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STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

P U B L I C

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
February 9, 2004
8:30 a.m.

CERTIFIED
TRANSCRIPT
COPY

PREPARED FOR:
ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

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The State of Arizona Independent
Redistricting Commission convened in Open Public Session
on February 9, 2004, at 8:30 o'clock a.m., at the
Sheraton Airport, Tempe, 1600 South 52nd Street, Tempe,
Arizona, 85281, in the presence of:

APPEARANCES:

- CHAIRMAN STEVEN W. LYNN
- COMMISSIONER JAMES R. HUNTWORK
- COMMISSIONER JOSHUA M. HALL
- COMMISSIONER DANIEL R. ELDER

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ADDITIONAL APPEARANCES:

- LISA T. HAUSER, Commission Counsel
- JOSE de JESUS RIVERA, Commission Counsel
- ADOLFO ECHEVESTE, IRC Executive Director
- LOU JONES, IRC Staff
- KRISTINA GOMEZ, IRC Staff
- DOUG JOHNSON, NDC, Consultant
- MARGUERITE LEONI, NDC Counsel
- MICHAEL P. McDONALD, Ph.D., Consultant
- LISA A. NANCE, RPR, CCR, Court Reporter

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I N D E X

PAGE

SPEAKERS FROM THE PUBLIC:

Matt Ryan,
Coconino County Board of Supervisors

Liberato Silva,
Vice Mayor, City of Flagstaff

Jeri Dustir,
Deputy Manager, City of Flagstaff

Mike Flannery,
Councilman, Prescott Valley,
Tri-Cities.

Michelle Dodds,
Principal Planner,
City of Phoenix

Michael Mandell,
Arizonans for Fair Redistricting

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I N D E X C O N T ' D

PAGE

PRESENTATION BY NDC:

Doug Johnson

Marguerite Leoni

EXPERT CONSULTANT:

Michael P. McDonald, Ph.D.,
George Mason University

MOTIONS BY THE COMMISSION:

31, 81, 136, 150, 189, 190, 191, 192, 193, 203, 214

REPORT OF EXECUTIVE DIRECTOR:

Adolfo Echeveste

217

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E X H I B I T S

NO. DESCRIPTION

- 1 Arizona Legislative Grid Plan.
- 2 Arizona Competitive Test Plan A1.
- 3 Arizona Competitive Test Plan B1.
- 4 Arizona Competitive Test Plan B2.
- 5 Arizona Competitive Test Plan A2.
- 6 Map Submitted By Rim Community.
- 7 IRC Meeting of 2-9-2004 Testimony of
Liberato Silva, Vice Mayor City of
Flagstaff, Matt Ryan, Chairman,
Coconino County Board of Supervisors.
- 8 Spread Sheets re Arizona Legislative Districts,
A1 VRA 2.
- 9 Spread Sheets re Arizona Legislative Districts,
Competitive Test B2.
- 10 Spread Sheets re Arizona Legislative Districts,
Competitive Test B1.
- 11 One Sheet, Competitiveness State Leg - AV VRA 2.
- 12 Spread Sheets re Arizona Legislative Districts,
Legislative Grid Plan.
- 13 Spread Sheets re Arizona Legislative Districts,
Competitive Test A2.
- 14 Report to the Arizona Independent
Redistricting Commission on Recommended
Competitiveness Baseline for State
Legislative Districts.
- 15 Spread Sheets re Arizona Legislative Districts,
Competitive Test A1.

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E X H I B I T S C O N T ' D

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4 NO. DESCRIPTION

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16 Residential Districts Phoenix Historic
Property Register.

6

7 17 Public Session Tucson, Arizona, 8-16-01,
9:30 a.m. Testimony Excerpt.

8

18 City of Phoenix Neighborhoods and the
Arizona State Legislature 2002 Neighborhood
Legislation Material.

9

10

19 Past Years' Legislation, 2001 Neighborhood
Legislation.

11

12

20 South Mountain Village Brochure.

13

21 Desert View Village Brochure.

14

22 Paradise Valley Village Brochure.

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23 South Mountain Village Brochure.

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24 North Mountain Village Brochure.

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25 North Gateway Village Brochure.

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26 Maryvale Village Brochure.

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27 Laveen Village Brochure.

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28 Estrella Village Brochure.

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29 Encanto Village Brochure.

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30 Deer Valley Village Brochure.

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31 Central City Village Brochure.

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32 CYMPO Map.

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E X H I B I T S C O N T ' D

NO. DESCRIPTION

- 33 Independent Redistricting Commission.
Meeting of February 9, 2004, Testimony
Of Liberato Silva, Vice Mayor, City of
Flagstaff.
- 34 Matt Ryan Speaker Slip.
- 35 Liberato Silva Speaker Slip.
- 36 Mike Flannery Speaker Slip.

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Public Session
Tempe, Arizona
February 9, 2004
8:30 o'clock a.m.

P R O C E E D I N G S

CHAIRMAN LYNN: Commission will come to order. For the record, all four Commissioners are present. Ms. Minkoff is excused. We are with counsel this morning and Ms. Hauser is on assignment and will be joining us later in the morning and we have representatives from NDC and Commission staff. As is our custom, we would like to start the session with a call to the public.

And for the record, Lisa, if you'll just put in that paragraph I always read, everyone can recite it by heart, as to why we do it how we do it.

First speaker this morning, Matt Ryan continues to be Chairman and Coconino Board Supervisor, Coconino County, since Mr. Ryan joined us, yet and still Chairman of that Board.

Chairman Ryan.

MR. RIVERA: I have to wonder if he still meets the residency requirement.

MR. RYAN: Mr. Chairman and Commissioners, I have not been home, so I may not be the Chairman of the

1 board. However, I am a supervisor, and listening to
2 testimony -- or deliberation yesterday, I'm an executive
3 member of CSA, I must state I'm now speaking on behalf of
4 CSA.

5 Each county perceive themselves as a
6 community of like interest, and it is the quandary you
7 wrestle through. The uniqueness of Yuma compared to
8 Cochise is not substantial nor is that of Yavapai or
9 Cochise. I could state, however, that we recognized
10 early on your task would be very difficult based on past
11 redistrictings, and we brought before you the
12 understanding that we knew our county would be split
13 acknowledging the issues that have been brought up in
14 past redistrictings associated with the -- our Native
15 American communities and their pursuit of their
16 individual interests in the county.

17 While it happened, you've been tasked to go
18 around the state and try to grasp an understanding of
19 different communities of interest. On behalf of
20 communities within the county, I see the challenge you
21 have. You get testimony, might be from 15 people or a
22 hundred people from our communities, and you have to walk
23 away and, as best you can, gauge perception of what is
24 that community that they are speaking of.

25 I could easily make the argument that the

1 forested areas of Coconino country, rim country are a
2 very strong community of like interest, stronger, I could
3 say, than the eastern counties, of similar nature or
4 similar to the eastern county, for that matter. I could
5 also make argument they are stronger than Yavapai in the
6 split between Mingus Mountain and the Prescott Valley
7 area, the separation, the water issues, the -- just the
8 political dynamics that occur.

9 Also, the difficulty for our communities is
10 that it's very difficult to understand how to go about
11 the task of providing you with information, because the
12 mechanisms seem to vary. If we had known within our
13 communities that we should get our political structure
14 together and get resolutions before you, we could have
15 done that.

16 There is a degree that we defer to you. As
17 you went around and listened to allow you the
18 opportunity, we understood that not only our community
19 but other communities would be split. However, we do
20 want to retain portions of our communities so that there
21 is not a significant detriment that would occur and that
22 voting blocks would be substantially affected.

23 I do commend the Commission on behalf of
24 the consideration of the Flagstaff metropolitan area in
25 recognizing that. I do compliment you on that.

1 So with all that said, you have a difficult
2 task. I understand that. If you need additional comment
3 from our county on behalf of our various communities, I
4 would welcome the opportunity to provide additional
5 information to assist you. But please also help our
6 communities have a potential effective voting block no
7 matter which portion of our county we have, whether
8 Native American areas for Legislative purposes or
9 forested rim country communities for the sake of
10 municipalities and the statutory pieces quite common
11 within those communities.

12 Thank you very much.

13 CHAIRMAN LYNN: Thank you, Mr. Ryan.

14 Comments or questions for Chairman Ryan?

15 Thank you, sir, very much.

16 The second speaker this morning is Liberato
17 Silva.

18 Mr. Silva, Vice Mayor of the City of
19 Flagstaff. I assume he's standing in for -- not standing
20 in for, a gentleman in his own right. We're saddened by
21 the absence of Mayor Joe this morning, but pleased that
22 you are with us.

23 Mr. Silva.

24 MR. SILVA: Thank you very much,

25 Mr. Chairman and Commissioners. I am Liberato Silva,

1 Vice Mayor of the City of Flagstaff. I thank you for
2 this opportunity to speak before the Commission on behalf
3 of the Flagstaff community.

4 As you just mentioned, Mayor Donaldson is
5 not available to be with us today. He and others in our
6 community are meeting with the Governor on issues
7 concerning forest, health, and, of course, the Flagstaff
8 Metropolitan Planning Organization, or the FMPO. And I'm
9 sure that they are going to have a large discussion
10 concerning, especially, forest health. Since we are
11 right in the middle of the forest, you understand why
12 that's very important to us.

13 On behalf of the Flagstaff community and
14 FMPO, I thank the Commission for identifying the FMPO
15 yesterday as an important community of interest for the
16 community of Flagstaff. As you continue your discussions
17 today, I stress the importance of maintaining Flagstaff
18 and its environs, including the entirety of the Flagstaff
19 Metropolitan Planning Organization, maintaining that as a
20 whole and, of course, as a community of interest.

21 The goal of the effective representation
22 for the citizens, public agencies and businesses within
23 the FMPO, is of primary importance to the future health
24 and the vitality of our region. Effective representation
25 is critical in the development and implementation of the

1 public policy as well as funding for our local
2 government's planning and public agencies, issues
3 including education, K through 12, colleges, and
4 universities; economic development; public safety; forest
5 health and field management; environmental policy and
6 services; transportation; water resources development;
7 land use and zoning; and parks and recreations, and, of
8 course, open space.

9 We appreciate the fact that, as the old
10 farmers used to say here in Arizona, you have a hard road
11 to toe, or to hoe, and so we understand the situation
12 that you are in. It's going to be hard to come up with
13 the right answers. We, of course, hope that you will
14 come up with those right answers and look out for our
15 community of interest there. Thank you very much.

16 CHAIRMAN LYNN: Thank you, Mr. Silva.

17 Mr. Huntwork has a question or comment.

18 MR. SILVA: Mr. Chair, Mr. Huntwork.

19 COMMISSIONER HUNTWORK: A question. Both
20 you and a previous speaker suggested the possibility of a
21 rim, I guess, forested rim country community of interest
22 with water issues, issues relating to forest, I guess,
23 recreational issues, tourist issues. It's an interesting
24 concept, and, you know, I don't recall anybody mentioning
25 it previously. What -- what we're dealing with right

1 now, of course, is we can't really adopt anything that
2 can't be mapped. Do you have any suggestions on what the
3 physical territory that this community might include
4 would look like? Is there a way you can quickly --

5 MR. SILVA: As we mentioned yesterday, or
6 Mayor Donaldson mentioned, and, of course, he followed up
7 with that, and in mentioning the FMPO is, for us, the
8 guide post, or the guidelines, in order to create that
9 community of interest, because it covers the area in
10 which we are concerned in that. We naturally are looking
11 for the right composition of other communities that can
12 be within our area and be in the community of interest
13 we're talking about.

14 COMMISSIONER HUNTWORK: We're not allowed
15 specifically to lump together like communities, but we
16 are allowed to recognize a community.

17 MR. SILVA: Yes.

18 COMMISSIONER HUNTWORK: If you could
19 provide us with some physical definition of what this
20 might be, we could at least consider it.

21 MR. SILVA: Okay.

22 COMMISSIONER HUNTWORK: Without that, I
23 don't think we can.

24 MR. SILVA: We'd be more than glad to do
25 that.

1 COMMISSIONER HUNTWORK: You have to do that
2 right away.

3 MR. SILVA: We will. We have a mapmaker,
4 Tony. I think he can help us with that.

5 COMMISSIONER HUNTWORK: Thank you very
6 much.

7 CHAIRMAN LYNN: Mr. Elder.

8 COMMISSIONER ELDER: Vice Mayor, more in
9 the form of a statement than a perspective I'd like you
10 to carry back with you to your community, I found really
11 two areas of the state, or two communities within the
12 state that sort of reflected what I thought this
13 country -- not just Arizona, not just the various areas
14 we're dealing with, reflected what I thought we were
15 about, and one of them was Santa Cruz, Nogales, and one
16 of them was your community. I found leadership
17 integrated without edges, not Hispanic, Anglo, Native
18 American, within the community. We spoke to people in
19 meetings, people integrated with whole needs of the
20 community as you found in Nogales.

21 I also commend you even though our process
22 is directing lines to be drawn and edges to be drawn, and
23 the Voting Rights Act requires we put boxes around
24 certain groups of people, I found that not to be true in
25 your area. And don't let it happen.

1 MR. SILVA: Thank you.

2 CHAIRMAN LYNN: You have a really nice
3 counsel chamber.

4 COMMISSIONER ELDER: Yes.

5 CHAIRMAN LYNN: Prescott needs work.
6 Flagstaff has it going on.

7 MR. FLANNERY: I concur.

8 VICE MAYOR SILVA: You are welcome to use
9 it any time you want.

10 CHAIRMAN LYNN: Next speaker, speaking of
11 Prescott, Mike Flannery, Councilman of Prescott. Mike
12 Flannery of Prescott Valley.

13 COMMISSIONER HUNTWORK: Same community.

14 CHAIRMAN LYNN: Same community of interest,
15 three distinct communities, speak of representing
16 Prescott Valley, speaking of all communities.

17 MR. FLANNERY: I'm asked to represent three
18 communities. Other issues I represent only Prescott
19 Valley. I'll carry the message back about the council
20 chambers.

21 CHAIRMAN LYNN: Please don't. I'm, and the
22 Commission, are in enough trouble about Prescott. We
23 don't need help.

24 MR. FLANNERY: For your enlightenment, they
25 are refurbishing the Council Chambers. I do agree with

1 you. Flagstaff does have excellent Council Chambers
2 there.

3 COMMISSIONER ELDER: They're hanging a new
4 picture of Barry Goldwater.

5 No.

6 MR. FLANNERY: Oh, oh.

7 Mr. Chairman, yesterday we've had some
8 discussion regarding the MPO that represents the Tri-City
9 areas, which is Central Yavapai Metropolitan Planning
10 Organization. You had asked me to get maps for you. I
11 do have a map that is representational. I think it is
12 the map sponsored -- it is a map drawn by GIS from the
13 Arizona Department of Transportation. I have asked -- it
14 was early, I couldn't get specifically the -- I have
15 colored maps for you here that I did get. I did ask
16 for -- who would you like me to hand these two for
17 distribution?

18 CHAIRMAN LYNN: Ms. Jones will take those.

19 MR. FLANNERY: I did ask for electronic
20 versions to be handed -- to be sent down to Doug for
21 mapping purposes, but I left early enough I'm not
22 overseeing that. I asked somebody else to oversee that.
23 Hopefully sometime today, I'll check with Doug and make
24 sure that is accomplished. We'll make sure those are
25 there to show census tracts and everything. So --

1 CHAIRMAN LYNN: Thank you, Mr. Flannery.

2 I would like to -- the little map in the
3 corner gives you some kind of idea of different MPOs
4 around the state: FMPO, CYMPO, and PAG and MAG, the
5 areas that they encompass as well. So it gives you a
6 little bit of an idea how it all fits together.

7 So -- I would like to say that I am not
8 without empathy towards Flagstaff and their situation,
9 but when it came to the MPOs, I did need to state for the
10 record that they were asking for their MPO to stand
11 together and divide ours. But I do empathize with their
12 position.

13 Mayor Donaldson and I have -- we've
14 discussed this situation they're in up there for some
15 time now. I ah -- I do understand where they are coming
16 from. I didn't mean to come off as callus yesterday,
17 but -- anyway, are there any questions regarding the map?

18 None?

19 CHAIRMAN LYNN: Thank you, Mr. Flannery. I
20 don't think anyone took your comments as callus or in any
21 way disrespectful. This is a process that unfortunately
22 is a zero sum gain. When you are finished with 30
23 districts, they each have to have nearly the same
24 population. And because of that, and because population
25 centers are, in this state, distributed across many

1 miles, decisions have to be made that in some cases do
2 damage, we know that, to areas of the state, cities,
3 communities, communities of interest.

4 MR. FLANNERY: Yes.

5 CHAIRMAN LYNN: We clearly understand that.
6 It is a tradeoff.

7 MR. FLANNERY: I have a number of dealings
8 with the City and the Mayor up there. So I understand
9 what their plight is up there.

10 CHAIRMAN LYNN: Thank you, Mr. Flannery.

11 MR. FLANNERY: Thank you.

12 CHAIRMAN LYNN: Other members of the public
13 who wish to be heard at this time? If not, we'll return
14 to call to the public later in the agenda.

15 I would ask my fellow Commissioners to turn
16 to the materials that was distributed last evening, or
17 perhaps this morning -- or perhaps Mr. Huntwork still
18 needs his -- regarding some of the issues that we were
19 dealing with last night regarding the planning areas in
20 Phoenix, referred to as "the villages."

21 Mr. Hall, you simply did not receive
22 information on the villages?

23 COMMISSIONER ELDER: The phone didn't blink
24 in his room to tell him there was information?

25 COMMISSIONER ELDER: It did this morning

1 to --

2 CHAIRMAN LYNN: Well, what we have received
3 from our consultants is essentially the printout of the
4 website that identifies the planning villages and some
5 information about each of them, essentially with respect
6 to what each purports to -- to contain, and some
7 information about the representatives who have been
8 elected or selected from that village to represent them
9 insofar as community planning is concerned.

10 So I guess the question is: What, if
11 anything, would the Commission like to do with respect to
12 these designations in Phoenix as it relates to
13 communities of interest?

14 MR. RIVERA: Mr. Chairman.

15 CHAIRMAN LYNN: Mr. Rivera.

16 MR. RIVERA: I should information the Court
17 that the City of Phoenix is going to send a
18 representative, hopefully sometime this morning. I've
19 just talked to them. They will come in and explain these
20 two terms in a little more detail in terms of how they
21 were developed, what they are supposed to -- what the
22 conception is supposed to do. If you want to table this
23 until the City of Flagstaff comes in and gives further
24 explanation?

25 CHAIRMAN LYNN: City of Phoenix?

1 MR. RIVERA: City of Phoenix.

2 CHAIRMAN LYNN: May be good thing to do.
3 I'll take comment at this point, but perhaps would ask
4 without objection we defer a decision until we can at
5 least hear from the City of Phoenix representative.

6 Mr. Elder and Mr. Huntwork.

7 COMMISSIONER ELDER: Mr. Chairman, before
8 that comment was made, I was going to weigh in on some of
9 the features and issues and items I saw in reading
10 through the document last night, and I'll defer those
11 until later on. It may be appropriate to go ahead with
12 Mr. Johnson's presentation of the grid and get that far
13 and see if they have arrived and take it up at that time.

14 CHAIRMAN LYNN: Mr. Huntwork?

15 COMMISSIONER HUNTWORK: Well, I also
16 think -- it appears to me that there is a separate
17 brochure for each village, which would contain a lot of
18 information about the -- you know, the types of
19 residences, the types of businesses, the things that
20 define the village and unite it and so on. It appears to
21 me that all of that is online. The icon says "Click here
22 for brochure." I think that would be helpful to us, not
23 only recognizing there are interests in common to each
24 village, also hopefully being able to group them,
25 because, you know, each one does not comprise a district.

1 We may be able to see that some of them are more similar
2 to each other than others, assuming that we agree they
3 are appropriate classifications at all. But -- could you
4 get that?

5 CHAIRMAN LYNN: Understanding,
6 Mr. Huntwork, our task insofar as complying with the
7 Court order is to identify specific and discrete
8 communities of interest; and, in fact, grouping them is
9 not something that we have the authority to do unless it
10 enhances our ability to create competitive districts.

11 COMMISSIONER HUNTWORK: Or unless, because
12 of what we see, we can determine that two areas in fact
13 form a single community because of their commonalities
14 and synergies, and whatever other multisyllabic words we
15 need to supply. Yes, you are quite right about the legal
16 cite.

17 CHAIRMAN LYNN: Thank you.

18 Other comments, Mr. Hall?

19 COMMISSIONER HALL: Well, for me, while --
20 and I am anxious to hear the comments from
21 representatives for further detail, but for me, the test
22 is, is whether or not these communities of interest would
23 benefit from common representation. And I think that
24 means common Legislative representation. So, given the
25 fact that this is brand-new information that we really

1 have extremely new information on and no previous
2 information before, you know, I -- the question arises
3 not do I have an opinion, I'm saying the question arises
4 as to whether or not these issues are more of a city or
5 municipal nature versus an -- issues relative to -- that
6 would require or be benefited by common representation at
7 the state Legislature level.

8 MR. JOHNSON: Mr. Chairman --

9 CHAIRMAN LYNN: Mr. Johnson.

10 MR. JOHNSON: Particularly because it's
11 right on that point, the Commission yesterday asked NDC
12 to look see what other information we could find on these
13 planning areas and how it might relate to the
14 Commission's definition of "community."

15 This is actually being copied up front and
16 by the time we come back to this topic, we should have
17 copies of it.

18 To show on the screen, Phoenix puts out
19 reports for its neighborhoods important legislation at
20 the state level that is affecting those neighborhoods.
21 We have these reports and it's a list of both new bills,
22 and I actually had a list of new bills, past legislation,
23 directly affecting neighborhoods and the neighborhoods
24 you might be interested in lobbying on. That's at the
25 front desk being copied.

1 CHAIRMAN LYNN: We'll postpone until we
2 have perhaps the representative of the City of Phoenix
3 with us.

4 Are there other proposed communities of
5 interest that the Commission wishes to consider this
6 morning?

7 Mr. Huntwork.

8 COMMISSIONER HUNTWORK: Mr. Chairman, one
9 of the points raised earlier, also, was in a sense each
10 county is a community of interest. We recognized that
11 each city, state, is a community of interest in a very
12 important sense. Each city has common issues of
13 providing public services and residents of the city have
14 common interests and common -- the same is true of
15 counties. And it's difficult -- since there are many
16 variations, you know, in Arizona cities, it's difficult
17 to make a distinction between cities and counties in that
18 regard. So just for the sake of discussion, we never
19 really -- we looked at Cochise County and we backed away
20 from it because there are differences within it. But yet
21 we've defined communities of interest in terms of the
22 similarities, not in terms of the differences. So I
23 would like to -- and we use that -- I think we used that
24 in saying the cities were communities of interest, but
25 the cities, obviously have differences within them, too,

1 saying the City of Phoenix is as diverse as the state as
2 a whole, as diverse as any county in the state could
3 possibly be; and yet it has important issues that unite
4 it in many ways, so it was appropriate to do that. But
5 I -- for this reason I would like to make the motion, at
6 least, that we also classify all of the counties in the
7 state as communities of interest.

8 CHAIRMAN LYNN: Is there a second to the
9 motion?

10 COMMISSIONER ELDER: Second for purposes of
11 discussion.

12 CHAIRMAN LYNN: Thank you, Mr. Elder.
13 Discussion on motion. Mr. Elder.

14 COMMISSIONER ELDER: Mr. Chairman, it
15 seemed to me that in the process that we were using
16 before, we had directed NDC to use county and municipal
17 lines to the extent possible to keep them whole. But it
18 wasn't that the whole county was necessarily a community
19 of interest, I was trying to keep the already defined
20 jurisdictional boundaries, the precincts, the voting.
21 The people know what county, they pay taxes in that
22 county.

23 When the option was given to either weigh
24 in on let's move one area from one side of the county
25 line to other side of the county line, if the county line

1 was the determining factor, we used it. I'm not so sure
2 that the county as a whole should be considered a
3 community of interest, but we do want to still keep that
4 avenue for NDC to go ahead and when it is -- doesn't do
5 substantial harm to any of the other things we've looked
6 at, then the county line should take precedence as to how
7 they develop or divide edges of the district.

8 CHAIRMAN LYNN: Thank you, Mr. Elder.

9 Other discussion on motion, Mr. Huntwork?

10 COMMISSIONER HUNTWORK: Mr. Chairman, I
11 would like to ask my fellow Commissioners now, because
12 someone else is surely going to at some point, how you
13 distinguish between a city and a county, just so that it
14 is indeed on the record and we can't be accused of
15 inconsistent provisions in this. I was not in favor of
16 making all cities, willy-nilly, communities of interest,
17 but having done so, I think that it's important for the
18 sake of intellectual integrity, legal consistency, to at
19 least explain why we're not making all counties
20 communities of interest since in every sense they also
21 have countywide issues and constitutional issues and
22 services issues and planning issues and law enforcement
23 issues and, you know, I find in my own mind, at least, I
24 find it very difficult to distinguish. So, with -- I
25 welcome comment.

1 CHAIRMAN LYNN: I'll be happy to give you
2 my take on it. I'd first tell you I'm inclined not to
3 support the motion. I'll try to give you a rationale,
4 which may be not flawless in its logic, but has some
5 sense of comfort in terms of my making a distinction. I
6 think in the broadest sense you can begin with the
7 largest geographic representation we have and say that
8 the country is a community of interest with respect to
9 international affairs and foreign trade and a number of
10 other things that bind us together. That makes sense.

11 I think you could also make that case for
12 the state of Arizona. The state, relative to other
13 states, with respect to western water rights and Colorado
14 River water, and other things that may be of great
15 import, constitute a community of interest.

16 For me, there is a distinction between
17 cities and towns, which are, generally speaking, smaller
18 geographic areas than counties. They are -- they are
19 more closely knit. And because of a number of factors,
20 not the least of which relate to specific micro climate,
21 micro economic factors, that is to say what various
22 cities have as their industry or method of earning a
23 living or that -- the composition of the citizenry,
24 either in terms of their employment or recreational
25 activities, as an example.

1 I love Flagstaff, I love the White
2 Mountains. I love all of those places to visit. I would
3 not choose to be a resident there because winters for me
4 need to be around 70 degrees.

5 COMMISSIONER HALL: "Pansy." (Laughter.)

6 MR. RIVERA: "Wuss." "Wuss." (Laughter.)

7 CHAIRMAN LYNN: Absolutely.

8 And, by example, I think people tend to
9 live where they are most comfortable and create
10 communities that turn into communities of interest
11 because of those affinities.

12 Counties in the state of Arizona are quite
13 varied. Maricopa County, even as it is mostly urban, has
14 some areas that are quite rural in nature. I just invite
15 anyone to drive through Gila Bend and never want to go
16 back. See, they are now mad at me, too.

17 The fact is that even though they do have
18 the Space Time Motel, which is really an interesting
19 place, you know, once you've been there, you pretty much
20 have been there, and I don't think you need to go back.

21 On a serious note, Mr. Huntwork, to answer
22 your question, I think the larger you get in geography,
23 the harder it is to make a case, except in special
24 circumstances, for large land masses to be communities of
25 interest. The ones we've identified I think do fit the

1 definition, specifically, but in my mind they are
2 exceptions rather than a rule that should be extended.
3 And for me, I'm comfortable with the distinction. I
4 don't know whether that helps, but it's sort of where I
5 am.

6 If anyone else would like to comment, I'd
7 be happy to get off the hot seat.

8 Mr. Elder.

9 COMMISSIONER ELDER: Let me say, I don't
10 know that I've ever heard of anybody that wants to move
11 to Coconino, but they may say, I want to move to
12 Flagstaff, or, I may want to move to Williams, I may want
13 to go to Show Low, Pinetop. You identify and there is a
14 sense of place you identify with, you know, with cities
15 and towns. Very rarely do you ever identify with
16 anything other than the balance of the state. We don't
17 want to be a part of the state of Maricopa.

18 So from that standpoint, the knowledge of
19 where you live, how you interact with people and that at
20 the town and city level, is a distinct edge, I think, the
21 brings people together, allows them to know exactly where
22 they are, you know, as far as voting, what their taxes
23 are, county taxes, or city taxes, and I think it does
24 make a difference, whether it's a city and town as
25 opposed to, you know, a county-type area.

1 I don't know anybody who could tell me
2 driving down I-10, if they don't see a big sign there,
3 when they enter Maricopa, when they enter Pinal, when
4 they enter Santa Cruz. The county line doesn't really
5 make a definition in people's minds or psyche. For that
6 reason I don't think I'll end up supporting the motion
7 other than using it, as I said, as a defining edge when
8 there is something, there's a reason and it doesn't make
9 any difference to the other issues or criterion in 106.
10 Then I think that's how we would divide and put precincts
11 and census blocks together.

12 CHAIRMAN LYNN: Further discussion on the
13 motion?

14 If not, all those in favor of the motion
15 signify by saying "Aye."

16 COMMISSIONER HUNTWORK: "Aye."

17 CHAIRMAN LYNN: Opposed to, say "No."

18 COMMISSIONER ELDER: No.

19 COMMISSIONER HALL: No.

20 CHAIRMAN LYNN: Chair votes "No."

21 Motion -- one, three motion defeated.

22 Are there other considerations for
23 communities of interest this morning?

24 If not, I believe the representative of the
25 City of Phoenix has just arrived.

1 COMMISSIONER ELDER: Surprise, Surprise. I
2 could tell by your map you were in fact a representative
3 of the City of Phoenix. I don't want to rush you. Good
4 time for to you present whenever you are ready to do so.

5 MS. DODDS: I could do so immediately.

6 COMMISSIONER ELDER: Move my coat --

7 CHAIRMAN LYNN: Or prop that right in front
8 of the podium and I'll see it even then.

9 MR. RIVERA: For the record, it should be
10 stated the City of Phoenix has impeccable timing.

11 COMMISSIONER ELDER: Do you have some case
12 before the City of Phoenix trying to --

13 MR. RIVERA: I may know the Mayor.

14 CHAIRMAN LYNN: And as --

15 CHAIRMAN LYNN: I would ask, first, you
16 state your name and your position with the City, and
17 welcome.

18 MS. DODDS: Thank you. My name is Michelle
19 Dodds, I am a principal planner with the planning
20 department in the City of Phoenix, and it's my
21 understanding that you all wanted a little bit of
22 background on our urban villages. So the map that I --
23 you see before you would be a map of our 15 -- we have 15
24 urban villages, the newest being the bright green one way
25 up.

