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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 23, 2004  
8:44 a.m.

CERTIFIED  
TRANSCRIPT  
(COPY)  
PREPARED FOR:  
ARIZONA INDEPENDENT  
REDISTRICTING COMMISSION

LISA A. NANCE, RPR, CCR  
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1                                   The State of Arizona Independent  
2 Redistricting Commission called to reconvene as it  
3 recessed its agenda of 8-22-04 to reconvene at 8:00 a.m.  
4 on 8-23-04 in Open Session was delayed and actually  
5 convened in Open Public Session on February 23, 2004,  
6 noticed for 8:30 o'clock a.m., at the Sheraton Airport,  
7 Tempe, 1600 South 52nd Street, Tempe, Arizona, 85281,  
8 went on the record at 8:44 a.m. in the presence of:

9

10 APPEARANCES:

11

CHAIRMAN STEVEN W. LYNN

12

COMMISSIONER JAMES R. HUNTWORK

13

COMMISSIONER JOSHUA M. HALL

14

COMMISSIONER DANIEL R. ELDER

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LISA A. NANCE, RPR, CCR NO. 50349

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2 ADDITIONAL APPEARANCES:

3

4 LISA T. HAUSER, Commission Counsel

5 JOSE de JESUS RIVERA, Commission Counsel

6 ADOLFO ECHEVESTE, IRC Executive Director

7 LOU JONES, IRC Staff

8 KRISTINA GOMEZ, IRC Staff

9 DOUG JOHNSON, NDC Consultant

10 MARGUERITE MARY LEONI, NDC Counsel

11 ALAN HESLOP, Ph.D., NDC Consultant

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

13

LISA A. NANCE, RPR, CCR, Court Reporter

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E X H I B I T S

NO. DESCRIPTION

\*Please reference footnote regarding map Exhibits, Pg. 9.

- 1 Adopted February 23 Test Map.
- 2 Map Labeled with large February 22 Tests A and B and to the right three smaller maps vertically named Tucson - Feb 22 Tests A and B, Phoenix - Feb. 22 Tests A and Phoenix - Feb. 22 Tests B.
- 3 Map Labeled with large February 22 Tests A and B and to the right three smaller maps vertically named Tucson - Feb 22 Tests A and B, Phoenix - Feb. 22 Tests A and Phoenix - Feb. 22 Tests B (duplicate of Exhibit 2).
- 4 Map Labeled with large February 22 Tests A and B and to the right three smaller maps vertically named Tucson - Feb 22 Tests A and B, Phoenix - Feb. 22 Tests A and Phoenix - Feb. 22 Tests (duplicate of Exhibit 2).
- 5 District Competitiveness State Leg - COI Competitive Feb 22 Tests A.
- 6A Arizona Legislative Districts, Col. Competitive B2.
- 6B Arizona Legislative Districts, Feb. 22 Tests B.
- 6C Arizona Legislative Districts Feb. 22 Tests A.
- 7 February 20, 2004, Letter from Prescott Valley, Richard C. Killingsworth, Mayor, Town of Prescott Valley, to Commissioners: Steven W. Lynn, Andrea Minkoff, Daniel R. Elder, Joshua M. Hall, James R. Huntwork, Independent Redistricting Commission, 1400 West Washington, Suite B-10, Phoenix, Arizona, 85007, (Included as submitted into the record herein.)



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E X H I B I T S

NO. DESCRIPTION

- 8 SCF-01-04 Resolution of the Redistricting Subcommittee of Intergovernmental Relations Committee of the Navajo Nation Council, 20th Navajo Nation Council - Second Year, 2004.
- 9 State Representative Phil Lopes, Legislative District 27, Speaking for Himself
- 10 Speaker Slip for Mike Flannery, Prescott Valley Council Member, Prescott Tri City Area.
- 11 Speaker Slip for Neil Vincent Wake, Attorney, Arizonans For Fair and Legal Redistricting, Inc.
- 12 Speaker Slip for Matt Ryan, Chairman, Board of Supervisors, Coconino County
- 13 Speaker Slip for Delwin Weingert, Apache County Manager, Apache County
- 14 Speaker Slip for Patrice Kraus, Intergovernmental Affairs Coordinator, City of Chandler
- 15 Speaker Slip for Leonard Gorman, Legislative Chief of Staff, Navajo Nation
- 16 Speaker Slip for Representative Steve Gallardo, Minority Coalition
- 17 Speaker Slip for Senator Jorge Garcia, State District 27

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E X H I B I T S

NO. DESCRIPTION

- 18 Speaker Slip for Representative Ted Downing,  
Speaking on Behalf of Himself
- 19 Speaker Slip for Representative David Bradley,  
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- 20 Speaker Slip for Representative Steve Gallardo,  
Minority Coalition

\*Footnote to Exhibits: Map "Communities and Competitiveness B2" is Exhibit 1 to the 2-22-04 Session of the Arizona Independent Redistricting Commission and attached to the Original Transcript of that session and described on the Index for the 2-22-04 Transcript That map is referenced repeatedly in this transcript and was on display all day during the 2-23-04 Session.



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Public Session  
Tempe, Arizona  
February 23, 2004  
8:44 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. Ms. Minkoff continues to be excused. We have legal counsel, consultants, and staff.

Ladies and gentlemen, the order of progression this morning, as I see it, is first a report from NDC on the tests that were ordered yesterday. Then I would like to take public comment. And for that purpose, if you have not filled out a yellow slip, please do so, pass it along, and we will take public comment. And at that point, we'll just kind of figure out where we go next. But that's as much as I know. So if there is no objection, I would like to begin with a report from NDC on the tests that were ordered yesterday and the results of those tests, without objection.

MR. JOHNSON: Okay. Let me get it up here.

Mr. Chairman, Commissioners --

Mr. Chairman, Members of the Commission, the Commission last night gave, or yesterday, I guess,



1 gave NDC six different tests to run. So we have run  
2 those. And I have results to print out. Five of the  
3 tests are identical in the two versions that have been  
4 put around, so on the walls, on the maps on the walls and  
5 in the spread sheets test A and test B are identical  
6 everywhere except in Phoenix, so just clarify the  
7 difference between those. One thing I should also  
8 mention, on the spread sheets in District S, those two  
9 kind of errant blocks we talked about other day back in  
10 the base map. In the spread sheets, S had dropped  
11 slightly below being majority minority. It's fixed.  
12 There is no impact on anything else we did. On the maps  
13 you'll see on the screen those are fixed. To explain on  
14 the spread sheets, S should be 50.02, not 49.08. The  
15 exact same changes to blocks in Apache Junction.

16                   Let me walk through exactly what the tests  
17 were, first.

18                   First we were looking at Chandler which was  
19 trying to reduce Chandler from being split between three  
20 districts down to being in just two districts. And I'm  
21 summarizing these.

22                   The second test was Tucson Foothills to  
23 look to take District U out of incorporated Tucson.  
24 Third was looking at the Northern District AA and trying  
25 to improve the voting right strengths and Native American



1 population there. The request was to see if we could get  
2 to 62.15 or as close thereto as we could. The fourth was  
3 looking at the Tucson barrios and trying to unify them in  
4 either District W or T while not affecting the voting  
5 strength of Hispanics in either district. Fifth was  
6 trying to make a compact District R. The district goes  
7 from part of Lake Havasu into Phoenix. And six, this is  
8 where the difference is between the two plans, was  
9 looking at districts A, J, K, and N, which are the voting  
10 rights districts in the South Mountain area. And I'll  
11 show this graphically, but those, A, J, and N, the  
12 districts that are now majority Hispanic voting age, are  
13 identical in both tests, no difference between the two of  
14 them.

15                   What we did is in test B, we just did that  
16 portion of the instruction. And then in test A, the  
17 Commission also instructed us to look at the compactness  
18 and ripple that happens and what we could do to different  
19 other criteria while making these changes. So test A  
20 you'll see we've been able to reconfigure K and districts  
21 around it to make some changes to communities and  
22 compactness for your consideration. That's the  
23 difference between A and B is districts K and Q and ones  
24 north of our voting rights Phoenix districts and ripple  
25 through them.







1 And I know this is going to sound funny, but I'm color  
2 blind. And I can hardly see those distinctions.

3 MR. JOHNSON: Right.

4 COMMISSIONER HUNTWORK: Is there any way  
5 you could change the pallet?

6 MR. JOHNSON: Yes.

7 COMMISSIONER HALL: Now we know.

8 CHAIRMAN LYNN: Is that three years' worth  
9 of color blindness?

10 COMMISSIONER HUNTWORK: Explains a lot.

11 CHAIRMAN LYNN: It does.

12 COMMISSIONER HALL: If we had known that  
13 three years ago, we'd have been done.

14 COMMISSIONER HUNTWORK: That's a lot  
15 better. I can see that a lot better.

16 CHAIRMAN LYNN: Anything else you wish to  
17 share with us, Mr. Huntwork?

18 COMMISSIONER HUNTWORK: That's more than I  
19 really wanted to.

20 THE REPORTER: Actually, over 10 percent of  
21 males are color blind.

22 COMMISSIONER HUNTWORK: Thank you.

23 DR. McDONALD: Mr. Chairman, Commissioners,  
24 when we adjusted District H to incorporate the entire  
25 City of Chandler within its borders. We lost a



1 competitive district in that process. And in order to  
2 retain a competitive district, we looked elsewhere within  
3 the region, within specifically the City of Mesa, and  
4 created a District C, which is this key-shaped feature,  
5 which runs through the center of Mesa. And this district  
6 is a competitive district. So in, in adjusting H for  
7 Chandler, we were able to draw a competitive District C  
8 to the north of the old District H in the City of Mesa.

9 COMMISSIONER HALL: What are the  
10 boundaries, east, west boundaries of that thing?

11 DR. McDONALD: Where are we?

12 MR. JOHNSON: In the east it's Crismon --

13 MS. HAUSER: "Crismon."

14 MR. JOHNSON: Sorry, "Crismon," yes.

15 In the north runs along -- I'll probably  
16 mispronounce this one, McKellips.

17 MS. HAUSER: You got it.

18 MR. JOHNSON: Then it steps down to  
19 University Drive, and then it comes over to the Tempe  
20 city line, and down almost to the Mesa-Chandler border  
21 stopping at Guadalupe Road.

22 CHAIRMAN LYNN: Just out of curiosity,  
23 Mr. Johnson, not that it's going to improve things a lot,  
24 you notice an outcropping on the west end of that  
25 district and a notch at the southern end. If you made



1 that trade, would it no longer be competitive?

2 DR. McDONALD: That's correct.

3 CHAIRMAN LYNN: Thank you.

4 DR. McDONALD: This one is right on the  
5 borderline.

6 COMMISSIONER HALL: Can you highlight Queen  
7 Creek, please?

8 MR. JOHNSON: Sure.

9 The City of Queen Creek is entirely in H,  
10 or the Maricopa County side of that, I should say, is  
11 entirely in H.

12 CHAIRMAN LYNN: Mr. Elder.

13 COMMISSIONER ELDER: Mr. Chairman, the --  
14 Doug, could you somehow, or if it's possible to tell me  
15 what the population spread is between Mesa portions in  
16 the Mesa area and the Chandler portions?

17 MR. JOHNSON: Of District H?

18 MR. JOHNSON: District -- yeah, H, that  
19 one, yes.

20 COMMISSIONER ELDER: Okay. I guess I'll  
21 go, we heard from the representative from Chandler that  
22 by being split three ways, we had done harm to their  
23 community of interest, being a city, because none of the  
24 third areas, or three parts of the areas, had any power  
25 or strength to be able to implement and they were the



1 lost child similar to the way Flagstaff was to the north.  
2 So if by splitting Mesa and splitting Chandler, the  
3 splitting Chandler goal was not attained, there's no  
4 reason to split Mesa five, six times, or whatever it is  
5 now, where it was split four times before.

6 MR. JOHNSON: Uh-huh.

7 CHAIRMAN LYNN: Mr. Huntwork, did you have  
8 a question of Mr. Johnson?

9 COMMISSIONER HUNTWORK: Probably. My  
10 question is a quickie. How many splits of Mesa were  
11 there before, previously, in the previous map and how  
12 many in this map?

13 MR. JOHNSON: Four in the previous map,  
14 which I think is what is required. I'll check how many  
15 is required. Mesa is larger than a district.

16 COMMISSIONER HUNTWORK: Right.

17 MR. JOHNSON: Four to six. One of six-zero  
18 population, six, District S; Pinal district fully picks  
19 up zero population areas on the north edge in order to  
20 make the districts compact to pass the Polsby-Popper  
21 test.

22 COMMISSIONER HUNTWORK: Four to five.

23 MR. JOHNSON: Four to five and a fifth  
24 unpopulated split.

25 Okay. Let me see if I've got this.



1                   That's not what I wanted.

2                   Okay. Try this again.

3                   CHAIRMAN LYNN: Mr. Elder.

4                   COMMISSIONER ELDER: Yes.

5                   CHAIRMAN LYNN: Let me try to understand  
6 your question as Doug is doing that. You are wanting to  
7 know, Chandler had indicated if split three times they  
8 felt their influence in those districts would be so small  
9 they wouldn't get representation.

10                  COMMISSIONER ELDER: That's correct.

11                  CHAIRMAN LYNN: You are asking if in a  
12 two-district split the portion of Chandler that is in the  
13 district that also contains Mesa has enough population to  
14 be enough population to be influential. Is that what you  
15 are trying to get at?

