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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 22, 2004
8:58 a.m.

CERTIFIED
TRANSCRIPT
(COPY)

PREPARED FOR:
ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

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1 The Arizona Redistricting Commission
2 convened in Open Public Session on February 22, 2004, at
3 8:30 o'clock a.m. at the Sheraton Airport, Tempe, 1600
4 South 52nd Street, Tempe, Arizona, 85281, and went on the
5 record at 8:58 a.m. in the presence of:

6

7 APPEARANCES:

8

CHAIRMAN STEVEN W. LYNN

9

COMMISSIONER JAMES R. HUNTWORK

10

COMMISSIONER JOSHUA M. HALL

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COMMISSIONER DANIEL R. ELDER

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2 ADDITIONAL APPEARANCES:

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4 LISA T. HAUSER, AIRC Counsel

5 JOSE de JESUS RIVERA, AIRC Counsel

6 ADOLFO ECHEVESTES, AIRC Executive Director

7 LOU JONES, AIRC Staff

8 KRISTINA GOMEZ, AIRC Staff

9 FLORENCE ADAMS, Ph.D., NDC President,
AIRC Consultant

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11 DOUGLAS JOHNSON, NDC VICE PRESIDENT,
AIRC Consultant

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MARGUERITE MARY LEONI, NDC Counsel

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MICHAEL P. McDONALD, Ph.D., Competitiveness Expert
George Mason University

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23
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I N D E X

PAGE

SPEAKERS FROM THE PUBLIC:

Senator Richard Miranda, 13
District 13

Karen Cooper, 19
Council Member, City of Flagstaff

Mike Flannery, 20
Prescott Valley Council Member,
Prescott Tri City Area

Patrice Kraus, 21
Intergovernmental Affairs Coordinator,
City of Chandler

Representative Steve Gallardo, 23
State Representative

Jim Hartdegen, 31
Pinal County Governmental Alliance &
Casa Grande Chamber of Commerce

PRESENTATION BY NDC:

Douglas Johnson 8

Marguerite Mary Leoni

Michael P. McDonald, Ph.D. 45

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
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I N D E X C O N T ' D

PAGE

MOTIONS BY THE COMMISSION: 60, 61, 62, 67, 76, 79, 83,
88, 91, 112, 122

REPORT OF EXECUTIVE DIRECTOR:

Adolfo Echeveste

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E X H I B I T S

NO. DESCRIPTION

- 1 Map: Communities and Competitiveness B2.
- 2 Map: Communities and Competitiveness B.
- 3 Map: Voting Rights Act Adjustments 2.
- 4 Map: Voting Rights Act Adjustments 1.
- 5 Map: Communities and Competitiveness A.
- 6 Map: Communities and Competitiveness C2.
- 7 Speaker Slip: Senator Richard Miranda.
- 8 Speaker Slip: Karen Cooper.
- 9 Speaker Slip: Mike Flannery.
- 10 Speaker Slip: Patrice Kraus.
- 11 Speaker Slip: Steve Gallardo.
- 12 Speaker Slip: Robert Meza.
- 13 Speaker Slip: Stephanie McKinny (Dated 2-20-04, didn't speak.)
- 14 Speaker Slip: Steve Titla (Dated 2-21-04, didn't speak.)
- 15 Speaker Slip: Neil Wake (Didn't speak this date.)

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Public Session
Tempe, Arizona
February 22, 2004
8:58 o'clock a.m.

P R O C E E D I N G S

CHAIRMAN LYNN: The Commission will come to order. For the record, all four Commissioners are present along with counsel, staff, and the consultants.

Good morning, ladies and gentlemen. To give you an idea how we're going to proceed, or I think we'll proceed, we have, as you'll notice, a third map, in the communities, or the series. I'll ask Mr. Johnson to walk us through the series.

Once done, I'll ask for a call to the public for input on maps on this side of the room. It would then be our intent to move forward with consideration of one of those maps and to perhaps ask consultants to test certain aspects of the map that we might think need to be different or at least explore possibilities that we think might be advantageous to the final product.

So without objection, first I would ask Mr. Johnson to go ahead and complete his report with the third map. And as you do that, Mr. Johnson, would you also explain why that map C has a 2 behind it.

1 MR. JOHNSON: Sure.

2 CHAIRMAN LYNN: Make sure everyone
3 understands how that map was developed.

4 MR. JOHNSON: Okay. Getting this up on the
5 screen.

6 Let me first show where we started from.
7 This is the map that you saw yesterday that had, has at
8 the Northern District, comes around Apache County,
9 Flagstaff, with most of Gila County and Navajo County and
10 Yavapai intact. Let me start in that northern region
11 first so you can see the changes.

12 Just very briefly, what happened is when we
13 drew C, we had it all done and all population balanced
14 and achieved the goals we were going for. What we
15 realized, District P down here in the edge of Phoenix was
16 noncompact. So the C2 is just we changed about 1,000
17 people down here in Buckeye for about 1,000 people around
18 the north of Surprise and Peoria area to make those
19 compact, but we had already given you some of the spread
20 sheets that had C. So we added the two. To be clear,
21 this was new. That was the only change.

22 C is essentially gone, the same map except
23 for one noncompact district.

24 So in terms of the changes up here, in
25 looking to make a competitive district, I'll put the

1 labels on here, D, as it was drawn the other day,
2 actually turned out to already be competitive, much as E
3 was competitive before it. So Dr. Mike and NDC, we
4 worked together to see if we could draw another one up
5 there that would be competitive similar to the BB, or as
6 there was a Competitive BB in other plans, tried to get
7 another one in this plan without undermining the key
8 difference here, which is Yavapai is intact and had
9 Flagstaff with Gila and to the east, that area is intact.
10 And we couldn't do it. We couldn't draw another
11 competitive district up there.

12 So up north it's essentially the same as
13 what we looked at yesterday. Then where the changes were
14 made was we took districts -- well, plans A and B from
15 yesterday are very similar in the Phoenix area, so we
16 imported that into here, those districts. We have the
17 same competitive districts in the Phoenix area as we do
18 in A and B that we looked at yesterday. The differences
19 are up here in R, P, and BB where you're interacting with
20 the rural areas and balancing out the differences up
21 north. But none of those three are competitive, so it
22 didn't affect overall competitiveness of the map. We
23 have same competitive H down in the East Valley. We have
24 competitive M in Glendale, and the Mirage area, and
25 competitive O and L and Competitive B in Tempe in the

1 Phoenix area.

2 And we did a similar thing down in Tucson.
3 We have, it's a little confusing with the community lines
4 on here, we have a competitive U, V, and Y, and then the
5 W and T configuration is the same as in the plan A we
6 looked at yesterday.

7 So essentially what this map, and the A
8 obviously is not the same configuration as the 2004
9 districts, as B and A districts, the same as the A area.
10 Essentially you have a very similar plan through Maricopa
11 and Pima to the Competitive A from yesterday. The
12 differences are that up north communities are rearranged
13 and we don't get Competitive BB and instead of
14 Competitive D, being EACO, Competitive D being Flagstaff
15 and the Gila District.

16 So most of this is similar to either what
17 you saw in the community map yesterday or Competitive A
18 yesterday but we merged those pieces yesterday and ended
19 up with nine competitive districts in this plan, one less
20 than A and in B.

21 I would note one thing yesterday, when we
22 reported on B, we did mention District Y down in Tucson
23 under that plan was just slightly outside of the seven
24 percent range. We made some very minor alterations
25 really between U and Y and part of Tucson. We did as we

1 expected, as predicted yesterday, to bring Y into the
2 competitive range. Competitive B, the JudgeIt report we
3 saw yesterday listed nine, one outside of it, did a
4 slight change and made it into 10. Does much for A in
5 that respect.

6 So that's a quick introduction.

7 If people have questions. As a comment, I
8 can answer those as well.

9 If you have questions.

10 CHAIRMAN LYNN: Mr. Huntwork.

11 COMMISSIONER HUNTWORK: Doug, in the -- I
12 guess it's D, you did not include the -- did you include
13 the entire Flagstaff community of interest all in that
14 district?

15 MR. JOHNSON: Yes, the whole Flagstaff
16 metropolitan area.

17 COMMISSIONER HUNTWORK: Okay.

18 CHAIRMAN LYNN: Mr. Hall.

19 COMMISSIONER HALL: Is my understanding
20 correct the Apache tribes are split by reason of this
21 map?

22 MR. JOHNSON: Yes, that's correct. The
23 White Mountain and San Carlos, they are different
24 districts, one in Y and one in X.

25 COMMISSIONER HALL: Urban tribes, two

1 different districts?

2 MR. JOHNSON: Yes.

3 CHAIRMAN LYNN: Any other questions from
4 the Commission?

5 MR. JOHNSON: Yes.

6 CHAIRMAN LYNN: At this point, ladies and
7 gentlemen, I'd entertain, without objection, public
8 comment on the progression of the maps as you see them on
9 the wall behind Mr. Johnson.

10 Our goal here is to move forward in
11 refining the maps based on the criteria in the
12 Constitution and the specific requirements of the court
13 order. And your assistance is most valuable in that.

14 If you are willing and able to join us in
15 public comment, we would appreciate it.

16 What I'll do is go through the request
17 slips from yesterday to make sure that some of you who
18 wanted to defer your comments still have the opportunity
19 to make those comments. Then we have a few new slips
20 this morning. If you have not filled out one of these,
21 please do so. We'll get to you as quickly as we can.

22 Mr. Wake, want to wait or prefer to speak?

23 MR. WAKE: Prefer to wait.

24 CHAIRMAN LYNN: Stephanie McKinny.

25 Ms. McKinny is not joining us.

1 Mr. Ryan, do you now?

2 MR. RYAN: No.

3 CHAIRMAN LYNN: Take her out of order.

4 Steve Titla?

5 A VOICE: Not here.

6 CHAIRMAN LYNN: State Senator Richard

7 Miranda representing District 13.

8 Mr. Miranda.

9 SENATOR MIRANDA: Good morning.

10 CHAIRMAN LYNN: Senator, good morning.

11 SENATOR MIRANDA: For the record, Senator

12 Miranda for District 13.

13 Good morning, Chairman, and Commission.

14 I just have few comments to make and did

15 want to present to you one suggestion on the map. This

16 is concerning District N in district --

17 CHAIRMAN LYNN: Mr. Miranda, would you

18 identify a map or if it goes through several maps?

19 SENATOR MIRANDA: If I can refer to the

20 latest map.

21 MS. LEONI: C2.

22 SENATOR MIRANDA: I think N, District N,

23 District A, and K have remained the same throughout. I

24 want to comment on that. After talking to several people

25 from my area on the map, although, you know, it's like a

1 taste of castor oil, or something, they can -- they
2 didn't really like, you know, fully, weren't a hundred
3 percent behind the district, but they can be livable with
4 them. It's acceptable with the provision, they said,
5 that it no longer changes anymore. They would like it if
6 it just stay the way it is in District N, not have any
7 more changes. However, after talking to some other
8 people also, one other suggestion they wanted to make so
9 DOJ, no problems with DOJ, and that -- they suggest, we
10 would suggest District A, part of District K, which is
11 between McDowell and Encanto, that lower end, the
12 southeast end, part of that area go over to District A
13 and therefore make it a minority-majority district. I
14 think at this point it's 48 -- let me look at the figure,
15 it's 48.3. In order to get it above, so DOJ won't
16 scrutinize all of us, that would be our suggestion, and
17 keep it more cohesive.

18 If at any point you have to go all the way
19 to 59th, which I don't know if you are going to have to
20 do that or not, in N, we would like it to be kept at 59th
21 Avenue, right there. That would be the line drawn, and
22 then any shifting that needs to be done, our suggestion
23 would be to go from that lower end and put it in A. Go
24 into A, from K to A. That would be my suggestion.

25 And as far as N, again, we were okay with

1 the map as long as there was just no other changes made
2 to it.

3 Yes?

4 CHAIRMAN LYNN: One second, Mr. Elder, if I
5 may. Ms. Hauser had her hand up first. Let me ask: Did
6 you have a question for Senator Miranda?

7 MS. HAUSER: Yes.

8 Senator, Districts N and J, then, if I
9 understand your testimony, I want to be more specific on
10 the Voting Rights Act implications of N and J. Is it
11 your belief and the belief of those in the Hispanic
12 community you consulted with on this, N and J in these
13 configurations at these levels of Hispanic voting age
14 population will provide an effective opportunity for the
15 election of candidates of choice for members of the
16 Hispanic community?

17 SENATOR MIRANDA: I'm in a precarious
18 position. I haven't been able to get a lot of the ones
19 from J, haven't been able to get a hold of them. They
20 are out of town. It's that time of month, a lot of trips
21 and conferences. I'm in a dilemma, can only speak for N.

22 I would assume, I would assume that J has,
23 I believe, 55 percent, which is the highest
24 concentration. And I know that they probably wouldn't
25 want to go any lower than that, I can tell you that,

1 truthfully.

2 You know, we're at 52.5, I think. And for
3 that reason, we don't want to go any lower, for that
4 reason, in N. We said we couldn't -- that would be very
5 difficult for us if it -- N changes, it went lower.

6 MS. HAUSER: N is 53 percent. You believe
7 that provides an effective opportunity to elect
8 candidates of choice?

9 SENATOR MIRANDA: (No oral response.)

10 MS. HAUSER: 53.52.

11 SENATOR MIRANDA: Not really 53.

12 I'll do this. We're at a point we don't
13 know where the maps are going to go anymore. My
14 suggestion --

15 COMMISSIONER HALL: That's all of us.

16 CHAIRMAN LYNN: We must live in your
17 district. We're the same.

18 SENATOR MIRANDA: If we could get to 53,
19 that would be great. If you could get to 53 for N, here
20 is what everyone thought. I didn't know if I was going
21 to put this in here. There's a section from Osborn to
22 Indian School, from 51st, or 55th Avenue west, that
23 voiced that they would like to get back in, if they
24 could. But we all kind of like the 59th. However, there
25 is a small area right there, talking about all to raise

1 to 53, the population base of 500, not a large amount.
2 If you look at that Osborn to Indian School, there was
3 someone there that --

4 Can we get it to 53, and can we put that
5 area in?

6 MS. HAUSER: That area right now currently
7 is in.

8 SENATOR MIRANDA: Looking at everything, we
9 know you push in on one space, something else comes out.

10 MS. HAUSER: Thank you.

11 CHAIRMAN LYNN: Mr. Elder.

12 COMMISSIONER ELDER: Thank you,
13 Mr. Chairman, Senator.

14 I guess my question was relating to your
15 knowledge of the area which is far better than mine.

16 Suggesting the move from K to A, that
17 underpopulates that district. Can you see, based on your
18 knowledge of the surrounding three districts there where
19 it would be most appropriate to get that population
20 balance back for K?

21 SENATOR MIRANDA: Most appropriately, most
22 appropriately, the area around Bethany to Glendale, maybe
23 that grid from, what is that, 51st to -- well, actually,
24 probably 51st to 67th, somewhere in there, between
25 Bethany Home Road and 67th. Because at 59th Avenue and

1 Bethany I believe is where Grand is. It's very
2 industrialized there. There is a lot of surface space
3 there. There just isn't a lot of people around 59th and
4 Bethany. That's where it hits Grand.

5 Again, I know it's going to be a difficult
6 decision for you, but maybe put that back into K. Know,
7 then again, you have to do some shifting around and
8 things like that.

9 My suggestion, the small area from 27th to
10 35th, 27th to 35th and McDowell, to even Encanto, it is
11 right by the State Fair on the other side of the freeway.
12 It is very industrial. You are not going to have a lot
13 of population there. That's why I was suggesting, if you
14 had to go, go further out between Thomas and McDowell
15 west.

16 So as far as you can get it up to above, so
17 there could be a minority-majority district, I think that
18 would be my suggestion on that.

19 COMMISSIONER ELDER: Thank you.

20 CHAIRMAN LYNN: Further questions for
21 Senator Miranda?

22 Senator, thank you very much.

23 SENATOR MIRANDA: Thank you.

24 CHAIRMAN LYNN: Next speaker, Karen Cooper,
25 member of the Flagstaff City Council.

1 MS. COOPER: Thank you. Good morning,
2 Chairman and Commissioners. Karen Cooper speaking on
3 behalf of the City of Flagstaff and Flagstaff community.