1 CHAIRMAN LYNN: Ms. Dodds, don't want to
2 interrupt, what I'd like to do, you have not been privy
3 to the conversation we've been having, perhaps suggest
4 what we are doing at the moment is making a determination
5 as to which and whether certain areas of the state should
6 be designated as communities of interest. And we have a
7 working definition of that community.

8 COMMISSIONER HALL: Chairman, I'd ask Doug
9 to deliver that to her.

10 CHAIRMAN LYNN: Thank you, Mr. Hall.

11 I'd ask you to take a moment familiarize
12 yourself with that definition. Your presentation, to the
13 extent it addresses those qualifiers, would be very
14 helpful in allowing us to make an informed decision as to
15 whether or not planning villages deserve that
16 designation.

17 MS. DODDS: I see.

18 Okay. As I said, we have 15 urban
19 villages, all very unique in their own way. In fact, I
20 have brochures that kind of show how each urban village
21 is unique. The concept really is not unique to Phoenix.
22 However, the City of Phoenix is ideally suited for the
23 urban village model because each of these areas, you
24 know, there is a -- well, there's a committee that covers
25 each one of these areas. So we have 15 different

1 committees, and each committee reviews land use issues,
2 general plans, zoning, those types of issues. And they
3 are all unique to that particular area.

4 For instance, the Laveen Village Planning
5 Group, this area right here, out of our villages that is
6 probably the -- probably unique, and it is a very rural
7 area, so a lot of the cases and land use considerations
8 that come before that village planning committee or that
9 area are unique to that area trying to maintain the rural
10 lifestyle. Okay.

11 Then you have other villages that are kind
12 of different. You have the Central City Village area,
13 right in the center of the city, and that is unique in
14 its own way.

15 You have -- a lot of our Historic Districts
16 within the city of Phoenix are located in the Central
17 City Village. There is a lot of infill development.

18 Laveen, if you contrast with that, a lot of
19 vacant land in Laveen, so their issues are more to
20 struggle with trying to keep their rural lifestyle while
21 accommodating growth.

22 Whereas Central City, they are trying to
23 get infill development, encourage development. If you
24 know about infill development, it can be very
25 challenging.

1 So just picking those two particular
2 villages, you really have a lot of -- there's a lot of
3 contrast among the 15 villages.

4 If you looked up north and looked to, say,
5 the Desert View Village right in this area, you have a
6 lot of mountains and preserves. Edge treatment is very
7 important in preserving the views of those mountains,
8 preserving what is there and providing access to the
9 public.

10 So each -- I could go through all 15
11 villages and explain to you how they are unique.

12 COMMISSIONER HALL: Well, the question in
13 my mind, which would help me answer whether or not these
14 particular villages constitute community of interest, I
15 think that could be argued that they share political ties
16 or history or tradition or socioeconomic status,
17 et cetera. The competition for me, the last sentence, if
18 I focus on that, that would benefit from common
19 representation. I think it's important to remember from
20 our standpoint that means common Legislative
21 representation, not municipal or whatever.

22 Can you respond to that?

23 COMMISSIONER HUNTWORK: Mr. Chairman, you
24 know what, I think with all respect, Commissioner Hall,
25 that last phrase, we didn't -- we recognized, for

1 example, in Arcadia, or in other areas, that the people
2 identified themselves as a community. We inferred from
3 that just the fact that they are a community and have
4 common interests. We recognized from that that it may
5 result in shared Legislative concern at some point and on
6 some issues.

7 What I would think the more appropriate
8 question would be is: Do the people in these areas view
9 themselves as a neighborhood? Do they view themselves as
10 living in this area? Are these divisions related to the
11 self-identity of the people who live in them or are they
12 purely artificial? I think that's --

13 COMMISSIONER HALL: Mr. Huntwork, you're
14 more than welcome to ask her any question you want as
15 soon as she answers the one I asked her.

16 MS. DODDS: I do not have a map before me
17 of different Legislative Districts. I have a map of the
18 City of Phoenix, a map of Council Districts. For
19 instance, District 6, District 6, largely Greg Stanton,
20 Councilman Greg Stanton covers basically the Ahwatukee
21 area.

22 COMMISSIONER HALL: We wouldn't know.

23 MS. DODDS: Also the Camelback East area.

24 COMMISSIONER HALL: Thank you, thanks.

25 MS. DODDS: Also, largely people have -- on

1 village planning committees, Maricopa has some
2 appointments, large reappointments by council districts
3 that represent that area. I don't know exactly, can't
4 answer your question how Legislative boundaries fit with
5 Village Planning Committees. I don't think that
6 was their consideration in setting boundaries.

7 Boundaries very often are geographic.
8 Obviously Ahwatukee was divided from the rest of city by
9 South Mountain. Some are geographic. Another was
10 between Encanto. The shape of Encanto, that northern
11 boundary is the canal. So we do have some geographic
12 barriers for some of these villages. Some are more
13 obvious than others.

14 CHAIRMAN LYNN: Well, Mr. Hall.

15 COMMISSIONER HALL: Let me maybe rephrase
16 it because -- I guess what I'm trying to understand is if
17 these particular villages have issues that are of a
18 statewide nature that they would benefit from having a
19 representative, collectively having the same
20 representative, or they would benefit from having --

21 MS. DODDS: Okay.

22 COMMISSIONER HALL: -- one person to whom
23 they could go to to represent their issues on a state
24 level. I guess that's the intent of my question.

25 MS. DODDS: I understand better now.

1 Really, there are two different types of urban villages.
2 There's the more rural or still developing areas or the
3 outer areas of the city, and their interests and their
4 perspective is much different than what you would see in
5 the central areas of the city.

6 So we do have certain villages that have
7 issues that are different than what you might find in the
8 outlying areas. They are trying to encourage growth,
9 especially in those infill areas. Villages like Encanto,
10 Camelback East, Alhambra, Central City, Maryvale, those
11 are the types of villages that are looking for people to
12 come and develop those infill parcels. And their
13 concerns are much different than the folks way up in the
14 northern villages like North Gateway or Desert View and
15 areas like Estrella, Laveen, who they are getting growth
16 and trying to kind of manage that growth so it develops
17 in a character that is -- each one of these 15 villages
18 have their own special unique character, but yet they are
19 similar in that they have concerns, the growth -- the
20 growth areas versus the infill areas.

21 So there is kind of a division in between
22 those villages that have more infill issues and those
23 that are trying to manage growth, and so there are two
24 different varied types of villages, if you can break them
25 out that way.

1 CHAIRMAN LYNN: Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Well, okay. Let me
3 ask my question: Are these -- do these divisions between
4 the villages correspond, in your opinion, to how the
5 people who live in them think of their community? Do
6 people think: "I live in the Deer Valley area of
7 Phoenix," "Do I live in the Alhambra section?" or is this
8 a completely artificial planning division that has
9 nothing to do with how the people feel?

10 MS. DODDS: Commissioner Huntwork, if you
11 went out and did a survey on the street, there probably
12 are some people that live in the City of Phoenix that
13 couldn't tell you what village they live in. But are
14 they artificial, no. They are not artificial boundaries.
15 They were carefully chosen. Some, like I said, have
16 geographic boundaries. You took a kind of natural
17 separation because of South Mountain Village. If you go
18 ask anyone who lives in Ahwatukee, some might consider
19 themselves to be their own little city.

20 The idea behind the urban village concept
21 is really to be able to work, play, and live all within
22 one village area. Have a village core, an area you want
23 the most dense development, other than downtown. For
24 Central City, the downtown area is very obvious.
25 Something less obvious for Camelback East, if you look at

1 24th and Camelback Road, you can see more dense
2 development there. We're encouraging a village core,
3 more dense development, doing that in all of our
4 villages. Some are more challenging to do that, some
5 follow that model more than others. That certainly is
6 the goal. Those are not artificial boundaries. There
7 are a lot of different reasons those boundaries were
8 chosen. But --

9 COMMISSIONER HUNTWORK: Do these villages,
10 do they ever compete with each other for new business
11 location or something like that?

12 MS. DODDS: Ah --

13 COMMISSIONER HUNTWORK: Is that an unfair
14 question?

15 MS. DODDS: Competition probably from other
16 cities, ourselves. Areas of the city go to village
17 planning committees, all meet once monthly, view the
18 village planning proposals. They know if a Loews, Home
19 Depot is going in and they don't have one in their area.
20 You know, not competition like you might see between
21 cities, but there is some of that to some degree.

22 COMMISSIONER HUNTWORK: Thank you.

23 CHAIRMAN LYNN: Couple of questions,
24 Ms. Dodds.

25 First of all, I notice that the -- if I'm

1 reading the map correctly, please correct me if I've
2 misconstrued this, the red outline in its entirety --
3 talking about the map in front of us, the one you handed
4 out, the red line in its entirety represents the boundary
5 of the city of Phoenix. Is that accurate?

6 MS. DODDS: I believe accurate. County
7 would be pockets within the City of Phoenix, especially
8 the Laveen area, lots of county pockets.

9 CHAIRMAN LYNN: May have come
10 unincorporated in areas in Laveen and also, actually,
11 Desert View Section Two Northeast.

12 MS. DODDS: Correct.

13 CHAIRMAN LYNN: The red line represents the
14 city of Phoenix?

15 MS. DODDS: Correct.

16 CHAIRMAN LYNN: Lines within councilmanic
17 wards, within the city or districts, on my map, numbered
18 1 through 8.

19 MS. DODDS: That's correct. That's
20 correct, Chairman Lynn.

21 CHAIRMAN LYNN: And I'm struck by the fact
22 that even in terms of local representation, many of these
23 planning districts cross councilmanic wards or
24 representative districts and that there doesn't seem to
25 be much of a relationship between the districts. And I

1 know the districts are older than the planning district.
2 I'm clear on that. So these were developed subsequently.
3 I'm sure they represent an affinity in the community that
4 people have coming to to identify and promote. So the
5 question arises -- well, two. One is technical and one
6 is a general question. Let me ask the general question
7 first.

8 In terms of representation on the Phoenix
9 city council, how do these planning districts address
10 that, given the fact that there really is not much
11 comparison between where they reside within a district
12 and the outline of the planning area?

13 MS. DODDS: That's an excellent question.
14 You are right. Boundaries are very different. However,
15 if you look at any given village planning committee area,
16 Laveen, most of the representation that you'll find on
17 that is District 7, which is Doug Lingner's district. So
18 when a case comes before the city council and it is an
19 issue, land use issue in Laveen, a lot of deference is
20 given to Councilman Lingner, most of representation in
21 that Laveen area is with Councilman Lingner within his
22 district.

23 But you are right, because the reasons we
24 choose the village planning committee boundaries has
25 nothing to do with the way we choose city council

1 boundaries. You do have what you call "maybe" majority,
2 Ahwatukee was mentioned earlier. Even though some
3 districts, 7 and 8, come down into just past the South
4 Mountain area, a majority of that area is represented by
5 Councilman Greg Stanton. So, you know, when there is a
6 case constituents have issues in the Ahwatukee area,
7 that's the Councilman they refer to or go to because he
8 has the most representation for that particular village.

9 CHAIRMAN LYNN: The technical question I
10 have, I give you all time you need, Mr. Huntwork.
11 Technical question, just curiosity more than anything
12 else. Mr. Stanton's district, which we talked about, is
13 District 6, I take it?

14 MS. DODDS: Correct.

15 CHAIRMAN LYNN: That's what the testimony
16 is, essentially Ahwatukee, also the northeast portion of
17 the Camelback district, the western portion of the
18 Alhambra district. And it must just run along that
19 street somehow, a very narrow band to connect the two.
20 It's a gerrymander. I'm not -- don't misunderstand the
21 purpose of my -- I think it's interesting that in terms
22 of the city of Phoenix, that that was obviously done
23 intentionally, and the city of Phoenix happens to be a
24 nonpartisan local council, good "government is" how they
25 portray it. How do they portray it?

1 MS. DODDS: I don't have information on the
2 representation of District 6. When I came in, it was
3 already in configuration. The boundary's changed
4 slightly. I'm not well equipped now to answer how
5 District 6 obtained that particular shape.

6 CHAIRMAN LYNN: Assume connects running up
7 one side or the other, whatever avenue or whatever street
8 that would be on 48 or 44?

9 MR. JOHNSON: Mr. Chairman, this may help.
10 NDC drew that district when it was first drawn.

11 CHAIRMAN LYNN: You ought to be ashamed of
12 yourself.

13 MR. JOHNSON: We didn't recommend it. One
14 of the regulars, Jose Solares, it was his recommendation,
15 what would be gerrymander for Voting Rights reasons.
16 Ahwatukee is too small to be a council district itself.
17 If you didn't have that linkage, it would be placed with
18 South Phoenix. And so Voting Rights drove Ahwatukee to
19 not go with South Phoenix. That's why that district
20 actually runs the width of a gas pipe.

21 CHAIRMAN LYNN: More information than I
22 wanted to know.

23 Mr. Huntwork, then Mr. Elder.

24 Thank you, Ms. Dodds.

25 COMMISSIONER HUNTWORK: Along the lines of

1 asking seven, eight council districts, 14 --

2 MS. DODDS: Now 15.

3 COMMISSIONER HUNTWORK: -- 15 villages, the
4 lines can't match up. Does it appear the city -- it's
5 not only true that one of the councilmen typically would
6 have the majority of the planning area in his district,
7 but it appears to me that that probably was done
8 intentionally. Is that correct? Was an effort made in
9 crafting the council boundaries to try to make sure that
10 you got a good cross-section of each planning area in
11 somebody's district so that they could be substantially
12 represented or --

13 MS. DODDS: Commissioner Huntwork, I did
14 not participate in the redistricting. I can tell you
15 that it does appear that way, although obviously there
16 are many more village planning committees than there are
17 council districts. Shortly those boundaries were exact,
18 did match up perfectly. The villages are more a
19 geographic area, an area we saw within this given area.
20 There are geographic boundaries that assist naturally,
21 but that we saw in that area you could have a village, a
22 dense core area, then you could have secondary shopping
23 areas and neighborhoods, and so -- I don't -- from the
24 planning perspective, you know, those village boundaries
25 certainly weren't chosen to match council boundaries,

1 more a function of geographic area, you know, being able
2 to support a work-live-and-play concept.

3 COMMISSIONER HUNTWORK: The question really
4 was -- you may not know, maybe NDC even knows: Were the
5 villages taken into consideration when the council
6 boundaries were drawn?

7 MS. DODDS: I'll defer that.

8 COMMISSIONER HUNTWORK: Coincidentally or
9 intentionally, each -- maybe all villages have a core at
10 least within one or more of the districts.

11 MR. JOHNSON: NDC drew that district back
12 in '95 or '96. Actually, Mr. Sissons did the 2001
13 redistricting. He did state yesterday that these village
14 planning areas were a consideration in the district
15 drawing when he spoke before the Commission. I don't
16 know to what extent.

17 COMMISSIONER HUNTWORK: Thank you.

18 CHAIRMAN LYNN: Mr. Elder.

19 COMMISSIONER ELDER: Mr. Chairman,
20 Ms. Dodds, I had some preconceived ideas to some extent
21 just growing up in Phoenix, and I'd like to take a look
22 at the North Mountain District. My sense was
23 geographical barriers, Squaw Peak up to Mummy Mountain,
24 Papago created the edge of Deer Valley, Scottsdale,
25 Paradise Valley from Phoenix. Yet I see on the map the

1 mountain area there almost appears to be the focus of the
2 North Mountain District. Do the people from the north
3 side of the mountain function and participate, play --
4 all the various terms you were calling, speaking to
5 there -- on both sides? I think that is, like,
6 Sunnyslope, I remember on south side, then Paradise --
7 the racetrack on the north side, but --

8 MS. DODDS: Commissioner Elder, I know,
9 when it started out much fewer villages, the north side
10 of city, when we have village planning committee
11 meetings, the folks that attend that meeting, usually
12 when there's an issue in the area. If it's a case in the
13 Sunnyslope area, somebody wanted to develop a hillside
14 lot that had been vacant for some time, what you get is
15 committee meetings of those people with particular
16 interest in the area. If you had an issue, land use
17 decision before the committee on the north side of the
18 mountain, those are the folks you see there.

19 So, you know, when you have village
20 planning committee meetings, of course the committee
21 members are constant, consistent. But the folks that
22 show up at that meeting, it really is not -- you may have
23 a few people that go to all meetings, usually a land use
24 decision in their immediate neighborhood, when they're
25 the most impacted, they'll show up at these committee

1 meetings.

2 So it's on a case-by-case basis as far as
3 interest shown. So it depends. If there's an issue on
4 the north side of the mountain, those are the folks that
5 are going to come to the committee meeting. If the issue
6 is in Sunnyslope, those are the folks that show up.

7 COMMISSIONER ELDER: Then as you go down to
8 Encanto, Camelback, East Edge, Canal. In one sense,
9 Canal has a unifying factor: People recreate, play
10 along, kayak, whatever. Kids try to surfboard the
11 flumes. Other than that, here, using it as the edge of
12 the community. Here they are diametrically opposed to
13 the concept of the mountain being the focus. The canal
14 is not the focus. Is there some time you used edges
15 differently than other times?

16 MS. DODDS: I've not been part of that
17 decision-making process from the very beginning when
18 assigning areas. As the city has grown and added more
19 villages or split villages, sometimes we've done that.
20 We're looking for population, looking for where services
21 are provided, where people live, work, where we provide
22 city services, try to -- when doing a general plan, copy
23 of a general plan book, and we were looking at everything
24 from city services, tried to distribute that out among
25 different planning committee areas. Work with all city

1 departments to try to make sure each of these village
2 planning committee areas have what they need so people
3 can get services and have parks and have libraries and
4 fire stations and everything within that area to service
5 that group, and people on those committees either live
6 in -- a majority of them live in that village planning
7 committee, so they know firsthand what's going on in the
8 geographic area, or work there.

9 So -- and they provide when -- the city
10 council and planning Commission look to these committees
11 because they have firsthand knowledge of those areas.
12 So -- but as geographic boundaries, I don't think there
13 is a set rule. I think we look at what is the
14 population, where is the core of that area, how far do we
15 go around that core. There's a lot, I think, of
16 different variables in selecting those boundaries. As I
17 said, those boundaries have changed over time. Desert
18 View used to have a -- completely different boundaries
19 over time. As things change over time, those boundaries
20 can change as well.

21 CHAIRMAN LYNN: Ms. Dodds, another series
22 of questions, if I may. Just a couple.

23 Off the website we've pulled -- off of
24 your -- your, the City of Phoenix website regarding this,
25 this issue, we've pulled Legislative issues, and it goes

1 to the heart of Mr. Hall's original question in terms of
2 common legislation. My reading of this suggests that
3 it's a comprehensive list of state issues that the City
4 of Phoenix is interested in, and there's no designation
5 here between or among the planning areas with respect to
6 certain pieces of legislation.

7 Is it in fact the case that you could trace
8 somehow an interest that emanated in one or more of the
9 villages, made its way through the process, and became an
10 agenda item for the City of Phoenix and lobby it? And
11 I'm only asking the question because we are talking about
12 ultimately representation. And this seems to lump them
13 rather than separate them.

14 MS. DODDS: Chairman Lynn, I believe you
15 could look back over -- again, because of many of these
16 village planning committees and a lot of those issues may
17 have arisen over in a particular area of the city, or
18 several villages. I believe if you looked at the various
19 agendas, over time you would see, you know, particular
20 issues that may be of concern to certain villages, maybe
21 not all of them. Could be issues are a concern across
22 the board. Certainly are some issues, you know. I used
23 to be village planner at Ahwatukee Foothills. Believe
24 me, the air traffic concern is a huge concern there.
25 There are issues that do arise or get a lot of attention

1 through village planning committees in meetings.

2 CHAIRMAN LYNN: Is it ever the case, in
3 your memory, that a single area of the city, single
4 planning village, was lobbied for by the City?

5 MS. DODDS: I think that the City might
6 have a broader scope than that.

7 CHAIRMAN LYNN: And the last question: You
8 mention -- first of all, I know some of these are newer
9 than others. When was the first one established?

10 MS. DODDS: Well, in the mid '80s is when
11 that village concept came to be, the urban village model.
12 So when we did our general plan in the mid '80s and '85,
13 that was when the concept came about then.

14 CHAIRMAN LYNN: And which was the first,
15 Central City, was that the first one?

16 MS. DODDS: Wasn't one; several. I think
17 six or seven. Let's see when they first initiated it.

18 CHAIRMAN LYNN: In the mid '80s.

19 Over time you mentioned boundaries, one to
20 another changed.

21 MS. DODDS: Uh-huh.

22 CHAIRMAN LYNN: Can you guesstimate how
23 many times those boundaries have changed?

24 MS. DODDS: You know, for older ones, I
25 don't think boundaries have changed that much. I know,

1 because I personally was here at the time Desert View
2 changed its boundaries a little bit, and -- so I don't
3 think it's real common. Those boundaries change over
4 time.

5 CHAIRMAN LYNN: Is that function more a
6 function of annexation and growth than development
7 patterns?

8 MS. DODDS: I think that view -- Desert
9 View may have been keep annexing northward.

10 CHAIRMAN LYNN: Finally on this line of
11 questions, when was the last time those boundaries
12 changed?

13 MS. DODDS: I --

14 CHAIRMAN LYNN: I should ask, the map we're
15 looking at, as of this map current, when did those last
16 districts develop?

17 MS. DODDS: New Village is something that
18 came about the end of last year, this green area before
19 here. Before that, the latest village was -- added was
20 North Gateway Village. So those were the last two
21 villages added. And other than that, I don't think the
22 boundaries -- I do know that at one time Laveen and South
23 Mountain -- this occurred within the last seven years, I
24 remember personally this, Laveen and South Mountain,
25 these two, was actually all part of South Mountain, then

1 split at 27th Avenue, and Laveen became its own village.

2 CHAIRMAN LYNN: One last question for me,
3 the northernmost edge of -- of the city boundary
4 contained within New Village, where is that?

5 Maybe Mr. Johnson knows. Just looking at
6 this map, New Village extends obviously into an
7 unincorporated area. I'm trying to establish what the
8 northernmost boundary of the city is in that line.

9 COMMISSIONER ELDER: Not quite as far as
10 Prescott Valley.

11 CHAIRMAN LYNN: So it goes as far as --
12 it's north of the prison?

13 MS. DODDS: Yes.

14 CHAIRMAN LYNN: And near the outlet mall
15 that's across the freeway from Anthem?

16 MS. DODDS: Right.

17 CHAIRMAN LYNN: Okay. Thank you.

18 Other questions for Ms. Dodds?

19 Ms. Dodds, thank you very much. It was
20 very helpful to see that. And did you indicate that you
21 had brochures from the various villages?

22 MS. DODDS: I do. I don't have anything
23 from the two newest ones. I'll distribute several copies
24 of different brochures. Somewhat dated, but it gives a
25 better understanding of that particular village and its

1 character.

2 CHAIRMAN LYNN: Thank you.

3 Mr. Rivera.

4 MR. RIVERA: Would you also thank Dave
5 Rickert and everybody else for their speedy response to
6 our request.

7 THE REPORTER: Could I have the spelling of
8 your name?

9 MS. DODDS: M I C H E L L E D O D D S.

10 I'll give you my card.

11 CHAIRMAN LYNN: Mr. Hall, I'm happy to
12 continue the discussion.

13 COMMISSIONER HALL: Well --

14 CHAIRMAN LYNN: Mr. Hall.

15 COMMISSIONER HALL: My question I'm asking
16 of those with more urban knowledge: What do we do to the
17 west and Peoria or the east and Cave Creek, other areas
18 that probably don't have a similar adoption of village
19 planning committees?

20 I mean, I'll ask Mr. Johnson, who did work
21 in Glendale, for example, what their planning capability
22 was. Correct, it was developments, is that correct,
23 about the villages? Or what is your experience there,
24 Mr. Johnson?

25 MR. JOHNSON: Communities discussed

1 redistricting there, similar to how we're discussing now,
2 not an all encompassing cover-the-whole-city approach,
3 looking more at individual neighborhood developments,
4 keeping each one of those intact, but not an effort to
5 link up the whole city or something. May very well have
6 something similar, but it did not come up in their
7 district.

8 COMMISSIONER HALL: My question, in the
9 name of consistency, or some consistency, I'm just -- I
10 have a lot of questions. I'm searching for answers.

11 CHAIRMAN LYNN: Mr. Elder.

12 COMMISSIONER ELDER: Mr. Chairman. I
13 suppose I'm not that worried about the consistency aspect
14 of it, because I'm viewing these now that I see them more
15 as a edge, almost more similar to the counties in the way
16 they work and how they may be used, is if we move
17 something for -- say, from the competitiveness base that
18 we'll start with, and then to address the Voting Rights
19 Act, we have to adjust some of the edges.

20 Now, if we can adjust and match a line of a
21 village and it meets the goals of the Voting Rights Act,
22 competition, and then communities of interest, which I'm
23 not so sure that these represent our functional
24 definition of "communities of interest," but it'd
25 probably be good to say if we have a choice, use the

1 edge, but it's not a determining or not a fatal flaw in
2 any one of the communities we deal with.

3 CHAIRMAN LYNN: But it seems to me,
4 Mr. Elder, if you want to follow that logic, this
5 designation is important. Otherwise, since it doesn't
6 fall into any other category, in other words, it's not a
7 jurisdiction, in many cases it could be a physical
8 boundary like a canal, in other cases a physical boundary
9 in the center of a district or use some other
10 determination. So if you wish to use them in that
11 context, I'm not sure you could without the designation.

12 COMMISSIONER ELDER: The designation --

13 CHAIRMAN LYNN: As a community of interest.

14 COMMISSIONER ELDER: Each village. Or this
15 as the City of Phoenix.

16 CHAIRMAN LYNN: Well, the City of Phoenix
17 is already on as one of the cities and towns. But the
18 subdivisions within the city, to the extent they may be
19 used in future mapping, would need to be -- have to have
20 a rationale for doing it.

21 Mr. Huntwork.

22 COMMISSIONER HUNTWORK: Well, I would make
23 the same point you did. I also want to just add that
24 these are substantively the best information we have
25 about the whole vast, you know, internal divisions of

1 Phoenix. Without taking advantage of this material, we
2 would be putting out maps based on the premise that there
3 are no communities of interest, other than the -- you
4 know, the Maricopa Hispanic community of interest within
5 the entire, you know, 20 miles north and south, or
6 however much that is, or million people, however many
7 there are, of the city of Phoenix. That -- we are under
8 such time pressure here, we have to do the best we can.
9 This is certainly better than having no division
10 whatsoever within that entire mass of people, which is
11 extremely diverse.

12 CHAIRMAN LYNN: Mr. Rivera, a question for
13 you: Would it be possible -- I am actually challenging
14 the statement I just made a moment ago. It's very clear
15 to me that it would be a direct instruction to NDC, if
16 these were adopted as communities of interest, either all
17 of them or some of them, that to the extent practicable
18 as they were mapping, those lines should be respected.

19 In your opinion, is it possible for us to
20 give NDC an instruction relating to these geographic
21 lines without designating them as communities of
22 interest? In other words, could it be a supplemental
23 instruction and, in terms of the Court's order, be
24 reasonable to be followed, that when possible, in mapping
25 districts in Central Phoenix, or in the city of Phoenix,

1 that if it's possible to respect some of these divisions,
2 they should do so even as we have not necessarily said
3 that these meet the full definition, assuming we did
4 that, of communities of interest?

5 MR. RIVERA: The only -- the only criteria
6 that you have is 106. So the question becomes whether
7 these fit within one of the 106 criteria. The testimony
8 today would seem to be that a lot of these were drawn not
9 only for the various urban planning decisions, but they
10 were drawn along geographical features. If you are going
11 to ask NDC, since these have distinct geographical
12 features within Arizona, I think you can do it based on
13 the concept they have. 106 requires you to follow
14 geographical features and take into account geographical
15 features. This is an easy way of determining what
16 pertinent or what recognizable geographical features may
17 be in Phoenix.

18 CHAIRMAN LYNN: If I understand your
19 answer, it -- for example, in the Encanto example, the
20 eastern -- north and eastern boundary followed the canal,
21 we now understand. That's easy enough to identify. But
22 if I understood Ms. Dodds' description of the North
23 Mountain District, the mountains are in the middle, so
24 it -- in effect, that district surrounds the mountains as
25 opposed to being discerned by them. So it would almost

1 have to be on a case-by-case basis.

2 MR. RIVERA: Right. You have a -- there is
3 no subcategory of communities of interest. Either they
4 are communities of interest or they are not.

5 CHAIRMAN LYNN: Mr. Elder.

6 COMMISSIONER ELDER: Mr. Chairman, if we
7 look back at the functional definition that we are using
8 during this process that we are in now, with the Court
9 order, you know, it lists concerns about common issues
10 such as -- it doesn't say "all of the above," or "all
11 that follows," it says "such as." There are areas there
12 we talk about geography, demography, talk about
13 socioeconomic status, also talk about trade and common
14 interest. So this area or these villages do have, A, a
15 common interest, they do have a trade, they were talking
16 about the core and then places to live and recreate. So
17 there is that aspect of it. It appears as though that
18 there is some geography involved, and demography. So
19 they meet a majority of the criteria we are using to call
20 it a common area of interest.

21 COMMISSIONER HALL: Mr. Chairman.

22 CHAIRMAN LYNN: Mr. Hall.

23 COMMISSIONER HALL: First of all, I want to
24 say I agree with Mr. Huntwork. And on the record
25 yesterday, I think I was the one to first express a

1 serious concern about the lack of communities of interest
2 in a town of this size.

3 However, given the answers to the questions
4 that I asked and specifically that the chairman asked, I
5 have some concerns, not to mention the issues of
6 consistency with neighboring communities of just
7 wholesale adopting this -- these urban villages carte
8 blanche for communities of interest.