16                  COMMISSIONER ELDER: I'm trying to say  
17 "influence within Mesa," may be strong enough Chandler  
18 has no influence or doesn't have substantial influence in  
19 the portion left in that district, nor when you look at  
20 Ahwatukee, have enough strength there so they are still  
21 out in the cold. If that's the case, why go in and for  
22 the sake of creating another competitive district, if  
23 that is what the goal was there, to replace the one we  
24 were missing, and split the Mesa area, and gain nothing  
25 for the Chandler area, to me that does substantial harm



1 to the community of interest Chandler, does substantial  
2 harm to the community of Mesa, and we've gained  
3 absolutely nothing and, therefore, we've done substantial  
4 detriment and we've gained nothing.

5 MR. JOHNSON: Sorry, Mr. Chairman,  
6 Commissioners. What we have is of the 171,803 people in  
7 District H, 107,817 are from the City of Chandler. So  
8 60 -- almost 63 percent of the population of District H  
9 comes from Chandler in this case.

10 COMMISSIONER ELDER: Okay. That answers my  
11 question. Thank you.

12 MR. JOHNSON: Almost 63 percent.

13 COMMISSIONER HUNTWORK: Mr. Chairman.

14 CHAIRMAN LYNN: Mr. Huntwork.

15 COMMISSIONER HUNTWORK: If -- okay. The  
16 information that is missing is, and maybe we had it on a  
17 previous test, I'm not sure, what do these districts look  
18 like if we don't have a competitive district here and try  
19 to unite Mesa and Chandler and Gilbert and the other  
20 southeast valley cities as well as possible? That's  
21 really, I think, the baseline comparison.

22 COMMISSIONER HALL: And not put Queen Creek  
23 with Chandler.

24 MR. JOHNSON: Let me show you what --

25 COMMISSIONER HALL: Or Mesa.



1                   MR. JOHNSON: We got to this map through  
2 interim step Communities 2A which can fairly easily be  
3 swapped in here. Let me put some labels on it and -- so  
4 what is on the map here is that Communities 2A plan. And  
5 you see this is where Mesa is in four districts. So you  
6 have H, C, F, and then the southeast areas of Mesa and X.  
7 So this is the plan that -- and none of these are within  
8 our JudgeIt competitive range. B -- B always is, in all  
9 these plans, of C, F, H, X, and I. So this is the one I  
10 showed at the start of this weekend's meetings where we  
11 adjusted for voting rights, adjusted for cities,  
12 compactness, communities, other criteria.

13                   COMMISSIONER HUNTWORK: Could you show  
14 me --

15                   MR. JOHNSON: Well, change the colors, too.

16                   COMMISSIONER HUNTWORK: I can see those --  
17 well, actually, not that well. Show us the current plan,  
18 2004 plan.

19                   Okay. So this has, now, what I believe  
20 this plan has, I think four Mesa splits in this plan,  
21 too.

22                   MR. JOHNSON: Yes.

23                   COMMISSIONER HUNTWORK: Two districts  
24 almost completely Mesa. There is a very strong Chandler  
25 district and a very strong Gilbert district, basically.



1                   MR. JOHNSON: Yes. That's correct.  
2 Gilbert is united in 22, some pieces of Mesa and Gold  
3 Canyon.

4                   COMMISSIONER HUNTWORK: Yeah.

5                   Just out of curiosity, why would -- why --  
6 I know this map came up a different way. Insofar as it  
7 does the job of uniting the cities in the area, I'm just  
8 wondering, we, even in this new process, we defined the  
9 cities as communities of interest. Why -- and that was,  
10 I think, our primary goal -- why did we have -- why did  
11 it come out differently considering we had the same  
12 motivation doing of both plans in this part of the  
13 valley?

14                   MR. JOHNSON: The differences are kind of  
15 just at the edges and result largely from just a slightly  
16 different process we followed in getting to here. What I  
17 have on the screen now, I can zoom in now a little bit,  
18 this is the Communities 2A plan. The colors overlaid on  
19 top of it is the 2004 plan. You can see the differences  
20 are, in both plans, you have two entirely Mesa districts.  
21 You have this mixed heavily Chandler, also a fairly  
22 heavily Mesa District, Mesa coming down in 22, Gilbert  
23 united in both. The real difference in rotation came  
24 about just through the steps followed of where 22,  
25 instead of coming up a little more into Mesa goes down to



1 the south county line.

2 COMMISSIONER HUNTWORK: Right.

3 MR. JOHNSON: Actual equal population  
4 trades, more just walking through the districts and  
5 trying to keep them compact and uniting communities is a  
6 slightly different process, slightly different lines.

7 COMMISSIONER HUNTWORK: Okay.

8 MR. JOHNSON: You are right. It could be  
9 the 2004 approach rather than 2A.

10 COMMISSIONER HUNTWORK: Mr. Chairman, I  
11 have commentary. Maybe we should just continue with our  
12 tour of the tests.

13 CHAIRMAN LYNN: Happy to give plenty of  
14 time to comment. Why don't we go through the  
15 presentation.

16 COMMISSIONER HUNTWORK: Thank you.

17 MR. JOHNSON: So that's the Chandler test.

18 Next, let me jump down a little bit, jump  
19 around a little bit to Tucson and look first at the  
20 barrios, and I'll show you the Foothills. Start first  
21 with where we began.

22 So in the B2 test we were looking at  
23 yesterday, if I remember, the barrio area, Tucson barrio  
24 area which was split between W on the west and T on the  
25 east. The instruction was to unite it in one or the



1 other without impacting the Hispanic voting strength in  
2 either district, which we've done, actually uniting it  
3 into District W. So you can see the barrio area is  
4 united in W, T around it by a split, and then there were  
5 trade-offs just around the freeway to balance out  
6 populations between the two. So it's fairly  
7 straightforward. We may be able to clean up compactness  
8 of T in here. It's just a time matter of making sure we  
9 accomplished the instruction. And we can revisit that a  
10 little bit later. But we got there. All these  
11 districts, of course, passed the compactness  
12 measurements.

13 So any questions about that before we go up  
14 to the Foothills?

15 COMMISSIONER ELDER: For the record, this  
16 did not change the Hispanic voting rights or voting age  
17 in either of the two districts?

18 MR. JOHNSON: Right. I think it altered it  
19 by a couple hundredths of a point.

20 So to go up to the Foothills area, this  
21 one, let me give a little explanation. At first glance  
22 it's probably not what was expected. Let me start from  
23 the map we started at yesterday. The instructions were  
24 to look at District U, which is the red district here,  
25 which was crossing from the retirement communities



1 through the mountain to the Foothills and then down into  
2 Tucson. The instruction was to test taking that out of  
3 the incorporated Tucson area. What happened is we did  
4 that -- is we took it out, and then it, it's kind of a  
5 bifurcated district. We have Foothills population,  
6 retirement communities population. What we first did was  
7 kind of an effort to unite the communities and avoid  
8 compactness problems. We then tried to pick up the  
9 Marana area from V. And V, of course, we're trading off  
10 between these two. V picked up the north Tucson area.  
11 As we rotated this through we tried to balance it, ended  
12 up with a very, very skinny V, portions of Marana down  
13 below the Foothills as we tried to make it compact. What  
14 we ended up with is getting one of the two Foothills  
15 districts out of incorporated Tucson but rather than V,  
16 it actually was U. You could change the lettering and  
17 technically meet the instruction, but it's the same goal,  
18 I hope.

19                   So what we ended up with, as these  
20 districts kind of rotate around and just to keep  
21 configured before, V on top or U below, V to the west and  
22 U to the south and east, V picks up or has Marana, or the  
23 portion of Marana east of the freeway, has retirement  
24 communities, and then much of the Foothills. Let me get  
25 the road coming across. There is -- the rough part of



1 the border where you see jagged edges is the Tucson city  
2 line. And then it levels out, goes across Snyder Road  
3 until you get to -- I believe it's Tanque Verde that jogs  
4 up to Mount Lemon in Tanque Verde, areas in incorporated  
5 Tucson, and one of the areas you switch in incorporated  
6 Tucson, and the other one does not.

7 Let me have Dr. McDonald comment on what  
8 happened with competitiveness of these districts.

9 DR. McDONALD: Excuse me.

10 Yes, when we made this switch, hopefully  
11 I've got the right lettering on my spread sheets here,  
12 we're at test B --

13 MR. JOHNSON: Both are the same.

14 DR. McDONALD: Spread sheets here.

15 District U maintained its competitiveness.  
16 It's now at 51.4, and districts five maintained its  
17 competitiveness, 46.7 percent, but District V became an  
18 uncompetitive district at 44.0 percent.

19 COMMISSIONER HALL: Which way?

20 DR. McDONALD: Republican now.

21 MR. JOHNSON: Questions about any of this  
22 rotation?

23 CHAIRMAN LYNN: Let's press ahead.

24 MR. JOHNSON: Jumping up north to District  
25 AA, what we did up here is first we took it all the way



1 to the underpopulation level that was adopted in the 2004  
2 plan, 2.06 percent underpopulated, because we had not yet  
3 hit the benchmark as we walked towards that number. Got  
4 to that number. We were at 62.1. The catch was that  
5 district failed -- well, BB which resulted from those  
6 changes failed the compactness test. What you are  
7 looking at was not that. That district, west of Kingman,  
8 came all the way north until it hits the river. That  
9 2.06 percent underpopulation got us to 62.1, just short  
10 of the 62.15 number that was mentioned by the public  
11 yesterday. We also stopped and checked at 1.75  
12 underpopulated, the reference we've adopted for  
13 significant detriment resulting from competitiveness. At  
14 that point we reached Native American strength of 61.83,  
15 which also failed on the compactness test, less than .17  
16 on the Polsby-Popper score.

17 COMMISSIONER HALL: BB did.

18 MR. JOHNSON: Yes, BB did. What you are  
19 looking at passes the Polsby-Popper test, .17. AA is  
20 underpopulated by 0.55 percent, so about one-half of one  
21 percent, and the Native American voting age population of  
22 AA is 60.83. So we wanted to lay out those three  
23 options.

24 What you are looking at passes the  
25 compactness test AA at 60.83, could also go to 1.75 by



1 moving up in the west here, which would increase Native  
2 American voting age population in AA, also reduce the  
3 compactness score below .17, or continue further north  
4 and get all the way to 2.06 Native American population  
5 had before. There are three options to consider here.

6 COMMISSIONER HALL: What populations are  
7 you losing when you reduce AA, specifically?

8 COMMISSIONER HALL: The areas that were  
9 moved.

10 MR. JOHNSON: The first step, Grand Canyon  
11 Village and -- Tusayan?

12 CHAIRMAN LYNN: Tusayan.

13 MR. JOHNSON: South of the Colorado River  
14 where AA had been crossing over and picking up  
15 population, those were added into BB. Other areas are  
16 area from the Mohave County reservation south. Now AA  
17 stops at the -- includes the reservation and stops at the  
18 reservation border until it comes around to Kingman. So  
19 we're moving in three areas, the Grand Canyon Village  
20 area, south of the reservation in Mohave County, and  
21 north along the river a little bit. If we were to go to  
22 other steps going north along the river north.

23 COMMISSIONER HUNTWORK: Mr. Chairman.

24 CHAIRMAN LYNN: Mr. Huntwork.

25 COMMISSIONER HUNTWORK: So you are moving



1 population into BB.

2 MR. JOHNSON: Yes.

3 COMMISSIONER HUNTWORK: Makes it  
4 overpopulated.

5 MR. JOHNSON: Yes.

6 COMMISSIONER HUNTWORK: Have you done  
7 anything to shed population from BB?

8 MR. JOHNSON: Yes. BB went up to three  
9 percent overpopulated. So what we did is in Lake Havasu,  
10 which was already split, District R picks up more  
11 population from Lake Havasu to offset those deviations  
12 and you end up, and then a little bit of that from R we  
13 bled off into P, a little into Q as well. So we end up  
14 with BB overpopulated by 1.19 percent, and still we're  
15 careful, still passing the competitiveness test, and  
16 compactness test. And then R, another one of the steps  
17 up, actually R through all net changes, populated net  
18 seven four percent because of other things going on in  
19 Phoenix. That's how we could have taken those, about two  
20 percent through --

21 COMMISSIONER HUNTWORK: Why couldn't you  
22 shed more of BB into R?

23 MR. JOHNSON: You could, could shed more.  
24 It's a matter of time in balancing these tests. Roughly,  
25 as you'll see, it's roughly to get right at about one



1 percent in each district just because that last percent  
2 is a lot of time to work out while still testing.

3 We can revisit this.

4 COMMISSIONER HUNTWORK: Okay.

5 CHAIRMAN LYNN: Mr. Johnson, in the Lake  
6 Havasu area, I know only of one split. Help me  
7 understand what this test did in terms of splitting  
8 Havasu. Where did the greater population, where was it  
9 and where did it end up?

10 MR. JOHNSON: I'll zoom in on Lake Havasu.

11 The black line indicates where we started  
12 this test with the overwhelming majority of population in  
13 District BB, the green district. But there's still a  
14 couple thousand people in the southern portion in  
15 District R. And what happened as a result of test AA  
16 working through, R picked up more population, I think  
17 about 1,500 or 2,000 more people. Maybe not quite that  
18 many, may have picked up more. The majority of  
19 population remains very heavily in BB.

20 MR. JOHNSON: Actually I can get the exact  
21 numbers.

22 CHAIRMAN LYNN: No, that's okay.

23 Could you zoom out again, Mr. Johnson?

24 To Mr. Huntwork's question about shedding  
25 population, there are obviously a couple places where



1 that could happen. If you were given enough time, would  
2 one of those solutions, and I apologize for not knowing  
3 it off the top of my head, would one of those solutions  
4 work to improve the split in Lake Havasu or is that  
5 inevitable?

6 MR. JOHNSON: In all the testing we've done  
7 in different towns, places, trade-offs, we've always  
8 ended up with Lake Havasu split to keep BB competitive.

9 CHAIRMAN LYNN: I understand that. This  
10 test slightly increased the split. Is there a way to  
11 shed population that would go back toward the original  
12 line in that area?