4 I recognize the difficult task you've been
5 charged with and commend you with your efforts and
6 perseverance to the citizens of the state. Yours is a
7 Herculean task, and I thank you for recognizing the
8 Flagstaff Metropolitan Planning Organization as a
9 community of interest.

10 Flagstaff remains committed to Map C9
11 presented earlier this month. However, given the
12 alternatives, we can support A, B or C, given C2
13 preserves the FMPO as a whole district.

14 As Mayor Donaldson indicated, preserving
15 the FMPO is vital to the region, including the University
16 and economy.

17 The region is, this plan adopted the
18 overwhelming boundary near term in a long-term
19 implementation with many issues, land use, zoning, and
20 transportation systems. Just as a personal footnote, I'd
21 add I spent a year and a half of my life on the Regional
22 Planning Task Force. I really feel it's going to make a
23 wonderful difference to our area to have that
24 cohesiveness.

25 I thank you for your time and

1 consideration.

2 CHAIRMAN LYNN: Thank you, Ms. Cooper.

3 Mr. Flannery. Mr. Flannery is a member of
4 the Council in Prescott Valley.

5 MR. FLANNERY: Good morning, Mr. Chairman,
6 Commissioners.

7 I waited with some interest on C2. I think
8 probably with maybe the river district, I may be the only
9 one in the room that may like that map. It does protect
10 Yavapai County and it does protect the river district.
11 Other than that, I'm not -- and I guess Maricopa and Pima
12 County. Other than that, I'm not sure what else it does.
13 It raises havoc with EACO. It does violate some of the
14 interests, I think, that the Coalition has asked for
15 protection. It does manage to level the population
16 within my area. So it does manage to do that.

17 I'm not sure that with competition
18 competitiveness, that it manages to bring that into any
19 better ratio than A or B.

20 Having said that, I think that for
21 communities of interest, I think that B serves us better
22 than does A. I would like to see Yarnell, Congress, and
23 those areas included, and A extracts those and moves
24 those over with R. So that I would like to see. If
25 there can be some adjustment to that. One area I would

1 like to see adjusted would be with the FMPO you've
2 recognized, I believe you've recognized Mountaineire in
3 with the FMPO, then Munds Park is in with ours.

4 Would I be correct, Doug?

5 MR. JOHNSON: I believe so.

6 MR. FLANNERY: Over on the western side of
7 that, Ash Fork and Seligman go with BB. If that could be
8 adjusted so we could swap those, I think that would be a
9 little bit -- I talked to Mayor Donaldson. He thought if
10 they went with BB, Ash Fork and Seligman would be treated
11 properly. I don't --

12 CHAIRMAN LYNN: Is that an announcement of
13 some kind?

14 MR. FLANNERY: I don't know. I think
15 they'd feel more comfortable with Yavapai and Munds Park
16 may be more comfortable with Yavapai. If that would be
17 worked out with registration, if that could be worked
18 out, I don't know.

19 I appreciate the effort you put into it.

20 CHAIRMAN LYNN: Thank you, Mr. Flannery.

21 The next speaker, Patrice Kraus, Ms. Kraus
22 represents, has represented for some time, the City of
23 Chandler.

24 MS. KRAUS: Thank you, Mr. Chairman.

25 And, Mr. Chairman, I wasn't just in the

1 neighborhood. It may surprise you, I'm opposed to the
2 proposal in all three maps.

3 The City of Chandler does believe this
4 proposal creates significant detriment for Chandler. I
5 have been coming to the Commission with concerns. One of
6 the concerns is we are divided in so many districts, our
7 representation would be diluted. That's exactly what
8 happens in this proposal. Under this we'd end up with no
9 one from the City of Chandler being elected to the
10 Legislature. Ahwatukee from the west, Mesa, and Gilbert
11 in the southern portion of the City of Chandler. As the
12 fifth largest city in the valley, sixth largest city in
13 the state, it's critical people that live in our
14 community represent us. This has all been done to
15 achieve the statistical definition of competitiveness.

16 This may not result in any change at the
17 election. We understand your legal issues that you face.
18 But we hope you will not do this at our expense. This
19 has become an exercise more about formulas and numbers.
20 For us it's still very much about the people, people who
21 live in the community and people who would be elected to
22 represent them. We urge you to restore the districts as
23 in the 2004 maps.

24 I'd be happy to answer any questions.

25 CHAIRMAN LYNN: Thank you, Ms. Kraus.

1 The last speaker slip in the session,
2 unless someone gets one --

3 Mr. Hartdegen?

4 The last speaker slip is from Steve
5 Gallardo. He didn't list his district. I can't
6 remember. I don't deal with incumbents very well.

7 Mr. Gallardo, I know you live somewhere.

8 REPRESENTATIVE GALLARDO: Good morning,
9 sir.

10 Thank you, Mr. Chairman, Members of the
11 Commission. Once again, it is an honor to be in front of
12 you, like always.

13 CHAIRMAN LYNN: It's Sunday, Steve.

14 REPRESENTATIVE GALLARDO: I haven't had a
15 chance to go to Mass. You all are in my thoughts and
16 prayers, trust me.

17 Real quickly, I'd like to comment on a
18 couple areas, one in particular that was discussed
19 earlier, the District A area. I think it's real
20 important we look real closely at that district and
21 possibly strengthen that area in terms of minority
22 influence. I think you have a pretty nice district there
23 that can be allow the folks there to be able to really
24 have selection in who would be representing them for
25 upcoming legislative sessions. I would ask that you

1 increase that particular district in terms of percentages
2 for minorities. How you do that I guess is a whole new
3 ball game. But we're looking now, or I'm looking at
4 areas that we could try and increase those numbers
5 without impacting the surrounding districts too much.

6 Also in respects to districts N, I do like
7 the 59th Avenue alignment. I think if we're going to
8 increase that number in terms of minority, which I
9 believe is something that should be looked at, I would
10 suggest looking up near that Camelback alignment, that
11 northern area. If we start looking at that 59th Avenue
12 alignment you start cutting into minority influence in
13 District K.

14 Right now District K, correct me if I'm
15 wrong, on at least one of maps, District K right now the
16 Hispanic voting age population is 42.53 percent. I
17 believe if we start chopping at that 59th avenue
18 alignment, my knowing there, living out there, you start
19 cutting into the minority influence of K. Right now it's
20 a pretty large Hispanic population. If anything, we
21 should be strengthening it, not diluting it.

22 If you are going to influence the district
23 by increasing minority districts, I'd recommend we look
24 at that Camelback alignment. I don't think it would take
25 that much. It's a very condensed area. It wouldn't take

1 much along the Camelback alignment to increase the
2 numbers in N at all.

3 So with that, I thank you, and good luck.

4 CHAIRMAN LYNN: Ms. Hauser.

5 MS. HAUSER: Mr. Gallardo, you mentioned
6 numbers from K a minute ago. I'm wondering, are you
7 looking for total minority numbers or Hispanic voting
8 age?

9 REPRESENTATIVE GALLARDO: Mr. Chairman,
10 Ms. Hauser, voting age population, Hispanic, 42.53
11 percent total minority for K, 58.97 -- I'm sorry, 52.51
12 percent, if I'm not mistaken.

13 CHAIRMAN LYNN: That's correct.

14 MS. HAUSER: Okay.

15 REPRESENTATIVE GALLARDO: If you start
16 cutting into the 58 alignment, you start cutting into a
17 large portion of the Hispanic community in that
18 particular segment of town. By cutting into K, you start
19 really diluting the minority figures in K. And again, I
20 think, you start looking at the whole area condensed,
21 start moving a little bit, you start seeing changes in
22 the Hispanic minority figures percentages.

23 CHAIRMAN LYNN: Mr. Hall.

24 COMMISSIONER HALL: Let me make sure I
25 understood you correctly. Are you saying if you wanted

1 to adjust the numbers again, basically, north to M,
2 District M.

3 REPRESENTATIVE GALLARDO: Start looking
4 around M. I would guess anywhere from the 67th Avenue to
5 the 59th or even 77th Avenue to 59th Avenue, start
6 looking out there. I couldn't tell you from those, just
7 within those.

8 COMMISSIONER HALL: Right.

9 REPRESENTATIVE GALLARDO: Those blocks,
10 what minority numbers would be, are a starting point.

11 COMMISSIONER HALL: Question. M as noted
12 is a competitive district.

13 REPRESENTATIVE GALLARDO: Yes.

14 COMMISSIONER HALL: My concern is, doing
15 that may affect the competitiveness of M, since that's
16 what the whole thing is about. If, if it's not possible
17 to increase the percentages in N, as in Nancy, without
18 affecting the competitiveness of M, what would you
19 recommend in that respect?

20 REPRESENTATIVE GALLARDO: Mr. Chairman,
21 Mr. Hall, I was hoping you wouldn't ask that question.

22 MR. RIVERA: I heard the church bell
23 ringing.

24 COMMISSIONER HALL: Time for Mass.

25 REPRESENTATIVE GALLARDO: That is a tough

1 question. I would imagine, yeah, then you would have
2 to -- I hesitate to have to say to even go into J and A.
3 We're trying to increase. I would say yeah, then you
4 start looking at that --

5 COMMISSIONER HALL: Let me --

6 REPRESENTATIVE GALLARDO: Can I add one
7 thing, Mr. Chairman, Mr. Hall? If anything is possible,
8 there was an area in Avondale that was once part of that
9 particular community. And perhaps maybe looking at that
10 area and moving that area back into N, if anything.

11 COMMISSIONER HALL: What districts are to
12 the west, Doug?

13 COMMISSIONER ELDER: What --

14 CHAIRMAN LYNN: Blue --

15 COMMISSIONER HALL: P.

16 Okay.

17 You think part of Avondale there in
18 District P may help increase the percentage in District
19 N, is that what you are saying?

20 REPRESENTATIVE GALLARDO: I believe so.
21 Without looking at the details of the map, I can't tell
22 if P. I was under the impression it was a different
23 district.

24 COMMISSIONER HALL: Let me rephrase the
25 question in a way, Steve. I'm not trying --

1 REPRESENTATIVE GALLARDO: Sure.

2 COMMISSIONER HALL: If, if it's a choice
3 between the current numbers in competitiveness, what
4 would be the direction you would give to this Commission?
5 We know.

6 REPRESENTATIVE GALLARDO: That is hard to
7 say. I would have to right now off the top of my head
8 would have to say just for the purposes of getting it
9 pass DOJ, the fact is this has to get through DOJ, the
10 numbers have to be looked at in terms of percentages. I
11 want to try my best to keep districts as competitive as
12 possible. That's the reason it's back at the table.

13 CHAIRMAN LYNN: Ms. Hauser, Mr. Elder.

14 COMMISSIONER ELDER: A side comment. When
15 we started, Steve was not a politician. Now answers are
16 coming back as a politician.

17 CHAIRMAN LYNN: Mr. Gallardo is a success
18 of this process. I view Mr. Gallardo as a success of
19 this process.

20 COMMISSIONER HALL: Exactly. He's our
21 poster child.

22 CHAIRMAN LYNN: I wouldn't put it quite
23 that way.

24 REPRESENTATIVE GALLARDO: What not to do in
25 redistricting.

1 MS. HAUSER: I had another question about K
2 focused on total minority population, 52.1, and expressed
3 concerns about seeing that lowered.

4 REPRESENTATIVE GALLARDO: Increased.

5 MS. HAUSER: Concerns were lowered,
6 concerns about borrowing from K. Hispanic voting age
7 population, 42.53. My question for you, I guess, in
8 terms of looking at 52.51, total minority voting age
9 population, our experience in that area, it's not total
10 minority voting age, Hispanic voting age population. Do
11 you have any particular evidence of voting patterns among
12 the different minority groups contained in district --
13 the configuration of K that make that 52 percent number a
14 number DOJ ought to be looking at instead of the 42
15 percent number? That's one question.

16 The other question -- I'm sure you are
17 familiar with the arguments that the Coalition made to
18 the court under Georgia vs. Ashcroft, and they -- there
19 are possibilities for substituting districts that are
20 likely to elect, or may be a little less likely to elect
21 a minority member but likely to elect a candidate of
22 choice, such as a member of a party sympathetic to
23 minority interests. And the question is at 42.53 percent
24 Hispanic voting age population, and that district is
25 under JudgeIt coming out as a Democrat district, is that

1 something that you feel would provide that opportunity
2 under Georgia to elect a candidate of choice?

3 REPRESENTATIVE GALLARDO: Mr. Chairman,
4 Ms. Hauser, to answer your first question, in terms of
5 voting patterns in K, to be honest with you, I'm very
6 familiar with the southern portion of K. The northern
7 portion I'm just not that familiar with. In terms of --
8 I couldn't even tell you currently, trying to think,
9 looking at the current map, what area that would fall
10 into. I'm -- I couldn't tell you in terms of voting
11 pattern.

12 In terms of the second question, I think
13 the 42.53 percent Hispanic is a good number in terms of
14 having that southern portion have a strong say in terms
15 of who will be elected in K. And I think we should do
16 what we can to try to preserve that number or try to keep
17 it as high as possible without trying to hurt the
18 competitive issues around it. But in terms of K, I think
19 the southern part does have a nice voting block there to
20 have a good influence in K without fully understanding,
21 trying to answer it.

22 Does that answer it?

23 MS. HAUSER: That helped.

24 MR. JOHNSON: Mr. Chairman.

25 CHAIRMAN LYNN: Mr. Johnson.

1 MR. JOHNSON: A quick follow-up on the
2 Avondale question, portions of Avondale in P.

3 REPRESENTATIVE GALLARDO: Is that seven?

4 MR. JOHNSON: The portion of Avondale in S,
5 I want to clarify, is it the S portion or B?

6 REPRESENTATIVE GALLARDO: Pinal County, if
7 it is in Pinal County, we prefer not to look at Pinal
8 County at this point.

9 MR. JOHNSON: Okay. Thank you.

10 CHAIRMAN LYNN: Mr. Gallardo, thank you
11 very much. We appreciate your input, as always.

12 Jim Hartdegen representing all interests in
13 Pinal County and Casa Grande, or most of them.

14 MR. HARTDEGEN: The good side, at least.

15 CHAIRMAN LYNN: I didn't say that.

16 MR. HARTDEGEN: I know you are in a real
17 tough position, and I realize that after whatever you do
18 and adopt whatever maps and it goes back to the court the
19 judge will take time out of his busy schedule and have
20 hearings over the state, I would imagine; but if he
21 don't, I would just like to address the western edge of
22 Casa Grande. Apparently, under the C -- I'm sorry,
23 the -- C2 map, apparently it follows the city boundary in
24 that area. And it -- if this was the proposal to go, if
25 it was, it would be nice to try to push the boundary a

1 little bit further to the west because of the community
2 of interest aspect of this whole exercise. But I would
3 hope that C2 doesn't go anywhere. I'm not quite sure
4 that it really meets the interest of a lot of people, not
5 only in Pinal County but in the eastern side, also.

6 But if this was the map to go, it would
7 just be nice to try to push that western boundary as far
8 to the west as feasible.

9 CHAIRMAN LYNN: By comparison, Mr. Johnson,
10 could you -- I believe the western part of Casa Grande is
11 the same in the other two maps, A and B? Or is one
12 different from the other --

13 MR. HARTDEGEN: Quite a bit different.

14 MR. JOHNSON: A, the border, border
15 district there coming in there, staying outside -- I
16 believe Standfield.

17 MR. HARTDEGEN: I believe, under A and B,
18 it stays as it is today, under the proposal, under the
19 proposal you adopted. I think as of 23 it stays in A and
20 B and is intact as you presented originally.

21 CHAIRMAN LYNN: Thank you.

22 Another question for Mr. Hartdegen?

23 CHAIRMAN LYNN: Thank you very much.

24 Is there anyone else wishing to address the
25 Commission at this time?

1 There will be other opportunities
2 throughout the course of this meeting.

3 What is the Commission's pleasure with
4 respect to narrowing the choices so we can progress with
5 a map?

6 Mr. Hall.

7 COMMISSIONER HALL: Mr. Chairman, as I look
8 at maps A and B, in my mind, it's between one of those
9 two choices. I question -- my question is for my fellow
10 Tucson compadres, that the essential difference between
11 these two maps is that A treats the Tucson area a little
12 differently than B. So I guess, you know, from my
13 perspective, what I like about map B is how it's the
14 Marana area, how it joined in my limited perspective,
15 makes sense. My question, Mr. Chairman, and you,
16 Mr. Elder, are what your feelings are with respect to how
17 Tucson is treated on that map.