9 Do I -- from my perspective, do I feel some
10 of these are communities of interest? I do. I think
11 that some of them are. On the other hand, as pursuant to
12 the feedback that we've heard today, some of these were
13 drawn purely for political reasons. You know, as the
14 pipeline suggests.

15 So, I guess my question is, is that, I am
16 willing to discuss specific communities of interest, but
17 I have some very serious concerns of just wholesale
18 adopting this map as every one of these constituting a
19 community of interest.

20 MR. JOHNSON: Mr. Chairman.

21 CHAIRMAN LYNN: Mr. Johnson.

22 MR. JOHNSON: Clarify one thing: The
23 political discussion, what went on in the city council
24 districts, pipeline characteristic, city council
25 district, not the planning district?

1 CHAIRMAN LYNN: Not the planning district.

2 COMMISSIONER HALL: Are you saying the
3 boundary -- for example, Camelback East, that those
4 boundaries were determined by what?

5 Maybe I need to ask that question.

6 MS. DODDS: Commissioner Hall, yes. The
7 village boundaries are not chosen for political purposes.
8 Again, it's more of the urban village concept. It could
9 be afterwards when looked at redistricting, looked at
10 village boundaries. I think the village boundaries are
11 not really political boundaries. I think they are more a
12 mix of things, sometimes geographic, sometimes may be
13 already a natural core in place, kind of build the
14 village around it. I don't think the village boundaries
15 are necessarily political. I think they are more --
16 pertain one to the urban village concept and what
17 constitute a village and core and periphery areas and
18 neighborhoods rather than --

19 COMMISSIONER HALL: So who determines the
20 boundaries?

21 MS. DODDS: Those go through a planning
22 process, when we did the general plan back in the mid
23 '80s and we went through and just looked at what made
24 sense. There are just some natural boundaries. May not
25 always be geographic, like a canal or mountain. There

1 are other reasons to say this area is unique in this way,
2 and maybe this neighboring area, Laveen is unique and
3 different than South Mountain. South Mountain is more
4 infill area whereas Laveen is more farmland.

5 COMMISSIONER HALL: Right. So after the
6 process, analysis, and discussion, who pulls the trigger?

7 MS. DODDS: Well, ultimately city council
8 approves the general plan. But it goes through --

9 COMMISSIONER HALL: Okay.

10 MS. DODDS: -- goes through Commission,
11 planning Commission. Ultimately city council approves
12 the general plan.

13 COMMISSIONER HALL: City council makes
14 final determination?

15 MS. DODDS: They do.

16 CHAIRMAN LYNN: Ms. Dodds, I don't know how
17 annexation is done in the city of Phoenix. Does your
18 department have anything to do with annexation?

19 MS. DODDS: We have to do the of equivalent
20 zoning for -- whatever zoning is in a county. We, we go
21 through, we are part of the process. The city clerk's
22 department, they have some hearings with the city council
23 ultimately approving the ordinance. We do write
24 annexation reports.

25 CHAIRMAN LYNN: Since the year 2000, can

1 you guesstimate how much the city of Phoenix has grown,
2 either in terms of square miles or, if you can't
3 guesstimate that, could you at least identify on the
4 periphery on the city boundary where it has grown?

5 MS. DODDS: Certainly New Village has
6 grown, a very large annexation up there.

7 Certainly in Laveen we are annexing
8 property on a regular basis in Laveen, so county pockets
9 are becoming fewer and fewer.

10 You know, the North Gateway area certainly.

11 If you want, I have our -- if someone does
12 the research, I can get you the exact figure in pretty
13 quick order.

14 CHAIRMAN LYNN: It is fair to say the City
15 of Phoenix corporate boundaries have changed several
16 times since the year 2000?

17 MS. DODDS: There have been several
18 changes, most up north and Laveen, maybe a little bit in
19 Estrella too.

20 CHAIRMAN LYNN: Thank you.

21 Mr. Huntwork.

22 COMMISSIONER HUNTWORK: I'm -- as I said
23 yesterday, I'll say again many times, I'm sure, before
24 this is done, the difficulty of having the rules changed
25 from the way they were, and having to make a record of

1 what we're -- what communities of interest we want to
2 use, in such a short period of time, is not only
3 daunting, but truly an impossible task. That is the
4 difficulty of the question that Mr. Hall continues to
5 raise about consistency between one area and another,
6 and, indeed throughout the state.

7 If we had the opportunity, if this is
8 indeed the law, and this is what we are indeed required
9 to do, and then we had the opportunity to be the
10 Redistricting Commission and do this thoroughly, we would
11 endeavor to understand, number one, the relationships
12 between these areas and would probably -- what we'd
13 probably do is lump a number of them together that have
14 similar characteristics, and then we truly would have
15 a -- some communities of interest that would help us to
16 differentiate the entire mass of the city of Phoenix.

17 The question that we have to struggle with
18 is whether there is enough here to make these communities
19 of interest, based on what we know, or, number two, to
20 defer and continue to work with this and see if we can
21 get more information in time to be meaningful in the
22 process. Or, number three, simply to say we are not
23 going to be able to make differentiations inside the city
24 of Phoenix anymore than we are inside the city of
25 Scottsdale or any of the surrounding communities and just

1 basically end up with mapping that doesn't recognize any
2 communities of interest within that area despite the
3 obvious fact that there are many communities of interest
4 within that area. And I don't know which is -- which is
5 the worst. They are all awful.

6 The whole situation is preposterous, but we
7 are in the position, as a practical matter of choosing
8 the best alternative, honestly choosing the best
9 alternative that we can and simply doing the best we can
10 under the circumstance.

11 I don't actually have a motion to make on
12 this right now. That's too complicated a question for me
13 to just now say, okay, here's what we should do. Perhaps
14 if we think about it for a few hours and let those
15 thoughts settle in, at least each of us may be able to --
16 at least I may be able to formulate an idea of what I do
17 want to do and it's something I could present and
18 discuss. Right now I'm just -- I've just hit a brick
19 wall and would like to back away for a minute and think
20 about it.

21 CHAIRMAN LYNN: Just a technical point:
22 There is actually a motion on the floor, and the motion
23 is to include all the villages as a community of
24 interest, made by you, Mr. Huntwork, and seconded by
25 Mr. Elder. I take what you are saying, you would like to

1 continue the tabling of that motion for some period of
2 time?

3 COMMISSIONER HUNTWORK: Or withdraw it or
4 whatever.

5 CHAIRMAN LYNN: Withdraw it, remake it.

6 COMMISSIONER HUNTWORK: Remake it later
7 after --

8 CHAIRMAN LYNN: Acceptable to maker and
9 second?

10 COMMISSIONER ELDER: Second, yes.

11 CHAIRMAN LYNN: You wish to withdraw it?

12 COMMISSIONER HUNTWORK: Yes.

13 CHAIRMAN LYNN: Motion withdrawn.

14 Again, I -- Mr. Huntwork has just
15 articulated the difficulty that the Commission faces, and
16 I think all of us share exactly his frustration with the
17 ability to do a thoughtful job of what we've been asked
18 to do in the time we've been given to do it. It is not
19 of our choosing, it is certainly not of our making, and
20 it is certainly not of our liking. And so we -- we
21 continue to do what we do under protest and we make that
22 quite clear and quite evident. And for all the reasons
23 Mr. Huntwork has so very well articulated, we are -- it's
24 very difficult to make these kinds of decisions.

25 Mr. Huntwork.

1 COMMISSIONER HUNTWORK: And we are
2 certainly going to do the best job we can, given all
3 that.

4 CHAIRMAN LYNN: Indeed we will.

5 MR. JOHNSON: Mr. Chairman.

6 CHAIRMAN LYNN: Mr. Johnson.

7 MR. JOHNSON: If I might add, in addition
8 to the difficult philosophical challenge you face, a
9 technical point: In Phoenix, simply population numbers,
10 there have to be at least seven and part of eight
11 districts inside the city. We'll have to draw lines.
12 Whereas bordering cities, none of them has to have more
13 than two. Purely population, not looking at community.
14 Just in addition to the philosophical issue, also a
15 technical issue to wrestle with.

16 CHAIRMAN LYNN: Mr. Elder.

17 COMMISSIONER ELDER: Pile on to that some
18 extent in the vacuum, having nothing, these would be
19 something that you would be able to say, well, it was not
20 totally arbitrary how we drew the line as long as it did
21 not affect competition, didn't affect any other
22 communities of interest. At least it gives rationale why
23 we put it on 12th Avenue instead of 10th Avenue, and to
24 that end it seems like the line or edge may be valuable.
25 Not as a community of interest, but a way of justifying

1 and defining a specific line.

2 So -- I'm having the same, probably,
3 problems as Mr. Lynn and Mr. Hall has, you know. It's
4 arbitrary for the City of Phoenix, and we have nothing in
5 the other areas but for saying we want to throw it out on
6 the City of Phoenix because we don't have it consistently
7 throughout the rest of state. It's not part of the
8 judge's order, have to throw out the judge's order, don't
9 have statewide information.

10 Let's move on.

11 CHAIRMAN LYNN: Observation: Hasn't been
12 specific instruction, I know when Mr. Johnson is drawing
13 lines, to show us, at our direction, I know he tries to
14 keep in mind as much of the record as he can keep in his
15 head at any given time. I know that's a difficult task.
16 To the extent we've had this discussion, Mr. Johnson is
17 aware of it, and it may not be much salvation, but it's
18 comforting to know Mr. Johnson pays attention when we
19 have these discussions and tries to show us alternatives
20 that represent information we've been given and direction
21 we've given him.

22 Ms. Dodds, thank you very much, thank the
23 others Mr. Rivera mentioned. It was short notice and we
24 really appreciate it. I feel much informed on what the
25 city of Phoenix is doing with its planning and I

1 appreciate you coming. Thank you.

2 Why don't we take a 15-minute break and
3 we'll resume at 11:30 -- 10:30, pardon me. Well, might
4 be 11:30. 10:30 is what we're scheduled for.

5 (Recess taken.)

6 CHAIRMAN LYNN: The Commission will
7 reconvene. Four Commissioners present along with legal
8 staff, consultants and staff.

9 Mr. Huntwork.

10 COMMISSIONER HUNTWORK: Mr. Chairman,
11 regarding the village concept within the city of Phoenix,
12 I spoke further with Ms. Dodds on the way out and she
13 is -- she understands better what our task is and has the
14 definition, and indicated that she would take it back and
15 the City of Phoenix would try to get us some information
16 that would be directly responsive to the definition we're
17 working with as quickly as possible.

18 I hope with -- I just want to express my
19 hope they are able to do that in sufficient time for us
20 to be able to consider it and act on it at the
21 appropriate time and take that information into
22 consideration.

23 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

24 Mr. Johnson, on the issue of communities of
25 interest, in the Tucson area where we yesterday

1 considered the development of and adoption of a community
2 of interest in the central southern portion of the
3 southern Tucson area, I believe you resurrected testimony
4 and have a comment with respect to that district.

5 MR. JOHNSON: Yes, Mr. Chairman. What I
6 printed out is actually the same thing, same testimony
7 displayed yesterday, but with a different section
8 emphasized, Tucson planners testimony about the South
9 Tucson community of interest. What he references is
10 testimony that they -- let me pull it up so the public
11 can see it as well.

12 Yesterday I showed this as a reference I
13 used to draw up in looking at borders, a statement by
14 Walker Smith. Also referred to prior testimony they had
15 gave earlier being a community of interest at the Desert
16 Vista campus and Pima Community Campus where IRC held
17 hearings. I did a quick computer scan every evening and
18 didn't even didn't pop up with any quotes over the
19 evening with a full copy and the written materials
20 submitted at that time.

21 It does also have a comment at the end
22 referring to "End of South Tucson's Relationship with
23 this Area Marks the Family," or "What says urban league,
24 morning, single ethnic consideration," at least pointers
25 to where in the record to find more information.

1 CHAIRMAN LYNN: In sum, additional, the
2 additional information that you found supports the
3 discussion we had yesterday and designation of that area.

4 MR. JOHNSON: Oh, yes, definitely.

5 CHAIRMAN LYNN: Thank you.

6 Another question, just for the record,
7 Mr. Johnson, I want to ask you a question because I
8 made -- don't want to forget it later on, and it doesn't
9 specifically have to do with communities of interest.
10 But I do think the point needs to be made on the record.
11 As we follow the judge's order, and if we were to
12 complete our task, it would result in a map ultimately
13 adopted by the Commission and submitted to the Court.
14 That map, as you understand it, in terms of its
15 development, based on the process that we've already
16 adopted, could you comment on whether or not that map
17 would in fact conform to precinct boundaries that
18 counties have already determined and whether or not that
19 is even possible for the 2004 elections or at any time?

20 MR. JOHNSON: Yes.

21 CHAIRMAN LYNN: Or at any time?

22 MR. JOHNSON: Well, there's two issues to
23 that. The first is that precincts are drawn in part
24 based on Legislative Districts, and this was actually a
25 topic of part of the trial. And as they follow the

1 borders of Legislative Districts, they thus incorporate
2 many of the decisions made in the Legislative District
3 drawing.

4 So there is -- so if we were to use the
5 precincts drawn for the 2004 plan, we would be continuing
6 to work on decisions made for that plan and that would
7 tend to influence our new plan as opposed to what the
8 Commission is trying to do, go back to the grid and start
9 from scratch without what has been referred to as the
10 "original sin." So that is one concern, that the
11 precincts reflect the 2004 map and its decisions.

12 The other piece of it is in many, many
13 cases, although I don't think it's true in Maricopa, it's
14 true in much of the state, precincts do not follow census
15 block lines. So attempting to use precincts, A, we have
16 to build the matching database and approximate matching
17 them up, and, B, you end up with population deviations
18 driven solely by that technical matter.

19 And the third -- I guess I should add the
20 third thing, this came up in our emergency process, we
21 actually asked the counties to provide the precincts
22 maps. Only Maricopa was able, in the time frame we had
23 at that time, to prepare those maps. So that would be, I
24 suspect, a concern at this time. Although I've not
25 spoken to the counties. So, the first shot is simply

1 getting the maps.

2 Many of these counties don't use the GIS
3 systems the files have to be in. Some of them, I
4 suspect, may still have paper, actually. And the second
5 would be the 2004 plan and the third would be precincts
6 just don't match blocks. And what people tend to focus
7 on, as well, they match the Legislative District lines.
8 So if we use blocks there, it is following blocks. But
9 as districts move, we're going to go to internal
10 precincts and those may very well have not followed block
11 lines because they were not on our border.

12 CHAIRMAN LYNN: So to summarize your
13 answer, the answer is no, the new maps will not conform
14 to the current precincting in much of the state?

15 MR. JOHNSON: Right. Attempts to do that
16 would definitely affect the criteria that are in 106.

17 CHAIRMAN LYNN: Ms. Hauser.

18 MS. HAUSER: Mr. Johnson, would -- in
19 addition, if permitted to use precinct boundaries, would
20 it have any affect on the time necessary to complete a
21 map?

22 MR. JOHNSON: Well, getting those precinct
23 boundaries would be a big time issue. And, yeah, I mean,
24 it would be an additional criteria we would be adding
25 into the mix and we'd have to -- depending on the

1 instruction, we'd have to somehow balance against the
2 other concerns, which would be an additional step.

3 CHAIRMAN LYNN: It would elongate the
4 process.

5 MR. JOHNSON: Yes.

6 CHAIRMAN LYNN: I just wanted that to be
7 clear, because there are those in the state who are very
8 concerned about that issue.

9 MR. JOHNSON: Uh-huh.

10 CHAIRMAN LYNN: Thank you, Mr. Johnson.

11 With respect to communities of interest, we
12 have -- we have for the moment concluded that discussion,
13 unless any member of the Commission wishes to provide
14 additional information.

15 Mr. Johnson.

16 MR. JOHNSON: Mr. Chairman, Members of the
17 Commission, Mr. Sissons did provide an electronic map of
18 the Historic Districts I can put up on the board if you'd
19 be interested in that at this point.

20 CHAIRMAN LYNN: Sure.

21 MR. JOHNSON: He provided paper maps, too.

22 CHAIRMAN LYNN: That would be great.

23 MR. JOHNSON: Mr. Chairman, Members of the
24 Commission, this shows that there is -- I forgot to keep
25 one for myself -- one Historic District that is up

1 actually just north of Camelback, borders the north side
2 of Camelback, and one that goes down the south side of
3 Van Buren. I think that is probably one that goes to
4 Roosevelt. Let me confirm that.

5 It goes down to Adams.

6 CHAIRMAN LYNN: But the configuration we
7 were looking at yesterday, as I recall, had a northern
8 boundary, the main district, two sections. The main
9 district was a northern boundary of Thomas, and eastern
10 boundary of 52nd, I think, if I remember correctly.

11 COMMISSIONER HUNTWORK: 48.

12 MR. JOHNSON: Mispronounce, says, Piestewa.

13 CHAIRMAN LYNN: Piestewa.

14 I better pull that out, I don't think I
15 remember that. One thing also to note, what is somewhat
16 affectionately referred to as the "brick houses"
17 neighborhood, I think they are actually applying to
18 become a historic map, not on this map, are in the
19 application process. They weren't shown yesterday. I'll
20 bring that up.

21 CHAIRMAN LYNN: Right, Mr. Johnson. It is
22 the 51. So --

23 COMMISSIONER HUNTWORK: Mr. Chairman, that
24 configuration contains most of the Historic Districts
25 that have currently been recognized. It quite accurately

1 reflects that. My only concern about that, no bright
2 lines, and many other areas on all besides that are
3 becoming eligible. And I might add that this is not --
4 this map is not complete. It doesn't contain the Los
5 Olivos Historic District, which is the newest one. I
6 happen to live in it, so I would notice that one in
7 particular.

8 CHAIRMAN LYNN: Well, can we know where you
9 live? Is that okay?

10 COMMISSIONER HUNTWORK: Yeah. But I'm not
11 sure I want anyone else to know.

12 CHAIRMAN LYNN: Well, then don't give the
13 address.

14 COMMISSIONER HALL: I'm not even sure I
15 remember where I live, Mr. Chairman.

16 CHAIRMAN LYNN: It occurs to me that
17 because the districts are spread, and because many of
18 them are quite small, the designations, perhaps the best
19 we can do, with respect to mapping, is to stick with the
20 districts we adopted where the bulk of those districts
21 reside with the idea that it would be unlikely that these
22 would be split, given that just a visual impression
23 suggests that major thoroughfares and streets and so on
24 don't divide these communities very often. And so, as a
25 practical matter, we should be okay.

1 COMMISSIONER HUNTWORK: Yes. I agree with
2 that.

3 CHAIRMAN LYNN: Okay.

4 Thank you, Mr. Johnson. Anything else,
5 Mr. Johnson, on communities of interest?

6 COMMISSIONER HALL: Have we adopted this?

7 CHAIRMAN LYNN: No. We adopted the other.

8 COMMISSIONER HALL: Have we adopted the
9 other?

10 CHAIRMAN LYNN: Yes.

11 COMMISSIONER HALL: That was a long time
12 ago.

13 CHAIRMAN LYNN: It was.

14 MR. JOHNSON: Mr. Chairman, the only
15 thought I have on that, I guess this -- asking earlier,
16 going all the way to the 51 or whether you would want to
17 stop just as 14th? Because the one we adopted goes all
18 the way over to 51 versus this map shows nothing going
19 over east to 14th. If comfortable to 51, we can stick
20 with that.

21 CHAIRMAN LYNN: As a practical matter, I
22 don't think --

23 COMMISSIONER HUNTWORK: No real
24 distinction, at 16th Street, by the way, I believe.

25 COMMISSIONER HALL: That's correct.

1 COMMISSIONER HUNTWORK: 51 is a true
2 barrier. 16th Street is no visual difference, and I
3 think it's just purely coincidental some were created on
4 one side and not the other. I wouldn't be surprised to
5 see some more in that area. I think we've done as well
6 as we can. We can leave it at that.

7 CHAIRMAN LYNN: Okay. Then, are we ready
8 for Item 8?

9 COMMISSIONER HUNTWORK: Mr. Chairman.

10 CHAIRMAN LYNN: Mr. Huntwork.

11 COMMISSIONER HUNTWORK: A minor clean-up
12 matter. Yesterday I had a laptop here turned to the
13 transcript, the definition of "to the extent practicable"
14 is incorrect. The resolution was very clear that we were
15 going to include both of the sentences inside the bubble
16 that contained this one. We didn't say the words, but
17 that was actually the resolution, we were adopting both
18 of those sentences as the definition. We didn't merge
19 them or anything else, just said put them both down. And
20 if you wish, you know, depending what we would like to do
21 here, maybe I could move to amend or perhaps you'll just
22 take my word for it.

23 CHAIRMAN LYNN: No. I'm not going to do
24 that, even though I trust you absolutely. Let's do it on
25 the record.

1 COMMISSIONER HUNTWORK: My whole point, it
2 is on the record. I looked and it wasn't ambiguous.

3 CHAIRMAN LYNN: If the record is clear,
4 let's refer to the record. We don't need to be
5 redundant. It's not easy to find. I had it here
6 yesterday, was ready to quote from it. Never had the
7 opportunity.

8 MR. JOHNSON: Mr. Chairman, if I might, so
9 put it up on the screen here so we can all read it
10 together, is the language from the Power Point -- the
11 first section here, is the language from the slide that
12 we looked at in the meeting. Get my mouse back. And the
13 bottom definition we put on, on the IRC website now, if
14 anyone put on the IRC website. I guess that's the one
15 Commissioner Huntwork --

16 CHAIRMAN LYNN: Bottom of Section 1, Jim,
17 you think needs some addition to it?

18 COMMISSIONER HUNTWORK: What I believe is
19 that the bottom one has nothing whatever to do with it.
20 The top two are what we adopted as the definition.

21 COMMISSIONER HALL: I'm willing to second
22 any motion you make.

23 CHAIRMAN LYNN: On this issue.

24 COMMISSIONER HALL: I'll second any motion,
25 won't say I vote for it.

1 COMMISSIONER HUNTWORK: I move to reconfirm
2 the definition of "to the extent practicable" is the two
3 quotes.

4 CHAIRMAN LYNN: And for the record, read
5 them.

6 CHAIRMAN LYNN: Mr. Johnson, you read them.

7 COMMISSIONER HUNTWORK: Could have done it
8 a minute ago.

9 MR. JOHNSON: "'To the extent practicable'
10 contemplates the need for flexibility in carrying out an
11 enormous task that necessarily involves many compromises
12 and difficult choices. 'To the extent practicable'
13 expresses a recognition that the actor will be required
14 to reconcile competing considerations, interests, or
15 goals."

16 CHAIRMAN LYNN: Does that form a motion?

17 COMMISSIONER HUNTWORK: So moved.

18 CHAIRMAN LYNN: Second?

19 COMMISSIONER ELDER: Second.

20 CHAIRMAN LYNN: Discussion on the motion?

21 All those in favor of the motion --

22 COMMISSIONER HALL: Do we have to have "to
23 the extent practicable" twice?

24 MS. HAUSER: And means --

25 COMMISSIONER HALL: Wordsmithing needs to

1 occur. Other than that, I'm good with it.

2 CHAIRMAN LYNN: Certainly don't think it
3 hurts, but --

4 MS. HAUSER: Leave it on the screen so I
5 get it down. Thanks.

6 COMMISSIONER HUNTWORK: After the word
7 "choices" and "difficult choices," you could say "and
8 expresses."

9 MS. HAUSER: "And expresses," yeah.

10 CHAIRMAN LYNN: Acceptable, Mr. Elder?

11 COMMISSIONER ELDER: Yes.

12 CHAIRMAN LYNN: Discussion on the motion?

13 MR. JOHNSON: There you go. All those in
14 favor of the motion signify by saying "Aye."

15 COMMISSIONER HUNTWORK: "Aye."

16 COMMISSIONER HALL: "Aye."

17 CHAIRMAN LYNN: Chair votes "Aye." Motion
18 carries unanimously and is carried.

19 COMMISSIONER HALL: One more title, now
20 actors.

21 CHAIRMAN LYNN: Kinder things we've been
22 called.

23 (NOTE, MOTION PASSED: "'To the extent
24 practicable' contemplates the need for flexibility in
25 carrying out an enormous task that necessarily involves

1 many compromises and difficult choices and expresses a
2 recognition that the actor will be required to reconcile
3 competing considerations, interests or goals.")

4 MS. HAUSER: Do we need to say "the actor"?

5 COMMISSIONER HALL: That is my point, but
6 they wanted to go with it.

7 COMMISSIONER HALL: That's good enough.
8 "Actor" is good. I like "actor."

9 COMMISSIONER HUNTWORK: The Commission will
10 be required.

11 CHAIRMAN LYNN: All right? Fine. Clear
12 what we intend by the definition? I do.

13 Okay, Item 8. At this point, we are going
14 to have a report from NDC on previous instructions
15 regarding the beginning of the mapping process and a
16 return to the grid map, which was ordered by the
17 Commission, and then the -- pardon me, thank you,
18 Mr. Hall, very good -- both are correct.

19 As a matter of fact, we ordered Mr. Johnson
20 to return to the grid to begin, and that was as a result
21 of the Court order, which we believe requires that. And
22 Mr. Johnson has gone to the grid. He will present that
23 map and then tell us what subsequently transpired when
24 other variables, such as competitiveness, were added.

25 Mr. Johnson.

1 MR. JOHNSON: Mr. Chairman, Members of the
2 Commission, I'm joined by Dr. McDonald on this.

3 CHAIRMAN LYNN: For the record, Dr. Michael
4 McDonald is -- not his whole CV, but, in connection with
5 this process, Mr. McDonald is a recognized expert in the
6 area of competitiveness, and voting patterns.

7 MR. JOHNSON: Yes. Dr. McDonald served as
8 a consultant to consultant NDC through the drawing and
9 also an expert witness in the trial on this issue. So I
10 have a -- I have a Power Point. This --

11 COMMISSIONER HALL: Anything else you might
12 need while I'm up?

13 MR. JOHNSON: Anything else might start
14 off, keeping with our theme, now we're back to
15 competitive plans. So this is, as instructed, taking the
16 grid map we originally began with, and then working to
17 improve competitiveness. The only criteria that were
18 used in this mapping were competitiveness, contiguity,
19 and equal population as allowed in the time frame that we
20 had.

21 Just to give you a little background on the
22 goals and process and how we did this, as we were moving
23 one block here, one block there, we were using AQD
24 spread. Judgeit is not in the computer system, but we
25 frequently pause to run JudgeIt. I do want to clarify,

1 pursuant to, you know, the judge's findings and order and
2 then the instructions from the Commission, cities,
3 counties, communities, reservations, visible borders, all
4 those other 106 criteria were not used in drawing the
5 map. We did not have them on the screen as we were
6 moving blocks and tracts. This was purely
7 competitiveness, keeping districts contiguous, and equal
8 population.

9 CHAIRMAN LYNN: So, Mr. Johnson, fair to
10 say that the goal of the initial map was to draw a map
11 that not just favored competitiveness, but had
12 competitiveness as the central focus?

13 MR. JOHNSON: Yes, yes.

14 CHAIRMAN LYNN: Mr. Huntwork?

15 COMMISSIONER HUNTWORK: I'd like to hear
16 how you did that. What did you do to assure that you
17 achieved the maximum number of competitive districts by
18 doing that? Just from the very top down, spaceship view,
19 what was your methodology?

20 MR. JOHNSON: I'll give you, basically,
21 Dr. -- I'll hand off the discussion to Dr. McDonald to a
22 point, and he can go into that in more detail if you
23 wish. I'd just say -- I would not claim these are the
24 maximum competitive maps. What these are is initially
25 taking competitiveness only into consideration, given

1 months, years, months that some parties will have before
2 they go back into court, probably take these maps and
3 refine them a little bit more to go for the ultimate
4 maximum. These are maps drawn purely on competitive
5 criteria.

6 COMMISSIONER HUNTWORK: I thought the
7 instruction was to go for the ultimate maximum. That is
8 certainly what I voted for. That's what I thought the
9 Court order required. Why did we not do that?

10 MR. JOHNSON: Well, I would say from a
11 technical point, I would not know I reached the ultimate
12 maximum map for probably months, if not years, of
13 testing.

14 COMMISSIONER HUNTWORK: Well, the goal was
15 to do so to the extent humanly possible.

16 CHAIRMAN LYNN: In the time available.

17 COMMISSIONER HUNTWORK: In the time
18 available.

19 MR. JOHNSON: That's precisely what we did.

20 COMMISSIONER HUNTWORK: How did you
21 conceptualize that task?

22 MR. JOHNSON: We actually have two
23 approaches we're going to show you, the phrases I'll get
24 into result in four maps. One was go for districts, the
25 most number of districts that were at a zero percent

1 spread. And then once those were drawn, to go for
2 districts that were within a seven percent spread. So
3 kind of going for zero perfectly balanced districts and
4 then once those were drawn, we couldn't do more of those,
5 go seven. The other approach, only a seven percent
6 spread once in it, not worrying where you are in it.

7 COMMISSIONER HUNTWORK: Before I see the
8 map, I want to understand: If you were to take -- if you
9 just look at the state, the pixels showed nothing but how
10 heavily Republican it is, how heavily Democrat it is, how
11 balanced it is, it seems you create the optimum map by
12 combining as many Republican and Democrat as possible
13 through the middle part neutral. Is that basically what
14 you did? If not, how can you compare what you did to a
15 map that would have been created by that means, which
16 conceptually seems to be the way to get the maximum
17 number?

18 DR. McDONALD: We are starting from the
19 grid map. We do have a basis to start from. We couldn't
20 do exactly what you are describing. I think that does
21 get the gist of what the effect of the map is.

22 COMMISSIONER HALL: Yeah, Jim. If they
23 started with the state blank, I think you are right. Our
24 basis is grid. We had to adjust from the grid.

25 CHAIRMAN LYNN: Mr. Elder.

1 COMMISSIONER ELDER: Mr. Chairman, was
2 there something I missed in the judge's order that said
3 we were to look at a zero spread? I thought he said
4 using ADQ -- ADQ, using competitiveness, which was judged
5 to be accepted at a seven percent spread. Why not
6 develop just that map? Why do we even go through the
7 exercise of developing zero zero?

