12 decision.

13 CHAIRMAN LYNN: Ms. Minkoff, Mr. Hall.

14 COMMISSIONER MINKOFF: Mr. Chairman, I
15 would very much like to test and see if we can meet the
16 request of Hopi Nation and remove them from that
17 district without running into voting rights issues. A
18 population swap that would be almost exact swap numbers
19 wise is put page into this district where they want to
20 be, because they've talked about Flagstaff northeastern
21 area being community of interest and pulling out Hopi
22 Reservation and Moenkopi narrow connector to -- blue
23 district, Mohave district. I looked at demographics I
24 have, of 6,800 people live in Page, approximately 1,800
25 of them Native Americans. What we'd be doing is

1 introducing 5,000 nonNative Americans into District A
2 and changing its population by about three percent. So
3 Native American would now drop down to 64 percent.
4 Given the turnout expressed, the Native American voting
5 probably still gives them a district able to elect
6 representatives of their choosing.

7 What I'm wondering about, I suppose this
8 is a request for attorneys, whether we run into serious
9 risk with Department of Justice doing something like
10 that?

11 CHAIRMAN LYNN: Mr. Hall --

12 And not to not answer that question, but
13 we will --

14 COMMISSIONER MINKOFF: Right.

15 COMMISSIONER HALL: Again, to reiterate,
16 the Navajo Nation seriously represented the had Navajo
17 Nation representatives of their choice, not reduction in
18 ability to do so. Nevertheless, numbers are important.

19 I think it's important to have numbers are still strong
20 enough to insurance the Navajo Nation's ability to
21 elect. And, therefore, really, it's very sensitive, the
22 size of Flagstaff in the population base currently, any
23 speaking of a split of Flag. Add Flag, split Flag.

24 COMMISSIONER MINKOFF: Not add Flag.

25 COMMISSIONER HALL: Do population trades.

1 If you want to maintain the current percentages
2 represented under the demographics of current A, even
3 increase percentages, having spent significant time on
4 the subject, increase the percentages requires splitting
5 Flag. What percentage is something we feel is
6 appropriate and acceptable. And with that
7 understanding, then, determining whether or not the
8 opportunity is there for making other adjustments
9 without affecting that adjustment, choices, boil it
10 down, trade Page for Hopis, percentages drop. I'm not
11 so sure that is a scenario -- that's a scenario that
12 concerns me; but on the other hand, for example, while
13 I'm not proposing that, if you make some form of
14 division of Flag, increase percentages in District A and
15 thereby possibly have other alternatives that would be
16 available.

17 So for me, the critical issue is, in my
18 opinion, is whether to keep Flagstaff whole or not.

19 CHAIRMAN LYNN: Mr. Huntwork.

20 COMMISSIONER HUNTWORK: Certainly I don't
21 want to divide Flagstaff. I do want to reiterate,
22 though, issue as between Hopi and Navajo is one of the
23 greatest issues I think we have to face. It is serious,
24 significant, from the point of view of both the Hopi and
25 the Navajo. It's a decision I simply don't want to make

1 in a vacuum. I'd like to see the same methodology
2 employed to give us the advice District A currently
3 configured would past muster, be applied to the best
4 test possible in which the Hopis are excluded from
5 District A. And I'm not prejudging the result of that
6 test in any way. I simply feel it would be a violation
7 of our responsibility to respond to this request by the
8 Hopi if we failed to consider that as completely as
9 possible.

10 MS. HAUSER: Mr. Chairman.

11 CHAIRMAN LYNN: One other Commissioner or
12 do you want to weigh in?

13 MS. HAUSER: Occasionally in this process
14 we'll need to interject something in the middle.

15 An important note to make at this point is
16 that Commissioner Huntwork alluded to this in terms of
17 District A as it's currently configured being something
18 that is retrogressive on its face. We want to be sure
19 to reiterate as we've told the Commissioners,
20 retrogression is a totality of issues, the other part
21 Commissioner Huntwork was referring to. So just to make
22 that very clear to the record, we've not given the
23 opinion District A as currently configured is
24 retrogressive, number one. Number two, what counsel
25 would need is to actually have the consultants make the

1 trade discussed, the Hopi for Page trade, and take a
2 look at it, not something we can do without having them
3 actually construct it.

4 CHAIRMAN LYNN: Mr. Elder.

5 COMMISSIONER ELDER: Mr. Chairman, I'd
6 like to look or have somebody give me information. I'm
7 not sure I know the ins and outs of it, one trade being
8 the area north of 40, Winslow over to whatever it is,
9 over to 40. Is that an area of a high percentage of
10 Native American, to keep our numbers in balance, keep
11 that area? Page requested to be in that area, keep
12 those numbers where we need them to be. It affects
13 other areas. Don't know where that edge is kept there.
14 Slipped into the blue district, to the south and east.
15 That area has better potential than does Page. I'd like
16 to see if that is true. I'd like to consider that as a
17 trade area, also.

18 CHAIRMAN LYNN: Mr. Johnson.

19 MR. JOHNSON: I don't have specifics of
20 that. Talking areas north of Holbrook, hundreds of
21 people, thousands of people. Not until it cuts into
22 Winslow north of Holbrook, get near 6,000.

23 COMMISSIONER ELDER: Percentage.
24 Predominantly Native American or don't gain anything.
25 Page is 25 percent if the numbers Ms. Minkoff is reading

1 are correct, 65, 70, 75 percent range is correct.

2 MR. JOHNSON: Don't know. I'm sure not
3 comparable to Hopi percentages. In the past, picking
4 up, there's a big gain, significant Native American
5 populations, big populations. That's the main gain. I
6 could find out specifically what percent. Not 65, 90
7 percent population.

8 CHAIRMAN LYNN: Mr. Hall.

9 COMMISSIONER HALL: With respect to the
10 Hopi Navajo issue, there's significant federal issues.
11 It's been hinted to this Commission by the Hopis that
12 their voice has been inhibited in the past few years on
13 a Legislative level. I'm very sympathetic to them in
14 the last few years. The Navajo claim may perhaps not be
15 quite true.

16 Is there a claim, in light of the fact of
17 a abundance of evidence, I refer to the transcript of
18 the Show Low meeting, five hours, an abundance of areas
19 of cohesiveness, transportation, health care. I'm not
20 so sure the differences with respect to state issues are
21 as pronounced as some portray them to be.

22 COMMISSIONER ELDER: I guess I've got to
23 go into my romantic mode here before I would have to say
24 I had a precept the Hopi should be separate. I listened
25 to several statistical precepts that described a lot of

1 difference in an eloquent way and then followed by
2 Mr. Seanez. I said, "Do you want to really follow this
3 gentleman?" It was an extremely moving presentation. I
4 said, "Do you really want to follow this gentleman, this
5 very moving, eloquent presentation?" If there was a way
6 to separate them and keep the numbers close, I'd support
7 it. My sense is there isn't. Consequently, I'd rather
8 err on that side than err on side of separating Hopi.

9 I have not heard rebuttal. Mr. Canty
10 representing the Hopi, counsel asked, requested data,
11 requested legal precedence. I don't know if they
12 received that. We received this letter this morning,
13 and it does address several rebuttal comments from bills
14 presented, miles, roadway, whatever, joint health care
15 systems, and that which it has had done. This is really
16 the first sort of rebuttal.

17 We had concise testimony from Show Low.

18 I'm looking to NDC, to some extent, to
19 keep numbers where they are at now through trades. If
20 not, I think need to come down on the side of leaving
21 the Hopi in.

22 CHAIRMAN LYNN: Mr. Huntwork.

23 COMMISSIONER HUNTWORK: I read the
24 five-and-a half hours of.

25 COMMISSIONER ELDER: We had to sit through

1 it.

2 COMMISSIONER HALL: You are a patient man.

3 COMMISSIONER HUNTWORK: This is truly one
4 of the most profound issues we have to face. I have
5 certainly taken it that way and tried to do my homework,
6 and the rest of the Commission.

7 The Hopi's express in this letter quite
8 eloquently what their concern is. That is they would
9 like to have, not saying they don't want to cooperate
10 with Navajos or continue to cooperate, I think what they
11 are saying is they believe they can do that better if
12 they have a negotiating position based upon separate
13 representation. That's certainly how I understand it.

14 I think they feel if they were represented
15 by a Navajo legislator, they would have to negotiate
16 with their own legislator to get their position
17 reflected. I think from my perspective, I can
18 understand what they are concerned about.

19 I also agree with what much of
20 Commissioner Elder has said. We may not be able to do
21 much about it.

22 I don't want to reject this until we've
23 discussed either the best test we can, had it analyzed
24 in terms of block voting, et cetera, determine how
25 strongly Native Americans would be able to express their

1 will in what was then District A, and only then do I
2 think we can make a decision about this grave issue.

3 CHAIRMAN LYNN: Mr. Hall and then
4 Ms. Minkoff.

5 COMMISSIONER HALL: I agree with that. I
6 think we're past the test mode. I can tell you I've
7 looked at no less than 20 alternatives on this and
8 alternatives in the north. In order to progress on
9 this, it's on the final day they are reversible. We
10 have to move forward. And in an effort to address a
11 variety of other issues, my sense is longer-winded, what
12 I'm sensing as I move forward, I would move we accept
13 District A as it is in an effort we have as an tonight
14 down the hall with one another, look at whatever
15 alternatives, come back with that information, do what
16 we do. I think it's important we move forward with
17 that.

18 CHAIRMAN LYNN: Motion on the floor. Is
19 there a second?

20 COMMISSIONER ELDER: Is the intent of the
21 motion we will be able to look at the options as we go
22 through the rest of the state, in the interim look at --
23 you said past test mode, look at in, out in test mode?

24 COMMISSIONER HALL: Tweak lines of
25 Yavapai, tweaking lines of this particular district.

1 General principle, that we would say --

2 COMMISSIONER ELDER: I second.

3 CHAIRMAN LYNN: I caution the press in
4 particular, none of the decisions today, as progressing
5 toward final adoption, they are made toward final
6 analysis and what needs to be done and come to play in
7 the final pieces of the map fitting together. If this
8 motion were to pass, it doesn't mean we made a decision
9 on the Hopi and Navajo, a final decision. We're making
10 an option of wanting to see how other alternatives might
11 affect that option. That's my sense of the motion.

12 Ms. Minkoff.

13 COMMISSIONER MINKOFF: I think this motion
14 is premature. I don't have all the information on A as
15 it is on the map, if it works or not. I need two things
16 and then I'm prepared to make a very, very quick
17 decision. Number one, I would like to know from the
18 consultants whether moving the Hopi into District P and
19 moving page into District A works in terms of a
20 population switch. And I'd like the attorneys to look
21 at the demographics of that switch and the attorneys to
22 look at that switch and whether or not could survive
23 legal challenges of Section Five or Section Two. Then
24 I'm ready to vote without a lot of further discussion.

25 Since we have that tested anyway, a vote

1 on this motion is only going to make the wounds a little
2 deeper whichever way we finally come down. The Hopi and
3 Navajo want it decided and want it decided quickly. To
4 pass a motion that doesn't decide the issue, I think
5 let's ask NDC and the attorneys how quickly they can do
6 that. Let's ask our attorneys and NDC how quickly they
7 can do it.

8 COMMISSIONER HUNTWORK: I can see three
9 things to do: Switch Hopi and do B, exchange for Page,
10 Hopi in A for additional population around Flag, C for
11 Kachina Village, or E and population around as far as
12 Holbrook.

13 I'd like to ask Commissioner Hall, you've
14 tested 20 ways. I can -- you say you've tested 20. Can
15 you give us the benefit of your wisdom how best to
16 preserve A?

17 COMMISSIONER HALL: Mr. Johnson, if I step
18 out of line, tell me.

19 There are a variety of ways to slice that
20 area. The bottom line is if there is a population
21 trade, you split there.

22 COMMISSIONER HUNTWORK: I identified three
23 ways you don't split Flag.

24 COMMISSIONER HALL: Again, the assumption
25 is based on percentages stay in a certain realm. I

1 should lay that premise.

2 COMMISSIONER HUNTWORK: Okay.

3 COMMISSIONER HALL: There was a plan
4 proposed to this Commission months ago of bringing Hopis
5 due south into E and raising population in the new
6 lands, Winslow, Holbrook area. It drops the Native
7 American percentage, does not do so as dramatically as
8 if you trade Page. That is something the Commission
9 appeared to reject on its face; therefore, it never got
10 any opportunity. I can tell you we have that
11 alternative on the computers. That is one of the
12 alternatives given via an attorney.

13 Certainly, with respect to Page or
14 whatever, if you trade -- yes, trade those two. Similar
15 population trades, but percentages drop. However, as
16 you may recall from previous alternatives, previous
17 alternatives garner some publicity, raise percentages
18 higher than District A. That particular district
19 constituted a split of Flag and I think all of Winslow
20 and all of the new lands and a northern portion of
21 Holbrook, and percentages went up.

22 So I'm saying with the premise, Doug,
23 please, with the premise we stay within certain a realm
24 of Native American percentages, do we or do we not split
25 Flag?

1 CHAIRMAN LYNN: Want to comment,
2 Mr. Johnson?

3 MR. JOHNSON: Let me just agree with what
4 Mr. Hall was saying.

5 Things we looked at, splitting Flag up,
6 taking the Hopi out, drawing the Hopi out, 3.8, 3.9
7 percent out, what we trade for the effects. Gain in
8 loss of percentage, splitting Flagstaff, helps
9 percentage strength, but you won't get all that back.

10 CHAIRMAN LYNN: Mr. Huntwork.

11 COMMISSIONER HUNTWORK: The map is very
12 simple. Taking out 7,000, that 100 percent, or very
13 nearly so, Native American. And you are adding back
14 something that, at best, may be 50 percent but more
15 likely is 33 percent. That being 3.8 percent,
16 two-thirds of 3.8 percent drop. But we have some new
17 information which is the block voting analysis for that
18 area which was very surprising, to me. And it's not
19 something I can readily run in my computer or do in my
20 head. It's actually a complicated analysis, as my
21 fellow Commissioners know.

22 As my fellow Commissioners know, I was
23 tending toward test F based on sheer percentages until
24 we got that analysis. Now that we have that analysis,
25 it's a whole different world than it was before.

1 And the history you described before,
2 Mr. Elder, we now have a completely different weapon in
3 our arsenal and need to use it before we close the book
4 on the issue.

5 COMMISSIONER HALL: I agree, Mr. Huntwork.
6 I'm listening to our counsel and NDC's counsel. Even in
7 light of analysis, there are parameters they feel most
8 comfortable with. When we step up to the plate we hit
9 the ball out of the park. Within these parameters
10 that's easily done. Within these parameters, that's
11 easily done.

12 CHAIRMAN LYNN: To that end, we understand
13 the concept of bench mark. What we don't understand is
14 how much is below that number to satisfy what we need to
15 satisfy and achieve the goals we're trying to achieve.
16 There is absolutely evidence to suggest the bench mark,
17 in the opinion of that expert, is not necessary in terms
18 securing the likely outcome of future elections. That
19 may or may not be true, the expert's opinion on that
20 point.

21 The difficulty is there is a level of
22 unknown to us, which is going to be sufficient to
23 achieve the goal of Native American community in that
24 district and below which we should not drop. But we
25 don't know what that is. We have some evidence to

1 suggest where redistricting has been done that a
2 significant drop was not considered retrogressive on its
3 face. Totality of circumstances did suggest a drop
4 could occur without doing harm to population involved.
5 Again, this one hasn't been tested in this state and
6 will be subject to a test of what we do as DOJ
7 suggested. I'm wondering about Ms. Minkoff's point,
8 assist Ms. Minkoff's point.

9 I'd prefer in terms of short-term
10 information we might get, I wonder if we might get
11 information Ms. Minkoff was asking for in the short
12 period of time, relatively short, after lunch.

13 In terms of coming up on the lunch hour,
14 take a break for or work through? Break wouldn't be --
15 such break wouldn't be a bad thing. I'm wondering if
16 it's possible in hour or so to have the information to
17 assist Ms. Minkoff in making that decision.

18 MR. JOHNSON: Mr. Chairman, I can answer
19 half the question on the NDC number side.

20 When the tradeoffs on A to B trades, then
21 A to B to C trends, look to trade Hopi to Page, those
22 are only off 150 people, and I think without too much
23 trouble, Hopi for probably the Holbrook area should be a
24 fairly easy trade. I don't know how much the Hopi
25 Kachina Village, could look at that and give you

1 demographics. The question is legal result.

2 CHAIRMAN LYNN: Ms. Hauser, Mr. Rivera,
3 understand the question by Ms. Minkoff?

4 COMMISSIONER MINKOFF: Mr. Huntwork's.

5 MS. HAUSER: Mr. Chairman, once we see
6 what the numbers look like, we need to get in touch with
7 Dr. Handley, in this particular district in particular.
8 That's a communication that needs to take place. We
9 made arrangements ahead of time. Availability is
10 excellent this week.

11 I don't know if Doug could be either.

12 CHAIRMAN LYNN: One of the options seems
13 to be to begin work on this and move to either the
14 Phoenix or Tucson area, neither of which is impacted by
15 this decision, get information timely on the decision,
16 one tonight, if sufficient momentum make a decision with
17 the information at that time.