18 CHAIRMAN LYNN: Mr. Elder.

19 COMMISSIONER ELDER: I may not have
20 understood your question exactly because B splits Marana
21 and A keeps the -- at least the urbanized area together.
22 So was it A you were saying --

23 COMMISSIONER HALL: Maybe I misunderstood
24 Mr. Elder, the yellow district --

25 COMMISSIONER ELDER: Looks like V.

1 COMMISSIONER HALL: District V, it just
2 seems to make more sense.

3 COMMISSIONER ELDER: I thought you said B
4 in your opinion did a better job.

5 COMMISSIONER HALL: Is this B or A?

6 MS. LEONI: That's A.

7 COMMISSIONER HALL: We go from B and A on
8 the wall, I thought it would be alphabetical, heaven
9 forbid. My eyes are not that good. That is my question.
10 Whatever map this is, A, I'm asking you gentlemen provide
11 insight for me, with respect to other areas, I concur
12 with Mr. Flannery with respect to how Yavapai County is
13 treated on A. I think some are cleaner as far as the
14 Northern Districts. My question centered on Tucson.

15 CHAIRMAN LYNN: I think both Mr. Elder and
16 I will think about that question. If you permit me,
17 without objection, we have one gentleman out of the room
18 when I asked if there were any other speakers. I want to
19 take him first, Representative Robert Meza.

20 REPRESENTATIVE MEZA: Thank you,
21 Mr. Chairman, Steve Lynn.

22 As looking, you were discussing A and K.
23 And being a third generation Phonician and seeing the
24 demographics shift quickly through the whole area,
25 through A and K, what I visualize and what would make the

1 area good for both A and K would be to, between McDowell
2 and Thomas, take A all the way down to 43rd Avenue. All
3 right? That's part of the Isaac School District. Then I
4 recommend a shifting, the northern part of A into K
5 between Indian School and Camelback Road, shifting that
6 over to K, between the freeway and 35th. Does that make
7 sense?

8 CHAIRMAN LYNN: All are recognizable
9 points, absolutely.

10 Mr. Hall.

11 COMMISSIONER HALL: My question is -- thank
12 you for coming. What -- to accomplish what, to what end?
13 You are recommending that for what purpose?

14 REPRESENTATIVE MEZA: In case of DOJ, to
15 pass DOJ standards for A and J, I believe.

16 MR. JOHNSON: Mr. Chairman.

17 REPRESENTATIVE MEZA: I did speak to
18 Department of Justice about the whole area, was saying to
19 them it would help all the districts, that little area if
20 put into A.

21 CHAIRMAN LYNN: Mr. Johnson.

22 MR. JOHNSON: I could suspect the Hispanic
23 voting area, A somewhat, K, go down the same amount. Is
24 that what you mean be acceptable to DOJ, both districts?

25 REPRESENTATIVE MEZA: Correct.

1 COMMISSIONER HALL: I assume that is what
2 would occur. What I thought I heard from Mr. Gallardo,
3 his concern with respect to K was those numbers are
4 treacherously low now. Would that not K lower?

5 REPRESENTATIVE MEZA: I spoke to him and
6 now it would make sense.

7 CHAIRMAN LYNN: Perhaps if left to the
8 Legislature, we don't have these arguments.

9 REPRESENTATIVE GALLARDO: Mr. Chairman,
10 Mr. Hall, K and A, that's looking at a whole other part
11 of town, one side to the other. Looking at the southern
12 portion he's talking about, that McDowell area, putting
13 into K, taking out -- you are putting in a heavier part
14 of town into a less heavier part of town. The southern
15 part he wants to put into K is a large Hispanic area, not
16 as large a portion, swapping it, swapping populations,
17 and at the same time increasing a Hispanic population,
18 more Hispanics into K, not as much as taking out, keeping
19 percentages a lot better in terms of that area. I
20 understand. Did I confuse you?

21 REPRESENTATIVE MEZA: What you are doing in
22 K, you are putting more Hispanics into A. You are saying
23 taking Hispanics out.

24 REPRESENTATIVE GALLARDO: Moving K into A,
25 increasing Hispanics numbers.

1 COMMISSIONER HALL: In A.

2 I'm asking, the goal is to get A above 50
3 percent minority, is that what we're trying to do.

4 REPRESENTATIVE GALLARDO: Yes, Mr. Chairman
5 and Hall, yes.

6 COMMISSIONER HALL: You are comfortable
7 with the total, comfortable if in doing that, if it
8 takes, for example, Hispanic 18 plus age below 41, 40
9 percent, you are comfortable it wouldn't drop that much?

10 REPRESENTATIVE GALLARDO: I believe there
11 will be a drop. I don't believe it will be that
12 significant or will be that detrimental.

13 COMMISSIONER HALL: You are fine dropping K
14 to increase the numbers.

15 REPRESENTATIVE GALLARDO: We need to
16 increase A, Hispanic percentages where we get it, I
17 think, get from that southern portion of town, putting N
18 into A. At the same time that corner area does have
19 Hispanic population, not as great as the southern portion
20 we're putting in. Some put into A, try to balance out a
21 little bit.

22 CHAIRMAN LYNN: You agree with that?
23 Senator Miranda is shaking his head.

24 REPRESENTATIVE MEZA: He agrees, too.

25 SENATOR MIRANDA: Mr. Chairman,

1 Commissioners, Robert is right. What Mr. Gallardo said
2 about higher population, the voting age population, if
3 you go to 43rd, adjust for each district, do the grid
4 from 27th Avenue to 35th and Indian School to Camelback,
5 if you do that currently from A and put to K, you should
6 be okay.

7 CHAIRMAN LYNN: Mr. Johnson,

8 MR. JOHNSON: Question for all of you,
9 actually, as doing this, one thing, obviously, K is close
10 to being a competitive district. It may actually get it,
11 an additional competitive district, some dense Hispanic
12 population out of this and trade for others. I assume --
13 that kind of benefit for the Commission's goals, would
14 you all be comfortable with that?

15 SENATOR MIRANDA: Mr. Chairman,
16 Commissioners, I think it would remain competitive. I
17 think by the fact of population, the people that vote
18 there, not -- regardless of ethnic background, they
19 remain the same. What you are switching over is from the
20 lower portion to the other. What we are trying to do
21 would work and is trying to make it a DOJ compatible
22 district in A and at the same time when switch over that
23 one grid over to A. I believe when you crunch out the
24 numbers, K will still remain competitive. It's just
25 switching two little corners is what we're doing.

1 MR. JOHNSON: To clarify, K is just outside
2 the competitive range, not by JudgeIt numbers. This
3 could very well bring it inside this range, add
4 competitiveness.

5 SENATOR MIRANDA: Again, I wanted to put
6 that point on it.

7 Thank you.

8 CHAIRMAN LYNN: I would be remiss,
9 gentlemen, if I didn't mention regardless of how this
10 turns out, and whatever map we ultimately deal with, we
11 will have the additional expense to get it through the
12 Department of Justice. I might add, Senator --

13 (Senator Miranda offers his credit card.)

14 CHAIRMAN LYNN: Senator Miranda, here.
15 We're talking sums larger than a credit
16 limit.

17 (Senator Miranda offers multiple credit
18 cards.)

19 CHAIRMAN LYNN: Better, perhaps not enough.
20 Let me simply add we may be coming to the Legislature for
21 additional funds, as you may expect. We're not certain
22 the litigation will end if this map is put into place.
23 Some are certain it will continue simply with other
24 plaintiffs involved. I'd ask your consideration of that
25 at the appropriate time. I meant that as just a paid

1 political announcement.

2 SENATOR MIRANDA: I understand. I'm not
3 envious of you spending weekends like this. I understand
4 and hear your message.

5 CHAIRMAN LYNN: Thank you for your input.

6 REPRESENTATIVE MEZA: Thank you for your
7 hard work for the past two years.

8 A VOICE: Three.

9 REPRESENTATIVE MEZA: Three years.

10 CHAIRMAN LYNN: We're now toddlers.

11 REPRESENTATIVE MEZA: Meeting the standards
12 out there, thank you.

13 CHAIRMAN LYNN: We appreciate that very
14 much. Appreciate you being out there.

15 Other members of the public out there that
16 wish to be heard?

17 In discussion, Mr. Hall raised the question
18 of the Tucson area as between the competitive maps A and
19 B.

20 Mr. Johnson, can we focus in on perhaps the
21 differences between the two maps with respect to the
22 Tucson area?

23 MR. JOHNSON: Mr. Chairman, Members of the
24 Commission, as is mentioned in map A, the one in the
25 middle of the wall, District V, as in Victor, comes west,

1 gets all of Marana, comes out, picks up census places to
2 the west of it, which are Avra Valley and Picture Rocks.

3 Seeing that same area, if we look at
4 alternate B, this is as drawn in the 2004 plan, District
5 V as in Victor, stop at the 10, the freeway, border
6 district, District G keeps Picture Rocks, Avra Valley.
7 The Western border stays along what is termed the
8 retirement community border. That doesn't change.

9 Where the population shift is offset is
10 down in Tucson. So we've seen the paragraph. So if we
11 start with what is on the wall in terms of --

12 Let me consult with Dr. McDonald here for
13 one second.

14 Okay. Then in Tucson, we come down,
15 District V comes down to Sabino Canyon Road, Colby Road,
16 that's actually in the Foothills, City of Tucson,
17 under -- comes down to Fort Lowell and down to -- street
18 name, down to Grant Road.

19 For comparison, and this is coming down,
20 needs to get more population, you couldn't get from
21 Western Marana, a comparison under plan A, where it has
22 that Marana population, comes down, the Foothills coming
23 to Sabina Canyon, a little past Lowell, Prince Road.

24 One thing this will show, this district
25 only was slightly noncompact. So we fix that in tests.

1 The B2 test we can show you is similarly, taking zero
2 populations up here near the Saddlebrooke area and a
3 couple blocks up here. But that is the main differences
4 in District V. The communities in U and retirement
5 communities in U and V are the same.

6 COMMISSIONER HALL: The comparison in
7 District W is the voting rights district.

8 MR. JOHNSON: The configuration, it's a
9 larger effort, brought the districts entirely within what
10 is defined as the Tucson urban area, highlighted there,
11 except, of course, for the weirdly shaped rural inlet we
12 had to divide for compactness reasons.

13 W and T are essentially within the cities
14 and census places of Tucson, and its environs. Also in
15 this plan, which is plan A, we altered the border between
16 W and T so Tucson the barrios community is defined,
17 united entirely in W, and the City of South Tucson is
18 included within that.

19 For comparison, on plan B, which is the
20 plan adopted in 2004, in terms of these two districts,
21 and District G around it, that went through the barrios
22 so it's divided between W and T. You can see W comes out
23 to -- I believe it's three corners --

24 CHAIRMAN LYNN: Three Points.

25 MR. JOHNSON: T comes slightly outside the

1 city borders as well. So -- and then W picks up all of
2 the rural inlet instead of it being divided between V and
3 W.

4 As a result, if you go over to the eastern
5 border of W, in plan B, W takes in the University, comes
6 to Kino Parkway and what would be Sixth Avenue, whereas
7 under plan A, W actually comes to the edge of the
8 University, only picks up a little corner of it,
9 essentially all way to the University without picking it
10 up.

11 Those are the primary differences between
12 the two.

13 CHAIRMAN LYNN: Mr. Elder.

14 COMMISSIONER ELDER: To answer Commissioner
15 Hall's question how it affects the area or metropolitan
16 area around Tucson, neither one of the plans really
17 works. Each one of them does something different to a
18 different area. The plan we're looking at now, V, unites
19 Marana. But then when we pick up the barrio area, we had
20 distinct testimony and presentation for those areas in T
21 and the Rita Ranch area to the east they did not want to
22 have to be together.

23 The areas that come into Tucson in the A
24 Exhibit, we get half of Marana, half of Flowing Wells,
25 half of Foothills, and there's not any sort of linkage

1 there. You still end up with battles between the City of
2 Tucson, unincorporated areas, battles with school
3 districts, battles with resort areas, and growing resort
4 areas, neither one of them really make any sense. The
5 question may be which one may be the easiest to try to
6 start from and try to make some modifications to make it
7 fly. And without seeing numbers as to where and what, I
8 don't know it makes any difference to me. Both of them
9 require major changes to make any sense how the area
10 functions. Really all the questions we have down in our
11 definition of community of interest, this probably
12 applies, I want to say does -- I don't want to take it
13 purposely out of the term "significant detriment" right
14 now. It probably does more harm to this area than any
15 other part of the state. And we'll have to go into it
16 piece by piece when we look at whichever map we decide to
17 use to start as a basis of modification and see how we go
18 about defining those and then turning around significant
19 detriment and the material aspects of those areas to then
20 determine do we make a case for maintaining those
21 interests as material and, therefore, we may end up
22 losing a competitive district. We'll have to discuss
23 that back and forth if one outweighs the other. With
24 that said, it makes no difference, Josh, which one we
25 start with.

1 CHAIRMAN LYNN: Want me to --

2 COMMISSIONER HALL: Yes.

3 CHAIRMAN LYNN: I wanted to ask Mr. Johnson
4 and Dr. McDonald a question.

5 At the present time, as I understand it, on
6 competitive maps A and B, we now have, because of the
7 slight modification made, three competitive districts in
8 that area, U, V, and Y. U, V, and Y, all three are
9 competitive. Is that accurate?

10 MS. LEONI: I'll ask Dr. McDonald.

11 DR. McDONALD: We did look at one test,
12 District Y, I believe, in competitive B was just outside
13 the competitive range. And by shifting just a few blocks
14 between Y and, I believe, W -- U, excuse me, U, we were
15 able to maintain both of those as being competitive
16 districts.

17 CHAIRMAN LYNN: In that respect, we
18 essentially have the same number of competitive districts
19 in the southern part of the state in either of the maps.

20 DR. McDONALD: Correct.

21 CHAIRMAN LYNN: Which leads me to believe
22 that differences are elsewhere in either of the maps in
23 order to make a determination. I'm not sure it makes
24 that much difference.

25 I would ask the question: If, to

1 Mr. Elder's point, if we were to ask, if we were order a
2 test that would attempt to better unify some of the other
3 communities of interest identified in the Tucson area
4 which, as a practical outcome, might reduce
5 competitiveness to some extent, is there one map rather
6 than the other that would facilitate that test? Or can
7 you answer that question?

8 MR. JOHNSON: Looking at it from what
9 communities we're dealing with, retirement communities,
10 Foothills?

11 CHAIRMAN LYNN: City of Tucson, the barrios
12 unit in one.

13 MR. JOHNSON: The real difference between
14 them is the barrios are split in B versus united in A.
15 One last thing we tried to address. The flip side is the
16 reason they're split is because the Coalition requested
17 it. That's the trade-off there.

18 To follow up on what Dr. McDonald mentioned
19 and Commissioner Elder mentioned, the adjustment, taking
20 the competitiveness aspect, Rita Ranch was a concern. In
21 order to get Y competitive, we took Rita Ranch out of Y
22 into T. I don't know if Dr. McDonald wanted to comment
23 on why it was done to make it competitive.

24 DR. McDONALD: My feeling is we're going
25 to -- if we're going to look at this area, that we're

1 going to have to most likely sacrifice a competitive
2 district. If we make that decision, that would then just
3 free up looking at all of the area as a whole. What
4 we're probably looking at is just a radical change to the
5 configuration here with an instruction to locate two
6 competitive districts with other instructions as well.

7 CHAIRMAN LYNN: Mr. Hall.

8 COMMISSIONER HALL: Mr. Chairman, we
9 started with the premise from the Coalition they
10 requested we leave the voting rights districts
11 essentially the same as they are in our adopted map.

12 I was just curious, Mr. Mandell, from the
13 Coalition, if you had any comment relative to other the
14 version of the voting rights district. I'm not trying to
15 put you on the spot. I thought that feedback would be
16 helpful and welcome, if you have any.