8 MR. JOHNSON: Let me, in answer to that,
9 similar to many tests done in the past, seen where when
10 we run into a question as we're doing this, we like to
11 present the options to the Commission and have you make
12 that call in terms of we certainly wouldn't anticipate
13 the Commission look at these four plans and evaluate
14 them, instruct us to go forward with one or more of them.
15 We wanted to present both those options to you.

16 CHAIRMAN LYNN: Mr. Hall.

17 COMMISSIONER HALL: Mr. Chairman, can I
18 just recommend maybe we allow NDC to complete their
19 presentation and then maybe a lot of the questions we
20 have will be answered along the way. There's certainly
21 ample opportunity subsequent to that to answer and ask
22 questions.

23 CHAIRMAN LYNN: Mr. Elder.

24 COMMISSIONER ELDER: Well, since neither
25 one of our attorneys are here to answer the question --

1 ah, excuse me. I stand corrected. Ms. Hauser is in the
2 room. I would think that we would want to address the
3 judge's specific order. And having NDC go out and
4 develop other options that are outside his direction
5 would seem to be counterproductive. And I don't, I
6 guess, understand why we're going to come up with other
7 permutations outside of what his order was until we see
8 what the effects are and say wait a minute, let's take a
9 look at some other alternatives to address his order more
10 precisely. But --

11 COMMISSIONER HALL: I guess my point is,
12 Mr. Elder, I'm not sure we know what we've done yet. I
13 was suggesting we wait until we look at the whole picture
14 and then we could evaluate or inquire about it.

15 COMMISSIONER HUNTWORK: Well, I think --

16 MR. JOHNSON: If I could add to that, had
17 we thought of this question of should we be just within
18 seven percent or aim for zero before the instruction, we
19 would have mentioned it and asked you about it and
20 expected instruction. This is a thought that occurred to
21 us after we received instructions. We didn't want to be
22 the ones making the call on that.

23 COMMISSIONER HUNTWORK: Mr. Chairman.

24 CHAIRMAN LYNN: Mr. Huntwork.

25 COMMISSIONER HUNTWORK: There is a sense,

1 however, I think, it is important that conceptual issues
2 be raised before we see the map, because otherwise it
3 could be done skewed or interpreted by somebody who
4 wished to do so that we had an ulterior motive in raising
5 these issues once we've seen the map, because we don't
6 like it for some reason. So I think it is important to
7 say that the -- at least for me to say, that the
8 conceptual approach that I described is absolutely
9 achievable by adjusting the grid. What you do is you
10 derive the ultimate map and then you simply transmute the
11 grid into that map by a program that adjusts the lines
12 until they equal that map.

13 CHAIRMAN LYNN: Ms. Hauser.

14 MS. HAUSER: Mr. Chairman, may I suggest,
15 then, if Members of the Commission have specific
16 questions with respect to the Court's order, it would
17 probably be best to direct those to counsel in Executive
18 Session rather than to direct them to NDC, and we're
19 happy to do that.

20 COMMISSIONER HUNTWORK: That's fine. I was
21 not asking a question, I was making a statement. I will
22 at least be looking for a thorough explanation of how
23 this, what we were about to see, accomplishes exactly
24 what I was talking about. Because that's how you come up
25 with the maximum number of districts.

1 CHAIRMAN LYNN: That's one way.

2 MR. JOHNSON: Mr. Chairman.

3 COMMISSIONER HUNTWORK: Not the only way.

4 MS. LEONI: Mr. Chairman, it might be

5 helpful if we walked through the entire process and then

6 let's stop at that point and we'll glad to take questions

7 on the process.

8 COMMISSIONER HALL: Very good suggestion.

9 CHAIRMAN LYNN: Go through the process

10 short of showing the product and discuss it.

11 MS. LEONI: Walk through the process.

12 MR. JOHNSON: Last --

13 CHAIRMAN LYNN: I might add, these are maps

14 the Commission has not seen. Part of the issue here,

15 part of Mr. Huntwork's concern, is when we do see a map,

16 we want to be clear all of us understand how the map was

17 developed.

18 COMMISSIONER HUNTWORK: If we have

19 objections to it, I think it's important to say, to the

20 extent we can, to articulate beforehand so that as we did

21 with original creation of the grid itself, so that

22 it's -- it cannot be construed as a biased one we did.

23 MR. JOHNSON: Making sure the presentation

24 map comes up, so we don't have question to address that.

25 The last piece of the goal I mentioned is,

1 obviously, per instruction, making sure we at least met
2 or exceeded the number of competitive districts in the
3 Hall-Minkoff test.

4 So the process was that the first steps in
5 adjusting the grid NDC, we just did some basic work and
6 using just AQD information to get the process started and
7 a lot of obvious changes made. Then on February 5th and
8 6th, Dr. McDonald joined me and we were accompanied by
9 Mr. Rivera as well, and we worked together for two days
10 in doing changes to all over the map to revise those
11 numbers. I already mentioned we had -- you'll see sets
12 of maps labeled A, which are once we started initial work
13 aiming within the seven percent spread.

14 MS. LEONI: AQD?

15 DR. McDONALD: AQD.

16 MR. JOHNSON: Work AQD data. NDC doesn't
17 run JudgeIt. B was other work mentioned. Did work,
18 in-progress maps done. Dr. McDonald joined us 5th and
19 6th, immediately ran JudgeIt. Have him go into what --
20 that process.

21 DR. McDONALD: Walk through all the
22 changes.

23 I provided you with the report of our
24 activities.

25 MS. HAUSER: Michael, it may be off, see if

1 it's off.

2 DR. McDONALD: That would help.

3 I provided you with a report of our
4 activities. As Mr. Johnson discussed, he provided, or
5 NDC provided two maps, as he described, for my
6 understanding. And under that, at my direction,
7 Mr. Johnson investigated ways to increase the
8 competitiveness of those maps, given the JudgeIt
9 methodology that we've discussed previously as well.

10 And so we took both Test A and Test B and
11 developed, sequenced them. There will be a Test 1, A1,
12 and then a Test A2, which is culmination of all changes
13 we made to A. Test B1, Test B2, which is all of the
14 changes we made to B too. And there were several
15 intermediate tests along the way in which we'd stop,
16 evaluate a change, see how that affected the
17 competitiveness, according to JudgeIt, of a map and then
18 proceed onwards to see what sort of changes could be
19 made.

20 And although we -- since this is a question
21 that just came up, although we started with two test maps
22 with AQD, and then we made changes to those in accordance
23 with the JudgeIt methodology, I find it to be a very
24 useful exercise to have two different starting points and
25 then evaluate how we can increase competitiveness coming

1 from two different angles, because we may miss something
2 in one angle that would be valuable in another angle. So
3 in that respect, I found that having the two maps was a
4 useful enterprise as a beginning point of conducting
5 these JudgeIt tests.

6 But again, remember ultimately what we're
7 doing is we're creating as many districts as we can find,
8 as competitive, using the JudgeIt methodology with the
9 express instructions to only look at contiguity and equal
10 population and given a time constraint as well. I think
11 that needs to be kept in mind again, and we probably will
12 repeat it again. With given more time, given different
13 constraints, you undoubtedly will reach a different
14 number of competitive districts that you will find.

15 Okay. To begin with, what -- I'll actually
16 begin with Test B.

17 MS. LEONI: Lisa.

18 May I interrupt you, Dr. McDonald? Are you
19 going to go into the maps now or should we ask them about
20 questions on process?

21 COMMISSIONER HUNTWORK: I have a question
22 about --

23 DR. McDONALD: Into the maps now.

24 CHAIRMAN LYNN: Let's talk about the
25 process, Mr. Huntwork.

1 COMMISSIONER HUNTWORK: I just want to give
2 you a mathematical hypothetical and get your response.
3 You know, one way to look at this is if you were to
4 create a handful of districts that were as close as
5 possible to a hundred percent Republican, and then all
6 the rest of the districts were -- in the state, were
7 competitive Republican, conceptually that is obviously
8 the most competitive map that could be made. And I don't
9 see -- just paging ahead to look at the results, without
10 looking at any of the maps, I don't see anything that
11 even remotely resembles that result. Why is that?

12 DR. McDONALD: Well, as I mentioned, we're
13 starting with the Legislative grid map and making
14 adjustments to it. As I'll explain, one of the things
15 that became rather obvious to us in doing these
16 adjustments, one time constraint was that there's an area
17 of Tucson which we couldn't unpack and connect with other
18 Republican areas of the state in order to mix those
19 Democrats with Republicans and increase the overall
20 competitiveness. Theoretically speaking, I think you are
21 correct, that that would be the way to maximize
22 competitiveness, theoretically. Practical constraints
23 forced us to do something that would be less than
24 theoretical.

25 COMMISSIONER HUNTWORK: Okay. As -- well,

1 as you go through, I would be interested to have you
2 explain specifically with reference to the maps why you
3 were constrained against achieving that result, because,
4 again, I think for this exercise to be legitimate, to
5 really start with what the Judge apparently ordered us to
6 do, it needs to come as close as is practically --
7 practicably possible to that mathematical result that I
8 just outlined. So we need to understand why it didn't.
9 So I guess that's my point.

10 CHAIRMAN LYNN: The only thing I would add
11 to that is if in fact there is some difference in
12 interpretation as to what the Court is ordering to us do,
13 as Ms. Hauser suggested, we ought to have that discussion
14 in Executive Session with counsel, because I'm not sure
15 I'm at the same place you are with respect to what the
16 Court said we ought to do. So that discussion is a
17 separate discussion. If you think that discussion is
18 going to help or bear significantly on us going forward
19 with this presentation, I would recommend we have that
20 discussion first, because I don't have any problem with
21 the distinction being made between theoretical and
22 practical, because theory is interesting, but not
23 relevant to anything we are doing in the time we have to
24 do it.

25 Mr. Elder.

1 COMMISSIONER ELDER: Mr. Chairman, I
2 believe that Mr. McDonald's discussion of the zero sum
3 and the seven percent swing discussion is that it gave
4 him two ways of evaluating opportunities. Making one map
5 better fits what I needed to know as far as why we went
6 ahead with another alternative that wasn't prescribed by
7 the Courts initially. So I think that is a valid way of
8 approaching it, gives us a better oversight and then a
9 better way of answering our questions. I don't have an
10 objection of going ahead at this time.

11 CHAIRMAN LYNN: Mr. Huntwork?

12 COMMISSIONER HUNTWORK: I think your
13 comments were probably directed toward me. I think that
14 the -- the advice of council on this point, while
15 interesting, is not going to -- is not going to stop me
16 from wanting to know, from wanting to understand why some
17 of these results are so far off from the theoretical
18 possibilities. And I'm going to ask the questions so
19 that I can understand that regardless. We've got -- and
20 whether you have interpret the Court's order as
21 absolutely as I was saying or not, I didn't mean -- the
22 Court only ordered us to do this to the extent
23 practicable. In order to ascertain whether we've done
24 that or not, I will need to understand why it deviates
25 from what the practicalities were.

1 CHAIRMAN LYNN: I'll simply make one other
2 comment, then: I'm fine with going through it. If I
3 understood your comment, what you are trying to do is
4 ascertain how what we did differs from a theoretical and,
5 as we have discussed, and practical absolute. And for
6 the reasons given, that absolute wasn't -- in the time
7 available, couldn't be tested. So it's tough to figure
8 out the deviation when you don't know the two points, you
9 only know one point and you have a theory about the other
10 point.

11 Having said that, I mean, I think what we
12 have to do is get comfortable with the methodology we're
13 using or not, and move forward.

14 Mr. Elder.

15 COMMISSIONER ELDER: Ms. Leoni.

16 MS. LEONI: Thank you, Chairman, and
17 Members of the Commission. I did want to point out that
18 our instruction, and I had assumed it was because of the
19 time constraints, was to do what the -- the best we could
20 in the time constraints within the seven percent JudgeIt
21 range. And I don't recall that we were asked to, once we
22 got there, to evaluate whether that was a Republican or
23 Democratic leaning. But we do recognize the validity of
24 the question and we welcome those questions.

25 COMMISSIONER HUNTWORK: Thank you.

1 MR. JOHNSON: Let me add one thing that
2 might clarify. The one deviation really jumps up, like
3 in Reports A1 and B1 have a four and three packed
4 Democratic districts versus the one Dr. McDonald
5 referenced shows up in A2, B2. That difference is simply
6 because A1, B1 were drawn using only AQD before
7 Dr. McDonald arrived. The difference between one and
8 four, the difference between AQD measurements and JudgeIt
9 measurements.

10 DR. McDONALD: True.

11 MR. JOHNSON: If that's a question why
12 there were four Democratic packed districts, AQD and
13 JudgeIt results when we ran JudgeIt, if that clarifies a
14 little bit.

15 COMMISSIONER HUNTWORK: Thank you. Yeah.
16 You bet.

17 CHAIRMAN LYNN: Okay.

18 DR. McDONALD: So to proceed with what we
19 actually did, we first started off with the investigating
20 Plan B, and that was the plan that had as many AQD at
21 zero percent deviation as NDC could find. And we started
22 with that one because it was clear that there was going
23 to be more opportunities to create further competitive
24 districts within the JudgeIt spread, excuse me, just
25 because that seven percent hadn't been really

1 investigated under that model.

2 And so if you look at the result of that,
3 I'll just point you to it, it's the Competitive A2, the
4 second-to-last page of the report -- excuse me,
5 Competitive B1. You can see justification for this.
6 There are 16 competitive districts according to JudgeIt
7 in this particular map. If you return to the second page
8 of the report, in bullet points I describe the trades
9 that we did make, starting from this map, to reach the B2
10 map. And these changes were made over the two days that
11 we investigated making changes to the maps.

12 So initially we looked at Districts L and
13 Districts M, and we rebalanced the population between
14 them to create new Districts L and M. Previously
15 District L was a competitive district. You can see
16 District M was an uncompetitive Democratic district, and
17 by balancing the population between the two we're able to
18 bring the District M into the competitive range.

19 We then looked at -- although we don't have
20 maps up here, it might be somewhat useful to put the map
21 up --

22 MS. LEONI: Not until the Commission
23 instructs me.

24 DR. McDONALD: Excuse me. Can't look at
25 the maps yet. My apologies.

1 The next step we took, Districts A, C
2 and -- A, CC, and DD, we explored trading population
3 between these three districts, where before we have two
4 uncompetitive districts and one competitive district, DD,
5 and by exchanging the population among these three
6 districts we were able to create -- let me make sure --
7 three new districts that are all competitive: District
8 A, District CC and District DD.

9 And then after that stage was done, we
10 looked at District B and District A, and looked at
11 exchanging population between those two and formed
12 District B was uncompetitive, the new District B resulted
13 in a competitive district.

14 I would note, too, that that A, when you
15 see something, that is the final result that shows up in
16 the B2 competitiveness report. So when I first mention
17 A, there is an intermediate step to reach that 52.2,
18 which is described in that next sentence of that bullet
19 point.

20 So that exchange that happened between A,
21 CC and DD, is, is not the final result for A, that
22 it's -- that value of JudgeIt, 52.2 percent that is given
23 for that District A, is the result when all adjustments
24 are made through all of these bullet points. Just to
25 clarify that.

1 The Maricopa graph and the next bullet
2 point we moved population again between A, CC and DD, and
3 that was in order to open up possibilities of adding
4 population between DD and the other districts. And so in
5 the next bullet point I describe how we shifted
6 population between C, D, and DD to bring Districts C and
7 D within the competitiveness range.

8 And then we looked at population
9 exchanges --

10 CHAIRMAN LYNN: Dr. McDonald.

11 Mr. Huntwork.

12 COMMISSIONER HUNTWORK: Mr. Chairman, I --
13 I think that the, that the mechanics, the things we did,
14 would be, as you did this would be illustratively if the
15 map were on the board. I'm wondering if there is
16 anything more of a kind of conceptual nature we need to
17 talk about before we can put the maps up? Personally I
18 don't have any additional questions of that nature,
19 and --

20 CHAIRMAN LYNN: Are you satisfied at this
21 point and ready to look at a map?

22 COMMISSIONER HUNTWORK: I believe so.

23 CHAIRMAN LYNN: Any other Members of the
24 Commission wish to ask additional questions about
25 methodology before we view the product?

1 If not, then why don't we -- because I --
2 my eyes were glazing over. Too many districts, too many
3 letters, and clearly not enough visual input for me to
4 figure that out.

5 MR. JOHNSON: Mr. Chairman, if I might give
6 a couple summary totals before.

7 CHAIRMAN LYNN: Mr. Elder has a comment,
8 then we'll get to you, Mr. Johnson.

9 COMMISSIONER ELDER: Mr. Johnson,
10 Mr. McDonald, Dr. McDonald, when you were choosing
11 districts, let's see if we can take A, CC or DD.

12 Were they contiguous or a ripple effect
13 outside those, or were the changes, effects outside those
14 districts?

15 DR. McDONALD: When I describe a three-way
16 trade, the trades were between those three districts and
17 did not affect any other district.

18 COMMISSIONER ELDER: Thank you.

19 MR. JOHNSON: Let me just --

20 Mr. Chairman, Members of the Commission,
21 one thing, again, I want to reemphasize, the maps drawn
22 were solely for competitiveness, not other community
23 issues. What it has done, we just put some summaries up
24 for comparison.

25 Competitiveness, looking at the JudgeIt

1 map, as the report before you shows, the A1, the 21
2 districts, Dr. McDonald's work, we've gotten that up to
3 23. B1 had 16. And that is also now up to 23. That
4 compares to seven in the Hall-Minkoff test, four in the
5 2004 plan, and six in 2002. Obviously that's a
6 significant jump. The flip side, we've run city splits
7 and haven't yet had the time to run county splits and
8 reservation splits. I can ballpark that for you. City
9 splits, the 2004 plan had 54. The interim plan, 54.
10 Hall-minkoff, 57 splits through cities.

11 So if three splits in a city, that counted
12 as three, the competitive plans you see jump up to 112,
13 114, 130 splits. So actually -- the 2004 number I think
14 is a typo. Because we didn't split any -- it should be
15 16. The number of split cities is 16, 16 and 17. It
16 jumps up to 31, 41. You're getting a sense of what you
17 are about to see.

18 Compactness, using the definition adopted
19 the other day with the Polsby-Popper measurement, .17 or
20 lower, you see '90, the '90s plan had 10. The grid,
21 2001, 2002, 2004 all had zero. Hall-minkoff had zero.
22 A1 had eight. B1 had 16. Under that measure, and then
23 competitive -- actually this work increases -- increased
24 the lack of compactness to 10 and kept it at 16 for the B
25 test.

1 So those are some summary tests to prepare
2 you for what you are about to see.

3 CHAIRMAN LYNN: Sounds like the same kind
4 of warning television does before they show you a program
5 you are not like to like.

6 DR. McDONALD: Small children.

7 CHAIRMAN LYNN: How many times did we split
8 for the squeamish.

9 DR. McDONALD: Let me point out one thing,
10 that the maps at this point we're going to see, these are
11 beginning and end points of looking at these maps. At
12 some point we're describing intermediate steps which are
13 going to be made which are not going to be reflected on
14 these maps.

15 MR. JOHNSON: What I'll do is put B maps
16 over here and A maps.

17 CHAIRMAN LYNN: Mr. Echeveste, what is
18 helpful would be if the paper curls, get tape and tape
19 the bottom to the legs so we see the interior of Phoenix
20 and Tucson.

21 Mr. Johnson, you also have it on the
22 computer on the screen?

23 COMMISSIONER HALL: People can help you
24 tape while you pull it up on the computer, if you like.

25 COMMISSIONER ELDER: Josh will help tape.

1 CHAIRMAN LYNN: You are "Hall monitor" this
2 morning: "Hall monitor."

3 COMMISSIONER ELDER: Ohh.

4 MR. JOHNSON: Let me see if I can make
5 these bigger.

6 Let me just highlight a couple things on
7 these maps.

8 CHAIRMAN LYNN: Okay.

9 MR. JOHNSON: Because questions --
10 questions off the top.

11 MS. HAUSER: These are ugly.

12 MR. JOHNSON: Yes. For example, on A1, and
13 actually true on B1, the yellow district up here, it is
14 the same yellow district down here in Scottsdale. So Z
15 is similar, this red District Z actually is the same as
16 this red District Z. And district X actually is
17 competitive because it has East Valley Republicans and
18 Tucson Democrats. So where colors match, you have to
19 follow along. They are all contiguous, even ones that do
20 not appear to be so on these maps when you zoom in are
21 contiguous, though often by one block. If something
22 appears strange, it can't possibly be that district, it
23 probably actually is.

24 CHAIRMAN LYNN: Mr. Hall.

25 COMMISSIONER HALL: Well, Mr. Chairman, for

1 the benefit of those in the audience who now have a floor
2 Jack to get their jaws off their knees: I think these
3 maps highlight the absolute ignorance of the judge's
4 order with respect to the whole presumption that
5 competitiveness should trump all. And the order that was
6 considered. And unfortunately, as we've stated before,
7 here we are, placing competitiveness paramount. And now,
8 with the expedited process, now, of trying to determine
9 what, which of the other goals that competitiveness has
10 caused significant detriment to, we are criticizing the
11 order for not, for saying in the judge's opinion, that we
12 know it when we see it. Well everybody in this room
13 knows about 50 or to a hundred significant detriments the
14 minute they see them. That in my mind is a tremendous
15 irony. And so I just -- I'm not sure everyone in the
16 audience has had the benefit to read the order and
17 understand what we have been required to do. And I think
18 that a picture does say more than 1,000 words relative to
19 the predicament that this Commission has been placed in.

20 CHAIRMAN LYNN: Mr. Huntwork.

21 COMMISSIONER HUNTWORK: Mr. Chairman, I --
22 I do not -- I wish to disassociate myself from the
23 comment about the ignorance of the judge's order.

24 I do believe that this, that these maps are
25 anathemacal to Proposition 106 and everything that it

1 stands for. I think they are grotesque. I think they
2 are twisted. I think they are abominable. I think it's
3 almost inconceivable that, that this type of starting
4 point could ever have been intended by the framers of
5 Proposition 106 with the emphasis that has been placed on
6 communities of interest, you know, natural divisions,
7 political boundaries, and so on. Nevertheless, you know,
8 the Judge is part of the process as well. He has entered
9 an order that will be reviewed by the appellate courts
10 and will result in law to guide us and future
11 commissions. And so he has a job that is in the process
12 quite different from ours. And only part of what you
13 said, Mr. Hall, I don't agree with is to make it at all
14 personal to the court or the role that it plays in the
15 process. But I do think we have to finish hearing the
16 explanation because in order to comply with the order
17 we're going to have to take one of these approaches and
18 then direct our consultants to proceed based on that and
19 somehow come up with a map that makes as much sense as
20 possible.

21 COMMISSIONER HALL: Maybe I should clarify,
22 Mr. Huntwork. Certainly nothing intended, I'm sure Judge
23 Fields is a very nice man, but the product of what is in
24 the order is, in my mind, an impracticable application,
25 is ignorant. So I'm not trying to cast personal

1 aspersions, but it is absolutely contradictory to the
2 intention and wording of 106 and the purpose of this
3 Commission.

4 COMMISSIONER HUNTWORK: I agree completely,
5 Mr. Hall.

6 CHAIRMAN LYNN: Mr. Elder.

7 COMMISSIONER ELDER: Mr. Chairman,
8 Mr. McDonald, when you go through some of your process,
9 would you also make an effort, maybe it's also
10 Mr. Johnson, make an effort to show me or give me one
11 scenario, like if we started, I believe, when we chose
12 the grid, or produce the grid, the first district or
13 first grid was the northwest portion of the state, then
14 tell me or at least give me some sort of word picture of
15 how you started to work that and what choices or how you
16 made the choices as to which way to together pick up the
17 right population and get as much competitiveness as
18 possible. I'm having trouble getting from, you know, the
19 grid back there to the northwest sector there and
20 northwest sectors around the room. So I'm -- just some
21 idea of how you chose blocks, the precincts, districts,
22 whatever it was you used.

23 CHAIRMAN LYNN: Mr. Johnson.

24 MR. JOHNSON: I'll tell you first part then
25 Dr. McDonald describe the part when we worked together.

1 What we did is put up thematic map Commission has seen
2 part of record of actually AQD scores don't have JudgeIt
3 in data base and AQD fairly close approximator of it, and
4 then we took looked at the district's scores by AQD.

5 COMMISSIONER ELDER: The grid scores.

6 MR. JOHNSON: Grid scores which within for
7 and a half or five percent to increase our odds staying
8 within seven percent once we went to actual step of
9 JudgeIt, so, once we identified those districts we
10 started, that were outside of that range, we just started
11 looking all over the map for thematic indications of
12 where we could add population in. And of course any time
13 you add population in you have to move some out. So as
14 you can see, this is not, these are not at the edges, to
15 use the favorite quote of the lawsuit, not-at-the-edges
16 changes. Changes happen all over and many districts
17 traveled significant distances from their grid starting
18 points.

19 So we weren't taking one district in
20 particular at a time. We were jumping in and saying, you
21 know, big picture where do we need to go with these
22 districts to try to get to appropriate populations we
23 were looking for with the appropriate thematic. That is
24 how we went from the grid to A1 and B1 maps.

25 I'll let Dr. McDonald describe our

1 approach.

2 CHAIRMAN LYNN: But the question I think
3 Mr. Elder was asking is if you look at map in total, you
4 may have districts that were within that four to five
5 percent starting point and districts outside. And of the
6 several districts outside, how did you pick the one to
7 start with? That was your question.

8 COMMISSIONER ELDER: Well, to some extent.
9 What I wanted to make sure was there was either uniform
10 process selection across the state as we are deciding:
11 Well, are we going to get -- say we needed to pick up
12 Republicans in a district and looked around the perimeter
13 of the very first district you are looking at, you saw
14 Republicans in maybe three or four different areas. You
15 also, not being in a vacuum would look at how those
16 Republicans might have been used in the original grid
17 system. All I want to make sure is there was a
18 reasonable process of how we looked at those that we
19 didn't have you, or you didn't in the process for us, you
20 know, say: Oh, here is some over here. Really make the
21 map weird looking if we picked those up.

22 MR. JOHNSON: No.

23 COMMISSIONER ELDER: That's what I want to
24 make sure you express to us, how we get a compact,
25 contiguous, responsible map.

1 MR. JOHNSON: Actually that's a very good
2 question, something left out of the description.

3 Whenever we saw two blocks of population,
4 if looking for Democrats, two blocks of Democrats, we
5 would look to the nearby one first. You know, we
6 didn't -- it would be nice to avoid compactness issues.
7 We didn't let it restrain us, if a limit was on the
8 impact on competitiveness; but if there was an option of
9 going for one further away or one closer by, we did
10 definitely try to do one closer by as long as it got us
11 to the same point, same result.

12 CHAIRMAN LYNN: Mr. Huntwork.

13 COMMISSIONER HUNTWORK: All I just want to
14 say, these maps I'm sure were prepared in a responsible
15 way and to some extent in anticipation of what we have to
16 do with them. My earlier comment about what is
17 theoretically possible was not meant necessarily to be a
18 criticism but just to point out, you know, what the full
19 compliance might be. And the step you've described
20 clearly could have constrained your ability to achieve
21 the maximum number of districts depending on how that
22 other piece might have fit in with something somewhere
23 else. I don't, I don't really criticize it because, you
24 know, I -- I really, truly, would not want to look at a
25 map that was worse than this as a starting point for

1 achieving the goals of Proposition 106.

2 CHAIRMAN LYNN: Mr. Huntwork, one point.

3 And again, this may, may cause us to want to have a
4 different discussion in a different setting, but, my
5 reading of the order, there is nothing about the maximum
6 number of districts. Neither was, was our instruction
7 intended to deal with the maximum number of anything so
8 much as it was designed to express a specific order of
9 process, which is to take the grid, which we understand
10 is benign except with respect to population, and use
11 competitiveness as the first criterion that was used to,
12 in that sense, draw competitive districts. The order as
13 I read it is not necessarily to have maximum anything.
14 It's to have the order of criteria set forth where
15 competitiveness is favored, and used first, and then to
16 do the other things you need to do to put the other goals
17 in there and wind up at a result. So I'm just a little
18 concerned about the concept of maximum, because that's
19 not either the judge's charge nor was it our instruction.

20 COMMISSIONER HUNTWORK: Well, and I -- you
21 are right, Mr. Chairman, I apologize. I'm saying favor
22 competitiveness and taking that to the ultimate extreme.

23 CHAIRMAN LYNN: As much as practicable.

24 COMMISSIONER HUNTWORK: Practacability is a
25 good point here. Thank you.

1 CHAIRMAN LYNN: Thank you. I think the
2 other thing -- I think the other thing worth saying is we
3 all new that this first group of maps were going to be
4 interesting, to say the least, although I really liked
5 Mr. Huntwork's adjectives better. I was concerned we
6 didn't in our significant detriment definition have
7 twisted and, what was other one I liked so much,
8 grotesque, I think those two were. They --

9 COMMISSIONER HUNTWORK: Sorry.

10 CHAIRMAN LYNN: No, they were fine. I'm
11 absolutely happy with them. I do think what is important
12 for everyone to remember here, is we are literally
13 talking about a process that could be done several
14 different ways. What you see represented here is what
15 the court instructed us to do with respect to the
16 beginning of the process. So the court ordering us to do
17 this in this order produced the maps you see here. We're
18 trying to be comfortable we understand the methodology we
19 get from the grid to the maps you see. You'll see other
20 iterations when other criteria are added to the maps in
21 future mapping we do to continue to change these
22 districts in various ways, based on the criterion we're
23 using and how it affects the map. So, I mean it is a
24 process.

25 Mr. Hall.

1 COMMISSIONER HALL: Well, Mr. Chairman,
2 while the maps are interesting, and fun to look at, just
3 so I make sure I understand where we need to go,
4 obviously our instructions now are to adjust these maps
5 pursuant to the goals set forth in Proposition 106. Is
6 it safe to say that we need to pick one of these maps to
7 adjust and move on a go-forward basis? And if so, I
8 would recommend that we start those deliberations and
9 move forward.