18 We have a motion on the floor.

19 COMMISSIONER ELDER: Mr. Johnson brought
20 out a point. There is a difference of a couple hundred
21 people. It's well within the percentages, the
22 differential.

23 Another item, the percentage, there's a
24 question we had, if we took Hopi out, does it follow
25 within a reasonable parameter? Took Hopi out and didn't

1 dilute balance Navajo left, numbers either equal same
2 percentage in relation to retrogression.

3 CHAIRMAN LYNN: 7,000 person variation.

4 COMMISSIONER ELDER: 7,000, four percent,
5 three percent deviation from desired. Is that the
6 option? Might be a request for attorneys. Do we do
7 something like that? Can we do it and how does it fly
8 from a legal standpoint.

9 MR. RIVERA: Maybe we should answer that
10 question first.

11 CHAIRMAN LYNN: If you have an answer.

12 MR. RIVERA: Look at all the answers. All
13 have options, go to Ms. Handley and get the rationale
14 for it. All questions ask. Have Doug look into it.
15 Doug look into it, and get more thorough answer.

16 CHAIRMAN LYNN: Motion on the floor.

17 COMMISSIONER HALL: I'm willing to
18 postpone the motion.

19 My recommendation is the following: Get a
20 specific recommendation from the consultant. If
21 recommendations, we need them. I suggest that we
22 received considerable information and communication and
23 counsel on this particular issue. We may all do well to
24 review some of that which answers some of the questions
25 in my mind answered by some of the fellow Commissioners.

1 I'm willing to withdraw motion if we give
2 specific instructions to NDC. They don't have much
3 time. If it seems to be something they could do, do
4 that. I'd reiterate, with respect to one or two, most
5 would reduce percentages. With respect to one or two,
6 we'd want to do that.

7 CHAIRMAN LYNN: Would that scenario be
8 acceptable to you as the seconder?

9 COMMISSIONER ELDER: Yes.

10 CHAIRMAN LYNN: Without objection, then,
11 withdraw the motion and let's give specific instructions
12 to not only NDC, perhaps counsel, with respect to this
13 issue.

14 Again, Mr. Huntwork began the discussion.
15 I don't mean to attribute it to Mr. Huntwork, if not his
16 words, one of the more difficult discussions, two
17 different competing points of view on this issue. And
18 in fact we're literally wrestling with different things
19 we have little control over making the decision we're
20 about to make. I don't think any of other wants to make
21 this decision on less than as much comfort as we're able
22 to put together before the decision is made. If
23 specific requests on a short term get us information in
24 a reasonable time frame, today, to make requests of
25 consultants, or of staff, and we can get that

1 information and revisit information later in the day.

2 COMMISSIONER MINKOFF: We have two,
3 possibly three scenarios for them to test. The Page,
4 Hopi switch. Second is Hopi switch of areas in northern
5 part of District E, and third is the switch moving the
6 Hopi District C and moving areas of District A, uniting
7 Flagstaff. Those are the testing.

8 Doug, you said you could do those fairly
9 quickly?

10 MR. JOHNSON: Only one clarification on
11 the request. The last one, if it does, get population
12 numbers, Munds Park, Williams --

13 COMMISSIONER MINKOFF: Munds Park, Flag.
14 Park, Flagstaff, Munds Park, need something, get
15 something, go to Flagstaff, same thing with Williams.

16 COMMISSIONER ELDER: Already an
17 alternative that pulls out Hopi. Give numbers to
18 counsel in relation to nonbalance between percentages we
19 have for an ideal district. Say pulling out 6,000 of
20 these numbers to these numbers in various districts,
21 that would be the district. Counsel evaluate it, give
22 us input on that.

23 CHAIRMAN LYNN: Mr. Hall.

24 COMMISSIONER HALL: Mr. Johnson, resurrect
25 increased percentage, look at numbers relative to the

1 number in Winslow, Northern Holbrook, split Flag, see
2 that, comparing to Holbrook.

3 CHAIRMAN LYNN: Mr. Huntwork.

4 COMMISSIONER HUNTWORK: I realize a step
5 backwards.

6 CHAIRMAN LYNN: Sorry, Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Sorry. We won't
8 have an answer until the block voting analysis, define
9 the analysis, define the equation. May not be as
10 complicated as I think. It's also significant the way
11 they vote in Page versus way the way they vote in the
12 area surrounding Flagstaff, may vote surrounding
13 Holbrook, may have different dynamic one on one to
14 Native American. That's what -- that's issues we're
15 looking at. The consultant has run three tests.

16 What I was going to say earlier, support
17 the original motion in the sense we're going to be
18 working with District A as it stands. The comment done
19 with testing -- what I want to do, clarify with A as it
20 stands, but the question of taking Hopi out will be
21 subject to additional tests.

22 COMMISSIONER HALL: If that's a motion, I
23 second it.

24 CHAIRMAN LYNN: Mr. Huntwork, can I take
25 it in the form of a motion?

1 COMMISSIONER HUNTWORK: Yeah.

2 CHAIRMAN LYNN: Motion on the floor.

3 COMMISSIONER ELDER: Somebody restate the
4 motion.

5 COMMISSIONER HUNTWORK: In the same sense
6 we approved districts in the southern part of the state,
7 F, and so on, giving approval to District A as drawn as
8 a basic approach. But the question of removing the Hopi
9 reservation remains open. Test 3 is a basic approach,
10 one swap with B, two is with Holbrook, and three is a
11 swap with Page.

12 COMMISSIONER HALL: Want to look again
13 with the previous division of Flag?

14 COMMISSIONER HUNTWORK: Commissioner Hall,
15 I don't want to divide Flag.

16 COMMISSIONER HALL: Me either.

17 COMMISSIONER MINKOFF: I recognize any
18 motion adopted can be revisited. As long as the motion
19 is still under study and we limited the options,
20 basically we all agree the only change that may be made
21 is to remove the Hopi, include some other population,
22 replace them, investigating the three alternatives to do
23 this. Passing the motion, District A is very much in
24 play. I plead the motion be withdrawn. If not, I vote
25 against it or any motion we pass with this direction of

1 the Commission moving giving instruction to the
2 consultants to test.

3 CHAIRMAN LYNN: None of the motions
4 passed, including this motion, even five-oh, mean some
5 are out of consideration. When we readdress the united
6 whole of the map and when we see the results of putting
7 the pieces together into a map ultimately, we have to
8 decide on, up and down, the majority of the map.

9 I don't have a problem in terms of
10 caveats. My aim is to move forward in terms of the
11 state in a way that allows a consistent look ahead
12 instead of back. The Phoenix configurations and Tucson
13 configurations, caveats and testing, you were
14 comfortable with testing. I'm not disposed to say this
15 is a different kind of testing.

16 The press in attendance should know any
17 motion passed today, any vote should not be considered a
18 final or closed issue. We're looking at all in detail.

19 Mr. Hall.

20 COMMISSIONER HALL: Mr. Chairman, there's
21 a signal from the back they are hungry. Call the
22 question.

23 CHAIRMAN LYNN: I'm not sure.

24 Roll call.

25 Mrs. Minkoff.

1 COMMISSIONER MINKOFF: "No."

2 CHAIRMAN LYNN: Huntwork?

3 COMMISSIONER HUNTWORK: "Aye."

4 CHAIRMAN LYNN: Mr. Hall?

5 COMMISSIONER HALL: Aye.

6 CHAIRMAN LYNN: Mr. Elder?

7 COMMISSIONER HALL: "Aye."

8 CHAIRMAN LYNN: Chair votes "Aye."

9 (Motion passes four-one.)

10 CHAIRMAN LYNN: We need those run as

11 quickly as possible. Let us know when they are run.

12 COMMISSIONER ELDER: I think you'll let us

13 know as quickly as possible, my -- you'll let us know at

14 the end of the day. NDC would amalgamate decisions and

15 directives provided so we start off with a map or set of

16 districts more in line with the direction we want to go,

17 direction today, correct?

18 CHAIRMAN LYNN: Whether immediately, we

19 continue this tomorrow, or switching back and forth with

20 the Congressional map and permutations and Legislative,

21 there's flexibility.

22 Without objection, I'd like to take the

23 lunch break in deference to people in the back of the

24 room.

25 What is the pleasure. A full hour?

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1 COMMISSIONER ELDER: Yes. If there's
2 benefit of the doubt.

3 CHAIRMAN LYNN: It's 12:30 now. Reconvene
4 at 1:30.

5 (Whereupon the noon recess taken was taken
6 from 12:30 until approximately 1:30 p.m.)

7 CHAIRMAN LYNN: The Commission will come
8 to order.

9 The record will show all five
10 Commissioners are present along with legal staff and the
11 consultants.

12 Given the information the Commission said
13 on the Northern District, that it will not fully be
14 available to us -- yours may be. The other consultants
15 are working on numbers that may not be available at
16 least until later today, possibly until tomorrow. I'd
17 like to move on to other districts, other stops,
18 something exterior of the state we need to visit.

19 MR. JOHNSON: We can continue on with
20 Maricopa unless you were interested on numbers --

21 CHAIRMAN LYNN: I don't want your numbers
22 unless your numbers are with them. I only want to go
23 back once and then decide it.

24 COMMISSIONER MINKOFF: I'm looking at the
25 area between District B and District X where La Paz

1 County is split.

2 I understand La Paz County does have to be
3 split, two small communities have to be split. Unite
4 one district, and the other districts, Salome and
5 Wenden.

6 CHAIRMAN LYNN: The issue is --

7 COMMISSIONER MINKOFF: Just not divide --

8 CHAIRMAN LYNN: Not divide small
9 communities. I don't think we're talking about many
10 small communities.

11 COMMISSIONER HUNTWORK: Not each of them,
12 but apart from each other, unite them.

13 CHAIRMAN LYNN: One from each other.

14 COMMISSIONER MINKOFF: 2,000 people from
15 two communities. If divided evenly, a split of -- a
16 shift of about 1,000 people.

17 CHAIRMAN LYNN: Mr. Huntwork's point, if
18 so close together, probably in that part of the state,
19 they are the only communities of interest they know,
20 each other. Not much around them they know.

21 COMMISSIONER ELDER: Mr. Chairman, the
22 ideal deviation, 1,071, if ideal, valid, go ahead allow
23 NDC to bring one side or the other, continuous
24 population or other, continuous district.

25 COMMISSIONER MINKOFF: Suggestion, find

1 out which district has largest population, Salome and
2 Wenden, assuming not divided right down middle, not
3 divided right down middle, suggest putting in Northern
4 District, District B, most rest of La Paz County is.

5 CHAIRMAN LYNN: Also check to see if any
6 testimony about where that may need to go from
7 standpoint of public input.

8 COMMISSIONER MINKOFF: Only public input
9 is don't split La Paz County. Explained that, too.

10 COMMISSIONER ELDER: 1.7 million people in
11 Quartzsite winter season. May be other R.V. interests
12 in with Salome and Wenden interests.

13 I suggest same district as Quartzsite.

14 COMMISSIONER MINKOFF: B.

15 CHAIRMAN LYNN: Motion?

16 COMMISSIONER MINKOFF: I made a motion.

17 COMMISSIONER ELDER: Second.

18 CHAIRMAN LYNN: Thank you.

19 Discussion?

20 Roll call.

21 Mrs. Minkoff?

22 COMMISSIONER MINKOFF: "Aye."

23 CHAIRMAN LYNN: Huntwork.

24 COMMISSIONER HUNTWORK: "Aye."

25 CHAIRMAN LYNN: Mr. Hall?

1 COMMISSIONER HALL: "Aye."
2 CHAIRMAN LYNN: Mr. Elder?
3 COMMISSIONER ELDER: "Aye."
4 CHAIRMAN LYNN: Chair votes "Aye."
5 (Motion carries.)
6 CHAIRMAN LYNN: Anything else on the
7 exterior of I?
8 Move to Maricopa County.
9 Mr. Johnson.
10 Ladies and gentlemen, what is your
11 pleasure with respect to greater Maricopa County?
12 Mr. Hall?
13 COMMISSIONER HALL: Clarification. 3G,
14 not 3G Competitive or New Competitive.
15 MR. JOHNSON: I can lay them side by side.
16 CHAIRMAN LYNN: Probably not all side by
17 side with any resolution.
18 COMMISSIONER ELDER: Probably the New and
19 Competitive.
20 CHAIRMAN LYNN: While waiting for that to
21 come up, I'd call your attention to before the break,
22 there was a letter distributed the to the Commission
23 from the Republican Party, an attachment thereto also
24 distributed results from a number of elections for
25 specific Senate races, primarily, Senate race results

1 which support the letter. I call it to your attention
2 so you have supplemental reading as well.

3 COMMISSIONER MINKOFF: I received the
4 letter, no attachment.

5 CHAIRMAN LYNN: It should have been handed
6 out as well.

7 Here it is.

8 COMMISSIONER MINKOFF: Thank you.

9 MR. JOHNSON: I'll try to get the best
10 resolution I can for you.

11 CHAIRMAN LYNN: Again, first Mr. Johnson,
12 if you identify first the maps, left, right, the maps
13 we're looking at and how they differ.

14 MR. JOHNSON: On the right, map 3G, the
15 base map we've been looking at. On the left is one of
16 the attempts to make 3G more competitive.

17 Let me fix this color.

18 It's one of the attempts to make
19 additional districts by making additional districts
20 competitive. And the changes done are in the West
21 Valley. You'll see R coming, taking out the Sun Cities,
22 and most of Surprise, and the Buckeye area, or part of
23 Buckeye.

24 D, the Yavapai area, coming down and
25 picking up Buckeye as well.

1 L, coming down, getting El Mirage,
2 Surprise, north of El Mirage and Goodyear areas and
3 coming into the West Phoenix region as well.

4 I can zoom in on any part you wish to see
5 details on.

6 F has a little unusual shape in the
7 competitive map because it's looking to balance out
8 populations, left of left and right.

9 If you want major roads or anything like
10 that, that would be helpful.

11 CHAIRMAN LYNN: Mr. Hall.

12 COMMISSIONER HALL: Is it safe to say that
13 in light of the option, if necessary, to utilize slight
14 deviations, many of those jagged edges of those lines
15 would be less jagged?

16 MR. JOHNSON: In the competitive map, many
17 would be. The only problem you run into with that is
18 jagged lines are cities. That's a weird effect. In
19 case the jagged line is a city border, you avoid cutting
20 that, many, as we would clean up.

21 COMMISSIONER ELDER: Mr. Chairman.

22 CHAIRMAN LYNN: Mr. Elder.

23 COMMISSIONER ELDER: Doug, could you point
24 out what we gained here, if anything? What is the
25 benefit, if anything?

1 MR. JOHNSON: This is the test, I'll leave
2 it to the Commission if it's a gain or loss, how we
3 could bring one or more districts to closer registration
4 AQD.

5 Left, the gray district, West Phoenix, and
6 L, are competitive districts. Whereas 3G is the only
7 District L which is competitive in AQD. That's the real
8 gain.

9 Where we could go in that process,
10 obviously a lot of people are moved around. So it did
11 allow us to unite some cities. Peoria went from a
12 three-way split to a two-way split. Glendale had a
13 bunch more significant changes, one, two, three, four --
14 actually four, five, or six.

15 COMMISSIONER MINKOFF: Are any of these --

16 MR. JOHNSON: Earlier discussion today,
17 one of Glendale's might be. Extensive splits, get up
18 pretty fast. Glendale is a real opportunity.

19 COMMISSIONER ELDER: When you said you
20 increased or got two competitive districts, five, seven
21 percent?

22 MR. JOHNSON: Five, seven percent AQD.

23 CHAIRMAN LYNN: We had more sophisticated
24 tested on more. That's one measure of competitive, like
25 one district, like what it does. It is tested by a more

1 sophisticated analysis of what it's done than AQD.

2 COMMISSIONER HUNTWORK: I've done the
3 Quick and Dirty, no districts D, H, I, D.

4 COMMISSIONER MINKOFF: D --

5 COMMISSIONER HUNTWORK: D, H, I, D.

6 COMMISSIONER HALL: Which map?

7 COMMISSIONER HUNTWORK: Really all maps,
8 sort of trying to figure out what are the overall
9 demographics of the area. Took out all lines for who
10 lives in an area, what ratio of people in the area of
11 people would be, looks like party registration 60/40.

12 COMMISSIONER MINKOFF: Where?

13 COMMISSIONER HUNTWORK: All.

14 CHAIRMAN LYNN: Big is D?

15 COMMISSIONER HUNTWORK: Maybe. Didn't
16 have a pocket calculator. That's about what it looks
17 like. You know, this goes back to my earlier point. I
18 just think it's completely bogus to be trying to create
19 districts of even distribution within a big area that
20 has such uneven distribution. That's gerrymandering of
21 the worst kind. I can't imagine participating in that.
22 Have area 60/40 Republican, I don't believe we're
23 engaged in activity of finding a way to draw lines
24 within an area that isolate some portions of it to be
25 evenly distributed and make others unevenly distributed.