17 MR. MANDELL: Mr. Chairman, members,
18 Michael Mandell, attorney with the Arizona Minority
19 Coalition.

20 To Mr. Hall's question, the Coalition would
21 prefer districts referred to in our letter 23, 24, 25,
22 27, 29 would remain the same as they were in the 2004
23 Legislative map. Those districts were effective
24 majority-minority districts. None are majority-minority
25 Hispanic voting age districts. They are all influence

1 districts in that sense; but they are all districts in
2 which a minority representative can and have been
3 elected. To know the effectiveness, we don't know the
4 effectiveness of change.

5 We'd request those districts remain the
6 same. We at least know that they provide minorities the
7 opportunity to elect candidates of their choice.

8 COMMISSIONER HALL: Thank you.

9 MR. JOHNSON: For those of you that haven't
10 been with us, 23, 24, 25, 27 and 29 are the equivalent of
11 W and T in this map.

12 CHAIRMAN LYNN: Thank you, Mr. Mandell.

13 COMMISSIONER HUNTWORK: Mr. Chairman.

14 CHAIRMAN LYNN: Mr. Huntwork.

15 COMMISSIONER HUNTWORK: You know, I realize
16 that we are all doing this under protest. But looking at
17 these maps, I'm really struggling with myself, I find my
18 feelings are a lot stronger than that. I find it very
19 difficult to accept the idea of starting to do anything
20 with any of these maps. The problems that we're talking
21 about down in Tucson certainly are one example, but I see
22 big problems over much of the state. One of the things
23 that really concerns me is what we've done to essentially
24 Kingman and Mohave County.

25 I had the experience of flying into Mohave

1 County for one of our many public hearings right after
2 9-11, 9-13 or 14, just as soon as we could get a plane up
3 in the air. I remember taking off from Chandler Air
4 Park. There was no other air traffic moving anywhere.
5 We flew up there dodging thunderstorms and landed and
6 drove down Main Street. Flags were up everywhere. And I
7 recall coming into a room full of people, many more than
8 in this room right now, very somber. But it was a very
9 moving experience. We were all there to have this,
10 participate in this exercise in democracy. President
11 Bush had just made a speech on the unshakeable foundation
12 of America, and all this.

13 One after another these people got up and
14 said we are a community of interest, we -- Mohave County
15 is a community of interest, we share the river, we have
16 real interests that unite us over here at the river. If
17 you have to put us with somebody, take us south, take us
18 into the Phoenix Metro area, they wouldn't mind, I think,
19 being joined up with Yavapai County, in some places, if
20 they had to, in order to make a district, but said for
21 goodness sake, whatever you do, don't put Kingman with
22 Window Rock. That makes no sense whatsoever. We're 300
23 miles apart geographically and 300 miles apart in terms
24 of communities of interest. And, you know, that is
25 obviously true. And this is not good for either of the

1 communities of interest we're talking about there.

2 You know, I hate to think that we have to
3 choose between hurting one area and hurting another, but
4 we made that choice before. And somehow the process that
5 we have come through to get to where we are today has not
6 produced any additional alternatives, but somehow it has
7 changed our judgment on it. But what we have now is a
8 very rapidly growing area that is being united with the
9 Navajo Nation. I have no idea what the consequences of
10 that are be going to be over a 10-year period, and ones
11 that have absolutely nothing in common with each other.

12 I know the judge's order said put together,
13 we have to put together disparate areas to make a
14 competitive area. This is not a competitive district, at
15 least not by 2000 numbers. This is pure and simple
16 disenfranchisement. It cuts the heart of Mohave in half,
17 deprives Mohave County of effective representation, I
18 mean one Window Rock District, one Flagstaff District
19 making up Mohave County, at least on the 2000 numbers.

20 The second thing that really concerns me
21 about this map is what has happened in the City of
22 Phoenix because of the decisions that we made. We found
23 essentially three communities of interest in the entire
24 City of Phoenix. We did get information from the city
25 that identified some of the major communities, but I

1 remind you the City of Phoenix is, I think, at this point
2 the fifth largest city now behind New York, Chicago, Los
3 Angeles, and Houston, just passed Philadelphia, became
4 the fifth largest city in the United States, is 40 miles
5 north to south. You could find communities of interest
6 from outer space, that's how big it is. We have data in
7 front of us and we couldn't find them. As a result, we
8 suddenly find ourself able to draw maps that contain up
9 to nine or 10 competitive districts. Well, duh,
10 surprise. You take a population of 1,200,000 people, you
11 close your eyes and fail to find any communities of
12 interest in that mass of people, apply a very liberal
13 compactness standard to it in a highly populated
14 metropolitan area and you'll be able to create
15 competitive districts that make absolutely no sense for
16 the community that they are inflicted upon.

17 Now I want to point out that this result is
18 not something mandated by the order of the court. The
19 court required us to come up with seven competitive
20 districts. This is a self-inflicted wound. This is a
21 result of decisions that we, ourselves, made closing our
22 eyes and failing to recognize the communities of interest
23 inside the City of Phoenix and hundreds of thousands of
24 Phonecians know that we're wrong. I find it difficult to
25 believe that when we're being judged under a strict

1 scrutiny standard, when we find Arcadia is a community of
2 interest but fail to find the Central City of Phoenix or
3 South Phoenix or many other communities, I find it
4 impossible to believe that will pass strict scrutiny.

5 I find myself, as a resident of the City of
6 Phoenix, find it inexplicable, incomprehensible. I'm
7 tempted to say, will say, if I can't do anything about it
8 as a Commissioner, I'm tempted to do something about it
9 as a citizen. One of the communities of interest I live
10 in was not recognized by this Commission.

11 I just -- I think it's just fundamentally
12 wrong.

13 Now I know that the Commission is going to
14 move forward. I'm going to have to come along. But I
15 really, I cannot express how strongly I disagree starting
16 with these maps.

17 I think there is at least another
18 alternative we ought to consider, that is starting with
19 one of our other maps. Obviously in our first meeting,
20 the primary lawyer for the plaintiffs in the lawsuit
21 stood up and recommended to us that we do exactly that.
22 We could start with our 2001 original map, which is the
23 one that we initially adopted, and I personally think
24 represents the best view of the Commission's actual
25 understanding and belief in this process. We had to

1 change that map, if you recall, because it failed to be
2 precleared; but with the judge's order, and with the
3 additional information and support that we have gotten
4 from the minority communities, I believe it would be a
5 simple matter to adjust that map to incorporate these
6 districts. And that map was, as everyone has pointed
7 out, more competitive than the one that we ended up with
8 in 2004.

9 Another alternative would be to start with
10 the 2004 map and possibly start even with the
11 Hall-Minkoff plan which the judge repeatedly cited, with
12 what appeared to me, to be approval. And let me just say
13 also that if we did that, we would not be playing Russian
14 Roulette nearly to as great an extent with the Federal
15 Voting Rights Act, not so much the issues but the
16 procedures, because one of the side effects of this
17 process is that we end up with completely new lines.
18 These lines don't match precincts. They don't match the
19 Congressional Districts. And we are, essentially,
20 walking into a, a problem that I think there is a
21 potential way to avoid.

22 My judgment would be to try to avoid it.
23 To me, rather than starting with one of these maps which
24 do all kinds of damage to the original calculations that
25 the Commission made, I think we should start with the map

1 that we adopted and believed in and make the minimum
2 changes to that map that are necessary to comply with the
3 judge's order.

4 Thank you.

5 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

6 Mr. Hall.

7 MR. HALL: Well, Mr. Chairman,
8 Mr. Huntwork, I agree, Mr. Huntwork, with, with some of
9 what you have to say. I think it's important to respond
10 to a couple points you made, just for the record. First
11 of all we agree in the Hilton, first of all, I said I'm
12 very concerned we do not have enough communities of
13 interest in Metropolitan Phoenix. In that process at
14 that time we were adopting communities of interest. At
15 that time I shared that concern. The concern -- the
16 additional concern I have is over three million people is
17 over the three-year process we've had very, very limited
18 testimony with respect to specific communities of
19 interest in the valley. The fact we had someone appear
20 with a map saying you feel Sunnyslope is a community of
21 interest, we have zero public testimony to that effect.
22 And I may be wrong. I guess my point is communities of
23 interest is citizens come and testified, not a city
24 official presenting Villages, or other issues.

25 So we have a process that has been dictated

1 Coalition, and with respect to the voting rights
2 districts in Southern Arizona, I am of the opinion that
3 it would -- it is prudent for us to not adjust the
4 districts that we already know that have been affected
5 and have been formed pursuant to the blessing of the
6 Department of Justice. And, therefore, I would make a
7 motion that we would move forward with this process
8 starting with the basis of the map, correct me,
9 Mr. Johnson, Competitiveness B -- is that correct, which
10 retains the southern voting rights districts, is it?

11 MR. JOHNSON: Yes, B contains the southern
12 districts as drawn in 2004. I might suggest is B2 the
13 changes --

14 COMMISSIONER HALL: Communities and
15 Competitiveness B2 which retains the votings rights map.

16 CHAIRMAN LYNN: Second?

17 COMMISSIONER ELDER: Second.

18 CHAIRMAN LYNN: Discussion?

19 COMMISSIONER HUNTWORK: My discussion is
20 not on the motion. I'm opposed to using any maps for the
21 reasons I stated. I guess it's on the motion in that
22 respect. I would like to say I read the court order
23 differently. I think the court was attempting to
24 indicate an idealized process that would be followed in
25 the future but that the process of going through the

1 entire process that the court ordered in the time period
2 is completely unrealistic, that is what has led to a
3 situation like two weeks ago on Saturday when we defined
4 our terms and by Monday morning the City of Phoenix was
5 there trying to present us with information. And
6 Mr. Hall contends that the City of Phoenix is too late in
7 getting us information. Ridiculous. But it's ridiculous
8 because of the timing of the process and because we are
9 jumping to the conclusion that the court actually
10 expected us to follow that process this time.

11 So I would remind the Commission the court
12 upheld the Congressional Districts even though they
13 didn't follow the process because the result was within
14 the parameters required by the court. And the -- we can
15 achieve the result required by the court using our
16 currently established districts without having to go
17 through this, you know, this incredibly compacted process
18 that really doesn't allow -- Mohave County is going to
19 want to have something to say about what we've just done.
20 The -- I think that there are -- when you look at the
21 districts that are being proposed within the City of
22 Phoenix, you are going to get a lot of comment on some of
23 those districts because they are just simply ridiculous
24 in terms of the effect that they have on real communities
25 that really identify with each other, if there is an

1 opportunity to fold that into the process. But if the
2 answer to this is that we defined the term community of
3 interest on Sunday and anybody who was there on Monday
4 with all of their evidence intact can't be a community of
5 interest, sure, that leaves -- basically leaves
6 Flagstaff, who was there, as the only additional
7 community of interest that we can find beyond the ones
8 that we identified explicitly in the original proceeding.

9 I also want to point out to Mr. Hall that
10 we had two Commissioners, at that time, and still have
11 two Commissioners, one in Vietnam right now, who were
12 residents of City of Phoenix. I have lived in the City
13 of Phoenix since 1977, Ms. Minkoff a lifetime resident of
14 the City of Phoenix. We were very capable of identifying
15 the communities within the City of Phoenix, and we had
16 almost no disagreement with each other. As far as I can
17 recall the only disagreement we ever had with each other
18 where communities lay in the City of Phoenix essentially
19 over the Hall-Minkoff plan, and that had to do solely
20 with the Moon Valley-Sunnyslope connection. And beyond
21 that, we were talking about very carefully defined lines,
22 neighborhood boundaries. I don't believe you will be
23 able to go back in the record and find a case where
24 Ms. Minkoff and I were disagreeing with each other or
25 couldn't talk about it and reach agreement on our

1 understanding of communities within the City of Phoenix.

2 I reiterate this has been compressed in
3 such a way it is a preposterous process, cannot result,
4 by our own comments, Mr. Hall, on how ridiculous it is to
5 expect this process to produce meaningful results with
6 respect to communities of interest. I think we're better
7 off going back to something that truly represents to a
8 greater extent the real thinking of the Commission and
9 proceed from there.

10 Again, I do think, emphasize again, it's
11 very important that may also help to avoid some of the
12 very difficult pitfalls which arise that counties run
13 into with precincts and have to make that coincide with
14 current boundaries.

15 CHAIRMAN LYNN: I know this is a seminal
16 issue we have to deal with. We're overstepping the
17 bounds with the court reporter. It's an unusual
18 occurrence. I wonder if we could take a 15-minute break
19 in the middle of this discussion, pick up the discussion
20 on the motion after that break.

21 Without objection.

22 (Recess taken.)

23 CHAIRMAN LYNN: On record the record.

24 All four Commissioners are present along
25 with legal counsel, consultants, and staff.

1 On discussion on Mr. Hall's motion.

2 COMMISSIONER HUNTWORK: I'd like to have
3 executive discussion. I'd like to make a motion to table
4 the motion?

5 CHAIRMAN LYNN: Correct. A motion to
6 table. Is there a second.

7 COMMISSIONER HUNTWORK: So moved.

8 CHAIRMAN LYNN: Second?

9 COMMISSIONER ELDER: Second.

10 CHAIRMAN LYNN: Discussion on the motion to
11 table?

12 Discussion is only to limit the time for
13 tabling.

14 All in favor of the motion, signify "Aye."

15 COMMISSIONER ELDER: "Aye."

16 COMMISSIONER HALL: "Aye."

17 COMMISSIONER HUNTWORK: "Aye."

18 CHAIRMAN LYNN: Motion carries unanimously.
19 Mr. Huntwork.

20 COMMISSIONER HUNTWORK: I'd like to move to
21 go into Executive Session in order to obtain legal advice
22 of counsel.

23 CHAIRMAN LYNN: It's been moved pursuant to
24 A.R.S. 38-431.03(A)(3) and 38-431.03(A)(4) we go into
25 Executive Session.

1 All in favor say "Aye."

2 COMMISSIONER ELDER: "Aye."

3 COMMISSIONER HALL: "Aye."

4 COMMISSIONER HUNTWORK: "Aye."

5 CHAIRMAN LYNN: Motion is unanimous to go
6 into Executive Session.

7 CHAIRMAN LYNN: Ladies and gentlemen, I
8 don't think this will be very long, but I wouldn't go too
9 far, but there is no way to guess.

10 (Whereupon, the Commission recessed Open
11 Public Session at 11:06 a.m. and convened
12 in Executive Session at 11:07 a.m. until
13 12:33 p.m. at which time Open Public
14 Session resumed.)

15 (Whereupon, a one-minute recess was taken.)

16 CHAIRMAN LYNN: Let's go back on the
17 record.

18 COMMISSIONER ELDER: Mr. Chairman, I would
19 like --

20 CHAIRMAN LYNN: Let me for the record say
21 all four Commissioners are present with legal counsel and
22 consultants.

23 CHAIRMAN LYNN: Mr. Elder has indicated his
24 desire to break for lunch. Without objection, today,
25 let's take a full hour. We'll reconvene at 1:30.

1 (Lunch recess taken.)

2 CHAIRMAN LYNN: Back on the record.

3 All four Commissioners are present along
4 with legal counsel, consultants, and staff.

5 We have a motion on the table. And the
6 specific intent of the motion to table was to get to an
7 Executive Session, so I would ask for a motion to remove
8 the item for the table.

9 COMMISSIONER ELDER: So moved.

10 CHAIRMAN LYNN: Is there a second?

11 COMMISSIONER HALL: Second.

12 CHAIRMAN LYNN: Thank you.

13 A motion to remove the item on the table.

14 All those in favor of the motion, signify by saying

15 "Aye."

16 COMMISSIONER ELDER: "Aye."

17 COMMISSIONER HALL: "Aye."

18 COMMISSIONER HUNTWORK: "Aye."

19 CHAIRMAN LYNN: Chair votes "Aye."

20 Now in discussion on the motion made
21 previously by Mr. Hall and seconded by Mr. Elder adopting
22 competitive, pardon me, Communities and Competitiveness
23 Map B2.

24 Discussion on the motion?

25 Mr. Huntwork.

1 MS. HAUSER: Motion to do a test.

2 CHAIRMAN LYNN: We're in discussion on a
3 motion to adopt. If you want to -- my suggestion would
4 be perhaps we again table that motion and see if there is
5 a Commission order to do the test that you suggest, if
6 you want to do that.