10 COMMISSIONER ELDER: Mr. Chairman, I'm
11 sorry, I'd like to hear the presentation by NDC,
12 Dr. McDonald, how they went through the process here
13 before we start choosing some map.

14 COMMISSIONER HALL: I guess, Mr. Elder, I
15 think that is in front of us in writing, and I guess my
16 question is would be I think it's clear that they have
17 given the the best expertise available with the expertise
18 of Dr. McDonald who is probably reknowned nationwide for
19 this, that they, my trust is implicit that they have
20 utilized the best skills, tools, expertise available to
21 produce an extremely, if not the most competitive map
22 possible. And I guess, from a practical standpoint,
23 analyzing all of the avenues that they went down, which
24 is already in writing and of record, is not necessarily
25 the most productive use of our time to move to achieve

1 the ultimate goal of what we're here to do.

2 CHAIRMAN LYNN: I'm not sure remainder of
3 report would have taken any less time than that
4 statement. Let's see.

5 COMMISSIONER HALL: Eight pages.

6 CHAIRMAN LYNN: I don't think being read,
7 being talked through, I'd like the consultants --

8 I'd like the consultants to complete their
9 report so it is fully complete on the record, then we can
10 move forward as we can.

11 Mr. Johnson, Ms. Leoni, Dr. McDonald,
12 please add whatever else you wish to add in terms of your
13 report.

14 MR. JOHNSON: I think what might be useful,
15 as Dr. McDonald talks about different districts, I'll
16 point out different districts.

17 MS. HAUSER: Vanna. You can be Vanna.

18 DR. McDONALD: I guess I want some
19 direction from the Commission. If you want me to, I'll
20 consider going through every one of the bullet points and
21 say we made changes between these two districts and this
22 was the result; or I could just tell you generally, as
23 Mr. Johnson just did, in general terms, what we did, what
24 the rationale was for choosing these districts and what
25 changes we made to them.

1 CHAIRMAN LYNN: Again, Commissioners may
2 differ on this. Let me offer one and see if it makes
3 sense. Your report can be made a part of the record.
4 The actual detailed changes from one district to another
5 to achieve a specific result are part of the record as a
6 part of the report.

7 What I am interested in, and I hope my
8 fellow Commissioners would feel comfortable with, number
9 one, a a 1,500 feet understanding of the methodology we
10 now have in terms of where you started, how you moved
11 forward. We can see in general terms the results,
12 because the results are graphically depicted on the maps.
13 And because these maps are going to change many times in
14 the the process, I guess my concern at this point would
15 be only to understand how we got to where we are and
16 fully understand sort of the analysis of each of the maps
17 with respect to how many districts are competitive, and
18 so on, so that we understand where we start and as we
19 move through the iterations of maps how we progress.

20 Now if Commissioners want additional
21 information at this point, let's get it on the record and
22 make sure we have it at every stage.

23 Mr. Elder.

24 COMMISSIONER ELDER: Mr. Chairman, I agree
25 with that with the caveat while like Mr. McDonald takes

1 one example of a bullet, says this district, this is how
2 we looked at it, here is how population was or wasn't, we
3 had defined and go through a one step with us, and then
4 go ahead and summarize or take a look at the maps.

5 DR. McDONALD: Why don't we start with
6 districts L and districts M on map B1, and this is a sort
7 of trade between two districts to increase
8 competitiveness.

9 COMMISSIONER ELDER: Bottom right, L --

10 DR. McDONALD: Down in Tucson.

11 MR. JOHNSON: Dr. McDonald, D and B.

12 DR. McDONALD: D and B.

13 COMMISSIONER HUNTWORK: Something bigger.

14 DR. McDONALD: I was a little concerned we
15 did multiple trades. This is an isolated trade, that's
16 why I thought we'd start, use this one as an example.

17 MR. JOHNSON: Okay. District L had a
18 JudgeIt of 47.9 and District M had 57.2. So District M
19 would be outside the competitiveness range and since
20 there was a Republican leaning District L adjacent to it,
21 it made sense to try. And M was just outside the
22 competitiveness range. It made sense to look at what
23 sort of trades. We could make between District L and
24 District M in order to bring District M down from its
25 57.2 percent Democratic performance into the

1 competitiveness range and so the trades that are evident
2 on that map are the result of that activity and resulted
3 in two districts. We managed to almost perfectly balance
4 them at 52.1 percent for both of them in terms of their
5 JudgeIt score.

6 When we look elsewhere in the state, these
7 sorts of trades between two districts in order to
8 equalize their JudgeIt score to bring, say, one that was
9 a Democratic and one Republican, both within the
10 competitiveness range, was not as fruitful when we
11 started looking in. So the need to do swaps between
12 three districts, perhaps.

13 One district that was outside the
14 competitiveness range and another next to -- adjacent
15 right at it would be within the competitiveness range or
16 one outside of it, and have to look at how we -- because
17 we, believe it or not, we really did try to look at
18 territory that would be adjacent and keep it within
19 competitiveness, all districts within a competitiveness
20 range, looked at making a trade of two districts equal to
21 two percent on JudgeIt, at least -- which we thought
22 would be two percent in JudgeIt, before we ran it, and
23 then we might look at other trade too, plus or minus one
24 percent between two other districts in order to bring
25 other district looking what we're at to make it

1 competitive within the JudgeIt trade.

2 Trades between A, CC and DD were of that
3 sort of nature in trying to reconfigure all three of
4 these districts to make them all three fit within the
5 competitiveness range. So that's the general terms of
6 what we did.

7 The result -- and specifics are in the
8 report with the bullet points. And there are
9 intermediate steps.

10 We had a series of maps in which we would
11 do a test, create a test map, run the analysis, see what
12 the effect was, of that, and then maybe have to come back
13 and do another adjustment to the districts in order to
14 fully bring a district within the competitiveness range.

15 But to go on, just in a very general term,
16 what really struck me was that at the end of the day,
17 once we looked at both of these maps, the result was that
18 we had 23 districts in both of them. And it strikes me,
19 we sat down and we didn't have enough time to do it, what
20 Mr. Huntwork described earlier was one option to possibly
21 increase the competitiveness of the map would have been
22 to do something to take, unpack Tucson. There's a
23 Democratic district, it appears different numbers,
24 different letters on the two maps. I think J and T. I'm
25 not exactly sure if that is correct. In any case, in

1 order to unpack that part of Tucson, we would need to
2 create some connectors outside of Tucson, to Republican
3 areas of the state. And given time constraints to do
4 that sort of activity, and we're talking block wide
5 connectors that would come in and out of Tucson, we
6 basically ran out of time at that point and couldn't
7 further produce a map that would be more competitive.
8 But my belief is that there probably is another map that
9 is out there that is more competitive because we do have
10 a Democratic district there and ideally we would not want
11 that district in the map, but the result of 23
12 suggestions to me that is close to the upper limit of the
13 number of competitive districts that can be drawn in the
14 State of Arizona.

15 CHAIRMAN LYNN: Mr. Elder then
16 Mr. Huntwork.

17 MR. JOHNSON: Very quickly on point, you
18 mentioned which is Democratic. Can you mention which are
19 packed Republican?

20 DR. McDONALD: Packed Republican.

21 MR. JOHNSON: B2.

22 DR. McDONALD: A number of them, North
23 Phoenix.

24 MR. JOHNSON: J, all around it. J would
25 have to be linked. I believe one packed Republican is

1 left in the East Valley. Otherwise looked at linkage,
2 that district up to Y or V up in the Phoenix area. I'm
3 not sure if A is competitive. But -- that is where we'd
4 have to link that to to get rid of one packed.

5 CHAIRMAN LYNN: Mr. Elder.

6 COMMISSIONER ELDER: Mr. Chairman, that may
7 have addressed most of my question. I wanted to know in
8 the process did you look at any districts as saying:
9 Boy, if we pulled out and packed a district on purpose to
10 make three competitive around it, did you take that
11 option or look at that option?

12 DR. McDONALD: We did not look at that
13 option because we were already starting with packed
14 districts. But your question sparks another thought of
15 mine which we did do in district, in map A1. We did
16 explore one District CC that was outside the
17 competitiveness range. And it was the district closest
18 to being competitive. And we were looking to create
19 another competitive District to make it 24 rather than
20 23. And we, we really had some very strange -- I
21 shouldn't say strange. We were not instructed to look at
22 compactness, so they are all beautiful. They were very
23 beautiful. They were very beautiful connectors that came
24 out of CC and had some of the adjoining districts. And
25 we couldn't bring CC within the competitiveness range and

1 so we abandoned that. That was our last endeavor before
2 time expired and we had to get on flights to come out
3 here.

4 CHAIRMAN LYNN: Absent a consideration of
5 aesthetics, everything is beautiful.

6 DR. McDONALD: They are my babies.

7 CHAIRMAN LYNN: I understand.

8 Mr. Huntwork.

9 COMMISSIONER HUNTWORK: I think Mr. Elder
10 got to the point I was going to ask about, so --

11 CHAIRMAN LYNN: Okay. All right.

12 Please, is that -- is that -- is that --

13 MR. JOHNSON: We have the statistic sheets
14 you are familiar with for all these plans I can hand out.

15 COMMISSIONER HALL: Shows the spread with.

16 MR. JOHNSON: A report from Dr. McDonald,
17 the spread with AQD and JudgeIt.

18 COMMISSIONER HALL: Do the math?

19 MR. JOHNSON: No, we added that now.

20 CHAIRMAN LYNN: Absent a motion to just
21 adopt these and submit them, we have more work to do.

22 CHAIRMAN LYNN: Any other comments or
23 questions by the Commission relative to the tests,
24 competitive tests A1, A2, and B1, B2 as presented?

25 If not, would it then be appropriate to

1 move to the next stage based on the instructions given to
2 the consultants?

3 And just for review, Mr. Johnson, would you
4 begin that phase of your presentation by reviewing the
5 next step as you understood it?

6 MR. JOHNSON: Sure.

7 CHAIRMAN LYNN: As you understood it and
8 how you went about it.

9 MR. JOHNSON: Sure. The next step in the
10 process, that was adopted by the Commission, is to adjust
11 the maps to comply or -- with the Voting Rights Act, as
12 described in the order. So what we have to present to
13 you is that we've done with one of the maps. There
14 wasn't sufficient time from when we finished with
15 Dr. McDonald to make those adjustments for today. So we
16 have as an example of what happens when we make those
17 adjustments a plan A1 adjusted for voting rights. You
18 can see what happens when we do that, what happens when
19 we do that.

20 CHAIRMAN LYNN: Just a moment. Why A1?

21 MR. JOHNSON: A1, B1, B2, we've not done
22 work we began when we were doing those. Did not have
23 enough time to get B1 done as well.

24 CHAIRMAN LYNN: So it's an example of.

25 MR. JOHNSON: Yes, example of based on what

1 we did on that impact of maps very similar. Districts
2 may be configured with similar results and will be fairly
3 close in each one. What we did was interpreting the
4 instruction was we united each of the tribal
5 reservations. Part of the discussion, the instruction
6 for the Voting Rights Act, each reservation needed to be
7 intact. And then we attempted to get districts which the
8 Hispanic voting age would be essentially where they were
9 in the Coalition 2 plan, based on the comments at the
10 hearings. And that that would be that those may be
11 sufficient numbers for voting rights compliance.

12 We have those for you to look at. I can
13 show them on the computer. Actually, I don't have a big
14 map. Dr. McDonald has run JudgeIt on it as well.

15 CHAIRMAN LYNN: Without objection, let's
16 look at the next step in the process.

17 MR. JOHNSON: Let me start with kind of
18 summary stats. If I can bring up for you on the Power
19 Point.

20 COMMISSIONER ELDER: While doing that, I'll
21 ask a question of Dr. McDonald.

22 Do you remember off the top of your head
23 while saying you were attempting to go to zero on
24 competitiveness, on the B, was it the B2 plan or --

25 DR. McDONALD: AQD, NDC began with, and

1 that would be AQD had zero percent for as many districts
2 as they could find with AQD of zero.

3 COMMISSIONER ELDER: Okay. Spread or
4 range, what was considered zero statistical, half a
5 percent either way gave you zero in the column?

6 MR. JOHNSON: The summary is at the bottom
7 of the first page there. It tells how many districts had
8 AQD of within one percent, a spread of three percent,
9 five percent. All the numbers are there. I can walk you
10 through this, show you the statement. It states it as
11 before.

12 Remember this. It did not look at city
13 borders, county borders. We haven't done anything on
14 those fronts, solely united tribal reservations. Each
15 one is intact. We drew some districts that had Hispanic
16 voting age numbers comparable to what have been discussed
17 before, but just those changes, not any improvements to
18 any changes to follow community lines or city lines. We
19 go from in A1, this is all work off of plan A1, from 23,
20 from 21 in JudgeIt, seven percent districts down to 10.
21 City splits, however, go from 112 total to 115. And the
22 number of cities split goes up from 31 to 33. And then
23 compactness, we go from having eight districts in A1 that
24 were lower than that 1.17 to 3.17. So that is
25 comparative stats.

1 Let me bring up the map on the screen.

2 (Recess taken.)

3 CHAIRMAN LYNN: We have a technical issue
4 we need to deal with. Let's take a 15-minute break.
5 That will give you an opportunity to get up close and
6 personal with the maps, take a look at them, find your
7 house and be amazed. We'll reconvene at 12:30.

8 (Recess taken.)

9 CHAIRMAN LYNN: If I could ask the
10 Commissioners to proceed. In terms of housekeeping, and
11 scheduling, my suggestion would be that we take a look at
12 the example of the voting rights --

13 MS. HAUSER: I'm sorry, I need to ask
14 Ms. Nance.

15 (Discussion off the record.)

16 CHAIRMAN LYNN: My suggestion would be that
17 we look at the example of what happens to one of these
18 competitive maps when you add voting rights criteria to
19 it, and that at that point we take a break. It's midday
20 anyway, and we're going to need a break. Take about 45
21 minutes at the conclusion of that presentation and then
22 come back and address the issues that we see presented in
23 that transformation from competitive to voting rights and
24 give instructions for future work as we move forward. So
25 that's my intent.

1 Without objection, we'll move in that
2 direction.

3 Mr. Hall.

4 COMMISSIONER HALL: Mr. Chairman, I just
5 had members of the public ask what -- an overview of what
6 our intentions were for the rest of the day. While some
7 of that I understand is a by-product of time, I wonder if
8 we could do a 10,000-foot fly-over just for the benefit
9 of the public.

10 CHAIRMAN LYNN: Well, part of it relates to
11 scheduling. And because we are on this accelerated
12 schedule as dictated by the court's order, there is a
13 tremendous amount of work that needs to be done by
14 consultants between meetings that we are scheduling.
15 What I was going to suggest later in the day is that to
16 the extent we have material that can be put out for
17 review, that we try to figure out how to do that, and
18 we'll talk about that later. We are specifically going
19 to instruct the consultants to do a certain amount of
20 work between now and the next time the Commission gets
21 together as a full Commission. And that will include the
22 additional mapping of criteria that we have yet to order.
23 And we need to discuss how that will take place. We need
24 to provide instructions on any other issues that we
25 believe will be important in the mapping process. And we

1 will have an additional call to the public. We will talk
2 about the remainder of our schedule pending the decision
3 on the stay request that is being heard today. And I
4 think that's about it. I don't have any idea how long
5 all of that will take. I do know that it will be
6 completed today because we are not noticed for nor are we
7 going to meet beyond today at this setting.

8 So that's the best I can do, Mr. Hall.

9 COMMISSIONER HALL: Perfect. Thank you.

10 CHAIRMAN LYNN: Thank you.

11 So let's hear from the consultants with
12 respect to what happens when one of these maps, I believe
13 it was A1 or A2, A1?

14 MR. JOHNSON: A1.

15 CHAIRMAN LYNN: A1, as an example, was then
16 changed by virtue of the criteria for the Voting Rights
17 Act.

18 MR. JOHNSON: First thing I want to note,
19 in terms of A1 and B1, which one we started with, we
20 actually start with A1 because it is more competitive
21 than B1. We hope to have both of them done for you.
22 That's where the A1 decision over B1 takes on. Let me go
23 through this kind of piece by piece.

24 First is the big picture of what happens.
25 The map on the screen right now is the competitive test

1 A1 without the changes. And, for example, one of the
2 things we did is we moved splits from tribal
3 reservations. So you can see, the easiest one to see is
4 probably the Navajo up here which in the competitive
5 tests are split between four districts, the Z, AA, blue
6 one coming around here, and then D. When we unite that,
7 you can see you end up with it entirely in AA.

8 Now let me zoom out and show -- then, as I
9 said, just uniting it is all we were going for in this
10 area. We weren't taking into account communities, or
11 anything like that as well. So what happens if you look
12 at District DD, let me show you a before and after on
13 that one.

14 I'm sorry, District D started out having
15 part of the Navajo coming up here to the Grand Canyon
16 Village, Flagstaff. Actually the competitive district
17 gets Republicans down here. Let me show you. Down here
18 in Scottsdale. So when you unite these reservations, you
19 take D out of the Navajo Reservation and also it was
20 impacted by the changes down here in the Apache
21 Reservations. So D ends up kind of getting pushed around
22 from all sides, from three sides, at least, and we
23 balance population in these districts, just walk down,
24 actually worked down to the city line, weren't looking at
25 cities at the time, just where they hit balance.

1 So you end up with a district that is
2 Flagstaff, one of the Apache tribes, and it is a result
3 of eliminating all districts that went from Navajo down
4 south, just get the District D coming in, and now it
5 comes into South Scottsdale, Tempe, and Mesa. Actually a
6 little bit of Apache Junction out there, too, I think.
7 So that gives you a flavor of what happens both uniting a
8 reservation and rippling out all different pieces. They
9 kind of fall where they may in this approach.

10 To go into -- that happened throughout,
11 also united in B one of the Apache Reservations, the
12 other reservation in Y. Both had a piece of those Apache
13 Junction's before, D in the northern one, Y in the
14 southern one. So we unite in each of those, that
15 happened throughout the state.

16 In terms of looking at Hispanic voting
17 rights districts and concerns, a similar thing. We
18 started out -- actually let me do a before, first.
19 Started out in the Phoenix area. And I believe, let me
20 make sure I get this right, actually in A1, J was
21 Democratic, just outside the JudgeIt 70 percent range.
22 A2 Dr. McDonald walked throughout, we made that into a
23 competitive district, nearly competitive here, and then
24 we change that around somewhat and took it from, let me
25 see, 34-and-a-half percent Hispanic and -- Hispanic

1 voting age, it is now -- let see the percentages, just
2 real quick, a calculator, it's now 51 percent Hispanic
3 voting age. So we also changed District N, you can see
4 before -- actually let me show you this whole area
5 together. What you had was districts O, M, L, K all
6 coming down together, each one of them competitive. And
7 then this area, the southern end, however, is fairly
8 densely Hispanic. So when we make the changes to bring
9 the numbers up, O gets pushed out, M gets pushed out, K
10 gets pushed up to bring L and K to what we think may be
11 in compliance with the judge's order in terms of voting
12 rights.

13 You end up with J, J and L and A being the
14 heavily Hispanic districts in this area. And you lose,
15 let me confirm this, J is no longer competitive, N is no
16 longer competitive by JudgeIt, L is not, and A is not.
17 And also on the flip side of those issues becoming
18 Democratic by JudgeIt, O becomes Republican, and K
19 becomes Republican. M actually stays competitive. So
20 zooming out to get a little bit of a larger picture --
21 oh, let me go down to Tucson -- for up there, in the
22 Tucson District, T as we looked at before was packed with
23 Democrats in the competitive plan. And even in the
24 competitive plan it was already at, let me see, 51.3
25 percent Hispanic. So took a little bit out of that. But

1 X was in the competitive test 27.2 percent Hispanic
2 voting age and now resulted -- now it's up to 47.6 which
3 is about where all the plans up there were.

4 Oh, okay. We did similar out in Yuma.
5 District DD, District DD was 38-and-a-half percent
6 Hispanic. So as you can see, there were only some minor
7 changes in District DD that brought together
8 reservations, did not require a lot of changing in the
9 configuration for Hispanic voting rights concerns. The
10 other area I should mention is the African-American
11 concerns in the South Mountain and the freeway loop area
12 that have come up. Actually those we did not have a
13 chance to test bringing those back up to the percentages
14 of the adopted plan. What is needed there is bringing
15 areas that are just on the north side of the loop here
16 together with areas that had been put in the competitive
17 plan into I in order to improve the competitiveness of
18 this district.

19 So we're not yet to percentages or
20 community links we think we need to be for that
21 community. But this gives you hopefully a good flavor
22 for the impact on these competitive plans when we do
23 unite the reservations and when we do try to come up to,
24 in this case, Hispanic voting strengths in the districts
25 similar to the Coalition 2 plan.

1 CHAIRMAN LYNN: Can you maximize that image
2 for us or is that it, Mr. Johnson?

3 MR. JOHNSON: This is about it, I'm afraid.

4 CHAIRMAN LYNN: Okay.

5 MR. JOHNSON: Yeah. For next meeting we'll
6 try to set up with a projector further back.

7 CHAIRMAN LYNN: For next meeting let me ask
8 a question and other Commissioners will have others I'm
9 sure. When you make adjustment to whatever test map we
10 choose and infuse the voting rights issue, number one, is
11 it feasible to, and number two, did you then go back and
12 try to rebalance in a way that would, to the extent you
13 decreased competitiveness by looking at having the voting
14 rights, could you refavor competitiveness by looking at
15 the new districts and trying to make adjustments that
16 would increase competitiveness from that point, without
17 doing damage to the voting rights districts that you
18 created? Is it feasible and did you do it?

19 MR. JOHNSON: It's certainly feasible and
20 definitely something on our minds.

21 As we were doing this, though, we were
22 focusing on just those districts we were trying to hit
23 certain targets for, have reservations for. Those
24 districts are competitive. We tried to keep them
25 competitive in. Obviously that's very hard to do. For

1 districts that surround them, I think we definitely do
2 need to revisit those, with Dr. McDonald's assistance,
3 and try to see if we put those pieces together we can
4 make more competitive. We've Not yet thought of anything
5 we can put together at this point, correcting for
6 compactness of communities and then blow apart to do
7 after we do that.

8 CHAIRMAN LYNN: Exactly. My point is,
9 thinking of future instructions, as you move through this
10 process, are you saying we could give you an instruction
11 that once those other criteria were infused, that you
12 could do an additional review at certain points, or a
13 point, to attempt to rebalance without undoing what
14 you've done but to increase competitiveness, if possible?

15 MR. JOHNSON: Definitely.

16 CHAIRMAN LYNN: Okay. Thank you.

17 Other questions for Mr. Johnson.

18 Mr. Huntwork?

19 COMMISSIONER HUNTWORK: Just a follow-up on
20 that one. The follow up on that is I would say also to
21 see if you could make the voting rights districts
22 themselves competitive.

23 MR. JOHNSON: Commissioner
24 Huntwork, because those districts are actually looking at
25 watching numbers on, to keep competitive while in this

1 stage, too, so, yeah, because focusing on those, just
2 leftovers, not paying attention to competitiveness on at
3 this point could get hit by those. Definitely on
4 those --

5 CHAIRMAN LYNN: Double goal.

6 MR. JOHNSON: It's on our minds.

7 CHAIRMAN LYNN: Other questions at this
8 point before we take a break?

9 What I'd like to do, if not impossible, can
10 we leave that up so people can sort of take a look at it?

11 MR. JOHNSON: Sure.

12 CHAIRMAN LYNN: People can take a look at
13 it, judge the evolution of one map to the next. The map
14 can evolve as we order additional testing as we infuse
15 other goals.

16 Without objection, shall we take a break
17 for lunch? It is 1:00 o'clock now. Let us try to be
18 back and really begin at 1:45.

19 Take a 45-minute break.

20 Without objection.

21 (Recess taken.)

22 CHAIRMAN LYNN: Back on the record.

23 Four Commissioners are present along with
24 council, staff and consultants. I wonder before we give
25 specific instructions, as we move forward, we might very

1 well want to have a brief Executive Session.

2 Under A.R.S. 38-431.03(A)(3) and
3 38-431.03(A)(4), is there a motion?

4 COMMISSIONER HUNTWORK: So moved.

5 COMMISSIONER ELDER: Second.

6 CHAIRMAN LYNN: Moved and second.

7 All those in favor of an Executive Session,
8 signify by saying "aye."

9 COMMISSIONER ELDER: "Aye."

10 COMMISSIONER HALL: "Aye."

11 COMMISSIONER HUNTWORK: "Aye."

12 CHAIRMAN LYNN: Chair votes "Aye."

13 I'll guesstimate this one will be 20
14 minutes or so. I said that yesterday and I lied, in
15 retrospect. I really don't know exactly how long it will
16 be, but that's where I'm guessing.

17 (Whereupon, the Commission recessed
18 open Public Session at 2:11 p.m. and
19 convened in Executive Session until
20 3:05 p.m. at which time a recess was taken
21 and open Public Session reconvened at
22 3:10 p.m.)

23 (Recess taken.)

24 CHAIRMAN LYNN: Back on the record with all
25 four Commissioners present. Is there any more

1 information from the consultants on the map we are
2 referring to as the voting rights map?

3 MR. JOHNSON: Mr. Chairman, Members of the
4 Commission, we have handed out to the Commission and
5 members of public I could find out there during the break
6 our standard sheet sheet shows data on voting rights
7 adjusted plans. If there are questions you'd like me to
8 look at, specific districts, I'd like to do that.
9 Otherwise --

10 CHAIRMAN LYNN: There may be general
11 questions, so let's -- let's see if there are any general
12 questions relative to that map or methodology or anything
13 else.

14 Any questions from the Commission?

15 Mr. Elder.

16 COMMISSIONER ELDER: Yes, Mr. Chairman.

17 Mr. Chairman, Doug, or Dr. McDonald, at one
18 time or another during the court case the Judge directed
19 or ordered, or in his written order said we should not
20 fall below Hall-Minkoff or Hall Modified for a floor of
21 competitive districts. Does this map now fall within
22 this range or are we short?

23 DR. McDONALD: According to JudgeIt, with
24 this map we're above Hall-Minkoff in terms of the number
25 of competitive districts.

1 COMMISSIONER ELDER: Thank you.

2 CHAIRMAN LYNN: Mr. Hall.

3 COMMISSIONER HALL: Mr. Chairman, as we
4 give our consultants and Dr. McDonald instructions, on a
5 go-forward basis, I think it's, it would behoove us to
6 start with our new and not improved adjusted grid maps,
7 start with one of the two that are the most competitive,
8 in other words, because of the time constraints, that our
9 consultants were, had to immediately start with their
10 first map shot, which was a one, and I'm just wondering
11 if it wouldn't be better for us to instruct them to
12 utilize the most competitive one of the two most
13 competitive maps of the 23 competitive districts, pardon
14 me, to then begin to make changes from that starting
15 point.

16 CHAIRMAN LYNN: And that would be either
17 map A2 or B2.

18 COMMISSIONER HALL: That's correct.

19 CHAIRMAN LYNN: All right. Mr. Huntwork.

20 COMMISSIONER HUNTWORK: Considering that
21 the, the initial adjustments were made to A1, would it be
22 easier to work with A2, since it also came from A1, or
23 does it not matter at all at this point?

24 MR. JOHNSON: It's pretty much the same
25 effort to do on either of the plans, so you could go

1 either way.

2 COMMISSIONER HUNTWORK: Okay.

3 CHAIRMAN LYNN: Well, does anybody have a
4 choice?

5 COMMISSIONER HALL: Was there a difference
6 in, I know they have the same number of competitive
7 districts. Dr. McDonald, comparing the two, is one more
8 competitive, smaller ranges, I'm just, I want to do the
9 best we can do.

10 DR. McDONALD: My impression was that they
11 were fairly equivalent, but I'll go ahead and take a look
12 here.

13 Let's see. Oh, that's -- probably did --

14 COMMISSIONER HALL: While looking at that,
15 Dr. McDonald, let me ask Doug a question, if that's okay,

16 Mr. Chairman, Doug, it was my observation,
17 correct me if I'm wrong, map B2 had two districts strung
18 from Tucson to Phoenix. Map A2 had three districts
19 strung from Tucson to Phoenix. It didn't know that.

20 Dovetailing on Mr. Huntwork's question, if that would
21 make your make adjustments as we go forward any easier
22 or --

23 MR. JOHNSON: I don't know. Each map has
24 its areas have those kind of changes needed, so, in terms
25 of ease, in terms of compactness and city splits, if

1 that's what you are talking about, let me bring this up.
2 I mean the B2 plan splits a number 42 cities, A2 splits
3 30, and B2 has 16 districts below the Commission's
4 compactness measure A2 has 10, so -- as noted before,
5 these weren't things we were looking at as drawing them,
6 having drawn them we ran these tests.

7 CHAIRMAN LYNN: Really a mixed bag, but it
8 sounds like A2 might be closer?

9 MR. JOHNSON: Yeah. If from a
10 competitiveness standpoint you consider both maps the
11 same, yeah, city splits and compactness, A2 is closer
12 to --

13 CHAIRMAN LYNN: A little closer. Let's get
14 an answer to the first question, Dr. McDonald.

15 DR. McDONALD: I don't see an appreciable
16 difference in terms of the two in terms of overall
17 competitiveness. Either one I believe would be a good
18 starting point.

19 COMMISSIONER ELDER: Mr. Chairman would it
20 be all right if we take A2 over with B2 and see that we
21 look at them side by side?

22 CHAIRMAN LYNN: Sure.

23 Mr. Echeveste, would you assist doing that,
24 if you would.

25 MR. ECHEVESTES: B2.

1 COMMISSIONER ELDER: B1 can go away or over
2 here. Put B2 over here.

3 CHAIRMAN LYNN: We're trying to get
4 Dr. McDonald to a plane, if we possibly can.

5 If anyone would possibly think of anything
6 they need to ask Dr. McDonald that they can, the last
7 opinion we have is one critical to the decision we're
8 about to make.