13 MR. JOHNSON: We could, one thing mentioned  
14 yesterday was Seligman and Ash Fork, and we also have the  
15 little town of Bagdad in Yavapai County, R and C could  
16 pick up and take -- that would reduce the split. Still  
17 split Lake Havasu, but smaller. We could test the impact  
18 on competitiveness and compactness of that trade,  
19 tradeoff. That's something we could look at.

20 CHAIRMAN LYNN: Thank you.

21 MR. JOHNSON: Any other questions?

22 No?

23 DR. McDONALD: I think I should state for  
24 the record BB remains a competitive district.

25 CHAIRMAN LYNN: Thank you, Dr. McDonald.







1 is a third.

2 CHAIRMAN LYNN: Thank you.

3 MR. JOHNSON: After changes District R .16  
4 to .2 one in the Polsby-Popper test. Paragraph any other  
5 questions about this? Okay. Paragraph okay. So, now,  
6 last of the test, I'll give you some summary stats as  
7 well. Let me show you, in Phoenix, this is where I'll  
8 have to, actually, to present, A and B. Let me start,  
9 actually, with B. Paragraph so the first step was  
10 looking down, I'll put up the districts where we started  
11 yesterday, down here in A, J, and N, N went to 59th, on  
12 the border between N and K, and came to 35th and turn on  
13 the border between J and N. And the comments from the  
14 public and the instructions were to look at and see if we  
15 could get that from its 52.5 percent Hispanic VAP up  
16 above 53, try to get it up above at least half point.  
17 District A was at 48 and change Hispanic VAP, and the  
18 instruction was to see if we could get that up to 52,  
19 looking at moving that into K in area below Thomas and  
20 McDowell, and then trading areas from the northern  
21 portion of A back, and then also to look at seeing if we  
22 could get J from its 54.7 percent Hispanic VAP to 55  
23 percent, all -- and the discussion was about helping with  
24 DOJ preclearance and community concerns in this area. So  
25 what we've done is a rotation very similar to what was



1 described. One thing I realized, as working on this, is  
2 where N should pick up, but I've not thought to ask where  
3 N should drop off. That's one area probably different  
4 from what we talked about yesterday. We didn't talk  
5 about it. N was discussed yesterday slightly south and  
6 then slightly east, goes south to baseline, east just  
7 comes over 35th, but not all the way to 27th up there.  
8 The tradeoff for those areas that were added, actually K,  
9 and there was a concern about N not going east of 59th.  
10 I'm curious about feedback okay coming west of 59th.  
11 Where we did it is actually north of the canal up there.  
12 Let me show that.

13 K comes across 59th along the Grand Canal.  
14 And other than between the Grand Canal and Indian School,  
15 north of Indian School, and it goes over to 67th Avenue.  
16 So that tradeoff of picking up areas from J and giving up  
17 that area to balance it out, brings District N up in both  
18 tests to 53.3. So we do meet the 53 percent goal that  
19 was mentioned and we also don't come across 59th and thus  
20 don't divide those communities as we discussed yesterday.  
21 The ripple is from N and J.

22 As we discussed yesterday, J has given up  
23 population to N, then picks it up over here in the  
24 eastern end of A and picks up an area that is east of,  
25 who is this, yeah, east of 32nd and other than one small



1 corner north of McDowell. So that's the population  
2 tradeoff, and it actually brings J up to -- J is now  
3 55.35 percent, three-tenths of a percent over the target  
4 we're shooting for in the instruction. J and N are then  
5 have met the goals for that test.

6                   District A, when we brought it over, per  
7 the instruction, we brought it over to 51st. When we  
8 just started we came to 43rd and it was not enough  
9 Hispanic population to meet the target, so we brought it  
10 over to 51st south of Thomas and also over to 43rd  
11 between Thomas and -- Thomas and Indian School. The  
12 first tradeoff there was K, then came into the area north  
13 of Indian School and picked up an area going just east of  
14 the freeway. There still wasn't an even population  
15 shift.

16                   So what made sense was also, or made the  
17 most sense, we were looking at the numbers and trying to  
18 keep these things compact. Rather than bringing K in  
19 this narrow neck across the canal, we brought L down.  
20 This both helped L being a competitive Republican  
21 district, bringing Democrats in, and it helped us with  
22 compactness of A. And we did manage to meet the target  
23 goal. A now went 48.3 percent Hispanic VAP to 53.77, and  
24 you can also see two areas, a strip right between east of  
25 the freeway here and one mile just north of Glendale that



1 were traded off between K and L to balance out that  
2 rotation. So the first part of this instruction, which  
3 was to increase the Hispanic voting age strength in A, J,  
4 and N were accomplished that way.

5 I'll let Dr. McDonald comment on what the  
6 impact was on competitiveness from test B.

7 DR. McDONALD: Previously District K was  
8 a -- just outside the competitiveness range being a  
9 Democratic district. With these adjustments, K becomes a  
10 competitive district at 52.1 percent Democratic  
11 competitive district. All voting rights districts remain  
12 solidly Democratic and District L as well. I don't have  
13 the numbers sitting right in front of me on L. L now is  
14 still a competitive Republican district at 47.3.

15 MR. JOHNSON: We kind of freeze framed that  
16 to bring to you as one option. The other portion of  
17 this, as doing this to look at other criteria,  
18 compactness, cities, other criteria of Prop 106, these  
19 changes made possible other adjustments. So what we have  
20 here, let me highlight a bit of this, what I've done  
21 along that line for your consideration is a couple  
22 things. The jagged edge between M and K, K comes into  
23 Glendale. The split through Western Glendale is removed.  
24 M comes all the way to the city border. And K runs --

25 CHAIRMAN LYNN: Mr. Johnson, what does that



1 do to the total number of splits in Glendale?

2 MR. JOHNSON: Actually, we were at three  
3 and remain at three. The difference in these three  
4 correspond fairly closely to the communities of Glendale  
5 discussed the other day in West Glendale.

6 CHAIRMAN LYNN: West and east?

7 MR. JOHNSON: Old Town -- there is still a  
8 split in the north for population reasons, but it is just  
9 the far north tip of Glendale.

10 MR. JOHNSON: Did you have a different  
11 question?

12 COMMISSIONER ELDER: The communities  
13 discussed included Old Town. That was one of things we  
14 wanted to unite.

15 MR. JOHNSON: I can virtually show you the  
16 switch. See, actually test B, where the line kind of  
17 comes up? K actually comes all the way to the southern  
18 border of Glendale here. The split comes through Old  
19 Town, jogs back and forth as is done to make M a  
20 competitive district is a reason for that configuration  
21 while still keeping K to what we're looking for at that  
22 time for voting act reasons. So now we have similar --  
23 more feedback from the public and Hispanic community, a  
24 change in voting rights for K, allows M all the way to  
25 the border unifying the districts in Glendale. One other



1 thing, the compactness of communities and all that, K  
2 comes up and picks up the southern end of O. That then  
3 triggers a series of changes. O becomes more compact. E  
4 becomes more compact. And P becomes more compact. And  
5 over here, the number of splits in Peoria is still three  
6 but more in line with Peoria communities where instead of  
7 the north-south issue, or north-south running line, just  
8 far north of the portion of Peoria, the central main  
9 body, or small, southern westward edge, I'm sorry, the  
10 southern westward leg of Peoria in M.

11 A, J and N do not change in both tests.  
12 The only differences between the two tests are the impact  
13 north of those districts on primarily Q, M, K, O, and  
14 then somewhat rippling population into P and E.

15 So then we will have Dr. McDonald talk  
16 about the competitiveness impacts of this.

17 DR. McDONALD: Competitiveness, K remains a  
18 Democratic competitive district at 52.2 percent. M  
19 remains competitive at 52.9. O is no longer competitive,  
20 a 43.4 percent Republican district. E was never a  
21 competitive district. And the last one is P -- P to the  
22 north. P and L, L is not touched as far as I can tell in  
23 terms of competitiveness. And P, again, does not change  
24 its status either.

25 CHAIRMAN LYNN: Net is loss of one in this



1 test.

2 DR. McDONALD: Between A and B, net loss of  
3 one district.

4 COMMISSIONER ELDER: K?

5 MS. HAUSER: It's O.

6 COMMISSIONER ELDER: K was brought into --

7 DR. McDONALD: Net gain between the  
8 previous iteration, then when we do these tests, the two,  
9 the different tests, one with the additional district, O,  
10 and one without that District O, so we have K competitive  
11 both in the new districts and we could go one more with  
12 O.

13 MR. JOHNSON: Summary stats here, walking  
14 through essentially the maps here, we had the communities  
15 AA I mentioned at -- it seems months ago, I guess only a  
16 couple days ago, that had 14 cities were split in that.  
17 Then we walked through various changes over the past few  
18 days. We got to the B2 plan with 15 split cities. Both  
19 of these tests keep 15 split cities. The number of city  
20 splits, unsurprisingly the plan focusing on city splits,  
21 the lowest is 46, picked up a 47, and changes looked at  
22 you add two splits in test A and two more in test B. The  
23 number of competitive districts Dr. McDonald just talked  
24 about went from four in AA up to 10, dropped to nine,  
25 which is the loss of the Tucson district in test A which



1 switched K for O and just lost V.

2 And test B you have K and O as competitive  
3 districts back up to 10.

4 The number of districts below Polsby-Popper  
5 for compactness, many communities, AA is one, and R is  
6 below that number, and we fixed that so it's zero in both  
7 tests.

8 CHAIRMAN LYNN: Let me ask, from the  
9 Commission, questions of Dr. McDonald or Mr. Johnson of  
10 the report?

11 MR. JOHNSON: For the Commission, very late  
12 last night we put up the map and equivalency and spread  
13 sheets and sent it to the list of contacts and public, so  
14 they received those in the middle of the night.

15 DR. McDONALD: Mr. Chairman.

16 CHAIRMAN LYNN: Dr. McDonald.

17 DR. McDONALD: When we looked at the  
18 ripples on O, Mr. Johnson I sat down to see if we could  
19 contain the ripple by compacting O some by looking -- it  
20 looked like something in a previous iteration of O, so we  
21 abandoned that line of inquiry.

22 MR. JOHNSON: Saw we'd end up back at test  
23 A.

24 CHAIRMAN LYNN: If no questions from the  
25 Commission, what I'd like to do at this time is ask the



1 public to comment, understanding that they have just seen  
2 the maps, as we have, but most of the issues, as  
3 explained by Mr. Johnson and Dr. McDonald, are  
4 represented in the maps that have been on the wall. So  
5 we will go through the process as we have before of  
6 asking the public to comment. If you'd like to reserve  
7 comment to a later date, that's fine, let me know that.

8                   The first speaker I have a slip for State  
9 Representative Phil Lopes. Mr. Lopes represents District  
10 27.

11                   Mr. Lopes, good morning.

12                   REPRESENTATIVE LOPES: Mr. Chairman,  
13 Members, if you wouldn't mind putting up the Tucson map,  
14 please, and if you could lend me your pointer.

15                   MR. JOHNSON: Certainly. Hit the circle.

16                   REPRESENTATIVE LOPES: I was called out  
17 late yesterday afternoon by Mr. Gallardo asking if I  
18 could get out late last night. I did this morning.

19                   I'd be happy to comment on the, on this  
20 most recently proposed map.

21                   I'm a 35-year resident of the west side of  
22 Tucson, and I'm an anthropologist by academic training,  
23 so I know a little bit about communities of interest and  
24 that sort of thing. There are three, four comments I  
25 would make.



1                   One, the obvious one is what is that brown  
2 there, what letter is there?

3                   COMMISSIONER ELDER: "Brown."

4                   MS. HAUSER: Y.

5                   MR. JOHNSON: Y.

6                   REPRESENTATIVE LOPES: Y.

7                   There is no way you could see District Y as  
8 having a commonalty of interest. What you've got in that  
9 area right there is essentially the University related  
10 area, east of the University related area, and fairly  
11 middle class, if you will, working class population.  
12 What you have way down at the other end of Y here is an  
13 extension of the Hispanic lower income population here,  
14 and then Y extends all the way around, as I see it, over  
15 into Cochise County down in here. So that -- there is  
16 just no way that that could be seen as a -- an area with  
17 a commonalty of interest. So that's the kind of most  
18 obvious thing that jumps out when you look at the map,  
19 gives a whole new meaning to gerrymandering is what it  
20 looks like. Be that as it may, the other thing -- I  
21 didn't see this until you were making the explanation,  
22 correct me if I'm wrong, I think the City of Marana  
23 extends to the east side of the freeway. If that's the  
24 case, yeah, you're splitting, I don't know if you are  
25 aware, you are splitting the Town of Marana.



1                   MR. JOHNSON: Just for the record, we were  
2 aware. That was at the Coalition's request.

3                   REPRESENTATIVE LOPES: Now down to the  
4 area, what is W, essentially my district now, what you  
5 proposed as W is essentially the same as the district is  
6 now. I'd make a couple of comments. I know your effort  
7 at trying to unite barrios in that area there.

8                   Where you have the point sticking out,  
9 east, I would quarrel with that. I think unification of  
10 barrios in that area is more a function of north-south  
11 than it is east-west. The barrios on the freeway split  
12 the barrios all the way up and down here, but the split  
13 is greater north of the I-10, I-19 intersection right  
14 there. The split is greater because there's much less  
15 interaction between the east and west sides of the  
16 freeway north of I-19 than there is south. The reason  
17 for that is because of what you've got north of I-19  
18 highly elevated freeway. You don't have a lot of  
19 commercial activity back and forth, unlike on the  
20 east-west sides of the freeway south of the I-19  
21 intersection. On I-19, there is much more interaction  
22 east and west of the barrios.

23                   I guess what I'm trying to say, instead of  
24 uniting the barrios by extending this east, I'd suggest  
25 extending south this way, which is the way they are now.