1 It doesn't seem like the right thing to do.

2 CHAIRMAN LYNN: Mr. Hall.

3 COMMISSIONER HALL: I don't know if the
4 word "right" is what we're about. I think that's a
5 value judgment. The issue is what are we doing to
6 comply with issues of Proposition 106.

7 Here are ideas that are additionally
8 competitive.

9 What are significant detriments to other
10 goals? If there is none, we as a Commission feel there
11 is no significant detriment to other goals, not the
12 total registration, or whatever, then by reason of
13 distribution they should be favored. That's a mandate,
14 favor them. I respectfully favor them. We are in the
15 business of favoring competitive districts pursuant to
16 mandate. It's not an option. The fact it's the last of
17 the options does not minimize the fact it's a
18 requirement.

19 What I'm trying to look at is let's take
20 the particular option of municipalities, the one of
21 competitiveness, Peoria, this maximizes the number of
22 splits of Glendale. I have a hard time hearing the
23 argument that's somehow a major detriment with the goal
24 with respect to community of interest.

25 I would be interested to hear feedback on

1 these proposed.

2 Don't misunderstand, I have no vested
3 interest in these particular lines. Somebody has to
4 show me proposed changes are of significant detriment or
5 no, not of significant detriment. To the Voting Rights
6 Act, data on that is clear. In my opinion, no detriment
7 municipality lines. So if that is the case in every
8 case, then we must favor these districts. That's my
9 understanding.

10 CHAIRMAN LYNN: Ms. Minkoff and Huntwork.

11 COMMISSIONER MINKOFF: I agree with
12 Mr. Hall's comments. The law says favor competitive
13 districts as long as it does not act to the detriment of
14 other requirements. I don't see that it does. My only
15 question, specifically, I guess, about District H, I
16 notice there are a lot -- 3G New Competitive, the one on
17 the left, there are a lot of very irregular lines on the
18 edge of that district. Is that because of municipality
19 boundaries or just done to adjust for population?

20 MR. JOHNSON: Those, gold overlaps black,
21 Peoria City line, come down to Surprise City line. This
22 is all Surprise in here. Pink -- this is eastern edge
23 of Buckeye. This we're looking at unincorporated there.
24 Calling city lines.

25 COMMISSIONER HUNTWORK: I don't have a

1 problem with strange looking lines if a city has strange
2 looking lines. Some are evened out. Don't have city
3 boundaries, that's my point.

4 Proposition 106 does not require us to
5 make some districts more competitive and other districts
6 less competitive. I don't believe it says that. The
7 provision says competitive districts should be favored
8 if there is no significant detriment. If we had a
9 population base of 50/50, then we could, and we had it
10 allocated between six districts, all of which were
11 noncompetitive, and we could somehow adjust those
12 districts so all were competitive, that would be fine.
13 That's what we're supposed to do.

14 What is being advocated here is making
15 some districts within that area less competitive in
16 order to make other districts more competitive. I do
17 not believe there is any mandate in Proposition 106 to
18 do that. The debate I remember was here is an example
19 of an incompetent Legislature elected and re-elected and
20 ultimately become chairman of the committee, or
21 whatever, because of a completely noncompetitive
22 district, or whatever. That's the opposite of what this
23 map is doing. I don't know if the number is 60/40, or
24 56/44, or what.

25 If we said we're going to eliminate the

1 district that is now 63/37 and bring that back down to a
2 correct ratio and even out the population in that area
3 in order to avoid bulletproof districts as much as
4 possible within the area we have to work with, I think
5 that's a valid methodology.

6 CHAIRMAN LYNN: Ms. Minkoff.

7 COMMISSIONER MINKOFF: Mr. Chairman,
8 Proposition 106 does not require us to make some
9 districts less competitive in order to create additional
10 competitive districts, but it also doesn't say we can't
11 do that, doesn't forbid us from doing that. What it
12 says is to the extent possible, we should create as many
13 competitive districts as we can without causing
14 detriment to other requirements of Proposition 106. In
15 certain instances, that is an impossibility because of
16 where people live.

17 Unless we want to adopt plan used to
18 integrate public schools where we're bussing voters from
19 District V to District P it won't happen because of
20 patterns where people live. There are patterns we can
21 create competitive districts, even if means making one
22 district slightly less competitive. Nothing in
23 Proposition 106 says we should not do that. Proposition
24 106 says we should do that. Republicans and Democrats
25 are not necessarily protected classes under 106. Within

1 the violate other requirements of 106, we need to
2 respect communities of 106. We have not run roughshod,
3 have not run roughshod over municipal boundaries or any
4 other criteria listed in 106. Therefore, I believe not
5 only can we do this but we must do it.

6 CHAIRMAN LYNN: Mr. Hall and Mr. Huntwork.

7 COMMISSIONER HALL: I concur. And the
8 question I have for any of the Commissioners resistant
9 to an effort to create more competitive districts in
10 this particular region, are you indicating,
11 Mr. Huntwork, it is your opinion in light of the fact
12 there is a 60/40 registration based on your rough
13 estimate, it is your opinion it is impossible and
14 inappropriate to create any more competitive districts
15 in the downtown or central Maricopa area? Is it your
16 opinion?

17 COMMISSIONER HUNTWORK: Mr. Chairman, I'd
18 like to make a comment and answer that question, point
19 out a flat contradiction Mr. Hall said, and Ms. Minkoff
20 said in terms of whether we are required to do that or
21 not. I understood Mr. Hall to say we're required to and
22 Mrs. Minkoff to say we are not required to but we'd have
23 discretion to.

24 COMMISSIONER HALL: Said not.

25 COMMISSIONER HUNTWORK: Said clearly,

1 clearly not required to make every --

2 COMMISSIONER MINKOFF: Required to make as
3 many competitive districts as we can.

4 COMMISSIONER HUNTWORK: We're at the point
5 where it could possibly be reconciled. I think we have
6 discretion at the very least, if not a mandate to stay
7 away from making some districts less competitive, that's
8 part of the analysis as well.

9 I cannot believe the argument is we don't
10 have the right and authority to take that into
11 consideration, as I perceive Mr. Hall is arguing. Now,
12 the way we'd do it would be to find a district that
13 favors Democrats or is -- even made it noncompetitive
14 the other way, and add that to the mix.

15 What I feel is completely bogus is taking
16 a group of districts that are all solidly one way or the
17 other and gerrymandering one way or the other and
18 gerrymandering districts so they don't represent them as
19 one way or the other, represent districts, don't
20 represent one way or another. And I'd throw into the
21 mix different political bonds. Then I think you have
22 something you can work with.

23 CHAIRMAN LYNN: Mr. Hall.

24 COMMISSIONER HALL: What I understood the
25 answer to your question to be, you are of the opinion --

1 could I restate what I understood your answer to be, did
2 I hear you say you don't believe given the current
3 configuration we can create more competitive districts?

4 COMMISSIONER HUNTWORK: No. This approach
5 in my mind is completely imbalanced.

6 COMMISSIONER HALL: I understand.

7 Can we or can't we in your opinion?

8 COMMISSIONER HUNTWORK: I don't know. I
9 need to know. I need to look at the whole process in a
10 different way.

11 Are there, are there Democrat areas that
12 can be thrown into the overall mix in order to create
13 greater competitiveness rather than, basically, just
14 gerrymandering one overwhelmingly political area in such
15 a way it doesn't truly reflect the demographics of an
16 area?

17 COMMISSIONER HALL: If I may make my
18 point, what I'm saying, Mr. Huntwork, is I believe it
19 can. Our consultants, without any specific direction
20 relative to specific lines, indicated it can. Now,
21 again, obviously they've already taken those factors
22 into consideration. I'm not a proponent of any
23 particular line. I'm just saying it is possible to
24 create more competitive districts in the central
25 Maricopa area without affecting what those districts

1 are, what I call hallow ground, those districts with
2 respect to specific voting rights issues.

3 If we can, then they should be favored, if
4 they are not a detriment to any other goal.

5 One of the other goals is what the overall
6 party voting -- party registration percentage is in the
7 area.

8 One of the other goals is whether or not
9 it makes a district less competitive.

10 One of the other goals, whether or not it
11 affects Voting Rights Act, whether or not it affects
12 compactness, contiguity, in a significant way. If one
13 of the goals is not significantly affected, we're
14 required to favor a competitive district.

15 CHAIRMAN LYNN: You know, it's a
16 fascinating argument. As much as like jump into it, I'm
17 not sure we can resolve it in the short term. I'll let
18 keep going if you want. I'd like to ask a different
19 question on a different point.

20 COMMISSIONER HUNTWORK: Go ahead.

21 CHAIRMAN LYNN: Let me just ask the
22 question: With respect to other goals of 106, primarily
23 concerned with communities of interest, that's how we
24 came to the draw map on the right.

25 Can you identify in the redrawing in the

1 districts on the left any change in communities of
2 interest, not that you consider significant but we might
3 analyze and determine whether or not it's a significant
4 change?

5 Understand the question?

6 MR. JOHNSON: Yes. Wording is dead on.
7 I'll describe the change. The commission can decide
8 whether or not it's significant.

9 MR. JOHNSON: In terms of community of
10 interest, Glendale is a concern. Communities of
11 interest, as defined by city borders being minimized,
12 communities of interest, compact areas within cities
13 being changed, J is a good example. Even though not
14 splitting additional cities, J has gone from a square,
15 correct, angular area to L crossing it. That's a change
16 in at least compactness. And I is a similar change in
17 compactness.

18 There's not a lot of detailed, direct
19 testimony from those other than the cities themselves
20 asking to be kept together. Reasons for them being
21 done, a much nicer Democratic District and Republic,
22 Maricopa AQD Democratic districts with minority voting
23 rights, pick pieces of districts, combine two, three
24 together.

25 Direct answer, compactness of J is a

1 concern, and Glendale is a concern, significant level is
2 a concern.

3 CHAIRMAN LYNN: Other side of the
4 equation, for my benefit, if nobody else's, what gain do
5 we lose on the competitiveness arrangement, arrangement
6 on the left. What are we picking up that is exacerbated
7 by that change?

8 MR. JOHNSON: Preserving L as a
9 competitive district and creating L as a competitive
10 district.

11 CHAIRMAN LYNN: Gain one competitive
12 district out of the mix.

13 MR. JOHNSON: Yes.

14 CHAIRMAN LYNN: Which, to Mr. Huntwork's
15 point, which I'm trying to understand, which is made
16 less competitive by this configuration.

17 MR. JOHNSON: I need 10 minutes or so get
18 the exact numbers. Tradeoffs come out of H and J.
19 There may be some numbers out of D. I need to get exact
20 numbers.

21 CHAIRMAN LYNN: Potentially could be, not
22 trying to argue, two districts could be less competitive
23 in order to make one district more competitive.

24 MR. JOHNSON: Right.

25 CHAIRMAN LYNN: Accurate?

1 MR. JOHNSON: Yes.

2 COMMISSIONER MINKOFF: Which is the other
3 one?

4 MR. JOHNSON: H and J.

5 CHAIRMAN LYNN: H and J.

6 MR. JOHNSON: D, F, and K all change but
7 less than K.

8 MS. HAUSER: Competitiveness is a legal
9 conclusion.

10 CHAIRMAN LYNN: On the plus side, we have
11 one more competitive district. Against that, we balance
12 that, one and perhaps two districts are made less
13 competitive by that change. Granted, not competitive to
14 begin with, but we broaden the split.

15 Interesting to note, in those two
16 districts, whether or not the registration of the two
17 major parties is enough to cover the split in the two
18 parties going in or outside the parties.

19 One of the definitions of competitiveness,
20 at least in my mind, is party registration, whatever the
21 numbers are, whatever the spread is. If you have other
22 registration outside two parties, that is more than
23 equal to the spread between the two parties. By
24 definition, it seems to me, potentially competitive
25 district if a swing vote is sufficient to elect, vote

1 swing vote for candidates in district for their own
2 candidate. That's interesting to know in terms of
3 resolving the issue in my mind in terms of whether we do
4 no harm.

5 In terms of looking at it for compactness,
6 contiguity, we've done some damage by the map on the
7 left to the degree it becomes significant depending on
8 what you are -- what issues you are dealing with.

9 I don't want to be swayed by the fact of
10 the degree of completeness, and shall I say the beauty
11 of the two the maps being not quite equal. I understand
12 the one on left is a work in progress and the other one
13 is specifically refined, older, has more attention.
14 That aside, look at the shape of J, shape of H, and
15 those kind of things, city lines, and other things
16 impacting on that. But I want to be convinced on one
17 side of the argument or other. Need that kind of
18 information to be convinced either way.

19 Mr. Huntwork.

20 COMMISSIONER HUNTWORK: Mr. Chairman, I
21 agree with that. I want to get that information. I
22 also want to say the map on the left is clearly not as
23 compact and contiguous. J is obviously not. H is
24 obviously not. And I think the intent of Prop 106 as
25 stated to us many times by the following rules, natural

1 competitiveness would naturally emerge.

2 What we know, the whole point of natural
3 gerrymander was including long, long lines, you
4 manipulate demographics of a district, create the
5 original one, completely safe district for tories from
6 the population against them, whatever names the
7 political parties were against them. We drawn lines
8 like that, kick out clusters of population like that
9 within the overall community, we're doing exactly the
10 same thing as a gerrymander.

11 If districts south of that, southeast of
12 that, different demographics work on without encroaching
13 on minority areas, should look at adjustments closer to
14 central city rather than closer to central woods. If
15 not, following the rules of Prop 106, we should not, and
16 do what Governor Hull said. This is not the way to do
17 it.

18 CHAIRMAN LYNN: Ms. Minkoff.

19 COMMISSIONER MINKOFF: These districts are
20 not perfectly rectangular. These districts have such
21 vast improvement, they're not done with creation of the
22 initial. Theirs were one street wide, hundred miles
23 wide. We've not done that. Prop 106 said start with a
24 grid. The grid was essentially rectangular. Then it
25 said the grid was to be adjusted according to a number

1 of different criteria. Adjusting the grid means change
2 the shape of it. Sometimes minimally and sometimes
3 significantly. As long as we are not destroying
4 communities of interest, messing with Voting Rights Act,
5 that's why its heart is moving into the central part of
6 Maricopa community. As long as not altering the Voting
7 Rights Act, unequal population, as long as we do not
8 chop up a community of interest, there's no indication
9 we've done any of that, we're not hanging it on a wall,
10 art museum, it's to serve the people of the State of
11 Arizona. The people of the State of Arizona told us,
12 passing Proposition 106, told us in public comments
13 where we can do it, they want us to create competitive
14 districts.

15 MS. HAUSER: Mr. Chairman?

16 CHAIRMAN LYNN: Ms. Hauser.

17 MS. HAUSER: I just would like to point
18 out that the Arizona Quick and Dirty under which this
19 particular plan was tested, once we ran Judge It, has
20 been shown to have pretty significant differences.
21 Judge It was having clearly pretty significant
22 differences discredited Arizona with the Quick and Dirty
23 on which the Commission should rely. With that
24 information available to us, I think before we make the
25 conclusion, before the Commission makes the conclusion

1 the map on the left is more competitive than the map on
2 the right, we need the map on the left run under Judge
3 It.

4 COMMISSIONER MINKOFF: How long will that
5 take?

6 MS. HAUSER: It takes five hours to do the
7 test. The rest is when can our expert do it. I'll
8 contact him right away to let him know another plan is
9 coming, another plan is coming.

10 Then you have apples to apples, we have a
11 good analysis on Judge It on all of the tests in the
12 back we just received.

13 We're checking numbers to make sure the
14 numbers on each districts add up to hundred, make sure
15 we don't have statistical numbers. You have Judge It
16 coming to you shortly on the district on the right.

17 CHAIRMAN LYNN: Judge It was not ordered
18 on the Competitive District?

19 MS. HAUSER: No. The first time I saw
20 this district was today.

21 COMMISSIONER MINKOFF: Seems we need to
22 get it and get it today.

23 COMMISSIONER ELDER: Doug, does this
24 follow between districts?

25 MR. JOHNSON: No. I think it falls

1 through the percentages.

2 COMMISSIONER ELDER: Sacred cow, or L, P,
3 M, N, and L, are those districts in Central Phoenix, P
4 is 41 percent differential between Democrat and
5 Republicans, simplistic look at it, N is 17? And I
6 guess where I'm going is if there's room in the
7 percentages there to adjust, to help, and that would
8 allow us to work the edges of more districts to keep it
9 more compact, keep it more contiguous, I propose we
10 massage 41/35, M to 21/25, whatever the magic number may
11 be, to give us flexibility to make adjustments in that
12 area. I look at -- I wrote down Judge It's compactness,
13 go across freeways, not compact, chewed up.

14 H, H is probably next only one to D for
15 being difficult to manage for a campaign, or trying
16 issues -- what issues would be common to any of those
17 areas. Can't find areas common, can't find school
18 districts or towns. It's chopped up. There's little or
19 no value being a member of that district from a citizen
20 trying to participate in development of issues. It
21 looks like the P, N, O area is very much the same
22 between plans.

23 Areas I, J, K, really F, we know what
24 flexibilities we've got to make adjustments to get more
25 competitive districts.