9 COMMISSIONER HALL: I thought we had one
10 more question for him.

11 COMMISSIONER HUNTWORK: Let me ask this
12 question. Is there any advantage to either of these?
13 Either maps suggest any advantage if going to try to make
14 the minority districts. The Ashcroft district's
15 themselves are competitive, is that, based on the earlier
16 answer. That seemed like a goal we would want to try to
17 accomplish. There is just nothing here in that regard,
18 either.

19 MS. HAUSER: May I inject something before
20 Dr. McDonald answers that question? Just to clarify
21 something, Mr. Huntwork, the Ashcroft districts are
22 districts that elect representatives who are sympathetic
23 to the needs of that minority community and not
24 necessarily electing a member of the minority community.
25 So -- and I asked Mr. Mandell to confirm his

1 understanding of this the other day and he agreed that it
2 meant electing a Democrat in those particular districts.
3 So to some extent, those districts are going to have to
4 be not competitive districts but Democrat districts. The
5 level of Democrat you would need in the districts is
6 another story, depends on the type of Democratic voters,
7 but they are not going to be competitive districts.

8 CHAIRMAN LYNN: Mr. Huntwork.

9 COMMISSIONER HUNTWORK: Let me see if I
10 understand this. There must be something about this that
11 I do not understand. One of the key provisions in the
12 court order, I thought, was that we would go from the
13 conventional Voting Rights Act analysis to these Ashcroft
14 districts so that there would be more Democrat voters who
15 were not confined to these districts so that we could
16 increase the overall competitiveness of the map. And
17 what you are saying is that -- well, what I understand
18 you to be saying is that no, these still have to be
19 Democrat districts where Democrats are electable and so
20 all we're doing is changing one type of Democrat voter
21 for another type. We have -- we haven't, it sounds as if
22 we haven't increased the number of Democrat voters
23 available, but we have decreased number of minorities in
24 the minority districts. To what end? I'm sorry, but,
25 I --

1 MS. HAUSER: It may be that the number of
2 Democrats you would need in those Ashcroft districts
3 might still be fewer than it would be in a safe
4 majority-minority district because if you remember the
5 minority voters, particularly in the Phoenix area, have
6 poor turnout, so in order to provide that safe
7 opportunity to elect you put more Democrats in, and so
8 there may be some increased ability but not a lot. They
9 are still going to be Democrat districts.

10 COMMISSIONER HUNTWORK: Two districts. The
11 first question is under our traditional analysis I
12 thought we had a voting rights district that was, that
13 was competitive. I thought District 23, or whatever it
14 was --

15 MS. HAUSER: That district is not a
16 majority-minority district. That district is a minority
17 influence district and Senator Rios had a demonstrated
18 ability to be elected from that district but it's not --
19 it's an effective district but not majority-minority
20 district.

21 Mr. Rivera is on the phone. I'll step out
22 a minute.

23 COMMISSIONER HUNTWORK: I have a follow-up
24 question.

25 Maybe, however, I can ask Dr. McDonald

1 actually this question. Okay. I thought, again, I admit
2 something here I truly don't understand. There must be.
3 But I truly thought that JudgeIt took into consideration
4 the effectiveness of the voting so that when we said, you
5 know, that we had enough Democrats in this district or
6 enough minorities in this District to be effective, or
7 when we say these districts are competitive, based on the
8 JudgeIt analysis, it is fully taken into consideration
9 the effectiveness of voters in that district, not just
10 how many there are what registration is, but how they
11 turn out. So if we applied that to determine whether a
12 district was safely Democrat or not, wouldn't we just
13 replace, you know, a certain number of relatively
14 ineffective voters with a certain number of relatively
15 effective voters and would it not be a zero sum game?

16 DR. McDONALD: As a test for determining
17 the effective number of Democrats within a district to
18 elect a candidate, clearly there is a certain amount of
19 inference that you can take from JudgeIt to determine
20 that. I have no idea, and I doubt anybody in here has
21 any idea if Ashcroft, if we can apply JudgeIt to
22 Ashcroft. So I would caution on that, making any
23 inferences. But I believe, from my limited understanding
24 of interpreting Ashcroft would be that essentially you
25 have the gist of it, is that we can use minorities, we

1 can free up minority voters, we don't have to adhere to
2 boundary strictly to minority communities and in doing so
3 that may allow us to create ripples that will be able to
4 increase competitiveness in adjacent districts and we'll
5 have to see how that actually can play out when we look
6 at these districts. But I was really struck by one of
7 the features was when we drew on this voting rights A2
8 plan, or A1 plan, excuse me, I was really struck at how
9 those minority districts, or Ashcroft districts, or
10 whatever they are, how they basically build a wall in
11 Phoenix which will prevent drawing competitive districts
12 because you are going to need to connect some of those
13 northern parts of Phoenix with Democratic areas elsewhere
14 in the state and you create these walls in and above
15 putting Democrats in above those districts, minority
16 districts.

17 COMMISSIONER HUNTWORK: Thank you.

18 CHAIRMAN LYNN: Mr. Hall.

19 COMMISSIONER HALL: Well, I think that was
20 my question. I just want to confirm my assumption is
21 correct that tweaking the numbers in our Hispanic
22 community of interest, in South Phoenix, may have some
23 effect but in reality because of the geography and the
24 demographics of where they are located it's difficult to
25 link whatever small excess there may be with another

1 district with sufficient Democrats to make it
2 competitive, wouldn't you agree with that initial
3 assessment.

4 DR. McDONALD: Initially, yes, I agree with
5 that.

6 CHAIRMAN LYNN: And lastly, Dr. McDonald, I
7 don't know you've gone through this exercise with any
8 other set of maps or situations, but it strikes me that
9 in the test that was run, going from however many
10 districts there were when you started with, I think it
11 was A1, test A1, and then looking at the voting rights
12 criteria, forget about Ashcroft for a moment, the
13 criteria established in Coalition 2, which was the
14 instruction, there was a dramatic decrease in competitive
15 districts simply by looking at those. Is this not the
16 classic conflict set up between the intent to be
17 competitive and the intent to comply?

18 DR. McDONALD: I agree with that fully
19 that's in previous reports I've made to the Commission
20 and in my testimony to -- in regards to the lawsuit.
21 These drawing Democratic majority-minority districts in a
22 Republican leaning state makes the remainder of the state
23 more Republican and therefore limits the ability to draw
24 competitive districts.

25 CHAIRMAN LYNN: Okay. Any other questions

1 for Dr. McDonald because I really would like to get him
2 on the plane if we possibly could.

3 COMMISSIONER HUNTWORK: No.

4 CHAIRMAN LYNN: Dr. McDonald thank you very
5 much. Thank you very much for being with us the last
6 three days, and enjoy your drip.

7 DR. McDONALD: I hope I get onto it.

8 CHAIRMAN LYNN: Just so that everybody
9 understands what is happening, it shouldn't be a secret,
10 Ms. Hauser is conversing with Mr. Rivera who argued the
11 stay motion before the Court of appeals today and
12 understandably we're interested in what she is finding
13 out if in fact the Court of appeals has made any ruling
14 from the bench or shortly after the hearing.

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: Mr. Chairman, it's
17 very unlikely that they would make a ruling from the
18 bench. And I think until we hear from the contrary, we
19 ought to proceed on the assumption and forge ahead.

20 Can we do so without counsel being present?

21 CHAIRMAN LYNN: I prefer we not just in an
22 abundance of caution. We have Ms. Leoni. She's not
23 quite in the same circumstance.

24 Why don't we --

25 Mr. Elder.

1 COMMISSIONER ELDER: Just another question
2 to the process, for Doug Johnson: Did you take both the
3 B2 and A2 and then run the Voting Rights Act on each of
4 those and come up with a B2 we saw here in B1 or whatever
5 we're calling it?

6 MR. JOHNSON: Not yet. There are NDC
7 people working on it, we don't have those plans done.

8 CHAIRMAN LYNN: Mr. Huntwork.

9 COMMISSIONER HUNTWORK: Mr. Chairman,
10 visually, I see absolutely nothing to recommend either
11 one of these maps. However, if Mr. Johnson indicates
12 that he's not sure but he thinks maybe it would be easier
13 to start with A2, then I move we start with A2.

14 MR. JOHNSON: Can I just clarify one thing.
15 It's not a matter of it being easier, it's a matter of
16 fewer city splits and districts are a little more compact
17 in 2.

18 COMMISSIONER HUNTWORK: Okay. Fine, 2, if
19 you prefer.

20 CHAIRMAN LYNN: Is there a second to A2?

21 I guess not.

22 COMMISSIONER HALL: I'm sorry,
23 Mr. Chairman. She was distracting me. It's her fault.

24 MS. HAUSER: My fault?

25 COMMISSIONER HALL: I guess what I was

1 going to say, Mr. Huntwork, in light of -- in agreement
2 with your previous comment, there seems to be no --

3 COMMISSIONER HUNTWORK: Didn't the value --

4 COMMISSIONER HALL: One or the other, why
5 don't we flip a coin. What I'm trying to avoid in this
6 whole process is an inferred intent of the whole result.
7 I'm throwing that out as an option.

8 CHAIRMAN LYNN: That certainly would
9 maintain the randomness of a lot of things, but --

10 COMMISSIONER HUNTWORK: In fact --

11 CHAIRMAN LYNN: There are advantages.
12 There are advantages to the process, however slight they
13 may be, however conflicting some the over another might
14 be. But in terms of slight improvements in compactness,
15 slight improvements in city splits, slight improvements,
16 however slight they may be in one map over another, those
17 things on the record, we'll have to deal with them sooner
18 or later. It doesn't seem to be, no hidden message here,
19 very overt, one of those maps is, if you look at it, is a
20 journey, and you are trying to get somewhere. One of
21 them is a little closer to the designation than the
22 other, not much, it's a long trip, but you may have one
23 mile or two less road to travel if you use one as opposed
24 to the other. I think A2 may be a better choice.

25 I wish I could second your motion. I

1 can't.

2 COMMISSIONER ELDER: I thought your motion
3 was A2.

4 COMMISSIONER HUNTWORK: It was.

5 CHAIRMAN LYNN: I asked for a second. I
6 didn't get one.

7 COMMISSIONER HALL: I second it.

8 CHAIRMAN LYNN: Thank you, Mr. Hall.

9 Discussion on A2 as the starting place for
10 the process in furtherance of the process.

11 COMMISSIONER HALL: I call the question.

12 CHAIRMAN LYNN: The question has been
13 called for.

14 Any further discussion?

15 If not, all in favor of the motion signify
16 "Aye."

17 COMMISSIONER HUNTWORK: "Aye"

18 COMMISSIONER HALL: "Aye."

19 CHAIRMAN LYNN: Chair votes "aye."

20 Opposed "no"?

21 COMMISSIONER ELDER: "No."

22 CHAIRMAN LYNN: Three-one, A2 is the
23 starting place.

24 Mr. Elder.

25 COMMISSIONER HALL: If you told me, I would

1 have switched --

2 CHAIRMAN LYNN: Nothing if not
3 accommodating, Mr. Hall. Thank you very much.

4 All right. So we have A2 as a next step.

5 So then, just to reiterate: The
6 instructions, beginning with map A2, you are then to use
7 the criteria of voting rights and we will talk about that
8 in a minute. And the next iteration of the map will be,
9 as represented by your test, A2 with the voting rights
10 criteria infused. Okay? And I think we'll give you some
11 additional instructions beyond that as you move forward.

12 Mr. Huntwork?

13 COMMISSIONER HUNTWORK: Mr. Chairman. I
14 have a question for Doug that I would like to know the
15 answer to before we give the rest of our instructions if,
16 in fact, it can be answered.

17 The question is whether, in your opinion,
18 having gone through this step of the exercise, you can
19 say one way or the other whether it mattered which order
20 you did these things in, that is you go to all the
21 trouble of creating completely competitive map, as much
22 as possible, then you inject some voting rights districts
23 or if you had simply set aside some voting rights
24 districts and then adjusted the map to be as competitive
25 as possible without, you know, disrupting those

1 districts. Would there have been any appreciable
2 difference in either voting rights compliance or
3 competitiveness based on the order in which you performed
4 those tasks?

5 MR. JOHNSON: Well, given the same
6 definition of voting rights compliance in both cases,
7 which I think is part of the assumption there.

8 COMMISSIONER HUNTWORK: Sure.

9 MR. JOHNSON: Those districts are going to
10 be fairly tightly defined by that definition. It's -- I
11 mean it's a very theoretical question. The other side of
12 doing voting rights first. Once you comply with voting
13 rights, you don't do anything else with the rest of the
14 map. You have whatever number of voting rights districts
15 and rest of the map would be I guess identical too old
16 grid.

17 COMMISSIONER HUNTWORK: No, then adjust the
18 rest of the map to be competitive.

19 MR. JOHNSON: Okay.

20 COMMISSIONER HUNTWORK: Perform both steps
21 in the rest of the order. Would it be pretty much the
22 same, completely different?

23 MR. JOHNSON: It would -- I mean if you did
24 voting rights then adjust for competitiveness versus
25 doing competitiveness then voting rights and kind of

1 cleaning up for competitiveness, again, you would end up
2 with very similar maps. You should end up with very
3 similar maps.

4 COMMISSIONER HUNTWORK: In general terms,
5 then, assuming that you take the same care with each step
6 regardless of what you order you do them in, does it
7 matter when you next apply compactness or whatever you do
8 next, would it matter if you had started out with the
9 compactness rule that you are not going to violate in
10 doing the first two steps or that you do the first two
11 steps and then apply the compactness rule afterwards, or
12 does that basically end up being pretty much the same in
13 addition?

14 MR. JOHNSON: Well, compactness is a little
15 bit unusual in that, and for that -- for this reason
16 should probably come near the end, because compactness
17 applies to every district. Voting rights concerns only
18 apply if there is someone covered by the voting rights in
19 that district, community concerns only apply if there is
20 a community in that district. Those are somewhat limited
21 in what areas they impact whereas compactness is
22 everywhere. So --

23 COMMISSIONER HUNTWORK: Even so.

24 MR. JOHNSON: Come near the end.

25 COMMISSIONER HUNTWORK: Even so, if --

1 MR. JOHNSON: What I mean.

2 COMMISSIONER HUNTWORK: Talking is easier
3 for you to do, not necessarily what the final result is.
4 Because if it doesn't matter, we certainly wouldn't want
5 to do an order easiest for you. It does matter, may not
6 be able to have that luxury.

7 MR. JOHNSON: It is.

8 COMMISSIONER HUNTWORK: The question is
9 does the end result, is the end result the same or is it
10 appreciably different depending on which order you do it
11 in?

12 MR. JOHNSON: I'm more of a technician and
13 Dr. McDonald is more of theoretical situation expert, but
14 I would say it's going to come out essentially the same.
15 If you are applying the same tests and same guide posts
16 for those tests come out the same --

17 COMMISSIONER HUNTWORK: Logically it seems
18 it should, doing it to the extent practicable, comes out
19 pretty much the same. I think if that's your -- if later
20 called to testify because we're about to tell you what to
21 do here --

22 MR. JOHNSON: Yes.

23 COMMISSIONER HUNTWORK: That would be what
24 you would say, right, as long as do thoroughly, not
25 trying to mislead you, want to know what is the honest

1 answer.

2 MR. JOHNSON: This is the question you
3 asked last week, wanted more time to think about it, have
4 spent a considerable amount of time this week thinking
5 about it. Yeah, these things should, and in the end will
6 all come up with the same map or certainly should come up
7 with the same map.

8 COMMISSIONER HUNTWORK: Okay. Thank you.

9 CHAIRMAN LYNN: Is that helpful?

10 Then with respect to the infusion of the
11 voting rights issue, it seems to me we have a decision to
12 make in terms of the instruction. The standard that was
13 used is a standard contained in Coalition 2, for the
14 test. We have other information, including a letter from
15 the Minority Coalition dated February 5th in which they
16 make some statements relative to not only existing
17 districts but the manner in which the voting rights issue
18 should be approached. And it would offer some
19 alternative to the standard that was used in the test.
20 So the question that the Commission needs to wrestle with
21 is what specific instruction with respect to voting
22 rights are we giving the consultants to perform the next
23 step.

24 Mr. Hall.

25 COMMISSIONER HALL: Mr. Chairman, I move

1 that we instruct NDC to take map A2 and apply the voting
2 rights related issues to the appropriate districts
3 pursuant to the information contained in the letter that
4 you are holding in your hand from the Minority Coalition.

5 CHAIRMAN LYNN: Is there a second?

6 COMMISSIONER HUNTWORK: I'll second. But I
7 have some questions.

8 CHAIRMAN LYNN: Certainly.

9 CHAIRMAN LYNN: Moved and seconded.

10 Mr. Huntwork.

11 COMMISSIONER HUNTWORK: Well, I want to --
12 I just want to ask whether it's possible to give a legal
13 opinion, for a legal opinion, are I suppose, based on
14 Ashcroft whether we can mix and match, I mean, can we do
15 a number of districts that are based on the old criteria
16 and then some original criteria and then change some of
17 the districts to the Ashcroft criteria or when the court
18 said that a state may choose between the two did it mean
19 you have to do one or the other but not both.

20 CHAIRMAN LYNN: Ms. Hauser.

21 MS. HAUSER: Mr. Chairman, one of the
22 important features of Ashcroft was support of the
23 minority community. And the Court here has said that
24 instead of having the option of choosing between the two,
25 you must choose the option of going with the opportunity

1 to create districts that provide representation
2 sympathetic to the minority community. But the caveat
3 for that would have to be that the minority community
4 would have to be in support of that otherwise it's not
5 really an Ashcroft type situation. So with that caveat,
6 and based on the Coalition's request, it would seem that
7 what the Coalition is seeking is a mixture of some safe
8 districts and some districts that provide the more
9 substantive representation described in Ashcroft.

10 COMMISSIONER HUNTWORK: Okay. Follow-up
11 question, then, but were we to do what the Coalition
12 asked, you are saying, appeared to say, and whether it's
13 the intent or not, what I gleaned from it is that we
14 would be in violation of the court's order, that we must
15 do the Ashcroft test, the Ashcroft approach across the
16 board whether the Coalition supports it or not or whether
17 anybody else does.

18 MS. HAUSER: Happily Mr. Mandell just
19 walked into the room we can blind side him with this
20 question. Let me ask him the question I think,
21 because -- I don't believe it does violate the court's
22 order because implicit in the court's order is what goes
23 with the Georgia, the Ashcroft decision.

24 Mr. Mandell, welcome back. The question
25 that we're discussing right now has to do with the

1 Coalition's request and the court's order in terms of
2 Georgia vs. Ashcroft. And, the question has to do with
3 the Court having said that the, the Commission must use
4 Georgia vs. Ashcroft as a way to help, you know, improve
5 competitiveness by not choosing the safe
6 majority-minority district approach. And the question
7 comes up certainly because the Coalition's letter does
8 include a request for a number of safe districts but also
9 some districts that might tend to fit the Georgia v.
10 Ashcroft criteria. Mr. Huntwork is asking whether or not
11 doing that mix, because the Court said we must choose the
12 substantive representation approach violates the court's
13 order if we were to comply with your request. My
14 response to him, when you were coming in the room, was
15 because Georgia bases the acceptability of the
16 substantive districts on support from the minority
17 community that if the minority Coalition requests some
18 safe and some substantive representation districts that
19 that would not, in my view violate the court's order. So
20 we are asking whether you agree or disagree with that.

21 MR. MANDELL: Thank you, Mr. Chairman.
22 Michael Mandell representing the Arizona Minority
23 Coalition.

24 COMMISSIONER HALL: Was the question long
25 enough?

1 MR. MANDELL: The answer can be a very
2 short answer which is yes. The way we view Georgia vs.
3 Ashcroft is a combination should have been done. While
4 you are creating districts that make it likely or at
5 least give Hispanics or minorities an opportunity to
6 elect a candidate of their choice, there is still an
7 obligation from the Commission to create districts in
8 which minorities can win. So there is a, as our
9 understanding of it, a combination to be used because
10 what you are trying to do as well as create number
11 minority influence districts. Looking at benchmark
12 looking new plan it's a matter of combining the two to
13 create enough minority influence districts to allow
14 minorities to have an effective representation in as many
15 districts as possible.

16 MS. HAUSER: Mr. Chairman.

17 CHAIRMAN LYNN: Ms. Hauser.

18 MS. HAUSER: To a point. Minority
19 influence districts. How is the Coalition defining
20 minority influence district for this purpose?

21 MR. MANDELL: Mr. Chairman, members of the
22 Commission, don't know the set threshold number. I
23 believe in Georgia Ashcroft they set 30 percent or more
24 Hispanic voting age. That case, an African American
25 voting age threshold number, what would be minority

1 influence district. Certainly if you create as many
2 districts in which they have Hispanic or minority, a
3 single minority percentage, that is more than 30 percent,
4 I think that would be something that should be done. But
5 at the same time, if, in trying to do that, you have a
6 number of districts that are only at 30 percent, I don't
7 know that that necessarily gets to you where you want to
8 be.

9 MR. JOHNSON: Mr. Chairman.

10 CHAIRMAN LYNN: Mr. Johnson.

11 MR. JOHNSON: Just clarification. What the
12 Commission is doing is been motion to instruct NDC to,
13 what was it, apply the voting rights related issues
14 pursuant to the Coalition's letter. So my question is in
15 the letter it refers to slight reductions in 13, in
16 Hispanic voting age percentage 13, 14, and 16, and I was
17 wondering if you can give more of an indication of what
18 slight might mean.

19 MR. MANDELL: Mr. Chairman, Members of the
20 Commission, slight is a term based on the use of certain
21 voting precincts that were identified as those that are
22 high efficacy voting precincts, one of reasons we
23 supported the Coalition 2 plan is that when drawing those
24 plans those districts were, those precincts were looked
25 at and in determining that we could lower the percentages

1 to a certain extent it was also looked at, well, these
2 are precincts that turnout very highly and typically vote
3 very high Hispanic and those were placed in districts
4 strategically to insure that Hispanic candidates would
5 still be allowed to be elected end though percentages
6 were lower. So it's -- I can't say slight is to percent
7 or three percent or for percent or 10 percent. It really
8 depends on the individualized district and looking at
9 some of the precincts and how those precincts have turned
10 out in the past. I'm sorry, but I -- identify love to be
11 able to give you a number but I just can't.

12 CHAIRMAN LYNN: Mr. Hall and then
13 Mr. Elder.

14 COMMISSIONER HALL: Mr. Mandell, I wish you
15 were here earlier.

16 MR. RIVERA: He was following me around.

17 MS. HAUSER: No, he was following
18 Mr. Eckstein around.

19 COMMISSIONER HALL: I understand you've
20 been at the state hearing, I just automatic he assume
21 after seeing these maps that all your representatives
22 would have called you and heard support a state, maybe
23 that was an erroneous thought. Earlier on we were having
24 a conversation with Dr. McDonald who had to leave. He
25 had to catch a flight. And one -- Commissioner Huntwork

1 and myself were asking questions relative to try together
2 understand the practical implications of the judges
3 direction relative to Georgia versus Ashcroft. And one
4 of the things that became more -- evident again to the
5 Commission in hypothetical test in application of voting
6 rights districts to these scribblings that we're now
7 referring to as maps in quoting Commissioner Huntwork is
8 how automatically, basically, a wall is created around
9 South Phoenix relative to those areas where there is a
10 high percentage of minority population. And the question
11 I wanted to you confirm that we asked Dr. McDonald and
12 Commissioner Huntwork, if I miss portions please dive in,
13 but was we were trying to figure out if the Judge is
14 assuming that by reducing minority percentages pursuant
15 to Georgia v. Ashcroft that we are able to free up more
16 Democrats to allow them to assist other districts in
17 becoming more competitive, but yet it requires that still
18 those districts are minority influences decrease, that
19 they elect a Democrat, we were having a hard time
20 understanding how really the net effect was beneficial
21 creating more competitive districts, because in a sense,
22 , in a sense we just were trying to understand that. I
23 guess we're asking for in your input relative to P.

24 MR. MANDELL: Mr. Chairman, Commissioners,
25 I don't think that the Judge was trying to say that you

1 needed to create districts to elect a Democrat. What the
2 Judge was trying -- was saying, at least as I read it,
3 take districts, I'll give you example District 14 last
4 map on interim plan was 55 percent voting age Hispanic
5 final adopted map became 58 something percent voting age
6 Hispanic part of that, granted I mean 90 percent
7 Hispanics are Democrats by increasing it by three percent
8 in that specific district as an example you've taken
9 three percent of Democrats foremost part and put them in
10 a district that was already deemed to be effective for
11 electing Hispanics and basically wasted those folks by
12 stuff go them into the same district. I think that is
13 what the court was trying to refer to in talking about
14 Georgia vs. Ashcroft in begin examination with the
15 Arizona Constitution in saying you can create effective
16 districts but you can create them at the level of
17 effectiveness and then use those additional folks to
18 create additional minority influence districts.

19 CHAIRMAN LYNN: Ms. Hauser. I'll get to
20 Mr. Elder in just a second.

21 MS. HAUSER: Mr. Mandell, we went over this
22 yesterday -- not yesterday, I don't know what day it was,
23 Saturday, Sunday, and talked a little bit about the
24 meaning of substantive representation in this context.
25 And District 14 is the only district that Judge Fields

1 referred to as packed. I'm not saying certainly we agree
2 with that, but he -- that's the only district he said
3 that about. So his order -- I don't see anywhere in his
4 order that he says the Georgia v. Ashcroft substantive
5 representation is limited to that particular area, that
6 particular district, because -- it's a broader concept
7 than that, certainly. And when I asked you about that
8 the other day, what your understanding was of the term
9 likely to elect representatives of their choice and
10 persons sympathetic to the needs of the minority
11 community you agreed that that was speaking about
12 electing Democrats in this case because most minority
13 members are registered Democrats. I just -- I'm
14 understanding your response to Mr. Hall to be saying that
15 we're -- you are looking at Georgia only in terms of
16 District 14 but your request is for lower percentages
17 in 13, 14, and 15. So can you reconcile those statements
18 to make sure -- because we really do want to know what it
19 is that your clients are trying to ask for.

20 MR. MANDELL: Mr. Chairman if I said that
21 if I only stated that District 14 needed to be changed,
22 then I misspoke. I used that -- it was my intention to
23 use that as an example of what was done in the last
24 redistricting, not as the only thing that needed to be
25 fixed. And my understanding of likely to elect would

1 again -- typically it is Democrats because in fact most
2 of minorities are registered Democrats your understanding
3 I don't think that has changed any from last time we
4 spoke I was using District 14 just as example as opposed
5 to the rule.

6 CHAIRMAN LYNN: Okay Mr. Hall I think had
7 follow up question Mr. Elder next then Mr. Huntwork
8 everybody get opportunity.

9 MR. MANDELL: Maricopa --

10 COMMISSIONER HALL:

11 MS. HAUSER: We give you more time than the
12 Court of Appeals.

13 COMMISSIONER HALL: I wasn't trying to
14 increase my understanding of the legal intricacies of the
15 instructions. What -- I guess I was leading to a very
16 practical question, which we ask Dr. McDonald, given
17 demographic and geographic configuration of Hispanic
18 community even if you free up few here, few Democrats
19 here few Democrats there, Dr. McDonald's opinion was is
20 that because of those other issues and basically to quote
21 him a wall is created around the Hispanic community of
22 interest, it's very difficult and in some cases
23 impossible to link those Democrats in other places where
24 it really has an impact of competitiveness. So my
25 question was do you agree with that assessment or if you

1 don't how -- do you have some instructions of how you
2 could use whatever additional Democrats there were to
3 help really make neighboring districts quote unquote
4 competitive.

5 MR. MANDELL: Mr. Chairman Mr. Hall not
6 having seen the maps hard for me to sort of visualize
7 what it does I'll refer back again two to thousand for
8 projected maps those are the ones that are I think most
9 available in all of our minds. You have District 16,
10 South Mountain, and then neighboring 13, 14, 15, above it
11 as an example. Looking at the percentages, and if those
12 percentages are changed, you can also look as Coalition 2
13 as example of those areas as well and maybe a combination
14 of the two, for that, but for example District 12 adjoins
15 District 13 and District 14 and so there are Hispanics
16 can be removed out of District 14 for example where it
17 was at 58 percent and brought back down to a lower
18 percentage and those can be transferred into for example
19 districts 12 or even District 10 not exactly knowing
20 District 10 touches District 14, since you just don't
21 have the map in front of me. But it could be that
22 districts already competitive but might have been
23 competitive Republican, become more to the 50 percent, so
24 actually made more competitive, because competitiveness
25 according to Dr. McDonald on a continuum closer to 50

1 percent more unsure he is which way it will go one way or
2 another. If 50 percent is the ideal, then some of that
3 can be done to increase the Hispanic percentages of those
4 districts and by doing so de facto increasing the
5 competitiveness of those districts as well.

6 CHAIRMAN LYNN: Mr. Elder.

7 COMMISSIONER ELDER: This is a question
8 both for Mr. Mandell as well as Mr. Johnson. I've been
9 mulling around in my mind whether it might not be more
10 appropriate to make the mapping a to step process where
11 the first adjustment for voting rights issues comes down
12 to the bench marks and traditional or pro Georgia v.
13 Ashcroft conditions, so they see where those districts or
14 what that effect is, and then modify that to accommodate
15 Ashcroft. And that way, then, the Hispanic or Native
16 American or whatever communities are involved with the
17 minority rights as well as then being able to support us
18 would be able to look at it and say this is where we
19 were, yes, this is better approach and we can accept
20 those reduced percentages and the shift of the population
21 to, of the Democrats to another area in this case. Does
22 that make any sense at all?

23 MR. MANDELL: Mr. Chairman, Commissioners,
24 it does make sense. But I would also say that in the
25 creating the districts they don't need to be above what

1 the federal court determined to be a an effective
2 District 4 minority candidates and 55 percent was roughly
3 the percentage the federal court deemed was okay, and
4 that was pre Georgia vs. Ashcroft. District 16 could
5 also be reduced a bit in that it has I believe about 65
6 percent and that's off the top of my head so I could be
7 plus or behind us here or there voting age Hispanic which
8 is probably in excess of what is necessary.