7 COMMISSIONER HUNTWORK: Has the work been
8 completed? Has the work been done?

9 CHAIRMAN LYNN: Mr. Johnson.

10 MR. JOHNSON: Mr. Chairman, Commissioner
11 Huntwork, this is the idea we discussed before about
12 Apache. As with many things, we try to anticipate
13 questions and try to get a little bit of head start. We
14 have much of head start on that. We have not done a
15 finished test. Maybe in five, 10 minutes I could get
16 that into a form where we could present it as a test, if
17 that was the desire of the Commission.

18 COMMISSIONER HUNTWORK: Mr. Chairman, that,
19 unlike the process we went through before, I don't have a
20 computer. This is the kind of thing I could just do
21 myself before. And, so before, before the maps were
22 actually the product of the Commission in a very real
23 sense and we could ask people to do tests as a
24 Commission, but I could answer my own questions for
25 myself in many cases. So this was really just something

1 I wanted to know before I chose, before I made up my
2 mind. I didn't want this to be a Commission test. I'd
3 rather have a computer and be able to do this myself.

4 MS. HAUSER: I'd like to clarify something
5 for the record. When the Commissioners had Maptitude,
6 for the record, they were not equipped with software to
7 move lines. For the record, that might leave a false
8 record. You wouldn't move lines.

9 COMMISSIONER HUNTWORK: That's not correct.
10 I could figure out how many people, could figure out what
11 the political disposition of what people were. I could
12 guesstimate what the disposition of that would be, and
13 that's what I can't do now.

14 CHAIRMAN LYNN: What is your preference.
15 We can proceed on the motion you have now or again table
16 it and --

17 COMMISSIONER HUNTWORK: Mr. Chairman, if
18 that is the only way to get the question answered, I'll
19 try, I'll make a motion to table consideration of the
20 designated map so I can see if there is a way to
21 essentially avoid having to put so much of Mohave County
22 into the -- District AA centers on the eastern part of
23 the state.

24 CHAIRMAN LYNN: I also strongly suggest if
25 the motion to table is successful, that we at least, as a

1 Commission, order that test.

2 COMMISSIONER HUNTWORK: That would be my
3 next motion.

4 CHAIRMAN LYNN: So is that a motion to
5 table?

6 COMMISSIONER HUNTWORK: Yes.

7 CHAIRMAN LYNN: Is there a second?

8 Hearing none, we are in discussion on the
9 motion as previously stated.

10 Further discussion on the motion?

11 If not --

12 Sorry, Mr. Elder, I thought I had paused
13 pregnantly.

14 COMMISSIONER ELDER: Almost.

15 Discussion on the motion. The term used,
16 "adopt the plan" was used, I believe by you, in one of
17 your comments. I want to make sure that adoption was not
18 the intent of the Commission and the vote on this motion.

19 CHAIRMAN LYNN: I'm sorry, Mr. Elder. I
20 apologize for that confusion. Let me be clear what we're
21 voting on, a motion to select Communities and
22 Competitiveness B2 as the map from which we will proceed
23 in this process. I apologize for that confusion.

24 With that clarification, any further
25 discussion on the motion? If not, all those in favor of

1 the motion signify by saying "Aye."

2 COMMISSIONER HALL: "Aye."

3 COMMISSIONER ELDER: "Aye."

4 CHAIRMAN LYNN: Chair votes "aye".

5 Opposed vote "No."

6 COMMISSIONER HUNTWORK: "No."

7 CHAIRMAN LYNN: Motion carries.

8 At this point we, for purposes of further
9 discussion, have narrowed the focus to the map labeled
10 Communities and Competitiveness B2, with a small change
11 to it, let me explain for the record, since we don't have
12 it on paper, explain the A part of the map, or 2 part of
13 the B2 designation. The competitiveness of it,
14 Dr. McDonald speak to that.

15 DR. McDONALD: Yes. We -- between B and
16 B2, we adjusted some blocks in Y and U to increase the
17 Democratic performance of Y to bring it within the
18 competitiveness range, a small adjustment of a few blocks
19 on the border between a few districts.

20 CHAIRMAN LYNN: Does that -- can you depict
21 that graphically for us to show us where that change was
22 made?

23 MR. JOHNSON: I can. The computer is
24 finishing up something now in Tucson, a change where the
25 Tucson area is coming to. As soon as this finishes, I'll

1 put it up.

2 CHAIRMAN LYNN: Mr. Hall.

3 COMMISSIONER HALL: Mr. Chairman, while
4 Mr. Johnson's CPU is running, Mr. Johnson, I assume you
5 took a script of notes with respect to comments this
6 morning relative to voting rights districts in downtown
7 Phoenix with recommendations from public testimony?

8 MR. JOHNSON: I took a lot of notes on
9 them, question areas. It's nice to follow up on public
10 comments. To follow up a little bit, yes, I have detail.

11 COMMISSIONER HALL: I'm looking to see if
12 anyone --

13 Steve, mind being the scapegoat?

14 Thank you.

15 Mr. Johnson.

16 CHAIRMAN LYNN: At what point did I lose
17 control? At some point close to now.

18 REPRESENTATIVE GALLARDO: Mr. Chairman,
19 with your permission, I'm more than happy to try to
20 answer Commissioner Hall's questions.

21 COMMISSIONER HALL: I think, Mr. Johnson,
22 it's good if you were here to ask the question.

23 MR. JOHNSON: We were going to put B2 up on
24 the wall.

25 DR. McDONALD: Ask questions.

1 MR. JOHNSON: Sorry, I didn't know to ask
2 questions.

3 COMMISSIONER HALL: Did you get lunch?

4 MR. JOHNSON: In looking at N, two
5 questions. One was a Tucson question about the
6 difference between A and B and Districts W and T or 27
7 and 29, and the other was remember looking at District N,
8 and I think it's clear the community doesn't make sense
9 to move east across 59th, which direction. It makes
10 sense to move to try to improve the voting rights
11 strength to improve -- the discussion was about odds of
12 preclearance. Where to move N was the big question.

13 REPRESENTATIVE GALLARDO: Mr. Chairman, can
14 I approach the map and point at what we were looking at?

15 Mr. Chairman, Commissioners, what we have
16 thought, and without an actual laptop to see the actual
17 data itself, we thought starting with District A to
18 increase minority numbers, District A, move the border or
19 district westward along, I want to believe it's Thomas
20 Road west, and again we're not sure exactly how far west
21 to go in order to increase the minority numbers in
22 District A. Now, in terms of impacting N and increasing
23 minority numbers for N, moving east, having consultants
24 looking perhaps at moving the southern border a little
25 down south or east into J, to strengthen N.

1 motion?

2 COMMISSIONER HUNTWORK: Second.

3 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

4 CHAIRMAN LYNN: Discussion on the motion?
5 Mr. Elder.

6 COMMISSIONER ELDER: Mr. Chairman, yes, I
7 think that includes most of what I was looking at from my
8 notes from this morning. The only other things I would
9 request is that three-way shift, it appears as though --
10 oh, something we actually see, the A, K, N, and J area.

11 From the discussions, it appeared as though
12 K, the right-hand edge area, the percentages were higher
13 than they were on the far west side, looking as though
14 trading back down into N, and N into J. When you are
15 doing this, can we look at, I want to say both
16 compactness and the configuration of the districts as we
17 go? I don't want to leave pockets, a one-mile blip in
18 there. The discussions we had early on in our process a
19 year or two ago, going back across roads, nobody knew
20 where they were voting, where their district was. Keep
21 them to at least one-mile grids, if we can. And if, you
22 know, up by Thunderbird, Cactus, I don't know what the
23 demographics of that is in K, or on the far northwest
24 side of N, some little things are going on, if those can
25 be cleaned up in the process. I guess what I'm saying is

1 keep looking at compactness, keep looking at the east,
2 which public or citizen can participate in the system,
3 know where he votes, know where his community is, and
4 that aspect of things, not just looking at the Hispanic
5 voting age population.

6 Again, it's something, if increasing J by
7 half to three-quarters of a percent, trying to in effect
8 increase A, that means K is coming down, I believe, in
9 net overall. It may take this out of a competitive
10 district. If it takes it out of a competitive district,
11 other things rotate around K, L. I don't know what the
12 yellow is to the left of K, M. I see -- I'd like to see
13 what the ripple effect is. If there is a reason you have
14 to adjust it, try to adjust toward those parameters, if
15 you can.

16 MR. JOHNSON: Mr. Chairman, Commissioner
17 Elder, if I may ask a follow-up on that. Let me clarify
18 one thing. When the representatives spoke this morning,
19 the tradeoff they were talking about for A, as you
20 described, A, moving westward in here, the tradeoff was
21 actually K, moving into the northwestern A, rather than
22 into N. I wanted to be sure we were on the same page.

23 COMMISSIONER ELDER: N is an increase of
24 three-quarters, or something, an increase from somewhere.

25 MR. JOHNSON: Right.

1 compactness.

2 COMMISSIONER ELDER: A, K, J, then -- I
3 don't know, and the effects, okay, will it affect L at
4 all? I don't know it would. Possible. Then start
5 looking at O. Ripple effects all the way through a
6 little bit, a thousand people. When you make those, make
7 them toward strengthening our goals. That's all I'm
8 going for now.

9 CHAIRMAN LYNN: Mr. Elder, good point. I
10 remind everyone, the process to date has included paying
11 attention to those kind of things as you create whichever
12 districts are created, the same thing holds true for the
13 tests as we try to achieve certain things, tests those
14 goals, all of them are still considered.

15 COMMISSIONER ELDER: Yes.

16 CHAIRMAN LYNN: What we're looking for are
17 improvements, so to speak, in the number of issues we may
18 raise and improvements in the goals of Proposition 106
19 without doing damage in other areas where we have
20 prohibitions against damage.

21 So with that said, Mr. Huntwork.

22 COMMISSIONER HUNTWORK: I'm certainly in
23 favor of carrying out this test. I do have -- I don't
24 understand one thing. That is -- we now have a fixed
25 voting rights district, basically, in Southern Arizona.

1 I'm not quite clear what would happen if we fixed those
2 in Maricopa County. Would we lose a competitive
3 district? Have you done everything possible to determine
4 whether we could get the same number of competitive
5 districts without changing the precleared minority
6 districts at all?

7 MR. JOHNSON: I guess -- let me see if I
8 might put this correctly. Let me know if I'm not on
9 point here.

10 MS. LEONI: Do you understand the question
11 or want me to answer it?

12 CHAIRMAN LYNN: I'd seek clarification, if
13 you are not actually sure.

14 Try again, make sure Mr. Johnson
15 understands the question, and let's get an answer for
16 you.

17 COMMISSIONER HUNTWORK: The Commission
18 currently adopted districts enjoined but precleared.
19 Have you exhausted every possibility to try to find the
20 same number of competitive districts without changing
21 those districts at all, the voting rights districts at
22 all?

23 MR. JOHNSON: I'll let Dr. McDonald --

24 DR. McDONALD: Have we looked at that map?

25 I have not done a competitive analysis of

1 any such map and, to my knowledge, we have not done such
2 a map. Mr. Johnson can speak on that part.

3 MR. JOHNSON: Just going to the process we
4 followed to get to these, the first instructions were to
5 go to a purely competitive map, started from the grid.
6 You saw the results of that. Then we made voting rights
7 adjustments pursuant to this court order and legal advice
8 surrounding it. So that's where we walked through in the
9 process to include.

10 COMMISSIONER HUNTWORK: I understand.
11 Okay. So, that may be another motion, Mr. Chairman. On
12 the current motion, he understands my question.

13 CHAIRMAN LYNN: If anything, it's another
14 motion.

15 On the motion?

16 If not, on the motion, signify "Aye."

17 COMMISSIONER ELDER: "Aye."

18 COMMISSIONER HALL: "Aye."

19 COMMISSIONER HUNTWORK: "Aye."

20 CHAIRMAN LYNN: Chairman votes "Aye."

21 Motion carries and is so ordered.

22 Mr. Hall.

23 COMMISSIONER HALL: With respect to

24 District H -- is that right? H, X --

25 Can you highlight the City of Chandler,

1 please?

2 Mr. Chairman, in response to testimony we
3 not only heard over the last couple days but we've heard
4 for a couple years that there is ample testimony Chandler
5 is trying to insure that it has appropriate
6 representation pursuant to this process. We have
7 designated cities as communities of interest. And in my
8 opinion it is very clear that this configuration causes
9 significant detriment to the City of Chandler's ability
10 to be represented and I, therefore, would move that we
11 would ask NDC to conduct a test to return Chandler to a
12 state where they are only two districts versus three.

13 CHAIRMAN LYNN: Is there a second?

14 COMMISSIONER ELDER: Second.

15 CHAIRMAN LYNN: Discussion?

16 Mr. Huntwork.

17 COMMISSIONER HUNTWORK: Mr. Hall, the
18 purpose of this is to see if there can be a competitive
19 district while still --

20 COMMISSIONER HALL: Correct.

21 COMMISSIONER HUNTWORK: -- maintaining
22 those parameters.

23 COMMISSIONER HALL: I think in this case,
24 Mr. Huntwork, favoring competitiveness very obviously, in
25 my opinion, caused significant detriment to the goal of

1 that community of interest.

2 COMMISSIONER ELDER: Mr. Chairman, I'd like
3 to make clear on the record as you are doing this test
4 part of the judge's directive, or the assumption of the
5 judge's direction of the laws here, the laws here of
6 competitiveness, are as long as they are made up of
7 another area, not necessarily laws, or another's laws,
8 the ripples East-West, if it loses competition in the
9 district here, if we effectively bring back a competitive
10 district, not necessarily in this location, as we're
11 doing the test here, and look for an alternative
12 competitive district, we're not just necessarily looking
13 for it in this location.

14 CHAIRMAN LYNN: I think we have the overall
15 goal in this process to bring in the most competitive
16 test possible. The idea there will be -- there will be
17 occasions where that goal may have to be adjusted based
18 on a finding of significant detriment to one of the other
19 goals. That's how we're going about this. To
20 Mr. Elder's point, we're always looking for opportunities
21 that would, best case scenario, either improve or
22 maintain the competitiveness of the entire map. To the
23 extent we're unable to improve or maintain, we'll have to
24 consider that on a case-by-case basis.

25 Mr. Huntwork.

1 COMMISSIONER HUNTWORK: Mr. Chairman, are
2 we at this time finding this causes significant
3 detriment?

4 CHAIRMAN LYNN: No. We need to see the
5 test, need to see the overall impact on the map, and
6 specifically look at the result of choices in order to
7 make that finding, I believe. Ordering the test, there
8 is no criteria, in my judgment, to look at the test. We
9 can order anything we care to look at. It's when we
10 adopt or move forward with adoption of the test that has
11 an impact on criteria when we have to make certain that
12 we are within our limitations.

13 Further discussion on the motion? If not,
14 all those in favor of the motion, signify "Aye."

15 COMMISSIONER ELDER: "Aye."

16 COMMISSIONER HALL: "Aye."

17 COMMISSIONER HUNTWORK: "Aye."

18 CHAIRMAN LYNN: Chair votes "Aye."

19 Motion carries four-zero and is so ordered.

20 Are there other motions you'd like to order
21 at this time?

22 COMMISSIONER ELDER: Mr. Johnson, I'd like
23 to take a look at the southern part of the state,
24 primarily Tucson.

25 Okay. Mr. Chairman, I would like to see a

1 test run that the first time through we look at not
2 affecting any of the minority-majority or minority
3 influence districts identified earlier as 25, 26, that
4 series from the Coalition concern. But what I would like
5 to see is in U, we have had three distinct communities of
6 interest there. One was the retirement communities to
7 the northwest of that unit. We have the foothills
8 district in the middle of that unit and two areas in the
9 City of Tucson. South of the river, south of the
10 community of interest there, there was a distinct, I
11 don't know which way to suggest to rotate now, but the
12 communities of interest there, this plan does significant
13 harm or detriment to all three communities of interest.