1 If it means we need to get the left-hand,
2 or competitive revised, component thing, we're falling
3 back to the same issues. It's a detriment to the
4 foregoing parts of 106, and competitiveness should not
5 rule in those areas.

6 CHAIRMAN LYNN: I want to say again for
7 lack of not being understood the first time, the
8 districts on the right were created through a process
9 for good proper reasons, as testimony suggested,
10 communities of interest, compactness, contiguity.
11 Granted, competitiveness was not among them originally.

12 Our task, as I see it, I don't want to
13 debate or parse words of 106. There's no question
14 competitiveness would be enhanced in the maps if we draw
15 looking at the most competitive maps possible given we
16 don't do detriment in the map we've already created.

17 My concern is some of things caused in the
18 creation of the map on the right, the draft map, are
19 done harm by the draft map in this scenario. The
20 question is whether or not, I'm not sure, I don't have a
21 full analysis, whether or not it falls under the
22 scenario of significant. It's a judgment call we'll
23 have to make. One or more of the judgments is
24 significant degradation to some other goals that bother
25 me. If all changes designed achieve one more

1 competitive district at the expense of other kinds of
2 goals we're going after, I'm not sure the tradeoff is
3 worth making.

4 So that being said, I think one of the
5 issues Ms. Hauser brings up, we certainly need to have
6 the districts compared on an apples to apples basis, the
7 fact we have Judge It or will have the Judge It base
8 map, we need to have Judge It on the competitive map
9 shown on the left of the screen to at least make an
10 intelligent decision.

11 COMMISSIONER MINKOFF: Mr. Chairman, I
12 agree with what you said and defer my discussion of the
13 west side districts until we get the west side analysis,
14 Judge It analysis. I think we can get it by tomorrow.

15 CHAIRMAN LYNN: Depends when they start.

16 COMMISSIONER MINKOFF: It's so
17 frustrating. I thought they'd have everything.

18 COMMISSIONER MINKOFF: We're now lacking
19 information to make critical information. We now lack
20 information. Unless comparing apples to apples, I'm
21 predisposed to favor districts. If Judge It shows not
22 any more competitive, I don't see any point.

23 CHAIRMAN LYNN: In pursuing.

24 COMMISSIONER MINKOFF: Right. I want to
25 know and want to know quickly.

1 MR. JOHNSON: Mr. Chairman, one
2 suggestion: If the Commission wants to show the new
3 map, I suggest sending the first submitted map, 3G
4 Competitive. This is 3G Competitive plus on the
5 computers.

6 CHAIRMAN LYNN: Not looking at the other
7 map --

8 MR. JOHNSON: If Judge It is saying.

9 CHAIRMAN LYNN: The number of tests she
10 sends are multiplied by five hours each. They're not
11 run concurrently. The number of tests sent elongates it
12 to get Judge It to run.

13 MS. HAUSER: What is the other map
14 referred to?

15 MR. JOHNSON: Standard map. 3G
16 Competitive. 3G Competitive.

17 MS. HAUSER: Did it previously have
18 another name?

19 MR. JOHNSON: No.

20 H competitive, U shaped one, L not
21 competitive.

22 COMMISSIONER MINKOFF: That's not been
23 tested by Judge It, either.

24 CHAIRMAN LYNN: Neither have been tested,
25 I thought you said, maybe I misunderstood. If trying to

1 achieve competitiveness, the plus does it better than
2 the other one, unless I misunderstood you.

3 COMMISSIONER MINKOFF: According to AQD.

4 CHAIRMAN LYNN: The reason this
5 constructed was to achieve a better result.

6 MR. JOHNSON: Better competitive result.
7 Fewer city splits than the other competitive map would
8 and more community space than the other map does.

9 CHAIRMAN LYNN: If there's sentiment to
10 test both, I wouldn't bother testing a map with more
11 problems in terms of potential detrimental effect, if
12 numbers are better. It's a more skewed view of the
13 alternative. I think this one is less disruptive.

14 COMMISSIONER MINKOFF: The only advantage,
15 3G Competitive one the west side district is a little
16 less elongated.

17 COMMISSIONER ELDER: Before we go down the
18 line trying get to analysis there, I'd like to find out
19 a counsel question: P, M, N, O range 41 percent
20 different, 40 percent differential. Districts,
21 districts dealing with majority minority, or a strong
22 influence district, then they should be somewhat the
23 same. If not the same, not the same communities of
24 interest, edges, jurisdictions. And I'd like to make
25 sure we're not missing a bit where we've got areas

1 around -- biggest areas P and M, make districts adjacent
2 more competitive.

3 Was that looked at in your analysis? Are
4 we on target, communities analysis, and percentages or
5 voting rights analysis, with those districts P, M, N and
6 O?

7 MR. JOHNSON: To answer that, and the
8 second part to the attorneys, P, M, N and O, it's not
9 altered in the competitive portion. All districts where
10 voting rights concerns were present, all for voting
11 rights minority majorities. One of the districts says
12 Democrat and not majority-minority district, BB in
13 Tucson. I would leave the question of whether we're on
14 percentages, voting rights percentagewise, to the
15 attorneys.

16 CHAIRMAN LYNN: Mr. Hall, I don't know
17 whether they'll answer now.

18 Mr. Rivera or Ms. Hauser, want to answer
19 it now?

20 COMMISSIONER ELDER: I guess I am, to some
21 extent. When I see 25, 26 percent differential, I can't
22 see edges, community of interest.

23 From the very first submission, from
24 MALDEF, everything we looked at, we can't see variation.
25 I'm trying to find out where it is, trying to pick up

1 competitiveness. Forcing and almost gerrymandering a
2 district, adjacent districts to begin with, and try to
3 ease both sides, one side only, we may end up with
4 districts that don't look like the stuff on the left.
5 We want to make sure we don't get Judge It down and
6 gosh, five percent to burn this district we didn't look
7 at.

8 Before we do the testing, I'd like answer
9 to question.

10 CHAIRMAN LYNN: Ms. Rivera, Hauser, to
11 answer that.

12 MR. RIVERA: Hard to answer, to answer in
13 a vacuum. I don't have the answer. We have not run the
14 districts on the competitive aspect. Until we do it,
15 I'd not feel comfortable, or another lawyer feel
16 uncomfortable in that opinion.

17 CHAIRMAN LYNN: We do have Judge It run on
18 the map on the right for the districts Mr. Elder is
19 talking about.

20 Mr. Elder's question doesn't deal with
21 districts in the West Valley. The central districts are
22 untouched in either map. His concern is, to restate it,
23 districts previously identified majority-minority
24 districts, M, N, O, and P, which are unchanged in either
25 map.

1 First of all, Judge It has been run on
2 those four, has it not? We have the results. And the
3 issue then is, based on the Judge It analysis, is there
4 any adjustment that can be made on the edges of those
5 districts that would not upset the issues we have in
6 place on those districts but would afford us
7 opportunities to move population into surrounding
8 districts to make them more competitive rather than
9 redrawing, in a somewhat wholesale fashion, for example
10 H on the base map versus H in the competitive map, a
11 huge difference the way H looks? One example. F on the
12 base versus what F looks like on the adjusted map.
13 That's his point.

14 I don't know whether the numbers are
15 either unavailable or we simply don't have the
16 information to know how much of those numbers could be
17 moved in order to facilitate the competitive goal.

18 MR. RIVERA: Again, Mr. Chairman, the
19 answer at this point in time, those are issues we have
20 to look at at this point in time. It might not be a bad
21 idea to go into Executive Session.

22 COMMISSIONER HUNTWORK: Methodology, we
23 have to have a test run on something, one version or
24 other, and take our best shot.

25 I must point out that's just the

1 beginning. After that's done, we have to go back and
2 look at those lines and see, think about the school
3 districts we've broken up and the areas of housing here
4 in the valley where people wanted to be together that we
5 looked at previously.

6 You asked definitely the right question.
7 And you can't answer the question until you know where
8 lines are, lines end up being, and examine what you've
9 done.

10 CHAIRMAN LYNN: Is there a motion for an
11 executive session?

12 Mr. Hall?

13 COMMISSIONER HALL: I -- let me see if I
14 can clarify a few more things.

15 We made it more competitive, basically.
16 You took, for example, District I. Utilizing party
17 registration figures, of course, there's not any more
18 detailed competitive analysis that changed party
19 registration analysis five percent, 10 Republican, five
20 Republican. That's what I'm showing in figures here.
21 Valid point has been made certainly the most inclusive
22 competitive analysis is probably the more conservative
23 than what AQD --

24 COMMISSIONER MINKOFF: Quick and dirty.

25 COMMISSIONER HALL: My point is I'm

1 wondering under that scenario, in light of previous
2 projections, whether in reality at the end of the day
3 that's a competitive district. It would be difficult
4 anyone, that someone could argue these districts are not
5 ugly, which is Mr. Elder's point. It's a valid point, I
6 think. .

7 What I'd like to see, is there a
8 possibility within that area to utilize some of those
9 figures more compactly to amend some of those
10 neighboring districts?

11 If you look at District P, for example --
12 well, you have a total minority percentage of 76 percent
13 and a VAP Hispanic percentage of almost 54 percent. Is
14 it possible, reasonable, you and your counsel needs to
15 answer with our counsel utilizing with our districts,
16 some of those numbers, if you will, adjust in a more
17 logical fashion without drawing the horseshoe J
18 district, if you will. It just seems to me that that is
19 a possibility.

20 My question is, with that premise, you
21 having worked this for a significant period of time: In
22 your opinion is that possibility?

23 MR. JOHNSON: From a technical line
24 drawing point of view, yes. Voting rights, I'd defer.

25 COMMISSIONER HALL: I suggest,

1 Mr. Chairman, we instruct consultants our to do that,
2 bring it back, and look at it from those issues and
3 consult with the experts. If in reality there's not a
4 possibility that affects majority minority, or other
5 voting rights issues in a detrimental way, then we
6 probably ought not to do that.

7 I'm suggesting we probably ought to do
8 that and there are probably different alternatives than
9 what we're looking at now.

10 CHAIRMAN LYNN: Ms. Minkoff.

11 COMMISSIONER MINKOFF: If we're going to
12 do that this, it is an issue that needs to be brought
13 up.

14 We do have a voting rights issue, I
15 believe, between districts P and O which involves the
16 African American community, not a Hispanic community.

17 In current Legislative District 23,
18 African American Districts, 23 percent is extremely
19 successful in electing candidates in that particular
20 district. District P as currently configured drops them
21 down to 11 change. I don't remember exactly what it is.
22 The concentration community split between District P and
23 O, although we tried to unite all Historic Districts in
24 District O, has to take back seat to voting rights
25 issues. We have to look at something more African

1 American voters in District P under terms of District P
2 and O. Seems like a square, a loop between I-17 and 10,
3 in O, includes Historic Districts, and loop in I-17 in
4 O. The drop that into District P to increase African
5 American percentage, chop off the top of the head of the
6 scottie dog put into O, for voting rights purposes, we
7 have to do it.

8 CHAIRMAN LYNN: Headlines: Kill the
9 pooch.

10 Valid point. Clearly something we need to
11 address. In terms of whatever we do, incorporate that
12 direction to consultants on how that would look.

13 COMMISSIONER MINKOFF: This is an
14 extremely important community of interest we need to
15 deal with.

16 CHAIRMAN LYNN: Mr. Huntwork.

17 COMMISSIONER HUNTWORK: I'd like take
18 advantage to agree completely with Ms. Minkoff.

19 COMMISSIONER MINKOFF: In favor of
20 decapitating pooches, too.

21 CHAIRMAN LYNN: Mr. Elder signs on to sing
22 Kum Ba Yah and move on.

23 COMMISSIONER MINKOFF: And not tell the
24 Humane Society.

25 CHAIRMAN LYNN: Let's move on, other than

1 Mrs. Minkoff, Mr. Hall, if you'll state what we need.
2 The O and P issue precipitates what -- in light of the
3 fact of the adjustments, O and P, what Mrs. Minkoff just
4 stated, that in that area it appears to me that there is
5 a potential to increase competitiveness, if not at least
6 in those districts, in paying careful close attention to
7 percentages that affect voting rights issues. I don't
8 have any specific suggestions. I'm saying to these
9 folks I'd like to -- that push envelope a bit, if that
10 doesn't make sense from an overall standpoint, fine, it
11 doesn't make sense.

12 I guess if we put out an alternative, I'll
13 go out on limb. My guess is people in the audience will
14 tell us if we go out on a limb too far.

15 MR. RIVERA: Mr. Chairman, Mr. Hall, let's
16 see if I understand. We're asking to NDC to look at
17 Competitive, NDC for wanting of a better line in
18 Coalition Map 2?

19 COMMISSIONER HALL: Correct.

20 MR. RIVERA: Okay.

21 COMMISSIONER HALL: Previous attorneys
22 said don't reference previous maps.

23 COMMISSIONER HALL: Previous maps, other
24 maps wherein allowed reduction of other numbers.
25 Therefore, look at that with a very close eye in light

1 of other adjustments in making theirs and seeing what
2 can we do. I'm just not sure it hasn't been done.

3 CHAIRMAN LYNN: Last time we met, we gave
4 instruction, instructions for look at creating more
5 competitive in districts Metropolitan Phoenix, not
6 necessarily through Coalition's submission, that as a
7 theoretical construct for how competitive districts
8 might be drawn. I'd like to know how that instruction
9 relates to the Competitive Map on left of the screen.
10 Are there other solutions the consultant worked on based
11 on that instruction or are we saying that instruction
12 based on that map.

13 DR. ADAMS: Doug, I'll --

14 You can comment.

15 CHAIRMAN LYNN: Dr. Adams.

16 DR. ADAMS: What we attempted to do in
17 this map was make adjustments without any detriment to
18 voting rights districts. We didn't want to lower that.
19 In this attempt, that's how we followed that
20 instruction.

21 Doug, any other comments?

22 MR. JOHNSON: I'd agree with that. And
23 given that caveat, then we looked at three new
24 competitive districts in Coalition 2: H, I, and Z.
25 That led us to the other map. We looked at their map.

1 Their numbers were competitive by our measurements,
2 split a lot of cities and had weird jagged edges. We
3 followed their ideas following --

4 CHAIRMAN LYNN: Three new districts
5 identified in the map, concentrated on, perfect changes,
6 reduce city splits, less effect on other goals outlined.

7 COMMISSIONER HUNTWORK: No effect.

8 CHAIRMAN LYNN: No effect. And -- I guess
9 where in the instruction did you consider we said don't
10 touch the district otherwise designated as Voting Rights
11 District. We understand there are issues there, lines
12 you don't cross. If in some districts sufficient
13 population to adjust them without doing significant harm
14 to voting rights issue, where was prohibition not to do
15 so?

16 DR. ADAMS: Commissioner Lynn, Members of
17 the Commission, in order to do that, we need to see the
18 final results voting rights reports, racial block
19 analyses. Marguerite wants to see that.

20 Was that responsive?

21 CHAIRMAN LYNN: Not so far as I can tell.

22 MR. JOHNSON: Primarily voting rights
23 weren't related to H, I, and Z.

24 CHAIRMAN LYNN: Coalition's H, I, and Z.
25 I understand.

1 The instruction not look at the Coalition,
2 do it better. The instruction is to use the Coalition
3 map as a theoretical construct and look at creating more
4 competitive districts in Metropolitan Phoenix area, I
5 believe. Without using the term "theoretical construct"
6 that was instruction.

7 To the extent that has not been fully
8 explored, maybe we're asking can you return to the
9 concept to see if that can be achieved some way other
10 than represented on the Competitive Map on the left?

11 COMMISSIONER HALL: I'd concur with that a
12 hundred percent.

13 I think in light of the fact, again, not
14 to be redundant, in making changes in districts O and P,
15 look at the numbers, it appears we have room in
16 addition, where appropriate, we have room for minor
17 population deviation.

18 COMMISSIONER MINKOFF: Mr. Chairman.

19 CHAIRMAN LYNN: Ms. Leoni.

20 MS. LEONI: I want to clarify, restate
21 what Doug said. We're pleased to go back and work on
22 competitive districts, working with minority districts.
23 Doug's comment was his analysis of minority districts,
24 the coalition plan could be approximated without
25 touching minority districts at all. He did what they

1 did but without touching minority districts; however,
2 resulting in something without being policing, you'd
3 like consulting policing, however, using them as a
4 source.

5 CHAIRMAN LYNN: A source, many sources.
6 Some thresholds you can't go below. Identified one of
7 many things. Have to fix N and P for another voting
8 rights issue.

9 Now, having said that, some adjustments
10 have to be made.

11 I guess the question is, again, I'm not
12 suggesting I'm leaning toward the map on the left,
13 original map, or the competitive map, or our map on the
14 right, or the competitive map, or any other solution. I
15 don't know we can make a judgment until we look at some
16 of the other options in terms of achieving the ultimate
17 goal, which is competitiveness without having a full
18 understanding of other things it achieves in terms of
19 other goals.

20 Ms. Minkoff.

21 COMMISSIONER MINKOFF: Looking at the west
22 side, the west side competitive districts, Maricopa
23 County Districts O, P do not help us. They connect more
24 to the East Valley. Q is already a competitive
25 district.