9 COMMISSIONER ELDER: My recollection in
10 that area had a benchmark or to avoid retrogression of
11 approximately 64, 63.9, or something like that, is that
12 anybody else's recollection.

13 MR. JOHNSON: Let me just, recollection of
14 drawing to issues, correct, District 16 benchmark was
15 considerably higher than other bench marks why ended up
16 higher than others. This isn't really so much a question
17 just wanted -- this issue District 14 comp up a lot in
18 ruling, comes up a lot in papers, wanted to be clear
19 everyone understands what happened there. DOJ approved.
20 Mr. Peter Moraga came in representing the Arizona
21 minority alliance, not Coalition, different group. He
22 came in speaking for the Arizona Minority Alliance and
23 asked us to make some changes to take, unify the Historic
24 Districts and take Historic Districts out of 14. So is
25 that is what led to that change request of Mr. Moraga

1 representing community and the Coalition's going along
2 with that request. Want to be clear on what happened
3 there. While the numbers did go up, not Commission
4 voting to pack a district implement request of the
5 community. Back to your question though on 16, it was a
6 higher benchmark and thus results higher.

7 COMMISSIONER ELDER: If we look at Georgia
8 v. Ashcroft if, the feds are saying we can go down to a
9 55 or thereabouts where we once had a score, is that a
10 fair interpretation of Georgia v. Ashcroft, or effects
11 thereof?

12 MR. JOHNSON: I'll defer to council. Are
13 we still just sort of --

14 COMMISSIONER HUNTWORK: Wouldn't that be a
15 matter for Executive Session?

16 COMMISSIONER HALL: Right.

17 CHAIRMAN LYNN: Might be. Want Mr. Johnson
18 concur or not first portion Mr. Elder asked. Mr. Mandell
19 asserted I believe in fact a to step process is
20 appropriate and correct and bringing them down to what
21 would be A traditional voting rights level and additional
22 step of Georgia v. Ashcroft. Do you concur with that?

23 MR. JOHNSON: We can certainly follow
24 whatever process the Commission would like us to do in
25 terms of drawing step by step. We'd need to do both

1 steps before we started working on communities of
2 interest and other criteria.

3 CHAIRMAN LYNN: Does it make a difference
4 you believe to do in that order. Seems to me, two sides
5 of same coin.

6 MR. JOHNSON: I was going to say in
7 evaluating whether comply Georgia v. Ashcroft is a
8 question for council.

9 MR. MANDELL: Mr. Chairman if I might add,
10 not that that process would or would not comply Georgia
11 vs. Ashcroft seemed most practical way to get there to
12 draw those districts and then you can see what the
13 districts are and then use that as a matter of getting
14 where you want to go. From a practicality standpoint it
15 seemed the best route to get there.

16 COMMISSIONER ELDER: I guess my thought on
17 the issue was if we do that second step, it would be
18 something that then the Minority Coalition and the
19 minority citizens could then give us the support that we
20 could then go to DOJ and with that support get it
21 precleared. But without the support of the minority
22 community I don't think we've got it to where we could
23 get it precleared with Georgia v. Ashcroft.

24 MR. MANDELL: Another thing Mr. Chairman
25 along those lines. If the Commission were to draw that

1 we would be more than happy to take those districts and
2 meet with the members of the Coalition 2 try and again
3 come up with a proposed map to provide to the Commission
4 to create those types of districts as well so at least
5 you'd have another example of what it is that we were
6 trying to do.

7 CHAIRMAN LYNN: Mr. Huntwork has been
8 waiting, patiently.

9 COMMISSIONER HUNTWORK: You seem about to
10 explode. Go ahead.

11 COMMISSIONER HALL: Only question I have
12 Mr. Huntwork when you say start here, Mr. Mandell, start
13 here come down, where is here? Where is here? Define
14 here for me.

15 MR. MANDELL: Mr. Chairman, Mr. Hall, as I
16 understood Mr. Elder's intention was to star at the
17 benchmark and go from there. Or at least start at the
18 federal --

19 COMMISSIONER ELDER: 1990 federal voting
20 rights rules starting from a benchmark --

21 MR. RIVERA: Score.

22 COMMISSIONER ELDER: 2000 census. Mandell
23 have a census from them.

24 MS. HAUSER: A benchmark.

25 COMMISSIONER HALL: We have a new

1 benchmark.

2 MR. JOHNSON: Mr. Chairman, Mr. Mandell,
3 take, if motion passes, take A2, draw a map complies with
4 the first option of Georgia, and then get comment and
5 come back revise that into map comply second option of
6 Georgia. And then we would.

7 MS. LEONI: Not time for.

8 CHAIRMAN LYNN: Not enough time.

9 MR. JOHNSON: Comply compactness community
10 of interest. Mandell I understand benchmark federal
11 interim court plan that to be benchmark percentages.

12 COMMISSIONER ELDER: Misspoke, interim,
13 latest approved or latest plan has been accepted by the
14 court, or Justice Department then is bench.

15 COMMISSIONER HALL: Why isn't our plan
16 since preapproved the benchmark. The adopted plan.

17 MR. MANDELL: Mr. Chairman, Hall, could be.
18 Giving example --

19 COMMISSIONER HALL: Obviously not asking my
20 question in public not afraid to ask that question.

21 MR. MANDELL: No problem providing answer
22 to question, from our position.

23 COMMISSIONER HALL: Thank you. Your time.

24 COMMISSIONER HUNTWORK: I was puzzling
25 this, at this from another angle. And it's more -- I

1 guess more numerical. The process will be, if we reduce
2 the number of his span panic voters in these districts in
3 order to comply with the equal population requirements,
4 we have to replace them with somebody. And so we either
5 replace them with Anglo Democrats or we replace them with
6 Anglo Republicans. If we replace them with Anglo
7 Democrats, we have not necessarily increased the
8 competitiveness of the map as a whole and in fact we may
9 have decreased it depending on the efficacy of voters we
10 move in and out. If we replace them with Anglo
11 Republicans, we eventually cause this no longer to be not
12 only a safe minority district but not even a safe
13 Democrat district. And so my question is, you know, how
14 far do we go. Can we in fact make an Ashcroft compliant
15 district competitive?

16 MR. MANDELL: Mr. Chairman Mr. Huntwork
17 assumption as underlying premise assume that all
18 Democrats are minorities which we all know is not to be
19 the case. For example if you have a district that has 52
20 or 53 percent voting age Hispanic, 90 percent of those
21 are going to be minorities, also contours of the district
22 are very likely in fact probably hundred percent likely
23 to include additional Anglo Democrats African American
24 Democrats of all persuasions, so I don't think that
25 simply by putting -- necessarily by putting in a certain

1 number, and we're also talking about, to, few percentage
2 points, three, for percent, 3, 4 percent 171,000 people
3 is not that significant in sense it's 10 to 12,000
4 people, roughly, and Doug can correct my math, which is
5 probably wrong anyway.

6 COMMISSIONER HUNTWORK: Point I'm making
7 not one you accuse me of. It's we're going to be
8 replacing, whoever we take out replacing with somebody
9 else. And whether we do it on purpose or whether we just
10 close our eyes and, you know, shut our eyes and pick
11 someplace and when all said done open again because we
12 have to look at competitiveness of all districts, we're
13 eventually going to figure out what we added to this
14 District 1 way or the other. Do you, do you agree that
15 it has to be a safe Democrat district in order to comply
16 with Ashcroft even if it isn't a safe minority district or
17 it, in fact be a competitive district and still
18 comply with Ashcroft?

19 MR. MANDELL: Mr. Chairman, Commissioner
20 Huntwork, if I accused you of anything, I apologize. It
21 was not my intent to do so.

22 COMMISSIONER HUNTWORK: It seemed you were
23 accusing me of not understanding all Democrats
24 whatsoever. I obviously was not asking that question. I
25 wanted to know if you believed you could

1 create a competitive district that still complies with
2 Ashcroft, if not, how close can we get to that before we,
3 before we fail to comply with Ashcroft.

4 MR. MANDELL: Mr. Chairman, Mr. Huntwork,
5 it is my belief that it would be difficult to create
6 minority-majority districts that were competitive no
7 matter who you replaced them with.

8 COMMISSIONER HUNTWORK: An Ashcroft
9 district doesn't have to be minority-majority, it's a --
10 that just -- you know, that's the whole point, talking
11 about Ashcroft districts not minority majority districts.

12 MR. MANDELL: Mr. Chairman, not all
13 majority districts as currently exist, then none minority
14 influence districts --

15 COMMISSIONER HUNTWORK: Not all, one of
16 them, talk about 13, 14, 16, pick 14, anyone of them,
17 don't care which one, can that district comply with
18 Ashcroft and be competitive and if not, how close, how
19 strongly Democrat does it have to be in order to comply
20 with Ashcroft? Not how strongly minority does it have to
21 be, we're going to assume we're no longer obligated to
22 have minority-majority not Ashcroft traditional district
23 as I understand it, create anyone of these districts
24 become Ashcroft district, how strongly Democrat does it
25 have to be in order comply with Ashcroft? If at all.

1 MR. MANDELL: Mr. Chairman Huntwork part
2 reason struggling not conceptualize what it is you are
3 trying to get out. I apologize for that, not
4 understanding --

5 COMMISSIONER HUNTWORK: Trying to
6 understand, the very beginning here, trying to understand
7 the court's order what court trying to accomplish. We
8 all understand that the Court was trying to free up
9 Hispanic voters assumption Democrat voters in order to
10 increase the overall competitiveness of the map or create
11 the opportunity for increase in overall competitiveness
12 of the map. But if those Hispanic voters have to be
13 replaced by other Democrat voters so that the
14 contradictory mains safely Democrat, we have a zero some
15 game and it does not increase the overall competitiveness
16 of the map. So what we're trying to do, I'm sorry, I'm
17 not -- this is very difficult and we're going -- we're
18 going to alive at a common understanding at the same the
19 time I hope, what we're trying to do is figure out
20 whether we have any room to maneuver, if so how far we
21 can go in order to, in order to try to free up Democrats
22 in net to increase the competitiveness of the map while
23 still having a district that complies with the Voting
24 Rights Act under either test. Because at the moment it
25 looks like if we take one type Democrat out of these

1 districts still have to replace with another type in
2 order to assure they remain Democrat districts or we
3 won't past Ashcroft won't accomplish what Senator Rios
4 want accomplish make more Democrat districts if you will,
5 so my question how far do we go, how do that.

6 MR. MANDELL: Chairman, Mr. Huntwork,
7 Senator Rios, he'd like the opportunity to elect more
8 Democrats, not necessarily create more Democrats or --
9 create more Democrats, they had to be elected from the
10 standpoint, I think, as I understand the question, and
11 I'm really trying, it is it doesn't -- you are not
12 required to replace the Democrats you take out with
13 non-Hispanic or non-minority Democrats. I think you can,
14 and I don't know that there surgically is an area have a
15 complete hundred percent area of Democrats, of Democrats
16 one area Republicans in another. I don't know, at least
17 on the fringes of where minority areas are located, I
18 think there is a fair mixture of Democrats Republicans,
19 not be able to just insert Republicans or insert
20 Democrats, putting in Independents, Democrats, Greens,
21 Libertarians and everyone's.

22 COMMISSIONER HUNTWORK: Unless we put in
23 Democrats, we'll change the likelihood Democrats will get
24 elected from that district. We reduce overall Democrats
25 majority in a district, decrease the chance of a Democrat

1 to get elected.

2 CHAIRMAN LYNN: Maybe just put another spin
3 on it, ask same question, please correct me if I'm wrong.
4 I understand when lawyers communicate there may be a
5 problem. Let me step in, try to make more simple.

6 COMMISSIONER ELDER: Let me draw a picture.

7 CHAIRMAN LYNN: Might help as well.

8 The crux of the question: Under Georgia v.
9 Ashcroft of substantive representation, if a district
10 were competitive leaning Democrat or leaning Republican
11 or that matter, it seems us that wouldn't fit that
12 definition, that is to say if a you have a likelihood of
13 electing a representative that would be the appropriate
14 representative for a group of minorities in that district
15 as the ruling talks about, what Mr. Huntwork is asking is
16 that seems to force you into a district that is not just
17 leaning Democrat and not even competitive by our
18 definition of plus or minus three-and-a-half percent, but
19 outside the bounds Democratic. And if that is true, that
20 is the first question do. You believe that is true. And
21 if that is true, that seems to tie our hands in terms of
22 moving voters around to have an overall effect on
23 competitiveness if part of our task is to draw a certain
24 number of districts that meet that definition.

25 MR. MANDELL: And Mr. Chairman, I think,

1 partly, that is why you have a Voting Rights Act expert
2 to help you to determine what the effectiveness of a
3 district is. And they can do an analysis to determine
4 whether or not that district, under, whether it's
5 competitive or not, would at least provide the
6 opportunity for a Hispanic candidate or minority
7 candidate to elect candidate -- to be elect. That's
8 where the crux is is getting voting right expert who can
9 tell you effectiveness of a given district and whether or
10 not you've crossed the line of making it from -- taking
11 it from likely to not likely or from taking it from
12 likely to save in either direction. So I think --

13 CHAIRMAN LYNN: You believe --

14 MR. MANDELL: In a vacuum.

15 CHAIRMAN LYNN: You believe the voting
16 rights expert could tell us that a two-and-a-half percent
17 Democratic leaning competitive district could be
18 effective for Democrats. You believe that.

19 MR. MANDELL: Not necessarily Democrats for
20 minority candidates. Not looking at Democrats. I think
21 for example District 2, Dr. Handley did an effectiveness
22 analysis for District 2, and it's all based on voting
23 precincts, turnout, those type of issues, she can tell
24 you, gave a specific percentage in that district as to
25 when it became effective.

1 CHAIRMAN LYNN: Not talking minority
2 candidates, Mr. Mandell, candidates that are sympathetic
3 to minorities.

4 MR. MANDELL: Uh-huh.

5 CHAIRMAN LYNN: That's a Democrat by your
6 definition, by Mr. Rios' definition, by the court's
7 definition, so we're not talking about electing
8 minorities, we're talking about electing Democrats, and
9 that's the point.

10 MR. MANDELL: I don't think Mr. Chairman
11 Senator Rios was arguing all Republicans don't favor
12 minority issues, in fact are some Republicans are good on
13 those types of issues.

14 CHAIRMAN LYNN: Mr. Rios is off the list, a
15 few others are arguing that point.

16 MR. MANDELL: That's fine, I agree it's, in
17 part, to elect, get Democrats elected, but also in part
18 to allow Democrats the opportunity to be elected. And
19 that's, I think, where we were trying to go.

20 CHAIRMAN LYNN: Well I would argue that a
21 competitive district, even if it leans 3.4 Republican,
22 and that's to the limits of our standard, it might afford
23 a Democrat an opportunity to be elected by definition
24 because it's competitive.

25 COMMISSIONER HUNTWORK: Mr. Chairman, I'm

1 hearing a continuum of thoughts here. I do think I
2 understand, but I need to express it in terms of, of the
3 competitiveness criteria which is what we're having to
4 come back to. The question in my mind is, you know, I
5 can see a couple of arguments here. One is, in a
6 district with a very large minority influence any
7 Republican who runs and expects to get elected would have
8 to be sympathetic to minority issues, so even if it was a
9 competitive district, the argument would be, it still
10 complies with Ashcroft because the Republican is going to
11 have to be sympathetic in order to get elected. The next
12 step is it can't be a competitive district that's going
13 to far but it doesn't have to be an iron clad safe
14 District 4 the Democrats, it leans Democrat, outside the
15 competitiveness range but not so far outside Republican
16 who runs a good campaign wouldn't have a chance to win in
17 that district, that's likelihood, competitive hood,
18 likely, third category would be safe, a safe Democrat
19 district. Now, the question is, I guess, in your
20 opinion, whereon that spectrum does the Ashcroft district
21 fall because for better or worse, we feel as if we have
22 to milk a decision in those terms even though we would
23 prefer to make the decision on other terms, but we are,
24 we feel like we're ordered to make decision based on that
25 type of evaluation. So, do you -- can you express it in

1 those terms or --

2 MR. MANDELL: Mr. Chairman, Mr. Huntwork,
3 it's hard to put it in words. It's basically all three.

4 COMMISSIONER HUNTWORK: Okay. So
5 competitive -- could a competitive district conceivably
6 comply with Ashcroft.

7 MR. MANDELL: Okay.

8 COMMISSIONER HUNTWORK: All right.

9 MR. MANDELL: Conceivably, absolutely.

10 COMMISSIONER HUNTWORK: All right. I
11 believe I understand.

12 CHAIRMAN LYNN: Mr. Hall.

13 COMMISSIONER HALL: Well, Mr. Chairman, I
14 didn't want to cut anyone short. I was going to remind
15 the Commission we had a motion on the floor.

16 CHAIRMAN LYNN: I understand. This
17 discussion may be very helpful in determining that
18 motion. Paragraph for the record, Mr. Mandell, you are
19 still -- I mean you are familiar with the letter of
20 February 5th, delivered to the Commission.

21 MR. MANDELL: I am.

22 CHAIRMAN LYNN: The motion on the floor is
23 to utilize the letter directing NDC in its progress of
24 applying voting rights criteria to the map.

25 Just curious. Is that a motion you would

1 support?

2 MR. MANDELL: In concept, Mr. Chairman,
3 yes, without seeing the actual districts as it comes up,
4 yes in a sense we'd support the motion --

5 CHAIRMAN LYNN: That, Mr. Mandell, is
6 knowing it when you see it. We know that doesn't work.

7 We will give a very important instruction
8 to NDC and we will all see what that produces, but we're
9 trying to be responsive to the letter that was given to
10 us.

11 COMMISSIONER HUNTWORK: Mr. Chairman, it's
12 somewhat unfair. I prefer to let Mr. Mandell off the hot
13 seat, let him off, stay if he wants to.

14 CHAIRMAN LYNN: It may be an unfair
15 question. I did not intent for him to be on a hot seat.

16 MR. MANDELL: I didn't feel I was.

17 To clarify, finalize a point in the
18 address, support the process going through, doing what we
19 asked you to do the in letter. I can't say I support
20 districts we haven't seen.

21 CHAIRMAN LYNN: I didn't ask that. I asked
22 if you support the process.

23 MR. MANDELL: Mr. Chairman, that's why we
24 wrote the letter.

25 CHAIRMAN LYNN: I just want it on the

1 record. Thank you.

2 On the question.

3 COMMISSIONER HUNTWORK: Mr. Chairman, I
4 would like to withdraw my second of the motion.

5 CHAIRMAN LYNN: Okay. The second is
6 withdrawn.

7 COMMISSIONER HUNTWORK: If that's okay.

8 CHAIRMAN LYNN: Certainly. Anyone else
9 wishing to second the motion?

10 COMMISSIONER ELDER: Mr. Chairman, it has
11 been probably 45 minutes since the motion was made.
12 Could I have somebody --

13 CHAIRMAN LYNN: Absolutely.

14 COMMISSIONER ELDER: Restate the motion.

15 COMMISSIONER HALL: I don't think I can
16 quote perfectly, Mr. Elder. In essence motion was we
17 instruct motion NDC to take map A2, adjust for voting
18 rights issues in appropriate districts pursuant to the
19 instructions letter Mr. -- our Chairman is holding from
20 the Arizona Minority Coalition.

21 COMMISSIONER ELDER: Second.

22 CHAIRMAN LYNN: So we're back in discussion
23 on that motion.

24 Mr. Huntwork.

25 COMMISSIONER HUNTWORK: Mr. Chairman, I --

1 I'm opposed to this motion because I'm not -- I do not
2 agree, or I'm not convinced that this motion is in full
3 compliance with the order of the court.

4 CHAIRMAN LYNN: Well --

5 COMMISSIONER HUNTWORK: And the -- and I
6 would prefer to have a motion which says that we instruct
7 them to draw the districts in full compliance with the
8 Voting Rights Act as we have defined it and as we have
9 defined it, had, with reference to compliance order of
10 the court. Order of the court said that all of our
11 districts had to comply, all of them had to comply with
12 Georgia v. Ashcroft. I know there has been an
13 interpretation, there is an interpretation, but the -- I
14 do not agree that a district that uses the old standard,
15 it seems to me that that is an alternative standard. The
16 order of the court made it clear that the
17 majority-minority district is an alternative standard.
18 And that, in order to fully comply with the order of the
19 court it appears to me that we have to use Georgia vs.
20 Ashcroft for the alternative standard in Georgia vs.
21 Ashcroft for all districts. We, after all, can't do what
22 we want to do. We have to comply with the order of the
23 court. I don't think that merely because someone else
24 wants to do something we are free to fail to comply with
25 the order of the court. So that's my, that's why I'm

1 voting against this motion.

2 CHAIRMAN LYNN: Mr. Elder.

3 COMMISSIONER ELDER: Mr. Chairman, would
4 the maker of the motion include all districts as opposed
5 to just districts enumerated Minority in the Coalition
6 letter of February 5th?

7 MS. HAUSER: Mr. Chairman.

8 CHAIRMAN LYNN: Ms. Hauser.

9 MS. HAUSER: Of course the district numbers
10 that are in the minority Coalition's letter refer to
11 districts that are not before the Commission. So we're
12 talking not about districts but areas of the state. So
13 with that clarification.

14 COMMISSIONER ELDER: Then --

15 COMMISSIONER HALL: Help -- I just told her
16 I wouldn't talk until she said I could.

17 MS. HAUSER: That's new and different.

18 COMMISSIONER HALL: They -- the intent, I
19 think that is very accurate by Mrs. Hauser. The intent
20 is not to reference specific district numbers but the
21 intent is to advise, give our consultants some level of
22 specificity with respect to how, how is that for a
23 word --

24 CHAIRMAN LYNN: I want that in the record
25 just that way.

1 COMMISSIONER HALL: The way I mispronounced
2 it, it's been a long day.

3 COMMISSIONER HALL: A specific level of
4 instruction, how's that?

5 MS. HAUSER: I like that.

6 COMMISSIONER HALL: So that they were, they
7 do not feel like we were being vague. I feel like the
8 letter does a pretty good job of outlining some specifics
9 with respect to those numbers. So that's the intent. It
10 isn't to enumerate or itemize specific districts because
11 we don't know what those are yet.

12 CHAIRMAN LYNN: Mr. Elder.

13 COMMISSIONER ELDER: I suppose the question
14 is that he can't give the direction to Mr. Johnson to use
15 the districts that are not there in the directions to him
16 to modify the plan and we need to come up with other
17 language in the motion. That's all I'm --

18 COMMISSIONER HALL: Okay. If I amend the
19 motion to say the area represented by the former district
20 numbers listed in the letter, would that be more
21 acceptable to the second?

22 COMMISSIONER ELDER: I believe so. But I'm
23 also wanting to ask the question as to why not just say
24 conforming to Georgia v. Ashcroft criteria.

25 COMMISSIONER HUNTWORK: For all districts,

1 say.

2 COMMISSIONER HALL: Before I answer that
3 question, I would like council to say I can answer that
4 question.

5 COMMISSIONER ELDER: Or do we need an
6 Executive Session on Georgia v Ashcroft?

7 COMMISSIONER HALL: I don't think we do.

8 Jose, do you want to comment since Steve is
9 distracting Lisa?

10 COMMISSIONER HUNTWORK: Josh, they may be
11 talking about it. Hold on. Ask.

12 COMMISSIONER HUNTWORK: Can I be
13 recognized?

14 CHAIRMAN LYNN: Mr. Huntwork.

15 COMMISSIONER HUNTWORK: Mr. Chairman, the
16 question to me while waiting to answer until after you
17 returned from your visit with counsel, I don't -- I think
18 we have a hanging issue present before us.

19 MS. HAUSER: I didn't hear it.

20 MR. RIVERA: Can we go into Executive
21 Session?

22 CHAIRMAN LYNN: All right.

23 COMMISSIONER HALL: I move we go into
24 Executive Session.

25 CHAIRMAN LYNN: There's a motion on the

1 floor. We have to move to table the motion first.

2 COMMISSIONER HALL: I'm sorry, move to
3 table the motion.

4 CHAIRMAN LYNN: Second?

5 COMMISSIONER HUNTWORK: Second.

6 CHAIRMAN LYNN: Moved and seconded.
7 Those in favor of tabling the motion,
8 signify "Aye."

9 COMMISSIONER HALL: "Aye."

10 COMMISSIONER ELDER: "Aye."

11 COMMISSIONER HUNTWORK: "Aye."

12 CHAIRMAN LYNN: Chair votes "Aye."

13 (Motion carries.)

14 CHAIRMAN LYNN: Now you can move to go into
15 Executive Session.

16 COMMISSIONER HALL: So moved.

17 COMMISSIONER HUNTWORK: Second.

18 CHAIRMAN LYNN: Pursuant to the regular
19 sections always cited --

20 Lisa, put those in.

21 (Whereupon, the Arizona Independent
22 Redistricting Commission made its motions for Executive
23 Session pursuant to: A.R.S. 38-431.03(A)(3) and
24 38-431.03(A)(4).)

25 CHAIRMAN LYNN: All those in favor, signify

1 "aye."

2 COMMISSIONER HALL: "Aye."

3 COMMISSIONER ELDER: "Aye."

4 COMMISSIONER HUNTWORK: "Aye."

5 CHAIRMAN LYNN: Motion carries and it is so
6 ordered.

7 I can't estimate this one, ladies and
8 gentlemen. Sorry.

9 (Whereupon, the Commission recessed
10 open Public Session at 4:34 p.m. and
11 convened in Executive Session pursuant to
12 A.R.S. 38-431.03(A)(3) and 38-431.03(A)(4)
13 until 4:54 p.m. at which time open Public
14 Session reconvened and a recess was taken
15 until 5:14 p.m.

16 (Recess taken.)

17 CHAIRMAN LYNN: Back on the record.

18 All four Commissioners, staff, legal
19 consultants, and staff are present.

20 For the record, and without objection, we
21 now have both both a digital representation and
22 description of the Rim Country community of interest that
23 Flagstaff has, apparently accompanied with music, which
24 is a nice touch.

25 Thank you, Vice Mayor, for that.

1 And so I just wanted the Commission to know
2 it was here and Mr. Johnson, I guess, could give us a
3 look. We're also having copies of it made to take a look
4 at it as well.

5 COMMISSIONER ELDER: Do we currently have a
6 motion on the floor?

7 CHAIRMAN LYNN: We will. We're not going
8 to -- there is nothing there now. That was just by
9 putting on the record it was here present.

10 In fact, we do have a motion which has been
11 tabled. And I would ask someone move to remove it from
12 the table.

13 COMMISSIONER HALL: I move to withdraw my
14 motion.

15 CHAIRMAN LYNN: No, you can't do that, I
16 can't consider it.

17 COMMISSIONER HALL: Why don't we move to
18 remove it?

19 CHAIRMAN LYNN: Thank you. Is there a
20 second?

21 COMMISSIONER HUNTWORK: Second.

22 CHAIRMAN LYNN: Discussion on the motion.

23 If not, all those in favor of removing the
24 tabled motion from the table signify saying "Aye."

25 COMMISSIONER HUNTWORK: "Aye."

1 COMMISSIONER HALL: "Aye."
2 COMMISSIONER ELDER. "Aye."
3 CHAIRMAN LYNN: Motion carries unanimously.
4 COMMISSIONER HALL: I make a motion to
5 remove the motion.
6 CHAIRMAN LYNN: Don't. Simply withdraw it
7 if the second is amenable.
8 COMMISSIONER ELDER: Yes.
9 CHAIRMAN LYNN: Mr. Elder, thank you.
10 Therefore, the floor is open.
11 For instructions on the meaning of the
12 Voting Rights Act, Mr. Huntwork.
13 COMMISSIONER HUNTWORK: Mr. Chairman, I
14 move that we instruct our consultants to adjust test plan
15 A2 to incorporate the requisite number of voting rights
16 districts in compliance with the criteria of Georgia v.
17 Ashcroft and the order of the court pursuant to the
18 instructions of our council working with their council.
19 CHAIRMAN LYNN: Is there a second?
20 COMMISSIONER ELDER: Second.
21 CHAIRMAN LYNN: Discussion on the motion.
22 If not, all those in favor of the motion
23 signify by saying "Aye."
24 CHAIRMAN LYNN: One moment.
25 Ms. Hauser?

1 Mr. Rivera?

2 MR. RIVERA: Didn't define "their council."

3 I'm not sure you need to put that portion into it.

4 (Whereupon the record was read as follows:

5 "I move that we instruct our consultants

6 "to adjust test plan A2 to incorporate the

7 "requisite number of voting rights

8 "districts in compliance with the criteria

9 "of Georgia v. Ashcroft and the order of

10 "the court pursuant to the instructions of

11 "our council working with their council.)

12 MS. HAUSER: Just us.

13 COMMISSIONER HUNTWORK: Mr. Chairman, on
14 advice of our council, I will -- I would like to change
15 the motion to withdraw the reference to NDC's council.

16 CHAIRMAN LYNN: Is that acceptable to the
17 second?

18 COMMISSIONER ELDER: Yes.

19 CHAIRMAN LYNN: Thank you.

20 On the motion, all in favor of the motion,
21 signify by saying "Aye."

22 COMMISSIONER ELDER: "Aye."

23 COMMISSIONER HUNTWORK: "Aye."

24 COMMISSIONER HALL: "Aye."

25 CHAIRMAN LYNN: Chair says "Aye."

1 Motion carries four-zero and is so ordered.
2 (Motion as carried reads: We instruct our
3 consultants to adjust test plan A2 to
4 incorporate the requisite number of voting
5 rights districts in compliance with the
6 criteria of Georgia v. Ashcroft and the
7 order of the court pursuant to the
8 instructions of our council.)

9 CHAIRMAN LYNN: Further instructions to NDC
10 with respect to voting rights?

11 I'm going to defer to council periodically
12 just to make sure. We want to be very precise in this,
13 in all of these instructions. So if I can have counsels'
14 attention.