1 And I think you get a greater unification of the barrios,  
2 although it's an arguable point because the dividing  
3 street down here currently is South 12th Avenue and there  
4 is really no difference between the east side of South  
5 12th and west side of South 12th. But I think you get a  
6 bit more unification in that, and we're talking about  
7 degrees, a bit more unification of the barrios if this is  
8 extended south instead of east.

9 CHAIRMAN LYNN: Representative Lopes, if I  
10 may, Mr. Johnson, could you put up the test B before the  
11 unification?

12 MR. JOHNSON: Sure.

13 CHAIRMAN LYNN: For a second.

14 REPRESENTATIVE LOPES: Is that the current  
15 map?

16 CHAIRMAN LYNN: Progressive map in terms of  
17 process, not current maps used in the 2002 election.

18 REPRESENTATIVE LOPES: Looks like it.

19 CHAIRMAN LYNN: Very close, in this part of  
20 the community, roughly identical.

21 MR. JOHNSON: They are.

22 REPRESENTATIVE LOPES: Excuse me,  
23 Mr. Chairman. You get more what I was talking about, get  
24 north-south unification of the barrio in this district,  
25 and of course there is this split here. This is closer



1 to a unification of the barrios, seems to me, than the  
2 map we were looking at earlier.

3 CHAIRMAN LYNN: Thank you. That's  
4 precisely what I wanted you to take a look at.

5 Are there questions for Representative  
6 Lopes?

7 Mr. Elder.

8 COMMISSIONER ELDER: Thank you for coming  
9 this morning.

10 One of the questions I had, you mentioned  
11 Marana. The Coalition requested we keep 25, 6, 7, and 9  
12 the same as it was in our 2004, or the active map that is  
13 in place right now. And that split Marana.

14 Would you, and I guess maybe the Coalition  
15 would have to weigh in on it, also, support unifying  
16 Marana, and then at what cost? If we take the population  
17 from Marana, we have to pick it up someplace else. That  
18 may very well be in the southern part of the district.  
19 What trade? It's, again, sort of the discretionary, what  
20 trades do you make?

21 REPRESENTATIVE LOPES: Mr. Chairman,  
22 Mr. Elder, I really am not in a position to answer that.  
23 I really think that's best answered by the folks in  
24 Marana. So I think I would reserve judgment on that.

25 COMMISSIONER ELDER: Okay.



1                   CHAIRMAN LYNN: Thank you, Mr. Lopes.

2                   Other questions?

3                   Mr. Lopes, thank you very much.

4                   The next speaker is Mike Flannery  
5 representing the Prescott Valley Council and the  
6 Tri-Cities area.

7                   Mr. Flannery, good morning.

8                   MR. FLANNERY: Mr. Chairman, Members of the  
9 Commission, thank you for allowing me to speak this  
10 morning. I've been carrying a letter I would like to have  
11 submitted, if I could, from Mayor Killingsworth. So if  
12 without objection.

13                   (Letter is submitted and is included  
14 Verbatim at the conclusion of  
15 Mr. Flannery's remarks.)

16                   MR. FLANNERY: Essentially the letter  
17 wishes to thank you for acknowledging our communities of  
18 interest in the Tri-City area and for the CYMPO and  
19 Yavapai County. To the issue at hand, the test map  
20 really doesn't affect Yavapai County that much. It  
21 affects 30 people, I think Doug said, so it has no  
22 bearing -- relatively no bearing, let me put that way, on  
23 Yavapai County. I did want to go to the issue Doug and I  
24 discussed this morning, and that was the swap we  
25 mentioned yesterday, Ash Fork and Seligman for perhaps,



1 maybe, Munds Park. Last night when I did get a closer  
2 look, I thought when you brought in Yarnell, those  
3 communities, also talking Bagdad, I realized Bagdad was  
4 in with BB. So if -- I have some concern about Bagdad  
5 because it's one of the old mining communities, one road  
6 in, one road out, owned by a mining community. They have  
7 a very close association with Yavapai County. Right now  
8 it's in with R. And Doug has informed me that  
9 population, you could make those switches with Seligman,  
10 Ash Fork for Munds Park, or -- but I don't know about the  
11 rest of it. It's just something that, you know, in --  
12 when we go to shifting lines, and things like that, if  
13 that could be done -- I hesitate in asking for anything  
14 more, because you have been exceptionally kind to me,  
15 so -- if -- four those communities you could, I would ask  
16 you to, at least look at those, so if those could be  
17 addressed.

18 MR. JOHNSON: Mr. Johnson.

19 What Mr. Flannery is looking at, population  
20 places, Munds Park is 1,250 people, Bagdad is fairly  
21 similar, 1,578, and then Ash Fork is about 450, and  
22 Seligman is about 440.

23 CHAIRMAN LYNN: So among those four, it's  
24 workable.

25 MR. JOHNSON: Well, the numbers can work



1 out. Munds Park and Ashfork is similar to Bagdad by  
2 itself or Seligman and Ashfork together. The impact on  
3 compactness and competitiveness we'd have to look at.

4 (Letter submitted dated February 20, 2004,  
5 To Commissioner Steven W. Lynn,  
6 Commissioner Andrea Minkoff, Commissioner  
7 Daniel R. Elder, Commissioner Joshua M.  
8 Hall, Commissioner James R. Huntwork,  
9 Independent Redistricting Commission, 1400  
10 West Washington, Suite B-10, Phoenix,  
11 Arizona, 85007:

12 "Dear Commissioners Lynn, Minkoff,  
13 Elder, Hall & Huntwork:

14 "Many thanks for your continuing  
15 service to the citizens of Arizona in  
16 developing a sound and balanced Arizona  
17 Legislative Redistricting plan. I am aware  
18 of the particularly difficult legal and  
19 political climate that you are working in,  
20 and I sincerely wish each of you God Speed  
21 in your efforts.

22 "Town Council Member Mike Flannery  
23 has kept me and the other Council Members  
24 informed of your progress to-date in  
25 developing definitions, identifying



1 communities of interest, etc. per Judge  
2 Fields' Order. I appreciate your having  
3 voted to formally identify the Tri-Cities  
4 area, the Central Yavapai Metropolitan  
5 Planning Organization (CYMPO) planning  
6 area, and Yavapai County as communities of  
7 interest. All of these areas clearly fit  
8 your adopted definition of a community of  
9 interest: "A community of interest is a  
10 group of people in a defined geographic  
11 area with concerns about common issues  
12 (such as religion, political ties, history,  
13 tradition, geography, demography,  
14 ethnicity, culture, social economic status,  
15 trade or other common interest) that would  
16 benefit from common representation." And  
17 the record establishes the many common  
18 concerns and issues in those areas, and  
19 supports the conclusion that they would  
20 benefit from common representation.

21 "As you continue your challenging  
22 process of balancing communities of  
23 interest against the competing interests of  
24 competitiveness and compactness, I urge you  
25 to carefully respect each of the above



1 communities of interest to the fullest  
2 extent practicable. Moreover, I ask you to  
3 keep in mind that the Tri-Cities and the  
4 Verde Valley communities (including the  
5 Intervening County areas) have critical  
6 water issues to resolve together in company  
7 with their legislative representatives. In  
8 any scenario, it will be important that at  
9 least the communities located adjacent to  
10 the Verde River be recognized as having a  
11 Community of interest with the Tri-Cities.  
12 Any action that results in splitting the  
  
13 acknowledged community of interest that  
14 includes the Tri-Cities area and the Verde  
15 Valley will certainly cause significant  
16 detriment to the ability of those areas to  
17 have effective representation on the  
18 critical issues of sustained population  
19 growth and long-term water resources, and  
20 will violate Proposition 106. You have  
21 recently defined significant detriment as  
22 follows: "With respect to communities of  
23 interest, significant detriment means (a)  
24 significant detriment to the ability of  
25 that community to have effective



1 representation, or (b) deprivation of a  
2 material or substantial, but not a minimal  
3 or inconsequential, portion of that  
4 community of effective representation.

5 "Thank you again for your  
6 consideration of our concerns. I wish you  
7 the best of luck with the challenges that  
8 you face.

9 "Sincerely, Richard C. Killingsworth,  
10 Mayor, Town of Prescott Valley.

11 "p.c. Town Council members, Mayor  
12 Rowle Simmons, City of Prescott, Mayor  
13 Karen Fann, Town of Chino Valley."

14 CHAIRMAN LYNN: The next speaker slip is  
15 from Mr. Neil Wake representing Arizonans For Fair and  
16 Legal Redistricting.

17 MR. WAKE: Good morning, Mr. Chairman,  
18 Commissioners. I'll make my comments in a fairly general  
19 way. Later I may have other more focused comments. Part  
20 of my job as a lawyer is to tell you what I think legally  
21 is wrong with the maps. Bear with me as I do that job.

22 Again, as a general matter, these maps  
23 obviously are driven in large part by the definitions  
24 previously adopted. I point out the Commission cannot  
25 violate 106 by definition. All definitions are under the



1 Constitutional Provisions of 106. You cannot amend 106.

2                   Look at compactness. Compactness should  
3 measure proximity of people, not the proximity of acres.  
4 Land without people or without much people should not  
5 count for much. Passing by nearby people to capture more  
6 remote people is not a better measure of compactness.  
7 I'm not suggesting you ignore purely land-based  
8 geographic measures. A far important measure of  
9 compactness is people.

10                   I submit to the Commission it abused its  
11 discretion in looking only to acres and not to the  
12 proximity of people. An example I would like to point to  
13 is test B, districts C and O, and -- perhaps I'm  
14 misunderstanding, but I thought I heard from the  
15 consultants that those pass your test of compactness of  
16 .17 Polsby-Popper. Those are the extremely elongated  
17 districts drawn solely for the purpose of capturing  
18 Democrats and shedding Republicans. Those two districts  
19 may pass the .17 Polsby-Popper test, but they do not pass  
20 the eyeball test. Remind me, frankly, of the 1992  
21 Legislative map drawn up in the basement of the  
22 Legislature by a bunch of incumbent Democrats and  
23 Republicans who were drawing districts, stretching lines,  
24 and created a map that had districts which resembled a  
25 bunch of amoebae on LSD, we still have psychedelic amoebae



1 on the map. They pass the compactness test. I suggest  
2 compactness cannot comport if those things pass them.

3 Let me talk briefly --

4 Maybe a way to summarize that is another  
5 fundamental failing of the exercise is that compactness  
6 is not a binary concept, they are not either compact or  
7 uncompact. Compactness is a matter of degree that can  
8 always be pursued to a greater degree of excellence or  
9 sacrificed to a greater degree of achievement of other  
10 goals. This exercise simply determined that something,  
11 including those two districts, were compact, which cannot  
12 be what Prop 106 means.

13 Now, I don't fault your consultants.  
14 They've done what you directed them to do. But the  
15 exercise itself is illegitimate.

16 Population, the rough numbers and standards  
17 you put forward to allow population, by our quick look at  
18 your recent maps which indulge in population deviation up  
19 to 5,000 people.

20 Now, the significance in population  
21 deviation has to be understood, as I said before, in  
22 relation to the purposes of the inquiry. If the purpose  
23 of drawing maps is politically competitive maps, or  
24 something else, it has to ultimately be tested by  
25 elections. And if considering population deviation, that



1 is enough to affect the outcome of an election merely by  
2 underpopulating or overpopulating, it cannot be a  
3 sufficient achievement of population equality under  
4 Proposition 106.

5                   Last election we had at least two primary  
6 elections decided by fewer than a hundred votes.  
7 Population, you have to have population deviation  
8 perfectly equal. Probably it is not possible to have  
9 perfectly equal population and still respect some of the  
10 other goals, such as respecting city and county  
11 boundaries, communities of interest, but it certainly is  
12 possible to get down to within a few hundred people of  
13 deviation. And it is not at all proper to accept the  
14 deviations as clearly has been done by your consultants  
15 pursuant to the direction the Commission which has given  
16 deviation of thousands of people for the sake of  
17 predicting how some people are going to vote so you can  
18 get politically competitive districts.

19                   I submit again, your duty under Proposition  
20 106, is to pursue equality permanently, not to get it  
21 down within 1,000 or 5,000 and say we're satisfied and  
22 won't do it any further where the reason you are  
23 satisfied with the inequality is because you prefer the  
24 political competitiveness. And, therefore, the  
25 population deviation that is in all these maps does not



1 comport with Proposition 106.

2                   Let me just mention city splits. City  
3 splits, if other than something trivial, a few hundred  
4 people --

5                   Well, let me back up.

6                   You have to have city splits, county  
7 splits. The reason you have to, population equality will  
8 require that. Political competitiveness does not require  
9 city splits. Any time you do a city split because you  
10 want to tear apart a city because you like or don't like  
11 how some people in a city will vote, you are causing  
12 detriment to the city split criterion for the sake of  
13 political competitiveness, that is not permitted under  
14 Proposition 106.

15                   Now let me talk about incumbents. I'm  
16 going to repeat something I've said here a few times  
17 before. I've previously stated that the essence of the  
18 legitimacy of the map drawing process by this Commission  
19 is that this Commission goes through its criteria and  
20 applies them blindly without knowledge of where the  
21 incumbents are. I assure you everybody out in this room  
22 knows where they are, or where some are. The legitimacy  
23 is you do not know. You follow general criteria,  
24 exercise judgment. Therefore, as I previously stated to  
25 you, my clients have objected to the maps or line



1 drawing, specific line drawing that comes from partisan  
2 sources.

3                   We have never asked you to do that because  
4 we understand that if we submit specific lines to you,  
5 you will know that we know the effects on incumbents.  
6 And we have the same objection to specific lines or maps  
7 that come from other sources.