1 Other districts are so far from being
2 competitive, O and P are not going to help.

3 I'd be very, very cautious of pulling
4 minority population out of M and out of N for a couple
5 reasons. Number one, communities of interest exist in
6 districts. They told us that very, very clearly.
7 Number two, in terms of voting rights implications, we
8 have effectiveness issues to look at in terms of voter
9 turnout. It's very, very easy to look at voter
10 populations over 18, 58 percent. It really great,
11 certainly take some out of there.

12 If that population votes at a 30 percent
13 clip, nonminority population votes at a 30/50 percent
14 clip, it's not all right. Those are issues, rather than
15 turning consultants loose, they need direction on what
16 is all right and what isn't before they move lines
17 rather than after they move the lines.

18 MR. JOHNSON: Mr. Chairman, if I may add
19 one more thing, clarify why I didn't look at it. For
20 districts M, N, O, P, four districts, essentially
21 Democratic registration figures, identical two sets,
22 averages one district more Democratic than District Two,
23 for back to Coalition two, don't gain a lot.

24 COMMISSIONER MINKOFF: Have to be very
25 careful before we change any lines to get legal counsel.

1 CHAIRMAN LYNN: Mr. Hall.

2 COMMISSIONER HALL: No question we have to
3 be competitive. I don't think there's any argument.
4 I'm saying looking at some districts of the adopted plan
5 areas, my opinion could be they'd just as well fit in
6 one district as another.

7 Making some adjustments, in light of the
8 fact will be adjusting O and P, in an effort to combine
9 some communities of interest, or assure neighborhoods
10 are combined where in the past they might not have been,
11 sacrificed exact equal population, tweaking exact
12 majority minority population, deviation in population,
13 an opportunity for additional competitiveness. I don't
14 know that. I'm just asking that we take a real hard
15 look, see if that's the case. If it is, it is. If it
16 isn't, it isn't.

17 CHAIRMAN LYNN: Consultants understand the
18 direction being given?

19 Would you like it restated, Dr. Adams?

20 DR. ADAMS: Chairman Lynn, I think I would
21 like it restated. I wonder if we're going to be given
22 any tolerances other than the citizen map references or
23 the Coalition Two map. Or are we going to be given
24 tolerances based on reports that come out from the
25 experts? That's what I was hoping to understand.

1 COMMISSIONER ELDER: If the Coalition map
2 is the map I believe it to be, it should be dead on
3 arrival.

4 I'd the like consultant, this is my
5 preference, to look at compactness of those districts.
6 If I look at L and H, both Republican Districts, I'm not
7 so sure we couldn't come up with a form that would take
8 in the lower part of L, lower part of H, with the
9 I-10 -- we have a gray area going further to the west.

10 MR. JOHNSON: Commissioner, if I may, L is
11 drawn that way because it's one of the competitive
12 districts.

13 COMMISSIONER ELDER: I don't believe that
14 to be sacrosanct. If we get a competitive district
15 east-west, as north-south, resolve H gerrymandered, we'd
16 resolve a bunch of problems.

17 D, one, two, three, four, five legs coming
18 in encroaching on area outrageous districts.

19 G, or the right plan over there, you look
20 on Districts F, H and L, it's far superior to
21 anything -- it makes it an almost definable edge for D.

22 I think if we're going to pull over from
23 F, we're going to try to have it competitive out of I,
24 J, N in the area there, the heart of where we're going,
25 competitiveness in the left-hand side. Then we should

1 be able to clean up the edges.

2 I don't know what the north are part of H
3 is, the north part, west part.

4 What is the population difference?

5 MR. JOHNSON: North part of H has all
6 three Sun Cities, large Sun City.

7 COMMISSIONER ELDER: H is Republican.
8 Doesn't matter south or west, still influence H.

9 MR. JOHNSON: I'm sorry, north of H into
10 District L and making H, this what we're considering --
11 this is what is there, put there. This area, this the
12 area, this area and bring in the district there. That
13 would allow this L here. It may still fit. Hasn't fit.
14 The northern part still remains as biased as it is.

15 We have all of these incursions going down
16 from there. That piece there does include Sun Cities.
17 13 up D, don't have so much run where you live, vote.
18 That's the problem with the whole perimeter area. They
19 don't make sense.

20 When I look at these, gridlike,
21 compactness, adjust of communities of interest, whole
22 series of flow, one on the left, no flow. It's only
23 done for competitiveness. It isn't valid:

24 CHAIRMAN LYNN: We've got two, on the base
25 map, by adjusting the map there's a principled look how

1 we've adjusted all criteria we use in this process. I
2 don't want to abandon that simply because we're trying
3 to achieve one more competitive district in this.
4 Analysis of the experts, it's a fairly competitive map.
5 To destroy some things we worked to achieve to gain one
6 district in Phoenix, it's not worth it. That's why the
7 discussion has taken as long as it has.

8 If we can, using a couple methodologies,
9 forget for a moment we may want to look at any districts
10 that have voting rights, look around them, take a look
11 at some possibility of using some degree of population
12 deviation, or some degree of adjustment around the edges
13 of districts, narrow the margins, bring districts a
14 little more into the range we're looking at, third party
15 voters, and other indicators, to give you more
16 competitive mapping, I'll tell you in my mind, where I'm
17 coming from, my concern is more on the Congressional map
18 than legislative map competitiveness. There's more work
19 to do there than here getting to that final product.
20 I'm more willing to look there than here.

21 Don't think I'm picking on Phoenix. When
22 in Tucson, I want to be sure BB in Tucson gets their
23 fair shot as well in terms of being more competitive.
24 We just happen to be here in the process.

25 I don't think we should spend a heck of

1 lot of time having lines drawn for good, proper reasons
2 except we need to say if there is a way to again
3 minimally adjust, not redraw, minimally adjust, having
4 done it, I'm prepared to move on to the next issue.
5 That's just where I am on this particular issue at this
6 time.

7 Ms. Minkoff.

8 COMMISSIONER MINKOFF: The only point I'd
9 like to make, considering how few competitive districts
10 we have, one additional competitive district is not
11 anything to take lightly. I recognize we can't run
12 roughshod over the entire map to do it. One more
13 competitive district, two, three terrific. Three,
14 that's significant. Four, stop and celebrate. Every
15 competitive district, celebrate.

16 COMMISSIONER ELDER: I'll tell you, from
17 my end, just from my end, I'd start with L from my grid,
18 our G. I, about nine percent, edges, shift three, four
19 percent, and J is a 12 percent run. N is a 17 percent.
20 N fits I and J. N might be where we shed data there.
21 One Republican, data there, help in the central data.

22 What I'm trying to express, on the screen,
23 the outside edge, are ways -- on one side, honor,
24 respect jurisdictional lines, but in driving recently,
25 "you are now in Buckeye," it's very difficult to find

1 out where I was. I'm almost sure people drive and don't
2 know one to other for different districts on the way to
3 the freeway. I think as I got to at least express a
4 point view, the more grid-like, compact where you know
5 where you are, and where you go to vote, and where
6 issues are that affect area, clean up outside issues.

7 CHAIRMAN LYNN: Let's clean up and then
8 break.

9 Is there specific instruction? Otherwise
10 take a 15-minute break and then that instruction.

11 COMMISSIONER HALL: The thought there, if
12 everyone is in agreement, what I thought I understood we
13 were to tell them to do, make adjustments on O and P
14 relative to concerns of Mrs. Minkoff, look at concerns
15 of minority districts, see adjustments made there, and
16 attempts at equal population, and in the event
17 population deviation is appropriate, to also take that
18 into consideration.

19 CHAIRMAN LYNN: Make that in the form of a
20 motion?

21 COMMISSIONER HALL: So moved.

22 CHAIRMAN LYNN: Second?

23 COMMISSIONER MINKOFF: Second.

24 CHAIRMAN LYNN: Discussion?

25 MR. JOHNSON: Mr. Chairman?

1 CHAIRMAN LYNN: Mr. Johnson.

2 MR. JOHNSON: The instruction, O, section
3 O into P. Address P? What area to tradeoff to that, P
4 is the tradeoff?

5 CHAIRMAN LYNN: Ms. Minkoff suggested the
6 head of the dog is where you might look.

7 Discussion on the motion?

8 COMMISSIONER MINKOFF: No.

9 CHAIRMAN LYNN: Vote.

10 Mrs. Minkoff?

11 COMMISSIONER MINKOFF: "Aye."

12 CHAIRMAN LYNN: Mr. Huntwork?

13 COMMISSIONER HUNTWORK: "Aye."

14 CHAIRMAN LYNN: Mr. Hall?

15 COMMISSIONER HALL: "Aye."

16 CHAIRMAN LYNN: Mr. Elder?

17 COMMISSIONER ELDER: "Aye."

18 CHAIRMAN LYNN: Chair votes "Aye.".

19 Motion carries unanimously.

20 (Whereupon, a recess was taken from 3:27
21 until approximately 3:42 p.m.)

22 CHAIRMAN LYNN: If I can have the
23 Commissioners up front, we'll start.

24 I'd call the Commission to order.

25 The record will show all Commissioners,

1 staff and consultants are present.

2 There's a request to clarify the motion
3 just passed. I'd ask the stenographer to go back to the
4 motion and read it, just to make sure there's no
5 misunderstanding of the intent or direction given to the
6 consultant.

7 (Whereupon, the record was read.)

8 CHAIRMAN LYNN: Let's be sure, because
9 this becomes extremely important. I don't want to
10 arrive back at a discussion on the Legislative map
11 without a very clear discussion of what we're talking
12 about next time we revisit the Legislative map so we're
13 able to make decisions relative to all decisions raised.

14 At the risk of being a little redundant,
15 let's talk exactly about what we expect from the
16 consultants when they come back to us about the analysis
17 and recommendation for the Central Maricopa area on the
18 Legislative side.

19 Mr. Hall.

20 COMMISSIONER HALL: I think the
21 instructions relative to O and P were pretty accurate.
22 Is there any question on those?

23 MR. JOHNSON: We have a submitted map from
24 South Mountain, O and P.

25 The tradeoff area, talk about the scottie

1 issue and poodle head, start with that.

2 COMMISSIONER HALL: So is that a direct
3 trade?

4 MR. JOHNSON: I won't know until I look at
5 it, do it.

6 COMMISSIONER HALL: Presumably, there are
7 some majority minority areas, other alterations that
8 need to occur, right?

9 MR. JOHNSON: At least between O and P.

10 Part of the concern, the head of the
11 poodle, as you call it, is the Arcadia Airport. There
12 is a significant effect on the percentages of O.

13 COMMISSIONER MINKOFF: On the --

14 MR. JOHNSON: District O, inside the loop.
15 There aren't significant batches. We'll look at that
16 and report back on what it does.

17 COMMISSIONER HALL: Can you explain to me
18 what the little arm -- I hope I'm looking at the right
19 map. I guess I'm not.

20 That's the adopted draft on the right.

21 MR. JOHNSON: That's 3G.

22 COMMISSIONER HALL: All right. I'll come
23 back to my question then.

24 MR. JOHNSON: The other comment on the
25 motion, I think we have the sense that the Commissioners

1 wish us to look at the edges of, in particular, N and O,
2 since trying to look at I as a competitive district, I
3 as a competitive district, and various districts, trying
4 to look at the edges of the district and voting
5 rights --

6 CHAIRMAN LYNN: Well, mindful of the
7 voting rights impact; but the object is to achieve more
8 competitive districts by adjusting those without doing
9 significant damage to the voting rights impact. One of
10 the answers is it can't be done.

11 I used to tell my kids, don't ask a
12 question unless you're ready for all the answers, one of
13 which is: No. If you ask a question, there's a full
14 range of answers. You need to know how it works or if
15 in fact it doesn't work.

16 MR. JOHNSON: We can draw the measure of
17 the impact. You have to have time to get together with
18 the attorneys to answer the second part of the question
19 on the impact.

20 CHAIRMAN LYNN: If you quantify we'll
21 determine whether or not too much one way or another.

22 COMMISSIONER HALL: The other variable,
23 where appropriate, if appropriate, the issue of slight
24 population deviation, correct, which has not been a
25 factor of consideration in the previous analysis; is

1 that correct?

2 MR. JOHNSON: Correct.

3 CHAIRMAN LYNN: That's an additional
4 instruction we voted on earlier today, to continue to
5 address if we feel comfortable with deviation, if we
6 continue to achieve other goals and it's therefore
7 defensible.

8 Are we still trying to get a map on the
9 board? For clarification purposes, is there any part of
10 the motion the attorneys or consultants do not
11 understand or is not clear?

12 COMMISSIONER HALL: Question, Doug, what
13 is the thin part of the bottom of G?

14 MR. JOHNSON: Thin part?

15 COMMISSIONER MINKOFF: Scottsdale.

16 COMMISSIONER HALL: Respecting of
17 boundaries of Scottsdale.

18 MR. JOHNSON: Hatched part is City of
19 Scottsdale, Tempe.

20 CHAIRMAN LYNN: Ms. Minkoff.

21 COMMISSIONER MINKOFF: All kinds of little
22 population shifts requested by citizen groups that don't
23 have impact. When will those be dealt with?

24 CHAIRMAN LYNN: The moment we finish the
25 Tucson part of the tour, come back, go through, what any

1 Commissioner has, like to put into the mix, would like
2 to have looked at.

3 COMMISSIONER MINKOFF: Okay.

4 Again, to clarify the motion made,
5 anything to clarify for you to complete the assignment?

6 MR. JOHNSON: Tucson front --

7 CHAIRMAN LYNN: No, this.

8 MR. JOHNSON: Motion -- Maricopa, this
9 motion is fairly comfortable.

10 COMMISSIONER MINKOFF: One thing, with the
11 comments I made earlier, I don't want to preclude you
12 from looking at those Central Phoenix districts, just
13 want you to do it very, very carefully and with advice
14 of you and guidance from counsel in terms of whether
15 there's anything you can take from M and O and P moving
16 west to make western districts more competitive or in
17 the case of District I moving north. I didn't mean by
18 my comments to take them off the table, just meant you
19 needed to be very, very careful about any changes you
20 make in those districts.

21 MR. JOHNSON: One comment, I was just told
22 to clarify to the Commission, told to make changes based
23 on map G, starting from that map, not a new one.

24 CHAIRMAN LYNN: Correct. The map, New
25 Competitive Map, is a derivation of the base map. Right

1 now the base map is all we have in terms of something
2 adopted. So it's an adjustment from that.

3 All right.

4 If there are no other clarifications
5 required from Maricopa County, let's move to Pima
6 County.

7 MR. JOHNSON: Mr. Chairman, would you like
8 me to zoom in on exactly where the changes are between
9 the two on these?

10 CHAIRMAN LYNN: Yes, please.

11 Mr. Chairman, Members of the Commission,
12 the map on the right, 3G map, District BB comes up here,
13 has a small piece that steps down to the south and stops
14 in Flowing Wells. The main competitive change is
15 District Z comes down and takes in the area right
16 between the two.

17 This is similar in effect to what
18 Commissioner Huntwork talked to referring to two
19 districts right next to each other, one which is
20 Republican and Democrat, and swap population between
21 them. Population rotated through the east side of BB
22 picked up additional population out of DD.

23 Zoom out, a request for the Commission, DD
24 picked up the compensating border here along the
25 foothills.

1 You can see how the border changed.

2 It wasn't the major population shift.

3 COMMISSIONER ELDER: Map on the left.

4 MR. JOHNSON: Map on the left,

5 3G Competitive.

6 COMMISSIONER ELDER: I don't see that

7 anywhere.

8 MR. JOHNSON: 3G Competitive.

9 CHAIRMAN LYNN: You just have different
10 colors.

11 COMMISSIONER ELDER: No. The districts
12 aren't the same.

13 COMMISSIONER HALL: 3G Competitive or 3G
14 New Competitive. Should be -- I believe they are the
15 same, down in Tucson. The key difference, Mr. Chairman,
16 looked at obviously the Coalition Map, too, to make it
17 different. Given past testimony and past desires,
18 testimony of the Commissioners past the river foothills.
19 In this map we're able to do it with minimal deviation.

20 CHAIRMAN LYNN: Doug, on the competitive
21 map on the left, can you put it in about the same scale
22 as the one on the right?

23 CHAIRMAN LYNN: Couple quick questions.
24 There's a little irregularity on the map on the left
25 under West Roger Road designation that juts south.

1 MR. JOHNSON: Right.

2 CHAIRMAN LYNN: Simply on the west, the
3 district see I think, base map in District BB, why does
4 that jog happen? Is there a reason?

5 MR. JOHNSON: Mr. Chairman, when we drew
6 districts, we first focused on the Hispanic community
7 AUR definition, and joint districts voting rights
8 concerns. First we drew AA and CC, the two bottom
9 districts here. So this would have been part of the
10 consideration of that drawing. And -- let me zoom in,
11 see if I can see what that is. I don't recall exactly
12 what the reason for that was. Didn't alter that to make
13 a more competitive district because of impact on AA that
14 would have occurred.