14 As I mentioned earlier on when we were
15 looking at this, the area, the northern limit of the
16 Foothills and eastern limit of the retirement community
17 is the Coronado National Forest. And there's not one
18 through road in that area. So the only way you can get
19 there from the other areas is go through the Foothills
20 and go up the state route until we get into the Town of
21 Oro Valley. It splits part of Oro Valley, splits
22 unincorporated areas, place names you've used in the
23 past, south of the river. There is one -- two crossings
24 there for a fairly strong geographical and physical
25 barrier, a strong influence of school districts creating

1 edges in that area.

2 So I would like to see it, the minimum of
3 trying to get the area within the incorporated limits of
4 the City of Tucson or our designated community of
5 interest in the foothills separated out. And even with
6 the comments relating to the, in effect, nonconnected,
7 noncontiguous functioning of a district, especially
8 connecting the national forest does do that.
9 Functionally it doesn't do that. I'm willing to reduce
10 the impact there. If we can reduce the impact to the
11 community of interest by the City of Tucson and county
12 split, the Foothill split, I'd like to see if we pull two
13 promontories that run south of the community of interest
14 to the north. In doing that, it may mean we have to
15 recapture areas to the west.

16 CHAIRMAN LYNN: Mr. Elder, before you go
17 too much farther, I want to make sure we can understand
18 the motion when you are finished with it. I'm concerned
19 the detail level is difficult.

20 COMMISSIONER ELDER: Okay.

21 CHAIRMAN LYNN: What I'd ask, if the goal
22 is something you're looking for, state the goal, and
23 allow -- and any sort of comments with the goal you want
24 addressed, then see if we can get the motion on the floor
25 and discuss it.

1 COMMISSIONER ELDER: All right. The goal
2 is bring the community interest in the City of Tucson and
3 Foothills, separate those two communities. And that
4 probably will affect other areas. With that said, that's
5 the goal of the first test.

6 CHAIRMAN LYNN: Is there a second?

7 COMMISSIONER HALL: Second.

8 CHAIRMAN LYNN: Discussion on the motion?

9 COMMISSIONER HALL: Doug, highlight which
10 community of interest he referred to, please.

11 CHAIRMAN LYNN: Yes.

12 COMMISSIONER HALL: Chairman.

13 CHAIRMAN LYNN: Commissioner Hall.

14 COMMISSIONER HALL: The area highlighted in
15 purple is the Foothill community. What I understand
16 Commissioner Elder is referring to is separate, that
17 unincorporated area from incorporated Tucson south of the
18 river area, those two districts meet. So we would be
19 removing this southwest leg from the district and this,
20 these southern areas, as well as south of the Foothills
21 from the district.

22 CHAIRMAN LYNN: Mr. Huntwork.

23 COMMISSIONER HUNTWORK: Mr. Chairman, I
24 think we need to speak in terms of uniting the community
25 of interest rather in terms of getting that -- avoiding

1 the mixture of two different communities of interest. So
2 I would suggest we make this motion in terms of getting
3 all Foothills into U or V rather than getting U out of
4 Tucson.

5 CHAIRMAN LYNN: My concern, also, is I
6 don't want to restrict options that may come about as
7 districts are attempted to be moved. There may be some
8 consequences that are positive as well as negative. And
9 there may be options that can be shown in terms of doing
10 it more than one way as things tend to ripple either one
11 direction or another. I think you are quite correct in
12 terms of the goal. The goal is to try to unite those
13 communities of interest, reunite them, see what effect
14 that would have on our overall map.

15 Further discussion on the motion?

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

18 COMMISSIONER HUNTWORK: "Aye."

19 COMMISSIONER ELDER: "Aye."

20 COMMISSIONER HALL: "Aye."

21 CHAIRMAN LYNN: Chair votes "Aye."

22 Motion carries and is so ordered.

23 Other tests you would like to order?

24 COMMISSIONER HALL: Mr. Chairman, I would

25 also like to instruct NDC to make the requested

1 adjustment in the percentages of District AA pursuant to
2 the Navajo Nation's request by reason of population
3 deviation.

4 CHAIRMAN LYNN: Is there a second to that
5 motion?

6 COMMISSIONER ELDER: Second.

7 CHAIRMAN LYNN: Discussion?

8 We'll look at it.

9 Mr. Johnson.

10 MR. JOHNSON: The request this morning is
11 twofold, underpopulate, in order to increase percentages,
12 and also meet the benchmark of 62 percent and change.
13 The district currently is 59 percent and change, so, you
14 know, underpopulating is probably going to have to be
15 five, six percent to get all the way to 62 percent and
16 change.

17 We can certainly look at moving people
18 around, especially within deviations done before to see
19 what we can do.

20 To clarify the instruction, it's to get to
21 the 62 or to look in --

22 COMMISSIONER HALL: The intention,
23 Mr. Chairman, Mr. Johnson, is do the best we can and stay
24 within prescribed parameters. We discussed those at
25 length. They are very clear. Whatever we can do within

1 what is allowable to strengthen that, something to be
2 looked at.

3 CHAIRMAN LYNN: Mr. Elder, then
4 Mr. Huntwork.

5 COMMISSIONER ELDER: Just a concern. I'd
6 like to try not to underpopulate any district. And I
7 don't know where you pick up Native Americans needed for
8 that area outside of Flagstaff.

9 Are there areas where you can pick up
10 Native Americans and get the percentage up to 62 or
11 thereabouts?

12 MR. JOHNSON: I'm fairly familiar with the
13 Native Americans. You could get to 75 if we went down to
14 Apache, the communities along the border could be added
15 into it. There's -- I'm not aware of any community that
16 is going to be 62 plus percent Native American needed to
17 be able to raise the overall percentage of the district.

18 CHAIRMAN LYNN: Mr. Huntwork.

19 COMMISSIONER HUNTWORK: Mr. Chairman, we
20 put a factor of 1.7 percent population in this
21 significant, our definition of significance detriment
22 limited population deviation, I know that, even though
23 uncomfortably high for some of the comments some people
24 made. I'd say we wouldn't want to exceed that, in any
25 event. I really take the main sense to be to try to

1 equalize population rather than overpopulate the
2 district, help the percentage somewhat.

3 CHAIRMAN LYNN: Mr. Hall.

4 COMMISSIONER HALL: My recollection is
5 correct. In our adopted plan we did utilize some
6 population deviation for the benefit of voting rights
7 districts. Only we felt in some cases that was
8 appropriate. In my opinion it is still appropriate and
9 perfectly acceptable for purposes of voting rights
10 issues.

11 CHAIRMAN LYNN: Ms. Hauser.

12 MS. HAUSER: That was the primary reason.
13 There were other deviations that were ordered based on
14 following major roads and other features like that, small
15 deviations. They are all in the record from the August
16 14th meeting.

17 CHAIRMAN LYNN: On the motion, further
18 discussion?

19 COMMISSIONER HUNTWORK: I would like then
20 to have clarification of what it is. This -- something
21 about our parameters. I'm not sure what they are.

22 CHAIRMAN LYNN: The motion, as I understand
23 it, is directing NDC to attempt to increase the Native
24 American voting age population in District AA.

25 COMMISSIONER HALL: That's correct,

1 Mr. Chairman. I guess what I'm trying to say, Jim, I
2 think, Mr. Johnson, with their counsel, our counsel,
3 probably have sufficient guidance with respect to what is
4 appropriate. I'm asking they do the best they can, let
5 us look at the test and we as a Commission determine if
6 results of that test would be acceptable to this
7 Commission.

8 MR. JOHNSON: Mr. Chairman.

9 CHAIRMAN LYNN: Mr. Johnson.

10 MR. JOHNSON: I was going to ask a
11 clarifying question. I think Mr. Hall answered what I
12 was going to ask. It's similar to the original question
13 on voting rights, achieve the goal of parameters we'd
14 discuss with counsel, work out with counsel, similar to
15 that.

16 CHAIRMAN LYNN: Are there other tests you
17 wish to order?

18 COMMISSIONER HUNTWORK: We should vote.

19 CHAIRMAN LYNN: Thank you. It's a long
20 day. Mr. Huntwork, I appreciate that very much.

21 Further discussion on the motion?

22 All those in favor of the motion, signify
23 "Aye."

24 COMMISSIONER ELDER: "Aye."

25 COMMISSIONER HALL: "Aye."

1 COMMISSIONER HUNTWORK: "Aye."

2 CHAIRMAN LYNN: Chair votes "Aye."

3 Motion carries and is so ordered.

4 Thank you, Mr. Huntwork. We just had lunch
5 and I must have been napping.

6 COMMISSIONER ELDER: Mr. Chairman, I'd like
7 to go back down to Tucson, the southern half.

8 CHAIRMAN LYNN: Tucson, the southern half.

9 COMMISSIONER ELDER: I suppose looking
10 here, I suppose Mr. Gallardo, momentarily being the
11 Hispanic Representative for all Hispanic Representatives,
12 on this map, the Tucson barrios, not together in the
13 Tucson map, they precleared the Department of Justice, or
14 elected. One of the reasons we got that extending on the
15 northwest corner of T, were able to remove Rita Ranch on
16 our easterly side of that district, what I'd like to do
17 is I'd like to make a motion, say we'd like to make that
18 district the whole within T, and then I don't know where
19 we have to give up the balanced area to get it back.

20 If it didn't change percentages, would the
21 Hispanic community be affirmative or negative to that
22 proposal?

23 REPRESENTATIVE GALLARDO: Mr. Chairman,
24 Mr. Elder, boy, do I miss Ramone Valdez.

25 Let me be frank. I'm just not familiar

1 with the Tucson area. I can tell you I've been on the
2 phone this morning from folks Tucson. They're heading
3 down to Phoenix as we speak, plan to be here for the rest
4 of the process. I explained how important it was for
5 them to be here.

6 I cannot answer that question.

7 COMMISSIONER ELDER: That said,
8 Mr. Chairman, I'd like to make a motion to test that so
9 it's ready and propose the alternative when we have
10 representatives from Tucson, address that to
11 representatives from the Tucson community. Do it either
12 way, putting with W or T, doesn't change percentages with
13 either. I'd like to make a change, don't know if there
14 is some hold on districts I'm not aware of.

15 CHAIRMAN LYNN: Is there a second to the
16 motion?

17 COMMISSIONER HUNTWORK: Second.

18 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

19 Discussion?

20 Mr. Hall?

21 COMMISSIONER HALL: Highlight, for the
22 benefit of the viewing audience, what he's referring to.

23 MR. JOHNSON: He's referring to the Tucson
24 barrio neighborhood. It wraps around, comes down to the
25 City of South Tucson. And this diagonal border is the

1 railroad tracks.

2 COMMISSIONER HALL: Which border?

3 MR. JOHNSON: The diagonal border is the
4 railroad tracks.

5 CHAIRMAN LYNN: Discussion on the motion?

6 Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Mr. Chairman, if
8 interested, want to see the results of this? I do want
9 to say if changes like this in voting act districts don't
10 have an impact on competitiveness, I'm going to be
11 against it. I just think the Judge ordered us to look at
12 these voting rights districts for the purpose of
13 increasing competitiveness of the map. If we do that,
14 fine. If we don't, I think it's foolish for us to
15 actually change the districts. Doing a test is fine.

16 CHAIRMAN LYNN: I think we're all going to
17 have to make those judgments when the results of tests
18 come back.

19 On the motion, all those in favor of the
20 motion, signify "Aye."

21 COMMISSIONER ELDER: "Aye."

22 COMMISSIONER HALL: "Aye."

23 COMMISSIONER HUNTWORK: "Aye."

24 CHAIRMAN LYNN: Chair votes "Aye."

25 Motion carries and is so ordered.

1 Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Building on what I
3 said, I'd like to know if it's possible to achieve the
4 same number of competitive districts in the Maricopa
5 County area without making any change in the voting
6 rights districts in Maricopa County. I think we lose
7 track of the purpose of that exercise if we don't have
8 that information. And considering the, how close we are
9 to the election and the importance of preclearing
10 whatever it is we do, if we don't have to change these
11 districts, we shouldn't.

12 I would really like to know whether it was
13 necessary to change them.

14 CHAIRMAN LYNN: In the form of a motion.

15 COMMISSIONER HUNTWORK: I move that we ask
16 for a test leaving the Maricopa County Voting Rights
17 Districts as they are in the Commission's currently
18 adopted plan to determine whether we can achieve an equal
19 number of competitive districts to those shown on the
20 current test map.

21 CHAIRMAN LYNN: Is there a second?

22 COMMISSIONER ELDER: Second, for
23 discussion.

24 CHAIRMAN LYNN: Discussion on the motion.

25 Mr. Elder.

1 COMMISSIONER ELDER: Mr. Johnson, could you
2 highlight 15, 16, the voting rights districts
3 Mr. Huntwork was referring to there?

4 MR. JOHNSON: It's hard to see this circle
5 here. And the districts are being shown by the thick
6 black lines. The colors underneath would be the B2 plan
7 to work from.

8 CHAIRMAN LYNN: Mr. Hall.

9 COMMISSIONER HALL: Well, Mr. Chairman, in
10 response to this motion, I'm trying to recall out loud
11 where we're here.

12 My recollection is that one of the, at
13 least discussion points of the judge in the order was
14 relative to the fact that the Commission, I'm sure if I
15 step out of line I'll be told, the Commission may lower
16 some of the percentages in effort to increase
17 competitiveness. I think that was the original
18 instruction to consultants. Pursuant to that order,
19 adjust those downward in an effort to spread out those
20 voters in an effort to increase competitiveness. I'm not
21 sure I see the point of ordering a test to the identical
22 whole point of the order, because the test was to comply
23 with the order which was to lower them.

24 COMMISSIONER HUNTWORK: Firstly, I don't
25 think the judge ordered us to change them if they had no

1 impact on competitiveness. The second thing is we
2 changed the racial ethnic profile of those districts but
3 haven't necessarily changed the overall competitiveness
4 of those districts which means we may not have freed up a
5 significant number of Democrat voters in that total. We
6 may have just changed the make-up of the Democratic
7 voters in those districts. I don't know -- even if we
8 did, we may still be able to achieve the same number of
9 competitive districts. I don't even know how we can go
10 to the Justice Department and seek to justify the
11 reductions in those districts unless we can demonstrate
12 that it has some benefit. It seems to me it's an
13 essential part, in any case, under Georgia vs. Ashcroft,
14 or any other theory, which shows we had a reason for
15 diluting the minority voting in those districts. If we
16 don't have a test, we don't have a reason.

17 CHAIRMAN LYNN: Mr. Hall.

18 COMMISSIONER HALL: Mr. Huntwork, I, in no
19 attempt to justify or express any agreement with what the
20 judge did or didn't say, I just want to read to you what
21 he did say.

22 COMMISSIONER HUNTWORK: Sure.

23 COMMISSIONER HALL: He said the Commission
24 also failed to favor competitiveness favoring
25 minority-majority voting districts, Hispanic districts,

1 the excess percentage necessary to meet the state's
2 burden necessary for nonretrogressive in Section Five of
3 the Voting Rights Act. That means the excess of those
4 necessary. That means they must lower the percentages to
5 create those necessary. Whether the numbers are to meet
6 true competitiveness is another question. We're here to
7 comply with the order.

8 Counsel and consultants have done an
9 excellent job. I guess in my opinion running a test that
10 leaves them identical would be contrary to what I
11 understand the intent of his order to be, not that I
12 object to reviewing that. It seems to be a fruitless
13 exercise.

14 CHAIRMAN LYNN: Further discussion on the
15 motion?

16 MR. JOHNSON: Mr. Chairman.

17 CHAIRMAN LYNN: Mr. Johnson.

18 MR. JOHNSON: One piece of information may
19 be useful. I can point out which districts are
20 competitive, ones, whether or not they overlap with
21 districts, if that would be, if --

22 COMMISSIONER HALL: Please.

23 DR. McDONALD: -- competitive districts on
24 this map which are hiding in the background are districts
25 M, Districts O, and Districts L, District B, and District

1 H.

2 MR. JOHNSON: What I was going to add, with
3 the overlay now, District M takes population from what
4 was District 13. District O has a small area, I don't
5 know from a quick look how many people, from what was
6 District 14. And District L is taking a relatively large
7 area from what was District 15 both on the west side of L
8 and south side of L. So if that was helpful, identify
9 offer that.