8                   And we had an interesting exercise  
9 yesterday in which we had incumbent legislators hunched  
10 over the map asking you to make relatively minor changes  
11 in districts. Now I throw out a hypothetical question.  
12 The last thing I want to do is step over the bounds of  
13 proper presentation here. Is it proper for an incumbent  
14 Legislator to ask to move a small line without telling  
15 you that it affects his own residence, whether it does or  
16 does not? And if he asks you to move a small line and  
17 doesn't tell you that is it proper for me or anyone else  
18 to tell you that small line change does affect his own  
19 residence? I don't know what is proper for me to tell  
20 you.

21                   I'm confident it is proper for me to tell  
22 you you should not be making taking specific maps or  
23 making minor changes proposed to you from bipartisan  
24 sources. That's what your judgment and your experts are  
25 here to do.



1                   Thank you very much for hearing me out.  
2   Again, the nature of this process at this speed and not  
3   being able to allow detailed comment, s we'd like to do,  
4   we may be presenting that later. Therefore I've tried to  
5   offer general comments at this time.

6                   In conclusion, my general comment is not an  
7   encouraging one for you. I'm suggesting to you these  
8   maps, the process is fundamentally flawed. The only  
9   sensible thing for you to do is take a deep breath, go  
10   back, redo those criteria and the way you got here. The  
11   last thing I'd like to urge you uncompensated volunteers  
12   is the result where we're headed. We're headed now for  
13   multiple clear violations of 106.

14                  Mr. Chairman, I'd be pleased to answer  
15   questions with the limitations I don't have a lot of  
16   specifics to answer you with at this time.

17                  CHAIRMAN LYNN: Thank you, Mr. Wake.

18                  Questions for Mr. Wake?

19                  Thank you.

20                  Next speaker, Matt Ryan, Chairman of the  
21   Coconino Board of Supervisors.

22                  Mr. Ryan.

23                  MR. RYAN: Mr. Chairman, Commissioners,  
24   just a few comments in relation to Mr. Flannery's  
25   comments. In terms of the community of Munds Park,



1 Pinewood is located south of Flagstaff, near I-17, if  
2 that were to be included in BB, it would be in  
3 consistency with the community's interactions with  
4 Flagstaff. Their shopping occurs in Flagstaff, youth  
5 programs, schools, it's all related to Flagstaff, second  
6 home ownership. Actually demographics shifting,  
7 predominantly second homes, has gone from a one-to-nine  
8 proportion to a three-seven ratio, and it's kind of  
9 typical of demographics in the Flagstaff area.  
10 Communities used to be second-home ownership. There's a  
11 shift of population moving into the communities, a work  
12 force associated with the area.

13                   If there were to be a way of having minor  
14 boundary modifications, that definitely makes sense.

15                   Also, in terms of capturing, going up along  
16 the rim area, by the Grand Canyon, Tusayan, Grand Canyon  
17 Village, the economic base is closely aligned with Grand  
18 Canyon visitorship which is centered along Highway 180,  
19 Highway 64 interaction. Flagstaff usually is derived  
20 from I-17, going up in that direction. If it's well  
21 within those communities, communities of like interest,  
22 again, and just if there are any other additional  
23 questions or comments in terms of community interactions  
24 in those type of ways I welcome the questions.

25                   CHAIRMAN LYNN: Thank you, Mr. Ryan.



1                   Next speaker, Delwin Weingert.

2                   Mr. Weingert is manager of Apache County.

3                   MR. WEINGERT: Mr. Chairman, Commissioners,  
4 I appreciate the opportunity stand before you. I know  
5 it's not easy. Chairman David Brown was here Saturday  
6 and spoke to you, did so most eloquently.

7                   I appreciate B 2, the map you are currently  
8 working on. We support that.

9                   CHAIRMAN LYNN: Thank you, Mr. Weingert.  
10 It's a long drive for those words. We appreciate them.  
11 Appreciate you making it.

12                   Next speaker is Patrice Kraus representing  
13 the City of Chandler.

14                   MS. KRAUS: Thank you again for trying to  
15 resolve some of the concerns I raised. I haven't had  
16 much of an opportunity to study the map that is up right  
17 now.

18                   My first impression is that it's -- I don't  
19 like it much. I think that it -- it's there in an effort  
20 to achieve competitiveness, and that competitiveness may  
21 be in name only. So it -- it makes considerable change  
22 to our districts. And again, I'm not sure I know for  
23 what real end result. I know that there was an interim  
24 step that I've looked at but not carefully. I think that  
25 might be a better alternative to this particular map. If



1 it's necessary to achieve some other goal, because it  
2 doesn't achieve competitiveness in another competitive  
3 district in the East Valley, I'd certainly consider that.  
4 If it isn't necessary to achieve some other goal in some  
5 other part of Maricopa County, I think we'd prefer to go  
6 back to the maps as they exist today. I'll take some  
7 time over the break over the next couple hours and look  
8 at different options presented and hopefully have better  
9 comments later today, then I will be having certain  
10 questions.

11 CHAIRMAN LYNN: Thank you.

12 Questions for Ms. Kraus?

13 Ms. Kraus, one quick question. Of the  
14 tests run, one of the tests that was run was an attempt  
15 to return Chandler to a district split instead of in  
16 three districts split to two. I understand your  
17 testimony to state that that test, the result of that  
18 test, in your opinion, is no better than the previous  
19 map.

20 MS. KRAUS: Mr. Chairman, I believe the  
21 test is up on the screen right now that you are talking  
22 about. Well, it is better than the three splits, yes.  
23 Yes, it is better than the three splits. It still has --  
24 it's an awfully big district, takes in parts of the East  
25 Valley but not particularly similar to the City of



1 Chandler. I do want to look at the map closely. It's  
2 hard to say where all the populated areas are, just what  
3 those communities are like. I'd like to take a look at  
4 this. This is better than three splits. I think as you  
5 move backwards from this particular test, there was that  
6 interim stage that I think we prefer over this. And if  
7 that test, or that interim stage wasn't necessary to get  
8 you to some other goal somewhere, because it didn't  
9 achieve competitiveness, another competitive district in  
10 the East Valley, we'd prefer to go back to the maps as  
11 they exist.

12 CHAIRMAN LYNN: I understand your position.  
13 Speaker Mr. Gorman, Legislative Chief of  
14 Staff for the Navajo Nation.

15 Good morning, Mr. Gorman.

16 MR. GORMAN: Good morning, Members of the  
17 Commission.

18 As stated, Leonard Gorman, for the record,  
19 from the Navajo Nation.

20 I'd like to provide a copy of the Navajo  
21 Nation position on the issues before you.

22 CHAIRMAN LYNN: Without objection,  
23 Mr. Echeveste will that take from you.

24 MR. GORMAN: The Navajo Nation wants to  
25 thank the Commission for the movement to run some tests



1 on the request submitted earlier in these series of  
2 meetings. And based on that information, there's a  
3 position of the Navajo Nation, resolution number  
4 SCRF-01-04 which is a Resolution of the Redistricting  
5 Subcommittee Intergovernmental Relations Committee of the  
6 Navajo Nation Council. Exhibit A is the position of the  
7 Navajo Nation, excuse me, to the Arizona Independent  
8 Redistricting Commission on the 2004 redistricting of the  
9 Legislative Districts. The date is February 22, 2004.  
10 And it reads as follows, for the record:

11                   The Navajo Nation continues its active  
12 involvement with the redistricting process for the  
13 legislative districts of the State of Arizona. Efforts  
14 by the Arizona Independent Commission, AIRC, to remedy  
15 its failure to give sufficient attention to  
16 competitiveness must not jeopardize full compliance with  
17 the US constitutional requirements and the federal Voting  
18 Rights Act or cause substantial detriment to the other  
19 criteria of Proposition 106.

20                   In addition to full compliance with the  
21 federal requirements, a Legislative plan adopted by the  
22 AIRC must satisfy the nonquantitative criteria to the  
23 extent practicable. Districts shall be geographically  
24 compact and contiguous to the extent practicable.  
25 District boundaries shall respect communities of interest



1 to the extent practicable. District lines shall follow  
2 visible geographic features, city, town, and county  
3 boundaries, and undivided census tracts to the extent  
4 practicable.

5                   The Navajo Nation takes the position in  
6 order to comply with the requirements of Proposition 106,  
7 AIRC must maintain the Navajo Nation in a Legislative  
8 District with a robust Navajo and other Native American  
9 voting age population. The Navajo Nation will object to  
10 any efforts to dilute the Navajo and other Native  
11 American voting age population, or otherwise cause  
12 retrogression. The Navajo Nation takes the position that  
13 the AIRC must maintain the entire Navajo Nation within a  
14 Native American majority-minority district.

15                   The Navajo Nation will continue to be  
16 involved in the AIRC redistricting process in order to  
17 ensure that the voting rights of Navajo people and other  
18 Native American people are protected.

19                   That resolution was submitted on behalf of  
20 the Navajo Nation to the Redistricting Commission. And  
21 in addition, the Navajo Nation continues to request that,  
22 I believe, based on the test runs submitted this morning,  
23 that there is an opportunity in which the percentage from  
24 59 percent to 60 percent could also be raised to 62  
25 percent and the Navajo Nation respectfully requests



1 continued testing be instructed to your consultant to  
2 raise those numbers to the 60 percent -- 62 percent be  
3 raised. The Navajo Nation only wishes the City of  
4 Kingman would have been here to present testimony,  
5 continue to urge the villages in the areas raised at the  
6 hearing in Kingman, that their concerns are related to  
7 the fact they prefer to be in a separate district from  
8 the Navajo Nation.

9 I hope that they would be able to be here  
10 sometime in the near future to express concerns and their  
11 position relative to that matter. We continue to express  
12 the concerns of the Navajo Nation on that.

13 THE REPORTER: It's way over.

14 CHAIRMAN LYNN: One more speaker then we'll  
15 take a break.

16 Last speaker, Steve Gallardo, State  
17 Representative, who is also representing the Minority  
18 Coalition.

19 REPRESENTATIVE GALLARDO: Good morning,  
20 Mr. Chairman, Members.

21 For purposes of cleaning up the record and  
22 commenting on some remarks made earlier, the Minority  
23 Coalition came before the Commission to ask for some  
24 proposed or recommendations on possible changes to  
25 District N, J, and, I believe, K. These changes were



1 made simply to comply with the Voting Rights Act  
2 irrespective to where anyone may live. Our knowledge and  
3 detailed proposed changes were made simply because of our  
4 knowledge of the area and having lived in those, or at  
5 least that particular area all my life. And other  
6 members also commented yesterday they also lived there  
7 all their life. I don't know the description in that  
8 great detail. The changes made or are asked to be made  
9 are made simply to increase minority population, and  
10 that -- that was all the purpose of our changes. We --  
11 the Coalition will continue to be with the Commission as  
12 long as the Commission is creating the new Legislative  
13 lines, and we wish to continue to work with you all. And  
14 I thank you.

15 CHAIRMAN LYNN: Thank you, Mr. Gallardo.

16 We do need to take a break for our court  
17 reporter.

18 Without objection, we'll take a 15-minute  
19 break and resume call to the public.

20 (Recess taken.)

21 CHAIRMAN LYNN: Back on the record.

22 All four Commissioners are present along  
23 with staff, counsel, and consultants.

24 COMMISSIONER HUNTWORK: Mr. Chairman.

25 CHAIRMAN LYNN: Mr. Huntwork.



1                   COMMISSIONER HUNTWORK: As a point of  
2 order, are we still in yesterday's session? Have we  
3 convened today's session?

4                   CHAIRMAN LYNN: Actually yesterday's  
5 session expired being in session. Today's session  
6 started today's session. If you want to adjust your  
7 watch or sundial, it is Monday. A sundial won't be a lot  
8 of help today.

9                   We are still in public comment. I now have  
10 three speaker slips and may be getting more. That's  
11 perfectly fine. We want to take as much public comment  
12 as you would like to give us this morning.

13                   The next speaker is Jorge Luis Garcia,  
14 State Senator from District 27. Senator Luis Garcia,  
15 welcome.

16                   SENATOR GARCIA: Good morning, Mr. Chairman  
17 and Commissioners. I come here this morning to support  
18 the February 12th letter, the most recent letter from the  
19 Minority Coalition requesting districts in Pima County be  
20 retained as nearly as they currently exist. Seeing the  
21 current map here, I have concerns in it in that it does  
22 change the new addition that map has, the little jettison  
23 that is east of the interstate is brand-new to the  
24 district and in the original discussions, how it was  
25 going to be set, the lines for 2002, there was quite a



1 number of concerns and testimony about the differences  
2 between South Tucson and in the area that comprises South  
3 Tucson and the area around it and how it differs from the  
4 area west of the interstate. Okay. And I just ask you  
5 to retain the current boundaries for those districts out  
6 there in Gila as much as possible as they are right now.  
7 Take, if you want to look back at the minutes for the  
8 original redistricting, those are comments made by folks  
9 in the City of South Tucson. That's exactly what this  
10 map does.

11 CHAIRMAN LYNN: Thank you, Senator.

12 Mr. Elder.

13 COMMISSIONER ELDER: Thank you,  
14 Mr. Chairman.

15 Senator or Representative Garcia --  
16 Senator, we did hear testimony about the functional area  
17 to the east over to the railroad tracks. They also said  
18 that they had the barrios to the north. We then had  
19 testimony that said that we want to maintain the barrios  
20 as best we can as a whole. Are you comfortable talking  
21 to the Barrio Anita technically on the east side of the  
22 railroad tracks, I-10, around town, through the barrios  
23 and South Tucson influenced area, and then separating the  
24 Manza, El Rio, everything on the west side of the  
25 railroad and the freeway, at that line?