15 Let me see if there's a landmark or area
16 of interest there.

17 CHAIRMAN LYNN: May have been population
18 deviation.

19 So that's the kind of anomaly we could fix
20 for -- understanding there is some population that
21 should invade the area the way it does and along one of
22 the major thoroughfares, Prince Rogers, whatever, to
23 square that off.

24 Comments?

25 Questions?

1 COMMISSIONER ELDER: This area?

2 CHAIRMAN LYNN: Any area.

3 COMMISSIONER ELDER: Zoom in to I-10,
4 I-17.

5 COMMISSIONER MINKOFF: I-19.

6 COMMISSIONER ELDER: I-19. Sorry. Okay.
7 Scroll down to where Ajo is at the bottom.

8 MR. JOHNSON: Here?

9 COMMISSIONER ELDER: No.

10 CHAIRMAN LYNN: Further north.

11 COMMISSIONER ELDER: Drag it all the way
12 down to the bottom. Okay.

13 Maybe we have to go in a little further.

14 What I would like to do is see if we can
15 conform to many of the comments we had from citizens in
16 the citizen hearing.

17 If you take the diagonal on Aviatational
18 Parkway and go up to Congress, somewhere below there is
19 Broadway. Mine shows it. Yours doesn't. Zoom in, get
20 more streets there.

21 MR. JOHNSON: There. This is Broadway.

22 CHAIRMAN LYNN: Doesn't show the
23 continuation of Broadway.

24 COMMISSIONER ELDER: Zoom in so more
25 streets come up.

1 MR. JOHNSON: Okay. All the streets
2 aren't up.

3 COMMISSIONER ELDER: This area, 36th
4 Street is an isolated area of population. There is an
5 area in here, 36th Street, Ajo, along this area,
6 Presidio, Fairland, Barraza area in here, no cross
7 circulation along this area from this area in downtown.
8 Aviation Parkway underpasses this community, Broadway,
9 Tucson. That piece I'd like to see included in CC,
10 because that community is isolated.

11 Other Barrios mentioned, other side of the
12 river and North El Rio, Munsa, Anita, north of downtown.
13 Downtown divides areas out. A small in held area should
14 be divided.

15 South side and to the east, the Rita Ranch
16 area, we have the Rita ranch, the Rita ranch area was
17 right here.

18 COMMISSIONER MINKOFF: Step aside, Dan.

19 COMMISSIONER ELDER: Rita Ranch area here.

20 COMMISSIONER MINKOFF: Okay.

21 COMMISSIONER ELDER: Rita Road. And that
22 area is one where we had a tremendous amount of
23 testimony on this area is in held in South Tucson. In
24 the context of citizen communities of interest, said
25 this area right here, there's no context rural elements

1 relate to any of rest of this district. I think that's
2 probably correct. This area here should be pulled into
3 an area to the east or south.

4 CHAIRMAN LYNN: Doug, did that not happen
5 on one of the permutations of the maps?

6 MR. JOHNSON: One of the maps, we
7 exchanged Rita Ranch and picked up on the area of the
8 east side, Commissioner. Do you have preference if Rita
9 goes into DD and DD loses population, this into double
10 D?

11 COMMISSIONER ELDER: This area here should
12 go here. That area here could be traded back.

13 CHAIRMAN LYNN: In other words, straight
14 trade, CC and BB.

15 MR. JOHNSON: Rita Ranch.

16 COMMISSIONER ELDER: That area in. We
17 have an area right in here, if we add in this area here,
18 we should probably take out the blue area between the
19 freeway where we don't have such a peninsula; not
20 contiguous, not compact. Added in area in green, this
21 area here. Compensation that area there, rotate between
22 the three districts.

23 Yeah? Nay?

24 CHAIRMAN LYNN: I'm still not sure what
25 you are shifting just above the junction of 19 and 10.

1 What are you shifting there, 10? Try as
2 you best, you cannot with "here" and "there." Tell me.

3 COMMISSIONER ELDER: Describe, along
4 Aviation corridor northwest, west from Broadway to
5 Interstate 10, across to the river edge, south to where
6 the river comes in and crossed underneath, I believe
7 right in there at that point, the I-10, I-19
8 intersection.

9 CHAIRMAN LYNN: Proposing that be drawn
10 into CC.

11 COMMISSIONER ELDER: CC, the area
12 southeast. The river has vertical cuts, no possibility
13 for children. Children don't cross that, that
14 peninsula, area here. The river, I-19 cuts off. That
15 area there, Broadway here, back down to Aviation, and it
16 create a barrier in that community.

17 The barrier in this community across and
18 about a mile, there's no social interaction I can find
19 in talking with the folks.

20 The Pueblo Gardens area, South Tucson,
21 seems to have cultural matches, go back and forth with
22 parties at the schools, one district with another,
23 cohesiveness. I don't see why we don't put them
24 together.

25 This area here, go with the University, a

1 lot of housing, a lot of people relate back and forth
2 north of Broadway, do not relate to the south and
3 southwest.

4 I have a feeling if you look at the
5 Hispanic population, there may be a balance there just
6 as well there. If done for racial balance from a
7 numbers, demographic standpoint, I don't know that this
8 would add Hispanics to the southeast, taking out Anglos
9 at the southeast, at Rita Ranch, whether adding in
10 enough at soldiers Trail to keep the numbers exactly the
11 same. I don't know. But from a community of interest
12 standpoint, if anything, that area ought to go with this
13 area to the south and to the east.

14 We had a lot of comment from this area and
15 this area that said we had absolutely no community of
16 interest in this area. Rita Ranch, IBM, plus they don't
17 trade, there are no socioeconomic areas. Might try the
18 area, and through the community, and that's about it.

19 CHAIRMAN LYNN: I think in concept, to
20 take the area Dan is pointing out, essentially just
21 south of town, and drop that into CC, to make up for
22 that, I think you are talking about rolling it east,
23 Dan. In other words, if you that, take the downtown
24 area and put in CC, DD rolls into DD, the western part
25 of BB goes up.

1 If I understand correctly, again, with the
2 caveat about balancing in terms of minority-majority or
3 other considerations, that balancing in mind, that's a
4 reasonable trade.

5 COMMISSIONER MINKOFF: I have a question
6 about that. If you believe there's any impact on
7 competitiveness of districts where population is
8 shifted, talk about competitiveness overall in the
9 Tucson district. Can we get a sense how this might
10 affect them?

11 MR. JOHNSON: Actually, using the
12 measurements we have available, system measurements, and
13 AQD, AA, BB, CC are all Democratic Districts, so the
14 change is very minimal on the competitive front.
15 Wouldn't affect looking at 4C.

16 COMMISSIONER MINKOFF: Putting population
17 from C to BB, Democratic area.

18 CHAIRMAN LYNN: I'd like you to make those
19 adjustments with respect to the interior of Tucson.

20 Now look at the Competitive Map. Could
21 you highlight, notwithstanding these changes, these are
22 on the interior, and regardless, zoom out and let us
23 know what you achieved in the Competitive Map in the
24 Tucson area.

25 MR. JOHNSON: Much less ripple than there

1 was in the Maricopa work. The only change in DD, the
2 pink district, BB and DD: united Flowing Wells, an
3 unincorporated area, and Casas Adobas was already
4 divided.

5 CHAIRMAN LYNN: From what to what?

6 MR. JOHNSON: I'll zoom in.

7 CHAIRMAN LYNN: Casas Adobas is also
8 unincorporated. Tried to incorporate, didn't do so
9 well.

10 MR. JOHNSON: In the base map 3G without
11 competitiveness adjustments, over here, we have north,
12 first is roughly the border, and Canada -- Canada --

13 CHAIRMAN LYNN: Actually La Canada.

14 MR. JOHNSON: La Canada. New map, the
15 Competitive Map, essentially moves over to La Canada all
16 the way. And at the point where we go through and clean
17 up the district, stick to major roads, things like that,
18 these jags and things will be fixed.

19 That's the change, the large orange peach
20 area to the east. La Canada is traded for the remainder
21 of Flowing Wells and the remainder of some parts of
22 Tucson.

23 CHAIRMAN LYNN: Clearly the entire area
24 east-west, or we'd call the dividing line of the
25 foothills and northwest of Tucson, don't show, or call

1 on the map, between La Canada, Oracle further up. Put
2 on state highways, state highways by sections on the
3 map. It's a fairly homogeneous area, area of
4 registration and ethnic composition as well.

5 MR. JOHNSON: Trade BB and DD on the east
6 end of the district. Essentially BB picks up more on
7 the river here, towards the end of the river from DD,
8 offsets DD, picks up here. The whole circle is all
9 through here.

10 CHAIRMAN LYNN: Keeps BB north of the
11 river or is the river the dividing line?

12 MR. JOHNSON: I'm not specific how the
13 river is laid out. The river kind of Ys.

14 COMMISSIONER MINKOFF: Looks like Tanque
15 Verde.

16 CHAIRMAN LYNN: The river meanders.

17 MR. JOHNSON: Meanders.

18 CHAIRMAN LYNN: It's the city border. I
19 think that's okay.

20 COMMISSIONER ELDER: Yeah.

21 CHAIRMAN LYNN: Is there a motion with
22 respect to which of the maps we should be looking at,
23 what direction we're going to give the consultant?

24 Mr. Hall.

25 COMMISSIONER HALL: Just a question. All

1 motions were made to make Z competitive, correct?

2 MR. JOHNSON: Yes.

3 CHAIRMAN LYNN: And making Z competitive
4 does not do damage to competitiveness in other
5 districts. They were already set. Most interior
6 districts were Democratic. I think DD is going to be
7 fairly Republican regardless of how you slice it. We
8 gain one competitive district when we make these
9 adjustments; is that correct?

10 MR. JOHNSON: By AQD registration numbers,
11 yes.

12 CHAIRMAN LYNN: Incorporating Mr. Elder's
13 changes in the lower part of map, I'd like to send it
14 out. As we send out, I'd like to send out this map for
15 more complete testing in terms of its competitiveness,
16 again for apples and apples comparisons, see this map
17 with Mr. Elder's changes sent out for its analysis.

18 COMMISSIONER HALL: So moved.

19 COMMISSIONER ELDER: Second.

20 CHAIRMAN LYNN: Discussion?

21 Mr. Huntwork.

22 COMMISSIONER HUNTWORK: Appears to achieve
23 competitiveness. It is in my view legitimate, an
24 appropriate type adjustment.

25 CHAIRMAN LYNN: You understand things work

1 better in other places.

2 COMMISSIONER MINKOFF: Just simpler than
3 other places.

4 COMMISSIONER MINKOFF: Simpler, as in
5 minded.

6 (Chuckling.)

7 CHAIRMAN LYNN: Further discussion.

8 For the map, you would like to send out
9 other changes in other parts of the state, don't want us
10 to do that yet. This change, the other Tucson change,
11 or looking at other changes in other parts of the state?

12 CHAIRMAN LYNN: In the same manner we
13 asked for the Phoenix map, didn't ask for that to be
14 discussed.

15 COMMISSIONER MINKOFF: We've done a lot of
16 things around the state. Maybe what we need to do,
17 since we did not send the Phoenix part for that
18 analysis, make changes as we direct here, adopt changes
19 that sometime reflect in the map and direct testing of
20 the map.

21 COMMISSIONER MINKOFF: The only testing
22 we're ordering now is the Metropolitan Phoenix area and
23 District A.

24 COMMISSIONER HALL: Specific changes in
25 Maricopa area.

1 CHAIRMAN LYNN: There may be more.
2 With that understanding of the motion,
3 adopting changes at this point, roll call on the motion.
4 Mrs. Minkoff?
5 COMMISSIONER MINKOFF: "Aye."
6 CHAIRMAN LYNN: Mr. Huntwork?
7 COMMISSIONER HUNTWORK: "Aye."
8 CHAIRMAN LYNN: Mr. Hall?
9 COMMISSIONER HALL: "Aye."
10 CHAIRMAN LYNN: Mr. Elder?
11 COMMISSIONER ELDER: "Aye."
12 CHAIRMAN LYNN: Chair votes "Aye."
13 Motion passes five-zero.
14 Other motions, changes you'd like to see
15 mapped?
16 What I'm doing here, I'm attempting to get
17 the entire Legislative issue dealt with once through.
18 That means to say is there any other direction you'd
19 like to give on the Legislative adjustments to try to
20 get those in now, then make adjustments to shift to
21 Congressional, or alter discussion in some way for the
22 balance of the evening?
23 COMMISSIONER MINKOFF: Mr. Chairman, there
24 are a number changes as a result of public testimony.
25 If they have been tested, fine; if not, I'd like them

1 tested.

2 We received a number of communications on
3 the Carefree, Cave Creek area asking they be shifted to
4 Legislative District G. I understand it's something
5 looked at already. I'd like to see what that would do,
6 changes in the map, Carefree, Cave Creek in G.

7 I'd request Isaac School District be
8 completely united.

9 Westwood Village wanted to be in District
10 O rather than District N. It's a simple shift to have
11 the two populations. Like to see that shown in the map.
12 Those are all that I have in my notes. I'm not sure.

13 CHAIRMAN LYNN: Some have been
14 incorporated. A number of those requests have been
15 incorporated in maps incorporated. A matrix talks about
16 those.

17 One other request, based on some
18 information population deviation is acceptable, is maybe
19 even out the jog at the south end of District Q, Tempe,
20 Guadalupe, Elliott Road all in District Q, or all into
21 District T. I don't know, may be too large a population
22 deviation. We have a jog, and deviation, and school
23 districts, so please don't divide school districts.

24 CHAIRMAN LYNN: Mr. Hall.

25 COMMISSIONER HALL: Go to Elliott.

1 CHAIRMAN LYNN: Do you have a problem?

2 COMMISSIONER MINKOFF: Predicated on
3 population deviation, I'm not sure we can.

4 CHAIRMAN LYNN: Take a look at that,
5 squaring off. It's consistent with testimony heard this
6 morning during call to the public.

7 COMMISSIONER HUNTWORK: What are you
8 proposing exactly?

9 CHAIRMAN LYNN: Moving the District to be
10 even with Guadalupe, the yellow and blue box, even at
11 Elliott or Guadalupe, one of the two.

12 COMMISSIONER HUNTWORK: I'm concerned,
13 don't readily see the important reason for
14 reconsidering. Here we have one of the splits. I think
15 we're talking about nothing but squaring off lines.

16 COMMISSIONER MINKOFF: School district
17 split people expressed, I think the line is Guadalupe.

18 CHAIRMAN LYNN: There's also an attendant
19 problem, detail at that map, I think --

20 Mr. Johnson, I don't know if this was
21 population adjustment, take the intersection of
22 Guadalupe and Rural, the notch out and bulge Elliott
23 east of Rural. Population adjustment is one thing.
24 Seems to me, a reasonable deviation, sides of the
25 street, that sort of thing. That sort of thing is

1 consistent.

2 COMMISSIONER MINKOFF: Another tiny
3 adjustment south of Guadalupe, three houses, western end
4 of the district. Another one to be squared off.

5 CHAIRMAN LYNN: Underneath Guadalupe.
6 Given the opportunity, as we see it, to do
7 deviation, if you relook at the map, where you have
8 these kind of anomalies, invasions, neighborhood
9 separation, good and proper terms, trying to square off
10 population, or a major thoroughfare, so as to preserve
11 neighborhoods, to the extent we can try do that rather
12 than each one separately, try to take a look at those.

13 Mr. Huntwork.

14 COMMISSIONER HUNTWORK: I agree with small
15 changes. The big change, unite the school district one
16 way, a way that matches the school district line, see
17 what the consequence is.

18 CHAIRMAN LYNN: I'm not sure which it was.

19 COMMISSIONER MINKOFF: I think it's
20 Guadalupe. I'm not sure.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: I received input from
23 rural folks in northwest Maricopa County that requested
24 changes in District D, felt it would make it a little
25 more rural and suggested a trade, received two maps of a

1 trade. Without objection, it's a really innocuous
2 trade. I wonder if tested, have detail. We're happy
3 to.

4 CHAIRMAN LYNN: To understand what is
5 tested, zero in on it.

6 COMMISSIONER HALL: Southern boundary of D
7 I believe.

8 Doug, I can give it to you and you can
9 zoom in on it.

10 Zoom in for the benefit of fellow
11 Commissioners.

12 MR. JOHNSON: The area around Pinnacle
13 Peak Road. This is off the adopted draft.

14 COMMISSIONER HALL: Right.

15 Okay, Doug.

16 MR. JOHNSON: The area, they are looking
17 at an area.

18 COMMISSIONER MINKOFF: What area are you
19 looking at?

20 COMMISSIONER HALL: D.

21 COMMISSIONER MINKOFF: I'm trying to
22 figure out where you are on the map. What is yellow?

23 MR. JOHNSON: L, H, and D.

24 COMMISSIONER MINKOFF: L, H, and D.

25 MR. JOHNSON: L, H, and D. We had this

1 notch. It is Sun City. Part of Yavapai. They wanted
2 not the notch, have D, Sun City in H. They want Sun
3 City into H, remove this. In exchange, asking to take
4 in the area around Happy Valley Road in here, so this
5 area here. I'm not sure what map they have here.

6 I guess the question to clarify: I'm not
7 sure what question to clarify. Taken Sun City out, used
8 a different tradeoff.