10 CHAIRMAN LYNN: Mr. Huntwork.

11 COMMISSIONER HUNTWORK: Well, I just want
12 to say it's not helpful because of the fact we may have
13 simply added other Democrat voters to those same
14 districts, just traded one type of Democrat voter for
15 another in order to maintain them as safe Democrat
16 districts. I don't know. So, therefore, I don't know
17 whether you could achieve the same result just going left
18 instead -- west instead of south. There's no way to know
19 unless you do a test.

20 CHAIRMAN LYNN: Further discussion on the
21 motion?

22 Mr. Elder.

23 COMMISSIONER ELDER: Mr. Chairman,
24 Mr. Johnson, I guess my concern is here I'm not so sure I
25 understand or know the value that we, too, would get out

1 of running this test. Is this a major effort to do this?
2 And are we going to preclude looking at other things
3 because this took so long? I don't know whether that is
4 a fair question, but it's -- I look at it from that
5 overlay you just did. Trades in population appear
6 generally to affect, I think it was, counting five or six
7 districts and three of the four competitive districts.
8 I'm not so sure that if we're going to be -- I don't know
9 whether we would lose all five or lose four, but it looks
10 like the impact on competitiveness in view of Georgia vs.
11 Ashcroft may be too excessive to go to the effort of
12 giving it a try. So how much of an effort is required to
13 see how many competitive districts you can maintain
14 there?

15 MR. JOHNSON: Well, the three, of ones
16 Dr. McDonald listed, three overlapping with the 2004
17 voting rights districts mentioned. So all three of those
18 would be changed. We have --

19 COMMISSIONER ELDER: Get to the back.

20 MR. JOHNSON: We have the team here, so as
21 not to keep us from doing other work. I -- I would be
22 very hesitant to make a time estimate.

23 CHAIRMAN LYNN: I'll make you make a time
24 estimate on all tests ordered at some point.

25 MR. JOHNSON: This one is a much larger

1 time frame than the other ones ordered.

2 MS. LEONI: Yes.

3 (Discussion off the record between

4 Ms. Leoni and Mr. Johnson.)

5 CHAIRMAN LYNN: Mr. Huntwork?

6 COMMISSIONER ELDER: There's a question of
7 Doug.

8 DR. McDONALD: As a rough estimate of how
9 much time this would take, look back when Doug and I,
10 Mr. Johnson, I could call him Dr. Doug at some point
11 soon, I hope, when we sat down originally with the map
12 and made competitiveness adjustments to the previous
13 version of this test map, and that was roughly six hours
14 looking at Maricopa.

15 CHAIRMAN LYNN: Thank you.

16 Mr. Huntwork.

17 COMMISSIONER HUNTWORK: Mr. Johnson, can
18 you tell me, without doing this test, whether it is
19 possible, whether or not it is possible to achieve the
20 same number of competitive districts without changing
21 those preapproved districts at all?

22 MR. JOHNSON: Let me defer to our
23 competitiveness expert, very happily, by the way.

24 CHAIRMAN LYNN: Dr. McDonald.

25 DR. McDONALD: Can I defer back?

1 It appears that that edge on L is where
2 there are Democrats. And L is close to being
3 uncompetitive. So that could affect L. O, if we could
4 keep it in its configuration, the Democrats that are
5 making that district, O competitive, are also coming from
6 the very tip there, at the southern end of it, so that,
7 too, could affect the competitiveness of O and as well
8 with M, Democrats we're getting from M are coming from
9 that eastern portion of M. So all three of those
10 districts we are going to have to take a good, hard look
11 at them to see how we may make them competitive.

12 CHAIRMAN LYNN: Mr. Huntwork.

13 COMMISSIONER HUNTWORK: Another way of
14 looking at it might be to ask in new configurations of
15 the voting rights district did the total spread between
16 Republicans and Democrats go down?

17 MR. JOHNSON: I'm not sure -- N --

18 COMMISSIONER HUNTWORK: We have this
19 competitiveness array that shows, the JudgeIt array that
20 shows the spread, if you will, and, you know, after -- we
21 compare the JudgeIt spread on the original preapproved
22 districts with the JudgeIt spread on the revised
23 districts. Is it greater, less, or the same? We have
24 the districts. All you have to do is look at the
25 original districts somewhat.

1 MR. JOHNSON: 2004 plan --

2 COMMISSIONER HUNTWORK: Yes.

3 MR. JOHNSON: -- versus Competitive B2
4 plan.

5 COMMISSIONER HUNTWORK: Yes.

6 MR. JOHNSON: Haven't done it, can get the
7 file.

8 CHAIRMAN LYNN: Some information.

9 COMMISSIONER HUNTWORK: If all we've done
10 is switch Democrats, it may not have any effect, total
11 competitiveness from that place. So we actually freed up
12 Democrats, which is a pretty good sign we did increase
13 competitiveness.

14 CHAIRMAN LYNN: Discussion on the motion.

15 COMMISSIONER HUNTWORK: One more question,
16 a question for counsel, really.

17 We are to comply with the Voting Rights
18 Act, to the extent it is consistent with the judge's
19 order. So if the judge actually ordered us to do
20 something contrary to the Voting Rights Act, otherwise we
21 are to comply with the Voting Rights Act.

22 My question to you is can you justify
23 making these changes?

24 Could we comply with the Voting Rights Act
25 diluting the minority percentages in these districts

1 without achieving any offsetting benefit to
2 competitiveness or some other criteria?

3 Don't we have to have some, under Georgia
4 vs. Ashcroft, don't we have to have some reason for
5 diluting a minority?

6 CHAIRMAN LYNN: Ms. Hauser.

7 MS. HAUSER: Mr. Chairman, Commissioner
8 Huntwork, no, we don't have to have another reason. The
9 judge has ordered us to apply a different sort of Section
10 Five analysis in terms of complying with Section Five of
11 the Voting Rights Act. And it allows for a tradeoff
12 between districts that are likely to elect members of
13 that minority group versus districts that are less likely
14 to elect members of a minority group or districts that
15 are ones in which minority members comprise a component
16 of the district and the district is able to elect someone
17 sympathetic to a minority group, i.e. Democrats, in this
18 case. So we have a couple of different kinds of
19 districts we can create that include lower percentages.
20 It is important for us to, and we are listening to
21 members of the minority groups who are coming in to give
22 us their view of what they consider to be something that
23 will give them the kinds of opportunities the judges --
24 that the Court is talking about. But the court's view is
25 clearly that by not creating so many likely to elect

1 districts, that we might in fact improve competitiveness.

2 Now the Department of Justice doesn't care
3 about the competitiveness criteria. But keep in mind
4 this is unchartered waters with respect to DOJ, because
5 Jose and I have looked and there has been no state thus
6 far that has taken a Georgia vs. Ashcroft type plan
7 through preclearance, so we're learning as we go here.
8 I'd say there are no real guarantees. We have to have a
9 number of offsetting districts where other kinds of
10 minority districts come into play.

11 We certainly can't go down in numbers of
12 minority districts, but there are going to be different
13 kinds of minority districts than previously. It's such
14 unchartered water we can't tell you for sure something
15 under this court order is going to require violating the
16 Voting Rights Act which could come up with something DOJ
17 says is fine, could come up with something DOJ says is
18 retrogressive.

19 COMMISSIONER HUNTWORK: So your advice is
20 we don't need an answer to answer my question.

21 MS. HAUSER: Advice --

22 COMMISSIONER HUNTWORK: We don't need the
23 test?

24 MS. HAUSER: I don't believe we do.

25 COMMISSIONER HUNTWORK: I'd withdraw the

1 motion.

2 CHAIRMAN LYNN: Is the second amenable to
3 the withdrawal?

4 COMMISSIONER ELDER: Yeah.

5 CHAIRMAN LYNN: Are there any other tests
6 to be offered by the Commission, ordered by the
7 Commission?

8 I'm not able to make a motion. Let me try
9 to state an issue --

10 COMMISSIONER HUNTWORK: I have some --

11 Go ahead.

12 CHAIRMAN LYNN: I wanted to wait until it's
13 all finished --

14 COMMISSIONER HUNTWORK: If you are thinking
15 about what I just did, I want to look at North Central
16 Phoenix.

17 CHAIRMAN LYNN: In what way?

18 COMMISSIONER HUNTWORK: I want it up on the
19 board.

20 CHAIRMAN LYNN: Oh, that way.

21 North Central Phoenix.

22 Thank you.

23 One of the reasons I want to look at it, I
24 have no idea what the streets are until now. The
25 districts all, I don't know where they are, so. . .

1 CHAIRMAN LYNN: I think, Mr. Huntwork, in
2 every one of the instances, there was an opportunity to
3 move the map in or out, get a sense of where the
4 districts are relative one to another and where they fit
5 on the map. It -- we're clearly happy to have blown it
6 up to whatever level of detail you would like.

7 COMMISSIONER HUNTWORK: Mr. Chairman, you
8 may have quicker eyes than I do. I never -- it's on the
9 wall over there and certainly does not have the streets
10 on it. I looked at it for half an hour and couldn't
11 figure out what they were. This was all flashed on the
12 map during the initial tour.

13 The point, my point, District O, is, in my
14 mind, violates the whole point and purpose of Proposition
15 106. I'm not sure in itself, in its own four corners, it
16 necessarily violates the rules that we have articulated
17 here. I am sure it's not a district that is really
18 intended by Proposition 106, however, it's a competitive
19 district that was found; but I guess my question is, is
20 there anyway in the world that that district can be made
21 more compact?

22 Just take me through how that became a
23 competitive district. Where are the Republicans,
24 Democrats in the district? How is that put together?

25 CHAIRMAN LYNN: Dr. McDonald.

1 DR. McDONALD: Doug, get it on the map on
2 the screen so we see this.

3 MR. JOHNSON: 30 seconds here.

4 CHAIRMAN LYNN: All the time we need.

5 DR. McDONALD: You should appreciate how
6 quickly Doug does this. This isn't easy.

7 COMMISSIONER ELDER: So we found.

8 DR. McDONALD: Like a batter up at the
9 plate.

10 CHAIRMAN LYNN: If you didn't appreciate
11 Mr. Johnson before, do now. Those that don't work with
12 these kind of files, Mr. Sissons can tell you these files
13 are very good to work with, but they take awhile. And
14 the speed with which Mr. Johnson in particular does this
15 is quite remarkable.

16 MR. RIVERA: That's my son.

17 CHAIRMAN LYNN: I understand in California
18 where training goes on, there is an award to the student
19 that can access GIS files the fastest called The Dougie.

20 COMMISSIONER ELDER: The Dungeon, gets put
21 in The Dungeon (laughter).

22 DR. McDONALD: I think I'm ready to proceed
23 explaining this district.

24 CHAIRMAN LYNN: Dr. McDonald.

25 DR. McDONALD: Let me be clear in just

1 explaining why this district is a competitive district,
2 not explaining how it's devised. This district, in the
3 first place, because it's based on all the decisions,
4 their thread to the district in first place, why this
5 district is a competitive district, first of all, it's a
6 leaning Republican district. Its JudgeIt score is 46.6,
7 so it falls just inside the competitiveness range. The
8 light blue you see in this district is composed of
9 basically 45 to 55 percent AQD. We don't have a JudgeIt
10 score for these areas. This will be used as a proxy. So
11 these are the competitive areas of the, of this
12 particular map, if you will, though it's not quite within
13 the competitiveness range. There's a more Democratic
14 area which is the light green, the lower corner there.

15 And then we see that there are Republican
16 areas of 35 to 45 percent AQD range scattered throughout
17 the district as well, the reason why this district has to
18 hook up and over is to pick up those mixed partisan areas
19 in the east there around East Bell Road, in that area
20 over on the right-hand side of the screen.

21 Is that good enough?

22 COMMISSIONER HUNTWORK: Yeah. Thank you.

23 CHAIRMAN LYNN: I would assume, from the
24 color coding on the map that, at that point, that's
25 essentially the only way this can be configured and be

1 competitive given the opportunities that you would have
2 to go in any direction to assemble voters in a manner
3 that would continue to be competitive.

4 DR. McDONALD: Correct. That was the
5 decision-making process we used here, yeah.

6 COMMISSIONER HUNTWORK: Well, Mr. Chairman,
7 this -- I'm appalled at this district. I mean there is
8 no way in a logical redistricting process that a district
9 of that size or that configuration, and that goes from
10 the northeast end to the Southwest end, would ever come
11 to exist. It is a gerrymander pure and simple. And I
12 think, you know, to my mind it goes without saying we
13 should not be contemplating a district of that kind.

14 CHAIRMAN LYNN: I certainly concur. In
15 normal circumstances we wouldn't.

16 Further tests that you would like to order?

17 I would ask, Mr. Johnson, let me ask a
18 couple quick questions, if I may, regarding the Mohave
19 County area of the map and the extension down south of
20 Mohave County to probably La Paz. Maybe not as far as La
21 Paz County, the river section of the map, if you will.

22 Specifically, I note on this map as with
23 other choices, there are some splits of cities. I want
24 to talk about those in particular and then a more general
25 question about, I believe, R, which is barely contiguous.

1 I guess what I'm asking, in general terms, I know BB is
2 competitive. Is that accurate?

3 DR. McDONALD: That's correct.

4 CHAIRMAN LYNN: Is there a way, any way, a
5 test you might run, that you know of, that would address
6 the problem, number one, of city splits in the area of
7 Lake Havasu, and secondly, is there any way to deal with
8 District R, because we're dealing with a fairly remote
9 area, it seems to me, some census tracts that are
10 probably quite sparsely populated in such a way that
11 district would look somewhat better in terms of its
12 overall contiguity. I know it's contiguous, has a pretty
13 small nexus under your R.

14 Nice job writing that L. I saw it anyway.

15 MR. JOHNSON: Let me address the second
16 comment there.

17 In terms of District R, you're right, it
18 would be more compact to have a wider neck through there.
19 The reason for developing the map at the way, north edge
20 of the Yavapai County line, we wanted to avoid another
21 county split. The south side, this is District 24, the
22 Coalition asked us not to change. District R drawn here
23 fails the compactness test slightly. What we did,
24 looking at this, we took the corner of 24 here, which
25 involves a grand total of two people to get us up over

1 .17 people to improve it more, correct, virtually an
2 unpopulated southwestern corner of Yavapai County, and
3 added a split of Yavapai County to improve the
4 compactness of R.

5 The question of Lake Havasu, we split Lake
6 Havasu. I'll let Dr. McDonald talk to it. We worked
7 quite a bit.

8 DR. McDONALD: Doug could talk about it as
9 well.

10 We looked quite a bit to keep Lake Havasu
11 whole. When working on BB, we ran short of population,
12 where we're going to put it. In the end we had to take
13 some population out of BB. That, unfortunately, had to
14 come out of Havasu. We didn't see any other way where we
15 could move population.

16 CHAIRMAN LYNN: Do you feel a test would
17 not reveal, with sufficient time to look at it, a test
18 would give you another opportunity to --

19 MR. JOHNSON: In the six hours Dr. McDonald
20 said we spent on it, two, two and a half were on that
21 issue to address that. Nothing is ever impossible given
22 enough time. That's a lot.

23 CHAIRMAN LYNN: I'd ask my fellow
24 Commissioners is someone interested in reconfiguring R in
25 a way that makes that district a little better in terms

1 of compactness? Since I can't make a motion.

2 COMMISSIONER HALL: Mr. Chairman, I would.
3 Before we do that, can you walk me along the southern
4 border of BB. Start me at the goose neck, if you would,
5 up high. What is this, the yellow line.

6 MR. JOHNSON: That is the border of Parks,
7 Williams and Parks here.

8 COMMISSIONER ELDER: Parks?

9 MR. JOHNSON: A census designated place
10 here close to Flagstaff.

11 MR. RIVERA: Yes, Mayor Donaldson?

12 COMMISSIONER ELDER: Are there people in
13 this park?

14 CHAIRMAN LYNN: One at a time.

15 MR. JOHNSON: The census place of Paulden,
16 the north tip of the Tri-Cities area.

17 COMMISSIONER HALL: What is that?

18 MR. JOHNSON: On the freeway is Ash Fork.

19 COMMISSIONER HALL: My memory, there is
20 some testimony with respect to Ash Fork. If this came
21 out can Havasu go in complete?