1                   SENATOR GARCIA: That's fine. No problem  
2 with that.

3                   COMMISSIONER ELDER: Hispanic, VAP, both  
4 districts, you'd rather have it left the way it is?

5                   SENATOR GARCIA: Yes. I'd point out,  
6 Mr. Elder, Barrio Anita is right now, even though it's  
7 west of -- east of the interstate --

8                   COMMISSIONER ELDER: East of the  
9 interstate, west of the railroad tracks, west of Grant  
10 Road.

11                  SENATOR GARCIA: It's not in one district  
12 cohesive to South Tucson. Right now where we have that  
13 right now, South Tucson is packed in the University area,  
14 right, it currently doesn't exist right now. The area  
15 Barrio Anita becomes part of is the district west of the  
16 interstate.

17                  COMMISSIONER ELDER: That's all I needed to  
18 know. Thank you very much.

19                  CHAIRMAN LYNN: Thank you, Senator. Thank  
20 you for being here.

21                  Next speaker, Ted Downing. Mr. Downing is  
22 in the Legislature representing himself.

23                  Representative Downing, thank you.

24                  REPRESENTATIVE DOWNING: Thank you for your  
25 work which included the weekend. I apologize to your



1 families. Perhaps you'll get a weekend another time.

2 I wish to speak in favor of increased  
3 competitiveness and specifically addressing increased  
4 competitiveness of Y through some possible modifications.

5 If we look at U for a moment, in the  
6 northeastern corner of U, there's some suggestions you  
7 may look at. You can't see it, about where the shield,  
8 interstate shield is, right there, down, that's it, those  
9 areas in there, that right now I'm looking at  
10 competitiveness of U, actually very competitive, 51.4,  
11 48.6, but I think it, given the Tucson that I know loves  
12 competition, we could see that picking up a piece of that  
13 area where it says Flowing Wells District. In fact, you  
14 have Flowing Wells kind of broken and it kind of hangs  
15 together. Where the shield in some areas identifies part  
16 of Flowing Wells as more heavily Republican, the other  
17 options, there's a strange thing, I don't know I should  
18 comment on this, it's unusual, in terms of the community  
19 of Tucson, U is now, has its dividing line along, if I'm  
20 correct, Speedway, if that's correct, looking at it, is  
21 that the southern boundary of U? That's correct? Yeah.  
22 Is that Speedway? And normally, in terms of how people  
23 interact, looking at things, interactions, shopping  
24 centers, how people deal with the parks, things like  
25 that, 22nd has been known as the traditional dividing



1 line of Tucson, its politics, as has been for years, in  
2 fact, a lot of comments on the radio about north and  
3 south of 22nd Street. So that does break up the  
4 community.

5 I understand the need for more  
6 competitiveness. Maybe there are some options moving  
7 further in terms of the district that is in yellow, which  
8 is highly, that's District T, and T is a 58/42 split.  
9 And if we wanted to create more competitiveness, my idea  
10 would be to at least lob off some of T, those areas,  
11 probably, not Hispanic, bring those over into what is now  
12 Y, which is that brown area on it, and that would create  
13 increased competitive districts. I am still disturbed at  
14 the highly noncompetitive nature of several districts in  
15 Tucson. 61/38 splits, the other one, which is in W, and,  
16 what was the other one, very high, T, yeah, T is 58/42.  
17 I think we're capable in Tucson of having a good contest.  
18 We like good football games, good competition. So as  
19 long as the Wildcats beat, you know, the Sun Devils, we  
20 feel happy.

21 MR. RIVERA: You haven't been happy for a  
22 long time.

23 REPRESENTATIVE DOWNING: Actually, let's --  
24 (Laughter.)

25 REPRESENTATIVE DOWNING: So my preference



1 would be more competitiveness to certainly to make the  
2 district, which is -- the brown one is Y, Y more  
3 competitive, T more competitive, and even W, I think that  
4 would be, I think those could be done without breaking  
5 communities of interest.

6 Thank you.

7 CHAIRMAN LYNN: Thank you, Mr. Downing.

8 The next speaker is Chris Quiggley.

9 Chris Quiggley?

10 (No response.)

11 COMMISSIONER HALL: Down under?

12 CHAIRMAN LYNN: Okay.

13 Representative David Bradley.

14 Representative Bradley?

15 REPRESENTATIVE BRADLEY: Thanks. I don't

16 know if that's a promotion from the House to the

17 Senate --

18 CHAIRMAN LYNN: I said "Representative."

19 REPRESENTATIVE BRADLEY: Thank you for

20 hearing me out.

21 Just briefly, all the work you guys are  
22 doing, I realize this is not an easy task with all the  
23 interests involved.

24 Mine would be a simple, fairly simple  
25 modification from Y to T, which would be the Rita Ranch



1 area. That loop -- yeah, right there, that just, which  
2 would make T a tad more competitive to -- in regards to  
3 increasing the number of Republicans and makes Y about  
4 even in terms of its competitiveness. Yeah. That's the  
5 only modification I'm talking about.

6 CHAIRMAN LYNN: Thank you, Mr. Bradley.  
7 Thank you.

8 Let me ask one more time if Mr. Quiggley is  
9 with us?

10 Okay. The last speaker slip I have is for  
11 Representative Gallardo.

12 REPRESENTATIVE GALLARDO: Thank you,  
13 Mr. Chairman, Members of the Commission. I'll make this  
14 real quick and brief.

15 Just to reclarify: That the Coalition  
16 stands with the February 11th letter to the Commission  
17 indicating that the Districts 24, 25, 27, and 29 on the  
18 previous adopted map remain the same in terms of the  
19 configuration and the Hispanic voting age percentage.  
20 We'd also like to comment on testimony earlier from Phil  
21 Lopes in regards to the old barrio there in Tucson, and  
22 talking to folks, part of our Coalition does agree that  
23 that particular portion of the barrio does have more in  
24 common with the north and south configuration and would  
25 support changing that to the north and south



1 configuration.

2 COMMISSIONER ELDER: In other  
3 words, Senator -- Representative Gallardo, you are saying  
4 put it with T.

5 REPRESENTATIVE GALLARDO: Yes, sir.

6 COMMISSIONER ELDER: Rotate Hispanics in  
7 from W to keep the HVAP in the same percentages as we had  
8 before.

9 REPRESENTATIVE GALLARDO: Mr. Chairman,  
10 Commissioner Elder, yes, you are correct.

11 Thank you.

12 CHAIRMAN LYNN: Thank you, Mr. Gallardo.  
13 Mr. Hall, Representative Gallardo.

14 COMMISSIONER HALL: I'm just confused.  
15 Isn't T like it was originally?

16 REPRESENTATIVE GALLARDO: No.

17 COMMISSIONER HALL: That was a product of  
18 the change of the test.

19 MS. LEONI: Yes.

20 MR. JOHNSON: We modified just in that --  
21 to unify the barrio area.

22 COMMISSIONER HALL: Okay.

23 MR. JOHNSON: Previously crossed, took T up  
24 a bit to W, west W as well.

25 CHAIRMAN LYNN: We haven't accepted the



1 tests. We're considering them.

2 MR. JOHNSON: If I may.

3 CHAIRMAN LYNN: Mr. Johnson.

4 MR. JOHNSON: To clarify, I'm not sure  
5 about the last exchange with Mr. Elder. You're  
6 interested in unifying everything, talked about as the  
7 barrio in T or going back to the border in the 2004 plan?

8 REPRESENTATIVE GALLARDO: Mr. Chairman,  
9 going back to the original plan, I think --

10 MR. JOHNSON: Okay.

11 REPRESENTATIVE GALLARDO: -- is what the  
12 Coalition is interested in looking at.

13 MR. JOHNSON: Thank you.

14 CHAIRMAN LYNN: Thank you, Mr. Gallardo.

15 Are there other members of the public  
16 wishing to be heard at this time?

17 If not, we'll close this portion of public  
18 comment, and it would be my desire to have the  
19 opportunity before we consider these tests that have been  
20 run to have an executive session to ask our attorneys a  
21 couple of important questions.

22 So under A.R.S. 38-431.03(A)(3) and A.R.S.  
23 38-431.03(A)(4), is there a motion?

24 COMMISSIONER ELDER: So moved.

25 CHAIRMAN LYNN: Second?



1 COMMISSIONER HUNTWORK: Second.

2 CHAIRMAN LYNN: All in favor?

3 COMMISSIONER ELDER: "Aye."

4 COMMISSIONER HUNTWORK: "Aye."

5 CHAIRMAN LYNN: Chair votes "Aye."

6 (Motion carries.)

7 I'm notoriously bad at judging these.

8 We'll let you know when we're finished.

9 (Whereupon, the Commission recessed Open  
10 Public Session at 11:06 a.m. and convened  
11 in Executive Session until 12:08 p.m. at  
12 which time Open Public Session resumed.)

13 (Brief recess taken to open doors.)

14 CHAIRMAN LYNN: On the record, with  
15 Mr. Hall excused, other Commissioners present as well as  
16 staff, legal counsel, and consultant, part of legal  
17 counsel.

18 Without objection, the Commission will  
19 recess for one hour, reconvene at 1:00 p.m. today.

20 (Lunch recess taken.)

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

23 For the record, all four Commissioners are  
24 present with legal counsel, staff, and consultants.

25 Having heard the report from consultants and comments



1 from the public, I think it would be appropriate at this  
2 point to move through the map in terms of the tests,  
3 either that we have or would wish to further order, and  
4 I'll be happy to take whoever wants to go first in  
5 whichever area of the state they'd like to deal with.

6 Mr. Hall, are you --

7 COMMISSIONER HALL: I wasn't, but I can.

8 CHAIRMAN LYNN: I'll take whoever is ready.

9 Mr. Elder?

10 COMMISSIONER HALL: Dan is ready.

11 COMMISSIONER ELDER: I don't know I can  
12 read, but I'll ramble.

13 Go to Tucson, please. I think the first  
14 one that you brought up was the barrios district.

15 Can you either also bring up or show the  
16 overlay of the previous T and W that matches the 2004  
17 boundaries?

18 MR. JOHNSON: Sure, I'll show this. The  
19 red line on the map you're looking at, the barrio border  
20 as defined by the Commission, the test, T wrapping  
21 around, and the barrio united in W, and the black line is  
22 the border before the test which matches the 2004 border.

23 COMMISSIONER ELDER: Mr. Chairman, I'd like  
24 to make a motion we reject the Barrios District as  
25 conformed and go back to the previous district based on



1 testimony we had this morning. We did have testimony  
2 from --

3 Do I need to wait for a second?

4 CHAIRMAN LYNN: Yes. That would be nice.

5 Is there a second to the motion.

6 COMMISSIONER HALL: Second.

7 CHAIRMAN LYNN: Thank you.

8 Mr. Elder.

9 COMMISSIONER ELDER: Based on testimony we  
10 had this morning, there was concern that the dividing  
11 line really ran down the I-19 corridor, which is -- well,  
12 it's shown there as designated by the freeway logo or  
13 symbol and ran north and south. There is not much doubt  
14 that there is Hispanic communities on both sides, that  
15 there are barrios on both sides. From personal  
16 experience, I've seen the division between the east and  
17 the west and don't have any objection to running the  
18 thing north and south. It's just that we had testimony  
19 earlier that requested that we combine the barrios as a  
20 whole entity. Since both of the barrios are in the  
21 Hispanic VAP districts of T and W, I would propose that  
22 we -- not propose, I suggest that their representation as  
23 Hispanic communities of interest will be maintained even  
24 though they are split. Therefore, I would like to  
25 suggest to the counselors, Commissioners, that we go



1 ahead and reject the test that combine the barrios in W.

2 CHAIRMAN LYNN: Further discussion on the  
3 motion?

4 Mr. Huntwork?

5 COMMISSIONER HUNTWORK: Well, also we have  
6 precleared districts in this area. Without a compelling  
7 case for making the changes, I would be very reluctant to  
8 do so. We certainly have considered, and we, I think,  
9 are obligated to consider whether we can get any benefit  
10 from allowing the Georgia vs. Ashcroft approach in this  
11 area. But one of the elements of that is, I think,  
12 unequivocal support from the groups that are affected.  
13 And we certainly don't have unequivocal support for -- in  
14 that area, for making changes in the preapproved plans.  
15 And so I just think it would be somewhat foolhardy to  
16 attempt to do so.

17 CHAIRMAN LYNN: Mr. Hall?

18 Mr. Elder?

19 COMMISSIONER ELDER: Mr. Chairman, I'd like  
20 to respond to Mr. Huntwork's last comments.

21 One of the things that I find that has been  
22 bothering me all the way through the process is that  
23 we've been holding on very clearly to preapproved  
24 districts. I don't find that that was in the judge's  
25 order. If I'm wrong, counsel, please correct me. I'd



1 much rather see that we respond to the standards, rules,  
2 regulations of the Voting Rights Act, maintaining the  
3 Historic Districts, maintaining the Hispanic voting  
4 influence in both districts unchanged, but just not move  
5 the line because it was a preapproved line. I don't  
6 think it would affect timing on preclearance or anything  
7 else. I want to make sure that got on the record. I,  
8 for one, object maintaining specific districts just  
9 because they were sensitive before and had been  
10 preapproved. Maybe that's all I need to say.

11 CHAIRMAN LYNN: Thank you, Mr. Elder.

12 I, too, concur with the analysis. That is  
13 the basis of your motion. I think the testimony was  
14 pretty compelling that the preference is to have the  
15 barrios in the configuration that had been used prior.  
16 And I think this motion restores that. I'm supportive of  
17 that.