9 Do you know if Sun City --

10 COMMISSIONER HALL: The intent of the
11 trade, they felt D had a significant amount of rural
12 features, so they wanted a trade up further into the
13 north, which I understand has more, some agricultural,
14 rural ties, and try to eliminate heavy. Those more
15 familiar with the area.

16 CHAIRMAN LYNN: Sounds like, on the face,
17 an illogical trade from a populational standpoint.
18 Fairly dense, Sun City, far less dense area on the north
19 end. Should look at whether it goes beyond what we
20 think is reasonable.

21 COMMISSIONER MINKOFF: Mr. Chairman is
22 looking close at H for the first time.

23 I was not aware Sun City was split off
24 from Sun City West and Sun City Grand. The were all
25 together in the initial draft. Testimony from Sun City,

1 was split at Bell Road. My only concern about that is
2 we also heard testimony from everybody else in that
3 district saying don't do that. Sun City wanted to be in
4 H or a portion south of Bell Road. People in Glendale
5 said: Please don't do that; we don't want them in our
6 district. That's something we maybe need to have the
7 public testimony summarized from. I think we also need
8 to look at testimony from other people in that district,
9 this is not a switch we wanted or supported.

10 CHAIRMAN LYNN: Mr. Huntwork.

11 COMMISSIONER HUNTWORK: There's
12 conflicting testimony in this area.

13 What I think is there's conflicting
14 testimony, and it's most appropriate the way I've seen
15 drawn, at least so far, for that area of the map.

16 CHAIRMAN LYNN: My recollection is we did
17 have conflicting testimony from Sun City, Sun City West,
18 Sun City Grand.

19 Not withstanding, again, the look at the
20 tradeoff being asked for, it may be difficult to do in
21 terms of as currently configured --

22 COMMISSIONER HALL: Problematic.

23 COMMISSIONER MINKOFF: The testimony as I
24 recall at City of Glendale, that's what I recall. It's
25 reasonably compact, does lots of good things. I want to

1 make sure we're not overlooking testimony that says do
2 not put them in my district.

3 CHAIRMAN LYNN: Just do an analysis and
4 we'll ask, we'll also maybe ask Dr. Heslop in
5 summarizing all the testimony at the Glendale hearing
6 what he thinks about it.

7 COMMISSIONER HALL: In our hearing, first
8 hearings, wasn't it, was the Westwood Village group, are
9 they happy?

10 MR. JOHNSON: The change that they
11 requested is not drawn in plan 3G. We have looked at
12 it. It actually does, as I believe Commissioner Minkoff
13 mentioned, make a good trade with the Isaac School trade
14 done the other way. We have looked at it. It's not
15 done in 3G. We can trade that off.

16 COMMISSIONER HALL: Fellow Commissioners,
17 Commissioner Minkoff, fellow Commissioners, I listened
18 to the 30 comments, listened to 30 comments. It's an
19 appropriate amendment.

20 COMMISSIONER MINKOFF: Westwood Village?

21 CHAIRMAN LYNN: Westwood Village.

22 COMMISSIONER HUNTWORK: There was no down
23 side to anyone, make two groups happy, doesn't affect
24 demographic lines. It's more compact afterwards than
25 before. It should be done.

1 CHAIRMAN LYNN: Compact with the map,
2 direct you adjust that as well.

3 Other areas of concern before we leave the
4 Legislative map?

5 COMMISSIONER HALL: Tucson, I-19 in South
6 Tucson, slide down there.

7 COMMISSIONER HALL: This area, zoom in O.
8 Might help also the river area, Arroyo Chico,
9 demarcation lines. Turn on very small rivers, hair
10 lines.

11 COMMISSIONER ELDER: Aviation corridor.

12 COMMISSIONER HALL: The boundary you asked
13 be added in.

14 COMMISSIONER ELDER: Pueblo Gardens, the
15 borough north of South Tucson, Tucson Boulevard, and
16 Tucson Boulevard to Arroyo Chico, Broadway down, I
17 believe called Barrio Viajo, I believe Mr. Baldenegro
18 representing Tucson there requested be included with
19 Barrios to the south. And this area here, take it into
20 CC without, I don't know what we're trading, how many
21 people in the area. I haven't come up with it, one of
22 the areas, from memory, yes, here, included with the
23 other Barrios to the south and west.

24 CHAIRMAN LYNN: We did hear conflicting
25 testimony on that as well. Folks above Arroyo Chico,

1 Arroyo above -- Arroyo goes all way above 22nd Street.

2 COMMISSIONER ELDER: Maybe heard -- this
3 area, they share parties, parades, and that. Beyond --
4 this area is a community of interest with neighborhood
5 associations north and south.

6 In this area, it almost relates to the Sam
7 Hughes neighborhoods more than it does to the south.

8 CHAIRMAN LYNN: I think the issue is east
9 or west of Tucson Boulevard.

10 West of Tucson Boulevard I don't think you
11 have a problem.

12 If there are no other conflicting
13 requests, do that. If it's a community of interest,
14 Hispanic goal, we should do it.

15 MR. JOHNSON: Mr. Chairman.

16 CHAIRMAN LYNN: Mr. Johnson.

17 COMMISSIONER HALL: 22nd Street, the
18 corner of Tucson, corner of West Arroyo Chico, Aviation
19 Parkway diagonally, southeast back to 22nd Street, west
20 to Tucson Parkway, that way back, the previous request,
21 make that area and Broadway over to the river and down
22 southeast, the area CC.

23 Taking the area out of AA unless we go
24 back to our -- the garbage area, Flowing Wells, and move
25 something there. It didn't make much difference. Or

1 whether there's enough population to throw out
2 reasonable population to make a reasonable goal of
3 deviation.

4 MR. JOHNSON: Initial change, initial
5 change doing it, likely a change dropping below the
6 majority minority.

7 COMMISSIONER HALL: Citizen input, if we
8 can do it, great. If we can't, we can't.

9 CHAIRMAN LYNN: Anything else, Mr. Elder?
10 Anything else?

11 Ms. Hauser?

12 Mr. Rivera?

13 Pardon me.

14 MR. JOHNSON: If I may, during a pause,
15 Ann Murray talked -- Ann Murray talked about the
16 official border between Broadway to Winston to Country
17 Club --

18 CHAIRMAN LYNN: Comments were all west of
19 Tucson Boulevard.

20 COMMISSIONER HALL: Steve, do you know
21 where El Con Mall might be?

22 MS. HAUSER: There it is.

23 COMMISSIONER HALL: What they're asking
24 for, Broadway, not Arroyo Chico, El Con Mall, coming
25 across to Country Club.

1 CHAIRMAN LYNN: That's my recollection of
2 what the Coalition or group was asking for in Tucson.

3 The character of the southern end of the
4 neighborhood is somewhat different, southern end of the
5 neighborhood as divided by Arroyo Chico. Folks in the
6 southern end of the neighborhood identify as much as
7 with folks to the north. Very, very -- may be much ado
8 about nothing to get to a place of understanding, the
9 changes with AA, understanding changes with majority
10 minority. Does appear the character below Arroyo Chico
11 all way to Country Club may have more, I don't want to
12 say significantly more, Hispanic than the area west of
13 Country Club.

14 MR. JOHNSON: Using Winston instead of
15 Arroyo Chico or prefer Arroyo Chico?

16 CHAIRMAN LYNN: I think the suggestion was
17 Malvern. Neither Arroyo Chico or Malvern squares with
18 the neighborhood line.

19 Look at it. Neighborhood associations are
20 important. We may be trying to achieve something
21 different than that.

22 COMMISSIONER ELDER: I was going to say
23 indeed there's conflicting testimony. The young lady
24 spoke four, five times on this neighborhood association,
25 Ms. Murray, and her cohort. I don't know how many

1 hundreds, wasn't hundreds, they talked very strongly
2 about north and south of Arroyo Chico, and conflicting
3 request from the Barrio Viajo people. They want to keep
4 it together. May very well come down to throwing
5 numbers out of AA. We don't have a majority-minority
6 district, can't do that and honor the neighborhood
7 association going south to pick up the numbers in BB.
8 If we get it all the way over to Country Club and it
9 doesn't affect it, let's go to Country Club.

10 CHAIRMAN LYNN: Mr. Johnson's question,
11 northern border, Arroyo Chico, Malvern, 17? Anybody
12 voting for Eastland?

13 A lot of choices.

14 I think if we do this, we should do
15 something recognizable. I don't know about Arroyo.
16 Eastland, recognizable, or Arroyo, as the physical
17 boundary?

18 COMMISSIONER ELDER: Eastland, Arroyo
19 Chico, boundary side, same name on both sides of the
20 wash. South side of the Boulevard, south side of
21 Boulevard, Arroyo Chico. May be the dividing line, also
22 coincides with Arroyo Chico.

23 CHAIRMAN LYNN: Use the street to the
24 south.

25 COMMISSIONER ELDER: Yes.

1 CHAIRMAN LYNN: County wouldn't be
2 confused doing their redistricting.

3 MR. JOHNSON: Just to add, Commissioner
4 Elder, we did get a number of letters summarized from
5 people in the neighborhood association urging us to use
6 22nd.

7 CHAIRMAN LYNN: Right.

8 MR. JOHNSON: One clarification question.
9 Taking out of AA, just taking BB areas we're discussing
10 or all or nothing question? BB doesn't have the voting
11 right issues we're discussing. AA does. Or --

12 CHAIRMAN LYNN: Depends where you put
13 them. Take that area out of BB and put it with --

14 MR. JOHNSON: With CC.

15 COMMISSIONER HALL: If I understand the
16 question right, not take the area out of AA and put it
17 with CC?

18 MR. JOHNSON: Is it all or nothing, move
19 all of the area we're discussing or not move any of it,
20 or move any of the portions, or does it have, as
21 determined by the Commission, or whoever has significant
22 impact?

23 Want us to also look at the BB portion of
24 CC without AA?

25 CHAIRMAN LYNN: Mr. Hall.

1 COMMISSIONER HALL: Mr. Chairman, I wonder
2 if it's appropriate for you or Mr. Elder to individually
3 sit and analyze some of those details in this particular
4 area and then bring it back to the Commission in an
5 effort to kind of fine-tune questions for our benefit?

6 CHAIRMAN LYNN: Without objection, I'd
7 like to delegate that to Mr. Elder.

8 COMMISSIONER HALL: Okay.

9 CHAIRMAN LYNN: Mr. Elder will sit with
10 you during some of the break and help you with some of
11 that area.

12 Other adjustments we need to recommend at
13 this time?

14 All right. I'd like to do this, then.
15 I'd like to -- we do need to take a break. What I'd
16 like to do is try to take a 15-minute break. Here's the
17 reason I'd like to stick to 15 minutes. There's
18 discussion on whether or not move to discussion of the
19 Congressional map for the balance of evening or instead
20 give consultants time to begin working on the
21 Legislative adjustments we've asked them to make, which
22 are considerable, and to take up the Congressional map
23 in the morning right after public comment at 10:00
24 o'clock. Two choices. It's now 20 minutes after.
25 Let's try to be back here at 5:35.

1 (Whereupon, a recess was taken from 5:20
2 until approximately 5:35 p.m.)

3 CHAIRMAN LYNN: The Commission will come
4 to order.

5 For the record, all five Commissioners are
6 present, staff, and counsel.

7 At this point what I'd like to do is make
8 sure we have concluded any Legislative direction to the
9 consultant.

10 What seems clear, Legislative consultants,
11 complete the Legislative map this evening, then break
12 for the evening, convene at 10:00 o'clock in the
13 morning.

14 Anyone wanting to join us for the morning,
15 God love you. Chip, come at 8:00, 10:00, 7:00, have
16 breakfast, whatever it is.

17 But 10:00 o'clock -- no earlier than 10:00
18 o'clock we'll start with call to the public and begin
19 immediately with Congressional consideration.

20 So is there anything more on Legislative
21 we need to talk about this evening?

22 Mr. Hall?

23 COMMISSIONER HALL: To make sure there's
24 no ambiguity relative to the downtown Maricopa County,
25 my understanding is that we're asking that we push the

1 Hispanic numbers, where possible, that we look at
2 opportunities where appropriate for population
3 deviation, see other amendments to create more
4 competitive districts. Any questions about those
5 components of those changes?

6 Any questions about what I said?

7 CHAIRMAN LYNN: Base map 3G as a jumping
8 off point.

9 COMMISSIONER HALL: I understand someone
10 said still don't touch majority minority numbers. I'm
11 saying no, go ahead, but go ahead and see if it's okay
12 and then see if it's still too far.

13 MR. JOHNSON: After done with the lawyers,
14 if we went too far, we went too far.

15 MR. RIVERA: Seen Superman?

16 COMMISSIONER HUNTWORK: Want to change a
17 verb. I'm not interested in pushing the envelope. I
18 want -- I don't agree with Commissioner Hall. I want to
19 make it clear I want to examine those majority-minority
20 districts carefully, see if there are opportunities,
21 carefully, without creating any retrogression, take
22 advantage of minority voters.

23 COMMISSIONER HALL: I agree the Coalition
24 for Fair Redistricting indicated along with the Hispanic
25 Coalition they indicated they were willing to adjust

1 their numbers in certain numbers and still feel they
2 have appropriate representation. I'm suggesting, see
3 from own input, areas there is willingness for
4 adjustment, that we examine specifically those areas,
5 use it in effort to accommodate adjustment in those
6 areas.

7 CHAIRMAN LYNN: We have suggested
8 alterations in terms of those areas.

9 CHAIRMAN LYNN: Mr. Huntwork.

10 COMMISSIONER HUNTWORK: I think -- I
11 looked as closely as I could at the majority-minority
12 districts in Coalition Plan 2. Although there were some
13 changes, really, when you took the districts as a whole,
14 there was very little change when moving things out of
15 those core districts. Most of the competitiveness
16 changes came out of competitiveness changes in those
17 plans. If we're only going to consider changes made in
18 that plan, I don't think we accomplished anything in
19 that plan.

20 Is that consistent with what your plan
21 did?

22 MR. JOHNSON: That's exactly the question
23 I raised or raised in my head. The Coalition gave up
24 three districts, rotated Democratic registration between
25 them, but did not change -- one district, Democratic

1 registration changed one percent. Giving the map they
2 submitted, you don't gain anything of significance. My
3 interpretation of the original instruction, to clarify
4 that, is to look at what it would take in changes to
5 those districts to make something competitive as opposed
6 to changes in 3G, to make something competitive as
7 opposed to only changes in Coalition -- Coalition 2 3G.

8 COMMISSIONER HUNTWORK: I'm uncomfortable.
9 If in your judgment there are opportunities for
10 excess -- Democratic voters could be moved out of areas
11 without creating significant risk of retrogression, if
12 the answer to first step turns out to be no, it seems to
13 me, that's the end of the inquiry. I'm not
14 interested, there's no desire to see a competitive
15 district that is created by having retrogression or
16 significant risk of retrogression in minority districts.

17 Start with other districts first, and if
18 there's no opportunity, I'd end the inquiry.

19 COMMISSIONER HALL: I wouldn't end the
20 inquiry. What I'm asking for, Mr. Johnson, in the
21 event -- what I'd like to see are solutions. I'm
22 convinced, until convinced otherwise. There has to be a
23 solution to this. If there isn't, I'll accept the
24 answer, probably with attorney questioning. Then when
25 you say you cannot find a solution, I want to find every

1 opportunity, avenue, relative to all of this.

2 The reason for a solution is because of
3 variables already on the table, additional variables.
4 The potential where appropriate, is additional
5 population deviation.

6 MR. JOHNSON: Now I have a question.

7 CHAIRMAN LYNN: Mr. Johnson.

8 MR. JOHNSON: The concern is, as you
9 spelled it out, there are two questions here. One is
10 does changing lines make districts competitive; two is
11 do those changes in the lines get us into trouble with
12 voting rights. Number one, I'd look at and ask. Number
13 two is a question for Lisa and Marguerite to address.
14 We can do it in whichever order you prefer.

15 As you described there, where we look at
16 submissions from the groups in that area and look at
17 population deviations is a more limited look, if that's
18 what you'd like to us do, within those realms.

19 COMMISSIONER HALL: To be clear and not to
20 beat a dead horse, in a short time frame, receive
21 instruction from our three -- our counsel, your counsel,
22 look: Here's the percentage in light of all the input
23 we have. Don't go below majority-minority districts.
24 Another detailed analysis would be, will be forthcoming
25 saying prima facie, find standard threshold suggesting

1 utilize threshold in accordance with input we receive
2 from leaders in certain communities. In addition to the
3 option of population deviation and whatever other
4 creative solutions you find and see what you come up
5 with.

6 That look of confidence.

7 COMMISSIONER HALL: A smile.

8 MR. JOHNSON: Clear instruction until
9 other creative elements came into it.

10 COMMISSIONER HALL: What is ambiguous to
11 you?

12 MR. JOHNSON: Discussion reflects where
13 the voting rights line is reflected. Rather than
14 lawyers instructing line drawers, lawyers discuss with
15 the Commission, jump in, that circle, to decide, rather
16 than lawyers instructing us as we do it, assuming you
17 all agree with that.