15 We're about to move away from voting rights
16 and instruction.

17 Unless there is anything more on voting
18 rights. We've had some discussion about the other
19 various criteria.

20 What is your pleasure with respect to
21 those?

22 Mr. Elder?

23 COMMISSIONER ELDER: Mr. Chairman, before I
24 make any motion, I would like to make clear with
25 Mr. Johnson, I would like to see that adjustment based on

1 Georgia vs. Ashcroft as a separate, I want to see what
2 that evolution did before you infuse it any of the other
3 criteria of 106. With that said, then I would like to
4 make a motion that we then apply the other criteria of
5 106 after the competitiveness issues have been addressed.

6 CHAIRMAN LYNN: I'm sorry. Say that one
7 more time, Mr. Elder.

8 COMMISSIONER ELDER: I would move that we
9 direct NDC to apply the criteria of 106 after the Voting
10 Rights Act issues as well as the Court order for
11 competition has been addressed.

12 CHAIRMAN LYNN: Well, I think you are going
13 to have to be more specific than that. I'll take it, but
14 it's a vague motion in that we've used some of the 106
15 criteria already and others have not been specifically
16 ordered. So are you taking about the remaining criteria
17 of 106?

18 COMMISSIONER ELDER: Remaining criteria.
19 If you want to take them one at a time, do it one at a
20 time.

21 CHAIRMAN LYNN: I don't necessarily want to
22 do that. I want to be clear what the motion requests of
23 them.

24 COMMISSIONER ELDER: Let me restate the
25 motion. I'd like NDC -- I move that NDC apply the

1 communities of interest criteria of 106 to the resulting
2 map.

3 CHAIRMAN LYNN: Okay.

4 Is there a second?

5 COMMISSIONER HUNTWORK: Second.

6 CHAIRMAN LYNN: Thank you.

7 My understanding then is -- I'm going to
8 repeat this process so everybody is clear. Because we
9 have done this over several days I want all of us to be
10 clear as to what we're ordering. We have now indicated
11 that we're going to start with test map A2 which has
12 already been infused with the competitiveness criteria.
13 We have then instructed NDC to take that map and apply
14 the voting rights criteria as it is defined in Georgia v.
15 Ashcroft. Mr. Elder has indicated that he would like to
16 see the result of that. But then to go on and then add
17 communities of interest to the map and show then the
18 transition from this map to the first map which has the
19 voting rights in it to the next map which would then have
20 communities of interest in it.

21 MR. JOHNSON: If I can just ask one
22 question, clarification. Showing the Voting Rights Act,
23 okay, if we do it, present all of it, hold a meeting,
24 present it to you before we go on?

25 COMMISSIONER ELDER: No. Be -- I want a

1 document or record during our next meeting that would
2 include all these other issues being integrated into the
3 map that we have that so we know where that line was that
4 was the issues in relation to competition and the voting
5 rights --

6 CHAIRMAN LYNN: Just, I think analogous we
7 have the grid, have this, we need the next steps along
8 the way so we at some point put the whole thing up on the
9 wall and end with a map we submit to the court.

10 MR. JOHNSON: No problem.

11 COMMISSIONER ELDER: I'm not so sure. The
12 reason we made the original motion to include all the
13 balance of the remaining criteria in 106 as we're doing
14 the thing, I would expect Mr. Johnson would also be
15 taking into account compactness and continuity and the
16 edges and the other factors that we want to have
17 addressed in the mapping. And I'm not saying or at least
18 I don't particularly want to see then the evolution of
19 the communities of interest and another map and another
20 presentation. Now let's apply compactness and adjust
21 again, let's comply with that linear process I don't need
22 to see that.

23 CHAIRMAN LYNN: Well, okay. The motion, at
24 least, deals with communities of interest at this point.

25 Mr. Huntwork.

1 COMMISSIONER HUNTWORK: Well, I would just
2 like to ask, Doug, what -- is there an order that you
3 feel would be the easiest to accomplish, the quickest to
4 accomplish time frame?

5 CHAIRMAN LYNN: Sacrificing nothing in
6 terms of our deliberate process and outcome we're trying
7 to achieve.

8 COMMISSIONER HUNTWORK: As we apply each
9 factor, pause, save that, apply the next one, so we see
10 how it evolved, given that order, is that easiest for
11 you?

12 MR. JOHNSON: We can do them -- easiest,
13 probably do communities of interest, cities, counties,
14 visible borders, compactness all together, but we could
15 also do them as communities, and then --

16 CHAIRMAN LYNN: In other words, finish
17 criteria, and do them simultaneously.

18 MR. JOHNSON: Right.

19 CHAIRMAN LYNN: Back to the original
20 motion. Didn't want to talk you out of it, but to be
21 clear on the record, Mr. Elder, if you want to change the
22 motion and make it together, that would be fine.

23 COMMISSIONER ELDER: Mr. Chairman, the
24 motion on the floor, I'd withdraw.

25 I withdraw the original motion, if that's

1 acceptable to the second?

2 COMMISSIONER HUNTWORK: Yes.

3 COMMISSIONER ELDER: Mr. Chairman, I move
4 we direct NDC to apply the remaining criteria of
5 Proposition 106 to the resultant map.

6 CHAIRMAN LYNN: Is there a second?

7 COMMISSIONER HUNTWORK: Second.

8 CHAIRMAN LYNN: Thank you.

9 Discussion on that motion?

10 Mr. Huntwork.

11 COMMISSIONER HUNTWORK: Well, I think
12 implicitly we are saying each criteria, to the maximum
13 extent practicable, and without significant detriment, we
14 want to maintain the competitiveness as much as possible
15 without significant detriment to the other criteria.
16 There is some subjectivity involved in that and
17 ultimately we're the ones that are going to have to make
18 those judgments. And so my question really is how are
19 you going to be able to preserve the decisions that
20 you've made so that we can either agree or disagree with
21 them.

22 MR. JOHNSON: Chairman, Commissioner
23 Huntwork, through the process of drawing a number of
24 plans to date within the legal framework we've been
25 operating under, we've been pretty good at recording our

1 steps, what choices we ran into at each point and to be
2 to sure to revisit them similar as Dr. McDonald did
3 today.

4 CHAIRMAN LYNN: At any point as the
5 Commission arises, the Commission will be given the
6 choice on how to resolve the ordeal with the issue that
7 has arisen.

8 COMMISSIONER HUNTWORK: Whether we agree or
9 not with the choice made, I guess.

10 MR. JOHNSON: Yes. Certainly we can go
11 back and revisit any one or more of them you wish to.
12 Obviously revisiting may have impacts on what we did
13 after that. We will be available should the Commission
14 wish to do that.

15 CHAIRMAN LYNN: At the next meeting we'll
16 have the ability to do realtime, whatever that means,
17 changes to the mapping process with results available in
18 the near term. In other words, not days in between.

19 MR. JOHNSON: We'll have it as fast as we
20 can. The scope of instruction always drives how long it
21 takes, so it's, as the Commission knows, we're not --
22 we're not going to be sitting live in the meeting and
23 moving blocks, because that, that's just not efficient.
24 But we will have all the resources we can bring to bear
25 on this.

1 CHAIRMAN LYNN: Further discussion on the
2 motion?

3 COMMISSIONER ELDER: Mr. Chairman I would
4 just like to interject a question here of NDC. Do you
5 need or do you feel it would be appropriate in the way
6 that you manage the data and the sequence you take it in
7 to have any kind of priorities or hierarchy as to which
8 to apply first or which might take precedence over
9 another or is it possible through your process to allow
10 us to have that ability to prioritize as you bring the
11 map back, to say: Well, we feel that this compactness is
12 really important here but it's not as important there
13 because it affects a community of interest or -- I'm just
14 rambling there, but that's what I'm looking for. Do you
15 need some sequence in your process?

16 MR. JOHNSON: I believe, was referring to
17 earlier, probably it's easier if we can do the three
18 criteria, the communities and compactness and the city
19 and county and visible borders stuff together rather than
20 sequencing them.

21 COMMISSIONER ELDER: Okay.

22 CHAIRMAN LYNN: Ms. Hauser.

23 MS. HAUSER: Mr. Chairman, one of the
24 things that Mr. Elder's, maybe even Mr. Huntwork's
25 questions or statements repeatedly brings up is that

1 given the time frame here, the adjustments that are being
2 made are, essentially, NDC taking a stab the adjusting
3 for significant detriment. So NDC is going to need to be
4 able to, and council has already discussed this with
5 council for NDC, be able to come in with changes that
6 they believe to represent adjustments for significant
7 detriment to the criteria. And they will be able to show
8 you first of all on A2 where a particular community of
9 interest was impacted by those lines and then they can
10 show you the map that they developed, or whatever the
11 test or map is that they develop to try to adjust for
12 what they believed to be a significant detriment, or at
13 least what they believe you would consider to be
14 significant detriment based on familiarity with your
15 prior record. They may be wrong at that point. You may
16 look at that and say: Well, I don't think that that was
17 a significant detriment to that particular community and
18 therefore you would reject that change but there will at
19 least be able -- there will be a way for you to see the
20 before and after on that particular community.

21 COMMISSIONER ELDER: On the before and
22 after, will we be able to or will you be able to tell us
23 the effect on either competition and/or communities of
24 interest? I mean like the Hispanic or Voting Rights Act
25 issues?

1 MR. JOHNSON: Well, significant detriment
2 question would just be in relation to competitiveness,
3 but, yes, we'll look at all of that with only very minor
4 clarification, it won't be comparing A2, comparing to
5 voting rights adjustments of A2. Otherwise I agree
6 exactly with what Ms. Hauser said.

7 CHAIRMAN LYNN: Further discussion on the
8 motion.

9 If not, all those in favor of the motion
10 signify by saying "Aye."

11 COMMISSIONER ELDER: "Aye."

12 COMMISSIONER HALL: "Aye."

13 COMMISSIONER HUNTWORK: "Aye."

14 CHAIRMAN LYNN: Chair votes "Aye." Motion
15 carries unanimously and is so ordered.

16 Are there other instructions --

17 MS. HAUSER: Hold.

18 CHAIRMAN LYNN: All right. Ms. Hauser
19 asked we "hold" a second. I don't think this requires
20 legal counsel to be attentive. We do have the map that
21 was submitted by Flagstaff for a rim community of
22 interest. And my recollection is dimming as the hours go
23 by, but I don't believe we actually voted on that. We
24 asked they come back to us.

25 COMMISSIONER HUNTWORK: Correct.

1 CHAIRMAN LYNN: So we now have received
2 that information. And I wanted to know if we wanted to
3 act on it in anyway.

4 COMMISSIONER HUNTWORK: Mr. Chairman, I
5 would make the motion that we consider the area depicted
6 in the map provided by Flagstaff with one change, which
7 is that we incorporate straight lines from the upper area
8 to bottom area rather than merely connecting them by
9 Highway 89 so that we have in effect more of a, more of a
10 contiguous area to look at, that we, we declare that to
11 be a community of interest.

12 CHAIRMAN LYNN: Is there a second to that
13 motion?

14 COMMISSIONER ELDER: Second.

15 CHAIRMAN LYNN: Now I'm going to need to
16 look at that map again.

17 COMMISSIONER HUNTWORK: I don't know where
18 it has gotten to.

19 COMMISSIONER HALL: Well, Mr. Chairman,
20 while you are waiting to look at that map, I'd ask
21 Mr. Huntwork in a second where in the world they have any
22 evidence in the record that would indicate that a
23 district that runs across those points would constitute a
24 community of interest.

25 COMMISSIONER HUNTWORK: Well, I --

1 Okay. Well, the answer to the question,
2 then, is that the testimony this morning was that there
3 are common issues involving forest management,
4 recreation, water rights, and kind of, I think, I believe
5 the testimony included a history of communities in this
6 area working together with respect to these issues. So
7 obviously it seems obvious to me that those include
8 critically important issues of state law as well as to
9 some extent federal law, really probably more state law.
10 So the only concern I had was that, you know, we -- for
11 our purposes have to have take contiguity into account,
12 and that spur of Highway 89 is somewhat of a thin, you
13 know, road, what is it, 40-foot-wide strip in reality. I
14 don't think it needs to be that narrow. I think there
15 is, there is in fact no harm, certainly no harm would be
16 done by just simply creating a wider connector between
17 those two areas.

18 CHAIRMAN LYNN: I don't know whether there
19 was a question in there, Mr. Silva, I was looking at the
20 map. Mr. Elder, if you want to post a question, if there
21 was one. I know Mr. Silva is here to answer whatever
22 questions we have to ask.

23 VICE MAYOR SILVA: Thank you.

24 COMMISSIONER ELDER: This morning we heard
25 this was like a rim recreation mountain pine, I don't

1 know what, covered area. That functioned together. When
2 I look at this, you know, it's really like part of the
3 Verde Valley goes up on the rim and plateau and doesn't
4 seem to have that continuity I sort of expected when I
5 first heard the concept. I'm not so sure the issues in
6 Verde Valley are the same as up in the plateau and on the
7 forested rim. So I'm not quite sure that this fits our
8 definitions for, you know, the community of interest.

9 VICE MAYOR SILVA: Mr. Chair.

10 CHAIRMAN LYNN: Mr. Silva.

11 VICE MAYOR SILVA: Commissioner Elder, it
12 really does. It goes on the line of the Mogollon Rim
13 which includes a lot of the forest areas. The water
14 issues that we have to include the Verde Valley, and the
15 ranching, graze lands, and so forth, that are actually
16 all the way from -- well, Tusayan, to the Apache and
17 those -- in other words, those are the commonalities that
18 we have in that particular area. I'm not sure whether I
19 understood your question in terms of what is like or not
20 like.

21 COMMISSIONER ELDER: I guess, Vice Mayor,
22 it appears as though there is potential on the forest
23 station forest tree logging, for and recreation. You
24 mentioned the issues of water that, you know, are managed
25 and two different or three different areas there. I

1 don't know if this is contiguous with one AMA or active
2 management or ah or not, range, and cattle, you know,
3 appears as though overlaps in and out, not defined or
4 contained to this area. You know, I don't see that there
5 is that much that is contained within the whole that
6 makes this a specific area of concern.

7 CHAIRMAN LYNN: Mr. Hall.

8 COMMISSIONER HALL: Mr. Chairman, in the
9 interests of time I just would add that respectfully
10 Mr. Silva that the record is replete with, I think,
11 evidence from the eastern communities to the contrary of
12 what they consider to be a community of interest. I
13 don't want to go into that much intimate detail, but --
14 I, with the exception that they all have pine trees I
15 respectfully disagree with your assessment.

16 VICE MAYOR SILVA: If I may, may I read
17 this into the record.

18 CHAIRMAN LYNN: We certainly have copies of
19 it. I would be happy to have it made part of the record
20 in its entirety. I'd be happy to do that.

21 VICE MAYOR SILVA: Thank you. Thank you.
22 I guess I'm not seeing or I'm not really understanding
23 what it is that you don't see in the map itself which are
24 the many commonalities that we have have between
25 Flagstaff and going through the Apache and --

1 CHAIRMAN LYNN: I think each of us may have
2 a different take on it, because it is the application of
3 common definition that we try to make. And I was
4 struck -- I was anticipating the map. And I was struck
5 by its enormity in terms of the size of the area that you
6 think is a single community of interest. I believe that
7 there are things which the area designated have in
8 common. My concern is that there are a number of other
9 things that they would find so different one from another
10 based on local cultural demographic and other
11 considerations that it's, to me, and I'm only speaking
12 for myself, it's the same argument as saying at some
13 level the United States is a community of interest.
14 There are things that are shared, but we also recognize
15 differences, great differences at that point within the
16 state, the same thing is true, and for me even even
17 within certain counties that is the case. This area
18 encompasses parts of several counties. It in
19 compasses -- it does have things in common, no question
20 about it, it is rim county, timber, certainly water
21 issues, certainly those things it does have in common
22 just doesn't seem to me to rise to level discrete
23 community of interest enough in common in terms of our
24 definition to meet the threshold. That may be a judgment
25 call but, you know, I was actually surprised at the size

1 of it.

2 VICE MAYOR SILVA: And probably the most
3 common of all those areas is the forest health along the
4 rim.

5 CHAIRMAN LYNN: Sure.

6 VICE MAYOR SILVA: And of course the water
7 issues we do have.

8 CHAIRMAN LYNN: I submit to you that the
9 state has national forests from top to bottom and they
10 all have forest health issues every single one of them
11 recently Governor is talking about as one of her
12 initiatives forest health. I don't think that was
13 limited simply to the forests along the rim. So we have
14 the Coronado national forest north of Tucson certainly
15 has the same kinds of issues.

16 VICE MAYOR SILVA: Gerry I think is wanting
17 to say something. May I -- Jeri.

18 CHAIRMAN LYNN: Identify yourself for the
19 record, if you would.

20 MS. DUSTIR: Vice Mayor Silva.

21 For the record, Jeri Dustir, J E R I,
22 D U S T I R. I serve as Deputy Manager for the City of
23 Flagstaff.

24 Again, thank you for this opportunity to
25 address some of the questions that you have raised.

1 Beginning with the physical size of the
2 community of interest Vice Mayor Silva and Chairman Ryan
3 have presented for your consideration. It is predicated
4 on the geographic and physical characteristics of the Rim
5 Country itself. It is difficult to say the geography of
6 the rim starts any less than where it does or ends any
7 earlier than it does. So the Commission, in its
8 deliberations, may determine that the size is greater
9 than what is necessary for a community of interest, but
10 we are presenting this fully for your consideration and
11 that is a geographic consideration.

12 CHAIRMAN LYNN: I appreciate that.
13 Obviously if you are defined by the rim you have to
14 complete the rim. That I understand.

15 MS. DUSTIR: Thank you, Mr. Chairman.
16 Continuing on, we recognize this is made up of a number
17 of diverse communities and populations. We do, however,
18 within this geographic boundary find concerns and -- in
19 addressing common issues. And Vice Mayor Silva began to
20 describe those. And I would like to continue for the
21 record and more importantly for your consideration to
22 perhaps more clearly recognize what it is that we are
23 providing for your consideration this afternoon. The
24 natural resource issue and the development of policies
25 and implementation of programs to address forest health

1 and fuel management, common to areas here. It is my
2 understanding that given recent history and record
3 keeping that this area has, particularly, the highest
4 rate of ignitions in forested areas in Arizona. The
5 structural and infrastructure that can be affected by
6 these ignitions and fires is significant along this
7 particular area within the state. Infestation of bark
8 beetles in this area is particularly significant and
9 probably more so in many respects than in other areas of
10 the state. With respect to the water issues that Vice
11 Mayor Silva discussed, although we have identified water
12 in general, I would like you to consider the following.
13 There are unique geophysical features of the Anderson
14 Mesa Falls and the Little Colorado Ground Water Basin
15 that are characteristic of much of this community of
16 interest as described here and do not necessarily
17 describe what is happening north of this area, south of
18 this area, east of this area or west of this area.
19 Similarly, there are distinct legal considerations with
20 respect to water and water law, and it's a distinction
21 made on a state based interest versus Federal Reserve
22 rights. It's another thing that characterizes this
23 particular community of interest that we are proposing
24 for your consideration. Vice Mayor Silva touched on
25 economic development components and issues common to

1 communities and population areas within this community of
2 interest.

3 As I'm sure you recognize, this geographic
4 area and its communities are heavily dependent on
5 tourism, primarily ecotourism, and government employment.
6 These areas in the west and in the east are also
7 developing industries to develop to process forest
8 by-products. And as Vice Mayor Silva mentioned ranching
9 and grazing traditional pursuits in many of the
10 geographical areas here.

11 With respect to growth and development
12 issues, many communities are addressing issues of
13 residential development and second home ownership. We
14 recognize again it is larger area than you anticipated.
15 We understand that and ask that if, in your wisdom, you
16 see a way to reduce that based on geographic bounds, we
17 are certainly prepared to hear that. We also recognize
18 as the Commission has discussed over many months and
19 months and months of meetings that there are occasionally
20 and not unexpectedly overlapping communities of interest.
21 And we're clearly recognizing that. Again, I would like
22 to thank the Commission for the opportunity to provide
23 this information for your consideration, recognizing that
24 it was first brought forth in maps and data sets to the
25 Commission in the summer of '02, and we appreciate the

1 opportunity to bring it back for your consideration.

2 CHAIRMAN LYNN: Thank you.

3 Further discussion on the motion?

4 Mr. Huntwork.

5 COMMISSIONER HUNTWORK: Well, just -- I
6 would just express my thoughts for the benefit of my
7 fellow Commissioners. The first thought is that, you
8 know, the definition of a community of interest does not
9 require that the community have everything in common but
10 only that it have some things that are important in
11 common and that would benefit from common representation.
12 Personally, I do find this here. I also find that
13 because of the size that this encroaches on other
14 communities that we have previously identified and, you
15 know, in my mind the evidence is very compelling that
16 those areas here adhere much more strongly to another
17 more localized community of interest, at least in some
18 cases. However, it does not mean this is not a community
19 of interest. And I have to take into consideration as we
20 wait it one way or another. So at least in my thinking,
21 this does define a community of interest. And I'm going
22 to vote in favor of it, to that extent, so that we can
23 take interest into consideration as I believe we should.

24 CHAIRMAN LYNN: On the motion, further
25 discussion?

1 If not, all in favor of the motion signify
2 by saying "Aye."

3 COMMISSIONER HUNTWORK: "Aye."

4 CHAIRMAN LYNN: Opposed to say "no."

5 COMMISSIONER ELDER: "No."

6 COMMISSIONER HALL: "No."

7 CHAIRMAN LYNN: Chair votes "no."

8 Motion is defeated one to three.

9 Thank you, Mr. Silva.

10 Consider you are one to two today. The
11 planning area is in the list. That's better than we've
12 done today in some arenas.

13 Let's -- let's continue with instruction to
14 NDC if there is any other instruction and I do need to
15 ask question of council I do want to be clear, are we
16 missing anything? This is there opportunity to
17 additional instruction to NDC compliance with order
18 moving ahead with process.

19 CHAIRMAN LYNN: Do we have clarification
20 with Doug's answer or not?

21 MS. LEONI: I don't know if clarification
22 or -- if everybody is talking about the same process.
23 I -- I think that Commissioner Elder was requesting the
24 ability see the process in stages. Even though we're
25 instructed to compile all of the criteria, it was your

1 desire to see the progression of that so you could
2 analyze the choices made along the way, the Commission
3 could analyze the choices made along the way.

4 CHAIRMAN LYNN: Mr. Elder.

5 COMMISSIONER ELDER: Mr. Chairman, let me
6 clarify that. The only point as a note along the way I
7 want to see is implementation of voting rights map that
8 is the basis where we're starting from here that we
9 selected A2, and the Georgia v. Ashcroft voting rights,
10 you know, infusion there that we have not done yet. I
11 want to know what those, when we look at communities of
12 interest, that's after this. I want to see what voting
13 rights, Georgia v. Ashcroft does first and then
14 everything else, from there on.

15 MS. LEONI: Okay. Response to that is the
16 map will be freeze framed at that point and you will be
17 able to look at it. However, given the time --

18 CHAIRMAN LYNN: No, you continue.

19 MS. LEONI: We continue.

20 CHAIRMAN LYNN: As presented here, we don't
21 have a printed copy, took a test took to that point.
22 With this instruction, Mr. Elder, looking for a map like
23 that to look at, and then all the rest of the instruction
24 we've given you.

25 MS. LEONI: We're understood.

1 CHAIRMAN LYNN: Don't stop along the way.

2 COMMISSIONER ELDER: I want to see a record
3 of where you were before you kept on going. We don't
4 have to approve it. Just see what it is, what it does.
5 That way there's a benchmark to see what the impact was
6 further on down the line.

7 CHAIRMAN LYNN: Ms. Hauser.

8 MS. HAUSER: Then when NDC comes back you
9 look at those things and you will need to make specific
10 decisions with respect to whether significant detriment
11 was caused and then what, whether or not that is the
12 change that you want to use to deal with that?

13 CHAIRMAN LYNN: Mr. Huntwork.

14 COMMISSIONER HUNTWORK: Two things really
15 quickly. The first one is when we were talking about a
16 motion that applied to one criteria, I also made the
17 comment that we would see that one frozen, then see the
18 next one. But it was obviously my intent and I'm sure
19 the intent of the Commission when we changed to the
20 motion we actually adopted we did not expect to see those
21 stages as they develop. So just the same comment. I
22 just wanted to be made clear I also do not expect to see
23 that.

24 MS. LEONI: Good. But we'll bring a clear
25 record of plan development.

1 COMMISSIONER HUNTWORK: Right.

2 CHAIRMAN LYNN: Okay.

3 Any other instructions we need to give NDC?

4 All right. Then what I would like to do,
5 in accordance with our agenda, is give the opportunity at
6 this time for public comment.

7 It has been a long time since we had public
8 comment. That was early this morning. And I would ask
9 that those that wish to speak please fill out a speaker
10 slip and let us have that.

11 Are there members of the public who wish to
12 address the Commission at this time?

13 Seeing none.

14 Mr. Echeveste, a report from the Executive
15 Director.

16 MR. ECHEVESTES: Mr. Chairman, I included
17 the written report in your packet. Unless you have any
18 questions, I'll let that stand.

19 CHAIRMAN LYNN: No. I think it's good to
20 go. Thank you very much.

21 COMMISSIONER HUNTWORK: Mr. Chairman, can I
22 ask a quick question?

23 CHAIRMAN LYNN: Yes.

24 COMMISSIONER HUNTWORK: How much per diem,
25 however it is to be calculated, is it costing us to

1 continue this process?

2 CHAIRMAN LYNN: In terms of daily cost?

3 COMMISSIONER HUNTWORK: Yes. Average daily
4 cost as long as we're continuing on, what is it costing?

5 CHAIRMAN LYNN: I'm not sure we know,
6 because days will be different. In other words, various
7 individuals who are employed either directly or by
8 contract are either working or not working on a given
9 day. We could average it, have an average.

10 COMMISSIONER HUNTWORK: Say from the day
11 the court order came down and then we, say from --
12 between the date of the first meeting and today, do we
13 have any idea how much that has cost and divide that by a
14 number of days? That's all I want to know, some rough
15 measure.

16 CHAIRMAN LYNN: We may have to get it to
17 you.

18 MR. ECHEVESTE: Mr. Chairman, that
19 really -- we can only do that after we receive all
20 invoices. And that -- that kind of data will pick up on
21 the monthly report we will get back to you. So we will
22 get that to you.

23 COMMISSIONER HUNTWORK: I'd appreciate
24 knowing that as soon as possible.

25 CHAIRMAN LYNN: And I'll be happy to work

1 with you, and I know Mr. Hall will as well, to get a
2 number and --

3 MR. ECHEVESTE: As soon as I can get that,
4 I'll get to you.

5 THE COURT: Thank you.

6 Any other comments or questions for
7 Mr. Echeveste?

8 COMMISSIONER HALL: Mr. Chairman.

9 CHAIRMAN LYNN: Hall.

10 COMMISSIONER HALL: Just in light of the
11 fact that we are preparing to submit necessary
12 information to the Legislature anticipating an elongated
13 process which will require the remainder of requests we
14 made for funding, I'd like to renew on the record
15 instructions both to consultants and to council with
16 respect to information that we need to have relative to
17 their budgets.

18 CHAIRMAN LYNN: Without objection. And we
19 need that because we will soon been having discussions
20 with the leadership in the Legislature regarding
21 additional funding.

22 Thank you.

23 There is one more item with respect to
24 discussion of future meetings. As I understand the
25 discussion that we have had in general today and based on

1 the instructions that we have given NDC, I believe our
2 next formal meeting of the Commission, again, subject to
3 the call of the Chair in the interim, would be the 21st
4 of February. Is that correct?

5 MS. HAUSER: Correct.

6 CHAIRMAN LYNN: It is anticipated so all of
7 you can plan your vacations accordingly. That meeting
8 may last four full days, the 21st through the 24th, might
9 even spill over to the 25th. I should also tell you that
10 the location of that meeting has yet to be finally
11 determined but I of course will be lobbying for Tucson.

12 I will tell you that I am indeed only one
13 vote and if compromise is required we have an offer from
14 Casa Grande which, you know, would make all of us
15 similarly inconvenienced, but not by being there, because
16 it's a lovely place, Mr. Hartdegen, as we both know.

17 MR. RIVERA: Puerta Vallarta.

18 MS. HAUSER: In the state, please.

19 CHAIRMAN LYNN: Just for information
20 purposes only, you might block out those days if you care
21 to be with us.

22 In the meantime, on the record, I would say
23 that not only maps we have today but the instructions and
24 other material that we have adopted will be put on the
25 website and we will invite and encourage input from the

1 public on an ongoing basis through the mechanisms that
2 have been in place since the beginning of this process.
3 We hope that those in attendance will tell others where
4 we are and how we are proceeding so that input is as rich
5 and helpful as it was the first time around and part of
6 the process. And we appreciate it.

7 Any other business to come before the
8 Commission?

9 COMMISSIONER HUNTWORK: Well, Mr. Chairman,
10 I apologize.

11 CHAIRMAN LYNN: Mr. Huntwork.

12 COMMISSIONER HUNTWORK: I apologize. Once
13 again, I just feel I have to say that we all know that it
14 is absolutely impossible that the input can be as rich
15 and appropriate, or whatever your comments were, as it
16 was the first time around. It's simply not possible.
17 But we'll all do the best we can.

18 CHAIRMAN LYNN: Mr. Huntwork, I stand
19 corrected you are absolutely correct. Let me state for
20 the record, before we leave today, that this and
21 everything we do is under protest. We do not believe
22 this is the way to redistrict and we do not believe this
23 is the way that the framers of Proposition 106 intended
24 that this be done. We are doing this to comply with the
25 Court's order and we are doing it to comply as fully and

1 completely as we can. It is only for that purpose that
2 we are meeting and will continue to meet to produce the
3 product that the Court has ordered.

4 Any other business?

5 Any more from council?

6 Consultants?

7 Staff?

8 The Commission will adjourn until we next
9 post our meeting.

10 Thank you all for coming.

11 Off the record.

12 (Whereupon, the hearing concluded at
13 approximately 6:01 p.m.)

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing public hearing of the Arizona Independent Redistricting Commission 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 222 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 9th day of April, 2004.

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate Number 50349