18 Further discussion on the motion?

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

20 COMMISSIONER ELDER: "Aye."

21 COMMISSIONER HALL: "Aye."

22 CHAIRMAN LYNN: Chair votes "Aye."

23 COMMISSIONER HUNTWORK: "Aye."

24 Motion carries and is so ordered.

25 COMMISSIONER ELDER: Tossup or stay in



1 Tucson?

2 CHAIRMAN LYNN: Stay in Tucson? It's  
3 easier to get around the state that way.

4 Mr. Elder.

5 COMMISSIONER ELDER: Yeah, that's probably  
6 the area we need to look at next.

7 I made a motion to run a test in the area  
8 trying to honor and respect communities of interest that  
9 had been established and were a part of the communities  
10 of interest that we voted on and maintained in the last  
11 week or two as far as distinct communities of interest.  
12 In looking at this plan with plan U, or District U, we're  
13 probably now doing actually now more damage to three  
14 communities of interest simultaneously than the previous  
15 plan did, more encroachment across the city, county line.  
16 There is more encroachment or division of the Foothills  
17 community of interest. I'm not so sure that we really  
18 gain much. We are also combining disparate communities  
19 where we take a look at already the split Marana, then  
20 bringing them all the way into the Flowing Wells district  
21 of Tucson, neither of which really have any kind of  
22 linkage. They are two different cities, two different  
23 locations. And I don't feel that this test really  
24 resolved any issues. If anything, it was detrimental to  
25 the communities of interest that at least had some



1 ability to function. Now we probably don't. So for that  
2 reason, I would suggest that this test should be  
3 rejected. I would so move.

4 CHAIRMAN LYNN: Is there a second?

5 COMMISSIONER HALL: Second.

6 CHAIRMAN LYNN: Discussion on the motion.

7 Mr. Johnson, if you would, for just a  
8 second, go back to the map without this test. I know the  
9 lines are there, but I'd like to remove the test and look  
10 at the previous districts.

11 I don't think all the red is a single  
12 district.

13 Your pointing -- in trying to help  
14 Mr. Johnson -- trying to help Mr. Johnson, that may not  
15 have worked.

16 MS. HAUSER: Which test?

17 COMMISSIONER ELDER: Foothills -- B2  
18 without any of the ordered test lines in it.

19 The paragraph of the court order that we  
20 are attempting to follow dictates that we need to favor  
21 competitiveness where to do so does not create  
22 significant detriment and here you have, in my judgment,  
23 one of those dilemmas this court order creates. There's  
24 no question that the district configuration in Tucson  
25 represented by this map would only be put together to



1 achieve competitive districts. There is no other reason  
2 for this configuration to exist. The difficulty here is  
3 that despite some minor testimony this morning, the  
4 record is not as complete as other parts of the state  
5 about the communities that exist within the Tucson  
6 general area and what might be considered a complete  
7 understanding of what is being caused by this particular  
8 configuration. However, having said that, our mission  
9 under the court order favor competitiveness. This map  
10 certainly does that. Tucson did not have competitive  
11 districts when we began the process. This creates, I  
12 believe, two.

13 Dr. McDonald.

14 DR. McDONALD: This, this map has three  
15 competitive districts.

16 CHAIRMAN LYNN: Three.

17 DR. McDONALD: V, U, Y.

18 CHAIRMAN LYNN: Three in the Tucson area.

19 It is for that reason and that reason alone I'll support  
20 the motion.

21 Further discussion.

22 Mr. Huntwork.

23 COMMISSIONER HUNTWORK: Mr. Chairman,  
24 remind me, what is the motion? It's to?

25 CHAIRMAN LYNN: Reject the test, bring us



1 back to, for the moment, this configuration.

2 COMMISSIONER HUNTWORK: Yes, thank you.

3 CHAIRMAN LYNN: Mr. Elder.

4 COMMISSIONER ELDER: Mr. Chairman,  
5 Dr. McDonald, can you take me through your process,  
6 getting from this to the test? I guess what I'm looking  
7 for is, right now, as I stated when I asked for the test  
8 was we had three, maybe four communities ask, cities,  
9 towns, the Town of Oro Valley there, also. We didn't  
10 have that in our pile of tricks. I was looking at just  
11 the retirement communities up in the north section, the  
12 Foothills, and the area South of the Foothills wholly  
13 within the City of Tucson. My intent in ordering the  
14 test, I wanted to see what the potential damage was done  
15 to competitiveness if we tried to honor communities of  
16 interest.

17 Was there no way to maybe honor two of the  
18 three or at least one, all of it by itself and still  
19 maintain competitiveness because the test came back  
20 probably injuring more communities of interest when we  
21 include cities and towns than we had before? I'm just  
22 asking because I don't want to order a test with no hope  
23 of having any resolution or benefit for or from, not for.  
24 Excuse me. So I guess that's my question. Was anything  
25 in the way of started, any premises you used which didn't



1 give you flexibility if we opened up the balance of  
2 Marana in G, would that have benefited in the flexibility  
3 to -- I'm just throwing things out, have no idea what the  
4 effects of options and alternatives are.

5 MR. JOHNSON: Mr. Chairman, Mr. Elder, from  
6 the communities' perspective, what we're looking at is  
7 discussion of the urban incorporated Tucson area being  
8 mixed in with other sections of U. As we did that,  
9 trying to maintain competitiveness, since Y wasn't in any  
10 of the areas we're looking at in the retirement areas,  
11 the Foothills and that, we'd not mess with Y because it  
12 is competitive. So we're looking at trades between U and  
13 V. Had we, if we're going to the other approach, A, in  
14 the series, which did not follow the 2004 series, those  
15 plans all united Marana, had a somewhat more compact V,  
16 but they had other issues the Commission has discussed.

17 So that is kind of a whole other track we  
18 didn't go down in the test because of other decisions of  
19 the Commission. We took U out of the, of incorporated  
20 Tucson. Of course that has to go into somewhere, given  
21 what just talked about. We that into V, then V was  
22 coming down and had compactness problems, and all that.  
23 Because then you had V starting up here north of Marana,  
24 coming around the retirement communities, it's going into  
25 the Foothills down along the neck here.



1                   As we look to improve compactness and  
2     respect as much as we could the communities as defined by  
3     the Commission, that's where we ended up uniting the  
4     eastern portion of Marana, in that area up there, to  
5     balance out populations, improve compactness.

6                   The communities, the Foothills would not  
7     unite the two of them crossing and incorporating Tucson  
8     per instruction, one of them crossing incorporated  
9     Tucson. I don't know if there are other specifics in  
10    terms of the number of competitive districts.  
11    Dr. McDonald can comment.

12                  DR. McDONALD: Other than what I already  
13    stated, which is we, in the process of reducing the  
14    number of competitive districts by not appear on this  
15    maps, the new District B was not competitive.

16                  MR. JOHNSON: So we did keep U as a  
17    competitive district.

18                  COMMISSIONER ELDER: Zoom out a little more  
19    so we get to the bottom of T, even a little further out.  
20    Let's get Sierra Vista and -- there we go.

21                  This district, Y, Y is probably as nasty as  
22    any district we have on the map from the standpoint of  
23    little necks going in to pick up population. I'm  
24    referring to the area of 22nd Street south leaving T  
25    whole as we directed you. And that was to balance and



1 maintain competitiveness, I'm sure. We have an area that  
2 had been a part of the Tucson proper area. It's highly  
3 urbanized with the balance of the district. It's  
4 substantially different from the standpoint that a rural  
5 community in Sierra Vista, although probably one of the  
6 fastest growing districts, Green Valley, Hispanic  
7 districts south of T, rotate around, the fastest growing  
8 area in the valley is Rita Ranch, then go into probably  
  
9 what was described in this morning's testimony as the  
10 blue collar working class area north of the air base.  
11 And it's connected by a very small neck, which is the  
12 same sort of condition we had when discussing or will  
13 discuss in Mesa where we've got, it may fit the  
14 Polsby-Popper compactness test. The functional  
15 compactness way communities work it does do detriment to  
16 the ability of these people to gain representation. If Y  
17 was put into the mix, then we've got Y, U, V, leaving G,  
18 W, T, as fixed in place.

19                   Would that have changed your test  
20 configuration? Would we have substantially lost  
21 competitiveness, lost two districts, lost one, gained  
22 three, four communities of interest?

23                   MR. JOHNSON: I guess the communities of  
24 interest we're looking at here are Broadway-Broadmoor  
25 which really isn't impacted by any of this, the



1 Foothills, the retirement community, and rural urban  
2 division. I mean, if Y was in the mix we could, you  
3 know, make it more compact, take U out of the rural area,  
4 perhaps, and focus U and V in the urban areas, but we've  
5 had earlier versions that did that. These districts did  
6 not come out as competitive in those tests. I guess in  
7 terms of communities in Tucson, such as discussed this  
8 morning, 22nd to Speedway, in those questions, those are  
9 not part of defined communities, so we're not looking at  
10 them in those tests.

11 COMMISSIONER ELDER: Other than they were  
12 wholly within the City of Tucson.

13 MR. JOHNSON: Right, they do fall in the  
14 rural urban issue and city issue.

15 MR. JOHNSON: I guess if there's a specific  
16 interest you had, I could address that more clearly. In  
17 general that would be, moved back toward earlier maps  
18 that did not have three competitive districts in them.

19 COMMISSIONER HUNTWORK: Mr. Chairman.

20 CHAIRMAN LYNN: Mr. Huntwork.

21 COMMISSIONER HUNTWORK: We were talking  
22 about this as though trying to do the right thing is  
23 actually the issue. We have a couple identified  
24 communities of interest. The question is how many  
25 competitive districts can we string together, however we



1 have to do it, without doing substantial detriment to  
2 those, or our compactness test, or whatever. So I think  
3 the argument, Dan, is it really, or the motion on the  
4 floor is a simple one which you made in the first place:  
5 The test did more damage than the map on the screen right  
6 now. So, therefore, we ought to reject it.

7 CHAIRMAN LYNN: Further discussion of the  
8 motion?

9 All those in favor, vote "Aye."

10 COMMISSIONER ELDER: "Aye."

11 COMMISSIONER HALL: "Aye."

12 COMMISSIONER HUNTWORK: "Aye."

13 CHAIRMAN LYNN: Chair votes "Aye."

14 Motion carries unanimously.

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: Mr. Chairman, I am,  
17 looking at the information I have in front of me, I lost  
18 a page or two, I'm not sure how many competitive  
19 districts are on that map right now.

20 COMMISSIONER HALL: Three.

21 DR. McDONALD: V, U, W are all competitive.

22 COMMISSIONER HUNTWORK: Look at that. That  
23 configuration cuts the Foothills community of interest in  
24 half. Am I seeing things or is that not exactly what it  
25 does?



1                   COMMISSIONER HALL: That's correct.

2                   COMMISSIONER HUNTWORK: Now, I'm not sure  
3 exactly how we're going to define substantial detriment  
4 in all cases or apply all cases, but one thing seems  
5 obvious to me. Cutting a community of interest almost  
6 exactly in half is substantial detriment --

7                   MS. HAUSER: Significant.

8                   COMMISSIONER HUNTWORK: -- significant  
9 detriment. Thank you.

10                   I guess my question would be, if you were  
11 to create two competition districts in the Tucson area,  
12 or one competitive district the Tucson area, what would  
13 it take to avoid cutting or at least substantially  
14 cutting that Foothills area? What would be the impact?  
15 Can you do it to one competitive district, uniting that,  
16 eliminate uniting all competitive districts?

17                   COMMISSIONER ELDER: Might I take the  
18 opportunity to look and point at the map and see if it  
19 brings any ideas?

20                   CHAIRMAN LYNN: I think that would be  
21 helpful. I know Dr. McDonald and Mr. Johnson in working  
22 on the map and in trying to do the test may have some  
23 opinions of their own. And then if Mr. Elder wants to  
24 suggest another one, it might be able to react to that.  
25 We don't necessarily want to mix the two, if we can.



1 I'll defer to you gentlemen, if  
2 Dr. McDonald or Mr. Johnson have something they want to  
3 offer or want to have the help of Mr. Elder.

4 DR. McDONALD: The reason the districts can  
5 be competitive in the configuration with the Democrats  
6 here is by splitting among the three districts. So  
7 anything that is done to, in the way of consolidating the  
8 Foothills here, is also going to consolidate the urban  
9 area. And in doing so, you are likely to lose all three  
10 competitive districts. If we try, there may be other  
11 options of just splitting this area between Y and a  
12 noncompact V. That may arrive at the solution. That is  
13 one of the driving reasons why we had to consolidate this  
14 area to the north, because otherwise it wraps around very  
15 noncompact --

16 COMMISSIONER HUNTWORK: Dr. McDonald, you  
17 say "very noncompact."

18 DR. McDONALD: Failed the 1.17  
19 Polsby-Popper, yes.

20 MR. JOHNSON: Population numbers in terms  
21 of the Foothills, there are three census places that make  
22 up the Foothills which total roughly 123,000 people. And  
23 then the community -- well, the places and city that make  
24 up the retirement area are another 40. We haven't looked  
25 up the Saddlebrooke number. I'm not sure how many are up



1 there. Between -- if you put the Foothills retirement  
2 community together, you end up essentially with a whole  
3 district. Given G, W, and T are unchanged, you end up  
4 with another district. As Dr. McDonald was saying,  
5 Marana is down here snaking around the Foothills and  
6 picking up the Tucson area, a very unusual compactness  
7 situation there. And given the population trades, the  
8 only people that pick up from Y in that trade are people  
9 Y get from picking up the U area. That's the mountain,  
10 and there are only a couple hundred people at most there.

11 COMMISSIONER HUNTWORK: Mr. Chairman, if I  
12 may, one follow-up question.

13 CHAIRMAN LYNN: Mr. Huntwork.

14 COMMISSIONER HUNTWORK: If you were to,  
15 talking about significant detriment, not necessarily  
16 talking about keeping the community of interest entirely  
17 whole.

18 I just looked at one you cut in half. It's  
19 hard to find significant detriment if that's not it. The  
20 question I'd ask: If you kind of round off the corner of  
21 the retirement community of interest, maybe to some  
22 extent just kind of taking the edges off, could you  
23 possibly create a competitive district that passes the  
24 Polsby-Popper test?