18 CHAIRMAN LYNN: Lawyers want a shot at
19 this?

20 COMMISSIONER HALL: Ms. Hauser, Rivera, in
21 the general range we can give, obviously simply for the
22 purpose of analysis, discussion.

23 Jose, another look of lack of total
24 confidence.

25 CHAIRMAN LYNN: Mr. Huntwork, while

1 discussing it.

2 COMMISSIONER HUNTWORK: One concern is the
3 competitiveness in parts of the state since primarily
4 talking about the Hispanic AUR in Maricopa County, it is
5 possible to say there is a number.

6 CHAIRMAN LYNN: A number.

7 CHAIRMAN LYNN: Ms. Hauser.

8 MS. HAUSER: The three attorneys are in
9 agreement.

10 COMMISSIONER MINKOFF: Amazing.

11 MS. HAUSER: It would be preferable for
12 NDC's counsel to work with NDC as NDC is preparing
13 something on paper, then Jose and I can come in, look at
14 that, and Jose and I will come in and look at it and
15 advise whether or not there are Voting Rights Act
16 problems there.

17 CHAIRMAN LYNN: All right. With that
18 said, are there other matters on the legislative map
19 before we close?

20 Mr. Elder.

21 COMMISSIONER ELDER: Yes. We were looking
22 at Southern Arizona. There was an area I discussed
23 earlier on. I don't know if it's easier to take a look
24 at the map, relates to Z, but it also relates to area A
25 and --

1 COMMISSIONER MINKOFF: A or AA?

2 CHAIRMAN LYNN: A?

3 COMMISSIONER ELDER: E, A, Z, who knows.

4 Who knows, the microcosm of Tucson.

5 The area I'm concerned with is more to the
6 north. In the southern part, community of interest is
7 more related to the retirement recreation, the area from
8 the Gila River, the southern boundary to reservation
9 there, going across there north. Almost relates more to
10 the Globe, Miami, Superior mining communities. One
11 commenter, or person at the hearing said there were a
12 whole lot more union people in this area than nonunion
13 people in this area, nonunion in this area.

14 I'd like to take a look at using the Gila
15 River and cutting across easterly and including
16 potentially that part of Z with E, the gain being with
17 additional population there, expanding into A, and
18 giving us more of Native American percentages we're
19 looking for in A.

20 The problem is it could affect Flagstaff
21 or taking the area out here if the trade is in this
22 area. It might affect W. Look at northern part of Z,
23 northern part of the population. Go into Z. Look in
24 tandem with A.

25 Is there a way of doing that effectively?

1 MR. JOHNSON: There is. It goes against
2 the Commission's earlier vote today. The big challenge
3 is Z. Where to get population to make up for that is
4 Sierra Vista. It splits Sierra Vista.

5 COMMISSIONER ELDER: Could we not get that
6 from W?

7 MR. JOHNSON: Get it from Casa Grande, but
8 poor Florence.

9 CHAIRMAN LYNN: Eastern part of --

10 COMMISSIONER HALL: We promised him we
11 wouldn't deal with his area.

12 CHAIRMAN LYNN: We did deal with it
13 earlier.

14 Going to the north for extra population,
15 the district south, there tends to be only two choices
16 without significant detriment to other things in place.

17 COMMISSIONER MINKOFF: I think this is the
18 place. I'm not comfortable with the northern part of
19 District Z.

20 I think any possible solutions may be
21 worse. That's 12 to 15 thousand people. Don't know now
22 how to get them out of that district without tearing
23 EACO apart or tearing Sierra Vista apart, messing up
24 Pinal County, or doing any one of a lot of things.

25 COMMISSIONER ELDER: What would happen if

1 you take this part right through here?

2 COMMISSIONER MINKOFF: What?

3 COMMISSIONER ELDER: Eloy and south, trade
4 that back for this area and here?

5 COMMISSIONER MINKOFF: You are talking
6 about the northern part of Z and E. Now E is
7 overpopulated and you pull something out of E.

8 CHAIRMAN LYNN: Alternative?

9 COMMISSIONER ELDER: The area in W, area
10 in Z.

11 COMMISSIONER MINKOFF: Doesn't work. If
12 you look at Pinal County, Eloy can, and that southern
13 portion of Pinal County, economically, the community,
14 Casa Grande Coolidge, et cetera, the mining communities
15 do not. This is a separate area of Pinal County.
16 They're probably happier with Pinal County than they'll
17 be with northern Tucson. Replace them with Eloy with a
18 worse solution to the problem, because the western
19 portion of Pinal County is a community of interest
20 economically, socially, politically, et cetera. The
21 western portion of Pinal is very different. West is
22 agriculture, east is mining. What you're proposing, the
23 mining, putting with agricultural. Splitting an
24 agricultural community and putting that with northern
25 Tucson, I don't think it's as good a solution.

1 COMMISSIONER ELDER: I see your point. I
2 also tend as I drive down the freeway just about to the,
3 trying to think of any conflict, the western part of the
4 freeway, Marana is agra, cotton all the way up to Eloy.
5 Whereas go to the eastern side of the freeway, hit the
6 mountains, hit other things going on, do not agra,
7 industry. Seems as though trading agra for agra.

8 COMMISSIONER MINKOFF: Doesn't make sense
9 for Pinal County. Maybe Marana, not Pinal. Splitting
10 areas of Pinal. Very unified associations, connections
11 that work together, county wide things relating for
12 agriculture, and don't work with the area around Marana.
13 Eloy works with Casa Grande. Connections are economics,
14 agriculture, and those kind of things. And Kearny and
15 Hayden and Dudleyville and Winkelman do not work that
16 closely with Casa Grande. They work more closely with
17 Globe and Miami.

18 COMMISSIONER ELDER: I guess we have a
19 disagreement. There's a break from Eloy and Casa
20 Grande, whether agra related from the trucks, the
21 watershed from Santa Cruz going north, picks up part of
22 the Eloy areas. Seems as though the connection is float
23 water, CAP comes from the south, does not come from the
24 north.

25 CHAIRMAN LYNN: From the beginning of the

1 discussion today, there was a thread of thought about
2 district Z being an anomaly. It's an anomaly in that it
3 connects mining interests of the eastern part of Pinal
4 County to retirement communities and western,
5 Northwestern part of Tucson, if you will, Oro Valley, if
6 you will, north. The option, if you will, was Sierra
7 Vista as a way for Pima County to pick up population in
8 F. You hear, we still find it uncomfortable, some of
9 us, with the configuration of Z. Is there a better way
10 so that we narrow the interests represented in that
11 district without having a kind disparity that seems to
12 occur when you put Hayden, Winkelman, Dudleyville Kearny
13 with Marana. This may not be a solution. It's
14 interesting to know if there's another way to work that
15 so it makes sense. That's part of what you are hearing.

16 Mr. Hall and Ms. Minkoff.

17 COMMISSIONER HALL: Mr. Chairman, the area
18 has significant tradeoffs. Mr. Elder says part of E, in
19 E, we split Flagstaff. Split, reconfigure the split of
20 Yavapai, ripple around through D, W, E, or Sierra Vista,
21 affect W, and then goes into Maricopa County. It is a
22 significant ripple affect. There's a trade in Z as
23 well. Those communities indicated a close relationship.
24 Casa Grande, I think, is separated and may reunite the
25 eastern Pinal, western Pinal. I'm not sure that trade

1 is beneficial ROI, return on investments, if you will.
2 I think Mr. Johnson and his associates have taken a hard
3 look at eastern Pinal. I'm not sure there are any new
4 ideas out there.

5 Ms. Minkoff.

6 COMMISSIONER HUNTWORK: If you zoom in,
7 Census places are highlighted. The I-10 corridor, solid
8 Casa Grande, solid Casa Grande, look at Eloy, Arizona
9 City, 15,000 people, more people between them and the
10 Pinal-Pima County line. People in Pinal, Picacho, more
11 than the population of Eastern Pinal County. Then not
12 only splitting Eloy, Arizona City, right next to each
13 other, that split is more problematic. I don't like Z,
14 I admit. I don't like it. I don't think the mining
15 communities are a good fit with the rest of District Z.
16 The proposed change is a worse fit.

17 CHAIRMAN LYNN: Mr. Elder.

18 COMMISSIONER ELDER: Scrambling the plan
19 there, didn't do the plan circuitously.

20 The plan, Doug, took in west Pinal with
21 Tohono O'odham. One, Mr. Hartdegen, the west, Gila
22 Bend, if add into Y, that was one they could live with,
23 shift Z, go this direction, have that dropped off. Add
24 what is being lost, Gila Bend, going with what is there.

25 COMMISSIONER HALL: Splits Sierra Vista.

1 COMMISSIONER ELDER: This population in
2 west equals this. This into this. Population of
3 Kearny, W. W into Y, and Y into the western part of Z.
4 Take area in through this area here, west Marana, west
5 Avra Valley. Make that fly. Tohono O'odham, the whole
6 nation, do the population shift you're looking for.

7 One of the plans I can't find off the plan
8 had a review, went almost up into the West Valley of
9 Phoenix. I don't know whether it impacted the West
10 Valley of Pinal County. My recollection is it did not.

11 CHAIRMAN LYNN: My understanding is that
12 proposal, does that then mean the district that we
13 approved earlier, starting with Cochise, would come
14 across through Santa Cruz, up the west side of that
15 district, outside of the reservation, around Tucson, and
16 pick up Marana, if you take the Tohono O'odham
17 Reservation out of Y?

18 COMMISSIONER MINKOFF: Take Ajo out as
19 well, cut it off from the rest of the district.

20 COMMISSIONER ELDER: Take Y, taking Sierra
21 Vista out to do this. But looking at it, took the area,
22 added in Gila Bend, Ajo, and the Gila Bend area.

23 CHAIRMAN LYNN: Out of Y and put in Y.

24 COMMISSIONER ELDER: Western part of W and
25 put in Y, area outside Tohono, would that make enough

1 difference and are we in --

2 COMMISSIONER MINKOFF: The western part of
3 Pinal County is huge, probably a hundred thousand
4 people. The whole county is 100,000, 80,000 people.

5 COMMISSIONER ELDER: Majority is central
6 and east.

7 COMMISSIONER HUNTWORK: Where do you
8 define Casa Grande?

9 COMMISSIONER MINKOFF: Gila, Ak-Chin
10 separating.

11 MR. JOHNSON: Mr. Chairman, if you are,
12 might go, one thing, Marana, upper Marana areas, this
13 area in W, I believe, Commissioner Elder, the area in W
14 you're looking at has zero population, no people to put
15 into Z.

16 The other problem area, Gila Bend
17 population, max 2,000, maybe 3,000 people. We're
18 talking about significantly more than that.

19 Kearny.

20 COMMISSIONER MINKOFF: Destroying the
21 border district.

22 COMMISSIONER HALL: How does it destroy
23 the border district?

24 COMMISSIONER MINKOFF: Tohono border with
25 Ajo.

1 COMMISSIONER HALL: Florence showed me G4.
2 G4 goes from that area there all the way around and
3 continues with the border. If you discount inclusion of
4 Sierra Vista, exclusion, and in the population you get
5 from Eloy down in this area here, you end up with far
6 more, keep Sierra whole, Cochise, the Tohono, the whole
7 border, Pinal west, and keep it with Y, resolve the
8 numbers issue, the problem with Y being Hispanic
9 district, or at a least strong influence district.

10 CHAIRMAN LYNN: Mr. Huntwork.

11 COMMISSIONER HUNTWORK: I agree. There
12 are unfortunate combinations. The fact it ends up
13 competitive doesn't necessarily justify the way it
14 becomes competitive, because just completely different
15 groups of people are put together in that district.
16 It's not like there's going to be a big public debate
17 about a particular issue and some sort of rational
18 consensus would be reached in that district. That's now
19 how the dynamics of that district would work.

20 Different groups, unionized groups,
21 regular Tucson areas, outside of Tucson, all mixed
22 together, and it's hard -- that's not an idyllic
23 competitive district that people talk about. It may
24 produce a lot of voter turnout. Somebody is going to
25 win. Someone will lose. Someone will be represented

1 and someone completely unrepresented. It's certainly
2 not the kind of district we'd want. How do we want it?

3 Mining districts go west into EACO?
4 Either pull something south out of EACO or go all the
5 way around and put Holbrook into A? Take Hopi out of A
6 and put it into C? Now you've got excess in C -- well,
7 I don't know you can solve it that way.

8 The only solution the other way, just do a
9 trade of parts of E then.

10 What happens on the north part of Z into E
11 and take something out of the south part of E and
12 connect with E? What happens then.

13 CHAIRMAN LYNN: The problem, no population
14 on the other part of E that hooks up.

15 COMMISSIONER HALL: Other than Safford who
16 I'm sure would love to be with North Tucson.

17 COMMISSIONER ELDER: Initially I was
18 looking for a win-win, Navajo north, looking for
19 additional population.

20 Where do we find population for the area
21 to offset adding into the Navajo?

22 Mr. Hall may be right. If we do that, we
23 affect Flagstaff. I'm looking for other areas, other
24 ways not affecting Flagstaff.

25 It's a pile of worms we've got here. If

1 we were able to get here for the Navajo, if we can get
2 the mining interest into EACO where it should be, if we
3 can continue -- we having a raw culture, a broad area of
4 impact. Where does it divide easily? I suppose you say
5 pick Picacho Peak, Eloy north.

6 South, don't win anything there, being
7 able to balance.

8 There's a way -- I don't know numbers well
9 enough right around Flagstaff to notch out below and
10 keep Flagstaff whole. Keep Flagstaff whole, new
11 territories, new lands north of freeway, or I-40, into
12 Navajo, increase Native American population in that
13 district, I'd take mining communities, put into EACO,
14 offset for that loss. Where is population for Z? And
15 unless we work and instead of having Z be something none
16 of us, apparently, are happy with, having a Yavapai W we
17 appear to be happy with, if none of us appear happy
18 with, is there anything to the east of East Valley that
19 went north, pull into E, to offset giving Kearny and the
20 mines to the south, how much is urbanized goals,
21 principles, urban rule bias or split?

22 MR. JOHNSON: Commissioner, on the
23 question of District A, Navajo is 104,000, the Hopi is
24 7,000, roughly, and Flagstaff is 50, almost 53,000. If
25 talking taking 10,000 from Z and taking 32, have to

1 split Flagstaff. Even if you dropped off all
2 reservations, literally three entities alone make too
3 big, Navajo, Hopi, and Flagstaff, dropped Havasupai and
4 Hualapai off, split Flagstaff.

5 COMMISSIONER ELDER: Have on the table
6 Hopi may or may not be in the district. May be looking
7 Native American, looking at bench mark or retrogression
8 numbers. Look at new lands, an area, may be an area we
9 need to look at.

10 In the area south of I-40 and east I-10
11 where the word Park is on the map now, what is the
12 population of the entire area, 3,000?

13 COMMISSIONER MINKOFF: South of I-40, east
14 of I-17.

15 COMMISSIONER ELDER: East of I-17, what is
16 the whole area south of --

17 COMMISSIONER MINKOFF: Park? Not a lot.
18 Doug?

19 MR. HUTCHISON: Munds Park?

20 COMMISSIONER ELDER: If the whole area
21 went to EACO.

22 MR. HUTCHISON: Maybe 1,000 people. Not
23 even that, probably.

24 MR. JOHNSON: The only reason we know
25 that, District F2, because it is so totally deserted.

1 CHAIRMAN LYNN: Again, if you can help us
2 in any way, and we may need to revisit Sierra Vista, to
3 be sure we're clear, the difficulty, we're trying to
4 achieve 50,000/50,000 population in order to get the
5 last District to configure. And we either have to go
6 the north or south are the only choices we seem to have.
7 So if there is anything in looking at it that jumps out
8 at you.

9 COMMISSIONER ELDER: Or even part way to
10 Globe, Superior, five miles, Globe, Superior, go to
11 Kearny. Mining communities with other mining
12 communities.

13 CHAIRMAN LYNN: Mr. Hall.

14 COMMISSIONER HALL: I think our
15 consultants' plate is full at this point. Obviously
16 there are additional questions we need to answer at
17 least in the northern part of the state. My concern may
18 well be solving hypothetical problems at this point.

19 I wonder if we might be well to take
20 challenges already there and come back with a more solid
21 version of the map. Then when we're able make more
22 decisions, then maybe we can address more concerns.

23 CHAIRMAN LYNN: Are there other issues we
24 need to discuss legislatively?

25 If not, the Commission will stand in

1 recess until, officially, 8:00 o'clock tomorrow morning.

2 There's nothing but ethics training at
3 8:00 until 10:00. I'm happy to see you at 8:00.
4 There's no public comment or any other business done
5 before 10:00.

6 MS. HAUSER: Before each of the
7 Commissioners leave, stop by here and pick up something.

8 CHAIRMAN LYNN: Pick up something from
9 counsel on your way out.

10 The Commission will recess until tomorrow
11 morning at 8:00 a.m.

12 (Whereupon, the hearing concluded at
13 approximately 6:45 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 212 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 26th day of October, 2001.

LISA A. NANCE, RPR
Certified Court Reporter
Certificate Number 50349