22 MR. JOHNSON: No. That's one of the things
23 we looked at.

24 COMMISSIONER HALL: Because it affects
25 competitiveness or --

1 MR. JOHNSON: Correct me if wrong, it was a
2 population issue.

3 DR. McDONALD: A population issue.
4 District B, District B has a competitiveness score of 49
5 percent. So we can move a substantial amount of
6 population out of BB and maintain it's competitiveness.
7 We can still drop it two percentage points and still be
8 competitive. But we did look at these alternatives. We
9 actually wanted to keep Havasu intact. There was too
10 much population.

11 COMMISSIONER HALL: Took it all in, it
12 splits Havasu more, is that what you are saying?

13 DR. McDONALD: This is the move we did
14 initially to try to keep Havasu intact.

15 CHAIRMAN LYNN: Mr. Elder.

16 COMMISSIONER ELDER: Mr. Chairman, Doug, go
17 to the river by Havasu and the Yuma community of
18 interest. This almost falls into the discussion we had
19 in Tucson while looking community of interest at the
20 barrios and which priority did we take, the existing
21 precleared whatever districts or the barrio community of
22 interest that was as described.

23 Doug, would there be much difference there
24 if we took in, say, north of I-10 and broke this
25 district, would that, there be enough people there to

1 bring it -- or not there, to bring it to where we're not
2 splitting Havasu? It doesn't have any effect on the
3 voting rights in DD to move the lines somewhat --

4 CHAIRMAN LYNN: It's not going to help
5 Havasu.

6 COMMISSIONER HALL: Splits it more.

7 CHAIRMAN LYNN: Splits it more.

8 COMMISSIONER ELDER: Goes along with Josh's
9 question, came down to add population to R, took the
10 northern area to CC.

11 DR. ADAMS: BB, taking out of BB and rotate
12 through there might then help Havasu, no?

13 COMMISSIONER HALL: Has the opposite
14 effect.

15 MR. JOHNSON: Mr. Chairman, Commissioners,
16 we looked, the population numbers, trade-offs of towns,
17 they don't match up to the number of people in the county
18 and city.

19 COMMISSIONER HALL: Havasu is like 50,000?

20 MR. JOHNSON: The entire city is almost
21 42,000. I haven't -- don't remember the exact number
22 there split out.

23 COMMISSIONER ELDER: To answer the last
24 question, Yuma, the DD district, the whole did not really
25 affect the issue of Havasu and the river communities.

1 MR. JOHNSON: No, it was driven much more
2 by driving DD than R.

3 COMMISSIONER HALL: Thank you for letting
4 me digress, make attempts to make R more compact and get
5 a cleaner, contiguous look, for lack of a better word.

6 CHAIRMAN LYNN: Is there a second?

7 COMMISSIONER HUNTWORK: Second.

8 COMMISSIONER ELDER: Second, yeah.

9 CHAIRMAN LYNN: Thank you.

10 Discussion on the motion?

11 If not, all those in favor signify by
12 saying "Aye."

13 COMMISSIONER ELDER: "Aye."

14 COMMISSIONER HALL: "Aye."

15 COMMISSIONER HUNTWORK: "Aye."

16 CHAIRMAN LYNN: Chair votes "Aye."

17 CHAIRMAN LYNN: Thank you, Mr. Hall, for
18 doing that.

19 Other tests you wish to order at this time?

20 If not, Mr. Johnson, given the workload
21 that we have just created, I need a generous effort, a
22 generous estimate on your part, generous, let me be clear
23 in my definition of terms, it is very important in this
24 process, "generous" means I want you to take as much time
25 as you honestly believe it will take, understanding you

1 have multi-tasking capability, in order to come back with
2 most if not all of these tests while the balance of the
3 tests are still being run so we maximize our time here by
4 only taking as much of a break, for example, as would be
5 necessary to get most of the work done.

6 MR. JOHNSON: I was asking go to ask:
7 Generous to whom?

8 CHAIRMAN LYNN: Let me put it this way:
9 Are we hiring you or are you hiring us?

10 COMMISSIONER HALL: Generous to those who
11 get paid the least, Doug.

12 MR. JOHNSON: Let me walk through the
13 changes to A and J. K is one test, the Chandler test.

14 CHAIRMAN LYNN: And N, Doug.

15 MR. JOHNSON: Yes, sorry.

16 The Chandler test, the Tucson Foothills
17 test, the District AA voting rights test, the barrios
18 test, and then the District R test. I would be fairly
19 comfortable if we took a break through dinner, came back
20 after dinner. We could have this done --

21 CHAIRMAN LYNN: After dinner is a long
22 period of time, Mr. Johnson.

23 If I came back at 7:00, 8:00, 6:00 --

24 MR. JOHNSON: I would say 7:00, 7:30, we
25 should be well along.

1 DR. McDONALD: Some tests by then.

2 CHAIRMAN LYNN: Again, I want it to be
3 generous, really, to you. I don't want everybody to come
4 back to be seeing test results and not have them. I'd
5 much rather err on the side to giving you enough time to
6 have them done.

7 MR. JOHNSON: I'd be comfortable saying
8 7:30, 8:00.

9 CHAIRMAN LYNN: We already slid a half
10 hour.

11 7:00, 7:30; 7:30, 8:00.

12 MR. JOHNSON: I think 7:00. To be sure,
13 look at 7:30 or 8:00.

14 CHAIRMAN LYNN: I'd ask the Commission it's
15 pleasure. Do you want to recess until 8:00 o'clock this
16 evening and spend a couple hours looking at these tests
17 or would you like to recess until tomorrow morning and
18 maybe even start earlier than 8:30?

19 MR. MILLS: Oh, God.

20 THE REPORTER: The record recognizes that as
21 Mr. Mills.

22 CHAIRMAN LYNN: I'll have none of that. I
23 can have you removed. Nothing would give me greater
24 pleasure.

25 Or would you rather come in tomorrow

1 morning at 8:30? I'm concerned. We need to get the most
2 work done in as expeditious a fashion as we can. What is
3 your pleasure? You tell me.

4 COMMISSIONER HALL: Well, Mr. Chairman,
5 speaking on behalf of my ownself, I, frankly, I don't
6 know what we are going to do at 8:00 o'clock tonight. I
7 mean -- and in the event we -- in short, I recommend we
8 come back at 7:30 in the morning would be my
9 recommendation.

10 CHAIRMAN LYNN: Ms. Hauser?

11 MS. HAUSER: At 8:00 o'clock what you could
12 do is view the results of the tests and then if you have
13 any additional work you want done, at least there is time
14 over the evening to get it done. You are going to
15 have -- if done at 8:00 o'clock with tests, it's dead
16 time with the crew in the other room.

17 COMMISSIONER ELDER: They sleep.

18 CHAIRMAN LYNN: No.

19 MS. HAUSER: Keep in mind, additional staff
20 is available and time is limited. That's just my
21 cautionary note. You may in fact have some additional
22 work you might want to order that could then be ready, go
23 one step further for the morning.

24 CHAIRMAN LYNN: Ms. Leoni.

25 MS. LEONI: Thank you, Chairman Lynn.

1 In light of the, I think, reaction to the
2 lateness of the hour and the fact you've been working
3 very hard, maybe one approach would be to bring back at
4 7:00 the bulk of these tests. It may be by the end of
5 the hour, by working, the last one or last couple will be
6 done, and we can try to eek a couple hours out this
7 evening. Start earlier than 8:00, start at 7:00, have
8 the bulk ready for you.

9 CHAIRMAN LYNN: That was my question.
10 There are others with you to help do this. Certainly we
11 can take short breaks. I wanted to make the best use of
12 time. If the bulk of the testing is done at 7:00, that's
13 another option. If absolutely no testing, recessing four
14 hours, coming back at 7:00.

15 Without objection?

16 Mr. Huntwork?

17 COMMISSIONER HUNTWORK: I kind of do. I
18 don't know how everyone else feels. I'm tired right now.
19 And I don't think I'll be helpful at 7:00 tonight. I
20 much prefer to get an early start in the morning. I'm a
21 morning person, as they say.

22 CHAIRMAN LYNN: Mr. Elder, do you want to
23 weigh in on this one?

24 COMMISSIONER ELDER: Mr. Chairman, I would,
25 I guess, since we don't have a color copier, I'd like to

1 review them almost without comment at 7:00, see them so I
2 can look at the data crunch, some other things going on,
3 and start at 8:00 o'clock tomorrow morning. That would
4 be my preference. If we see something hair raising,
5 whatever, at 7:00, have the opportunity to also go into
6 Executive Session this evening, ask questions about the
7 law, or whatever else.

8 CHAIRMAN LYNN: I'm getting the consensus,
9 or sense, I should say -- I understand, Mr. Huntwork, you
10 may have a different opinion. I'm getting the sense we
11 ought to recess until 7:00 this evening. At this time
12 we'll hear what consultants do have for us to report on
13 the testing and that at that time we can make a
14 determination as to how much longer we want to go this
15 evening or if we want to order other tests for the
16 morning, further testing.

17 COMMISSIONER HALL: Is that what he said?
18 It's not what I said.

19 COMMISSIONER ELDER: Mr. Chairman, one of
20 the reasons for not wanting to try to start taking action
21 on that, on these tests, is the Tucson contingent
22 Mr. Gallardo mentioned is coming tomorrow. I want input
23 on that before I vote either way on those issues, at
24 least have tomorrow open for doing those kind of things
25 the first little bit of the morning.

1 Mr. Hall.

2 COMMISSIONER HALL: What about the idea
3 that whenever done with the tests, provide copies as we
4 did last night --

5 COMMISSIONER ELDER: Did you get a map?

6 COMMISSIONER HALL: Last night?

7 COMMISSIONER ELDER: Neither did I.

8 Answer the question.

9 COMMISSIONER HALL: Last night --

10 COMMISSIONER ELDER: They can't do them.

11 MS. HAUSER: Can come down and post them.

12 CHAIRMAN LYNN: Sure, can print full
13 copies.

14 MR. RIVERA: Commissioner Lynn, they can
15 take them down to Alphagraphics or Kinko's, get copies.

16 COMMISSIONER HALL: My room can hold a big
17 map.

18 CHAIRMAN LYNN: I don't want to push the
19 Commission beyond its limits. I tell you, the more work
20 we get done today, the sooner we all go home, not just
21 the Commission, those following our work. I honestly
22 would like to spend of the part of evening in session.

23 Just let me know what you would like.

24 Mr. Huntwork.

25 COMMISSIONER HUNTWORK: Steve, I honestly

1 don't feel like I'm up to it. I could sit here and argue
2 with people. I can do that without any limitation.

3 In terms of being a reasonable participant
4 in the process, I'm not sure I would be much good. I
5 honestly prefer to get information, think about it, for
6 one thing, and start fresh in the morning. That I can
7 promise to do. Honest answers.

8 CHAIRMAN LYNN: Absolutely I want honest
9 answers.

10 Mr. Johnson.

11 MR. JOHNSON: One thought, it may be useful
12 to come back at 7:00, give you what we have, don't take
13 action, just in case questions come up going forward on
14 what you meant by a certain instruction that we're not
15 anticipating at this point the answer of that question so
16 we proceed for the evening rather than losing the night.

17 CHAIRMAN LYNN: I mean that's a reasonable
18 point, at a minimum.

19 And I understand, Mr. Huntwork, I
20 understand and sympathize with your position.

21 I would prefer to recess until 7:00 and see
22 the results. And barring any unforeseen calamities, it
23 would be a fairly short meeting.

24 Without objection.

25 COMMISSIONER HALL: I object.

1 CHAIRMAN LYNN: Are you serious?

2 COMMISSIONER HALL: Yes.

3 CHAIRMAN LYNN: Mr. Hall objected.

4 Unless someone would like to make a motion,
5 we'll do it that way.

6 COMMISSIONER ELDER: Mr. Chairman, I'd like
7 to know a little bit what the objection is, not wanting
8 to meet this evening or the content of what we might do.

9 CHAIRMAN LYNN: Mr. Hall.

10 COMMISSIONER HALL: Let me try and be
11 clear. I think our instructions are crystal clear. I
12 think that there is little ambiguity to the instructions.
13 Having now celebrated our third anniversary in the
14 process, my experience tells me sometimes complications
15 causes the time frame for tests to take longer than
16 anticipated, with all due respect, Doug. Therefore, I
17 think the most prudent use of time is to have the tests,
18 give more than ample time to be complete, accurate,
19 thorough, provide copies, data, tests, maps, come back
20 bright-eyed, bushy-tailed, fresh in the morning, and look
21 at that and go forward based on whatever additional input
22 we receive from whatever other parties.

23 COMMISSIONER HUNTWORK: Second.

24 CHAIRMAN LYNN: Moved and seconded.

25 Discussion?

1 Mr. Elder.

2 COMMISSIONER ELDER: My only concern with
3 that, and I would agree with Mr. Johnson, to the extent
4 that they may run into some issues, when they start
5 working with the K, A, and N, and start looking at
6 Chandler, and start looking the ins and outs, Arcadia
7 end, east end of A, effects on other districts we don't
8 anticipate, asking questions on which way to go.

9 If it's all right with the Commission for
10 the individual Commissioners to go down to their room
11 when there is the potential of having the maps and then
12 requesting either modifications or changes to them or
13 additional tests, you know, Doug may arrive at, we might
14 be able to do this.

15 Are you interested in doing that type of
16 thing, if we can have him go ahead and do that type of
17 thing? If he hits a hard spot, do that with him so
18 tomorrow morning -- I don't want to wait.

19 CHAIRMAN LYNN: You would vote against this
20 motion.

21 COMMISSIONER ELDER: I certainly would.

22 COMMISSIONER HUNTWORK: Mr. Chairman, if
23 Joshua and I simply don't show up at 7:00, you can't do
24 anything.

25 CHAIRMAN LYNN: Well, there's a point

1 well-taken, Mr. Huntwork. You are right.

2 COMMISSIONER HALL: I might add there have
3 been 30 minutes of test time discussing whether or not to
4 be here.

5 CHAIRMAN LYNN: I think, given that three
6 affirmative votes are required on anything that we do,
7 and the fact we only have four votes to work with this
8 session, discretion being the better part of valor, all
9 those in favor signify by saying "Aye."

10 COMMISSIONER HUNTWORK: "Aye."

11 COMMISSIONER ELDER: "Aye."

12 CHAIRMAN LYNN: The Chair is compelled to
13 vote "Aye."

14 Opposed say "No."

15 COMMISSIONER ELDER: "No."

16 (Motion carries.)

17 COMMISSIONER ELDER: I move we adjourn
18 until 8:00 o'clock tomorrow morning.

19 CHAIRMAN LYNN: Half hour early?
20 Would the mover move for earlier than 8:00?

21 COMMISSIONER ELDER: No.

22 MS. HAUSER: You can't.

23 MR. MILLS: Can't.

24 CHAIRMAN LYNN: I cannot hear you over

25 Mr. Mills. "Can't?" Noticed for 8:30 --

1 MS. HAUSER: The notice said no earlier
2 than 8:30.

3 COMMISSIONER ELDER: 8:30.

4 CHAIRMAN LYNN: Take Mr. Mills out, pat him
5 on the back, then bring him back.

6 8:30 is posted.

7 MR. JERNIGAN: You can recess.

8 CHAIRMAN LYNN: We could recess until 7:00.
9 We could. And I defy any lawyer in the room. We could
10 do it. Mr. Jernigan, can we recess until 8:00 o'clock
11 tomorrow morning, and at 8:30 we'll start tomorrow's
12 session.

13 COMMISSIONER HUNTWORK: I so move.

14 MR. RIVERA: There is a motion on the floor
15 already.

16 COMMISSIONER HUNTWORK: Not to recess.

17 COMMISSIONER ELDER: Withdraw the motion.

18 CHAIRMAN LYNN: Let me do it.

19 Without objection, we'll stand in recess
20 until 8:00 o'clock tomorrow morning in this session.

21 This session is recessed until 8:00 o'clock
22 tomorrow morning in the other room.

23 (Whereupon the Arizona Independent

24 Redistricting Commission recessed the

25 2-22-04 session at 3:28 p.m. to reconvene

1 the 2-22-04 session at 8:00 a.m. on 2-23-04
2 at the same address in the adjacent room
3 with the 2-23-04 session to convene
4 following beginning, as noticed, at
5 8:30 a.m.)

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing Arizona Independent Redistricting Hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 124 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 14th day of April, 2004.

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate Number 50349