25 COMMISSIONER ELDER: Since ugly is not a



1 term used by the Judge or by any of the definitions of --  
2 that the Commission informed us of this morning that the  
3 demographics are being slided of in favor of real areas,  
4 is there anything to taking this district and putting a  
5 real ugly connection in and grabbing U? Where does  
6 Polsby-Popper becomes compact if you could really stretch  
7 that in any sort of way? I mean that's ugly, but yet you  
8 pass the compactness.

9 MR. JOHNSON: We'd have to test it. I  
10 don't know that there are the blocks to do the circle as  
11 well. I think these are fairly large blocks that end up  
12 taking --

13 MR. JOHNSON: Right now the City of Tucson,  
14 the city limits, you incorporate the limits. As a matter  
15 of fact, coming down past this area down here, I-10 south  
16 of Vail and Rita Roads, you include Rita Ranch, it then  
17 continues on up through T. But T was off the boards  
18 because of the Hispanic District into the preapproved  
19 aspect of it. But then we have one, two, three, four,  
20 five, I think probably six splits in the City of Tucson  
21 that previously should have two splits based on  
22 population. We come down into different locations, split  
23 the community of interest in the Foothills twice. We  
24 completely combine one community here. That's the only  
25 one in the whole thing that stayed together.



1                   It seems like even this map does  
2   substantial harm to the communities of interest,  
3   substantial enough that losing the districts for  
4   competitiveness seems to be appropriate. I don't know  
5   how to make it better. Therefore I don't know that it's  
6   even worth arguing the point anymore. I'd just protest  
7   exactly what is happening here is in direct relation to  
8   what the orders of the court were to be able to comply.  
9   And it makes it ugly, does harm to our communities and to  
10  the citizens of the state, but that is what is happening.  
11  I don't know a way around it unless somebody can give me  
12  some help.

13                   MR. JOHNSON: Mr. Chairman.

14                   CHAIRMAN LYNN: Mr. Johnson.

15                   MR. JOHNSON: Not to disagree with anything  
16  you said, but to set the record straight on numbers,  
17  Tucson needs three splits. There are five in here, just  
18  to set the record.

19                   COMMISSIONER ELDER: T and W counts four of  
20  them.

21                   CHAIRMAN LYNN: Mr. Huntwork.

22                   COMMISSIONER HUNTWORK: Two different  
23  things. Dan, you made a number of good points. I want  
24  to make sure I understood what you were saying. On the  
25  one hand we see significant detriment here. On the other



1 hand, you don't have to allow significant detriment. You  
2 have to find seven competitive districts in total. Even  
3 if it does significant detriment, that's what the court  
4 ordered us to do. We have to be reasonable about this,  
5 practical about it, but -- I think that is -- I think  
6 that's what you were saying. Even if we violated -- for  
7 example, if we did a district noncompact, so we did  
8 significant detriment to compactness, the criteria  
9 allowed us to respect communities of interest and create  
10 two competitive districts in the Tucson area. That might  
11 be something we need to do in order to comply with the  
12 court's order.

13                   So I just raise -- I gathered that from  
14 what you were saying. If it is, I agree with it, that's  
15 what we have to do.

16                   CHAIRMAN LYNN: We have both an absolute  
17 and a relative standard to meet. Let me explain my  
18 understanding. Absolute and relative standards cannot  
19 both be simultaneously met. With an absolute standard  
20 you cannot make a finding of significant detriment. When  
21 we can make a finding of significant detriment is  
22 relative to the bench mark of competitive districts which  
23 the court is going to be looking for.

24                   Ms. Hauser, is that inaccurate in any way?

25                   MS. HAUSER: No.



1                   CHAIRMAN LYNN: Thank you.

2                   And given those two criteria, my suggestion  
3 would be, and it's procedural more than anything else,  
4 that we go ahead and look at the other areas of the state  
5 where tests have been ordered that may or may not have an  
6 impact on competitiveness of the map. And let's deal  
7 with those as we've dealt with the ones in Tucson to this  
8 point. And then let's see what the map looks like and  
9 see where we might be able to make findings that would  
10 not only allow us to meet the relative standard but the  
11 absolute standard.

12                   CHAIRMAN LYNN: If there's no objection to  
13 that, let's move to the other areas of the state where  
14 tests were run and consider those.

15                   Mr. Huntwork.

16                   COMMISSIONER HUNTWORK: I agree. Let's do  
17 that.

18                   CHAIRMAN LYNN: I'm sorry. I'm looking  
19 over the shoulder only because I'm trying to look at  
20 maps.

21                   CHAIRMAN LYNN: Let's -- let's go to  
22 Phoenix.

23                   COMMISSIONER ELDER: Right to the big jaws,  
24 the dilemma.

25                   MR. JOHNSON: Mr. Chairman, Chandler or



1 City of Phoenix, any preference where you start?

2 CHAIRMAN LYNN: We have to hit them all, so  
3 pick one.

4 MR. JOHNSON: Districts test A are  
5 virtually identical to test B. If you like, I'll bring  
6 up the map you looked at before or whatever you would  
7 like to see.

8 COMMISSIONER HUNTWORK: I'd like to see  
9 something other than that.

10 CHAIRMAN LYNN: Mr. Hall.

11 COMMISSIONER HALL: Did you say "Mr. Hill"?

12 CHAIRMAN LYNN: But sometimes it feels  
13 like --

14 Mr. Hall.

15 COMMISSIONER HALL: I was of the opinion  
16 and stated a week ago I felt that the previous  
17 configuration of District H caused significant detriment  
18 to the City of Chandler wherein their representation was  
19 basically dissected into three different districts. Now,  
20 Mr. Chairman, by reason of this test, I'm of the opinion  
21 we simply shifted the problem to Mesa, which I think  
22 Mr. Jernigan said he couldn't drive down his district  
23 with both doors open without killing his constituency.

24 MR. JERNIGAN: Half of it.

25 COMMISSIONER HALL: I think that's apropos



1 to this district. I know Mesa pretty well. The eastern  
2 part of that district and the western part of that  
3 district are not miles apart. This test does harm to the  
4 City of Mesa and does not provide for adequate  
5 representation to the citizens within that, and I move  
6 that we reject this test.

7 COMMISSIONER HUNTWORK: Second.

8 CHAIRMAN LYNN: Moved and seconded.

9 Discussion on the motion?

10 COMMISSIONER HUNTWORK: Mr. Chairman.

11 CHAIRMAN LYNN: Mr. Huntwork.

12 COMMISSIONER HUNTWORK: I agree completely  
13 with the sentiments that Mr. Hall expressed. I don't  
14 know that we can, if we can reject the district when we  
15 haven't found communities of interest inside Mesa, this  
16 being a Mesa District. What I do find, however, that  
17 this map created additional splits of the City of Mesa,  
18 one of which is, I think, insignificant because it has  
19 zero population, although, you know, we all know in  
20 reality it probably does not have zero population  
21 anymore. Nevertheless, the other is a significant number  
22 of people and I think that that, certainly, is an  
23 additional reason why this does significant detriment.  
24 Also, it looks like one of those oil rigs with heavy  
25 weights on both ends, a dumbbell district, exactly what



1 Prop 106 promised the people of Arizona we'd not be doing  
2 anymore.

3 CHAIRMAN LYNN: Mr. Elder.

4 COMMISSIONER ELDER: Mr. Chairman, we're  
5 looking at the effects of trying to find competitive  
6 areas within a district. And we're going to have that  
7 occur and have already seen it in the Tucson area, that  
8 you've got to go great distances to find enough of one  
9 party here, run and make a neck down until you find  
10 another party there. That's happening in three of these  
11 districts here to where you had to take one voter group  
12 on the west side and find a way to connect to the east  
13 side to get a competitive district. You had to do the  
14 same thing. I don't see the letter, the green, wraps all  
15 the way around H now.

16 MR. JOHNSON: Yes.

17 COMMISSIONER ELDER: H, all the way around  
18 X, to again pick up enough people to make a competitive  
19 district, or at least attempt to make a competitive  
20 district. Neither one of those, under my definition of  
21 compactness, not the definition that we voted on and  
22 agreed to, for the purposes of the court, allow people to  
23 really participate in their government. It's a travesty  
24 from that standpoint. Again, I'm looking for a way of  
25 finding significant detriment where the only community of



1 interest is a town or a city because there was no  
2 internalized communities of interest. And is that  
3 enough? That's something we may need to debate. We'll  
4 end up as we move on into Phoenix. This one is only 15  
5 to 18 miles long. Take the corridor through some of the  
6 ones in Phoenix that are upwards of 20, 25 miles long,  
7 the one-mile width we have here, one-mile choke point,  
8 it's not compact. It doesn't function as an area. They  
9 don't have any kind of community ties. There is no glue  
10 that holds them together. All the things asked for, the  
11 people in the public as we went out on about the 52, 54  
12 hearings or meetings we had falls apart in this area. I  
13 can't believe that the judge would have required that we  
14 do that, but it appears as though he has.

15 CHAIRMAN LYNN: Mr. Huntwork.

16 Well, actually, Dan, that's what I was  
17 going to say. All that is true. But the judge, we're  
18 following the order of the court. The thing that,  
19 however, just applying the rules mechanically, we have  
20 this district which created additional city splits in  
21 Mesa, one of which I think is insignificant and  
22 insubstantial, in other words, I believe one is  
23 significant and substantial.

24 I'd like to ask Mr. Johnson, if he would,  
25 to put up the -- this portion of the map in the



1 Competitive B2 without any tests. What I need him to do  
2 is ask Dr. McDonald the net difference in competitive  
3 districts between the test and the original map. I know  
4 they won't be the same districts, but, in other words, in  
5 looking at this portion of the map, does this portion of  
6 the map contain the same number of competitive districts?

7 MR. JOHNSON: As?

8 DR. McDONALD: As the test?

9 CHAIRMAN LYNN: As the test.

10 DR. McDONALD: Mr. Chairman, Commissioners,  
11 yes, it does.

12 CHAIRMAN LYNN: On the motion, further  
13 discussion?

14 COMMISSIONER ELDER: And the motion is to  
15 reject this test?

16 CHAIRMAN LYNN: Reject this test. All  
17 those in favor of the motion, signify by saying "Aye."

18 COMMISSIONER ELDER: "Aye."

19 COMMISSIONER HALL: "Aye."

20 COMMISSIONER HUNTWORK: "Aye."

21 CHAIRMAN LYNN: Chair votes "Aye."

22 Motion carries unanimously.

23 Mr. Huntwork.

24 COMMISSIONER HUNTWORK: Mr. Chairman, on  
25 the original map, that is the map we were looking at



1 yesterday prior to this test, I would like to make the  
2 motion that the Chandler competitive, well, competitive  
3 tests shown on this map does significant detriment to the  
4 City of Chandler by increasing the number of city splits  
5 from two to three.

6 CHAIRMAN LYNN: I'm with you. But if you  
7 could just bear with me, I'd like to finish the testing  
8 portion first.

9 COMMISSIONER HUNTWORK: I apologize,  
10 Mr. Chairman. I'll withdraw the motion.

11 CHAIRMAN LYNN: Let's see where we are,  
12 work through the map, if we may.

13 Let's go to Central Phoenix, or actually  
14 west -- well, Central and West Phoenix.

15 MR. JOHNSON: Mr. Chairman, one area, two  
16 tests, we can look at either one. Essentially B just  
17 changes AA, J, K, and N, and A is the additional changes  
18 to the north of it. I can bring up whichever one you  
19 would like to see.

20 COMMISSIONER HALL: Mr. Chairman.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: Doug, which map is  
23 this?

24 MR. JOHNSON: Test A.

25 COMMISSIONER HALL: I make a motion we



1 accept this test right here, Test A.

2 CHAIRMAN LYNN: Is there a second?

3 COMMISSIONER ELDER: Second.

4 CHAIRMAN LYNN: Discussion on the motion?

5 Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Mr. Chairman, Doug,  
7 can you put up the city limits of Glendale?

8 MR. JOHNSON: Yes.

9 The test is the shading over the black  
10 corridors. The city limits, the city limits are over the  
11 red area.

12 COMMISSIONER HUNTWORK: This does for  
13 Glendale what we did for Flagstaff earlier, if I can say  
14 so. This accomplishes the almost impossible task, what  
15 we thought was the impossible task of virtually uniting  
16 the City of Glendale in a single district. There is,  
17 there are minor splits, but the -- well, in two  
18 districts, but the heart of the city has been brought  
19 into a single district. Not only is the City of  
20 Glendale, of course, a community of district, but the  
21 record is replete with testimony about the importance of  
22 that area and the connection of that area and the area to  
23 the west, and so on. I think that is a great  
24 accomplishment of this test.

25 CHAIRMAN LYNN: Further discussion on the



1 motion?

2 Mr. Elder.

3 COMMISSIONER ELDER: Mr. Chairman, can we  
4 scroll down to where it includes the A and K -- J, there  
5 we go. More a question or verification that A, N, and J  
6 remain at the 53 or, you know, whatever percent -- it was  
7 the percentage we were trying to get to and maintain for  
8 the Hispanic VAP in those three districts and we still  
9 have the majority in the districts we were looking for  
10 there?

11 MR. JOHNSON: Mr. Chairman, Commissioner  
12 Elder, yes, all three of those become majority Hispanic  
13 voting age and they are at 52, 53, 55 percent Hispanic  
14 voting age. In each case there is some change. As was  
15 discussed in the request and instruction, these include  
16 those communities and figures.

17 COMMISSIONER ELDER: Then for just the  
18 benefit of the record, to the best of your knowledge, or  
19 ability, we responded to what the Coalition requested as  
20 far as the moves to be able to generate these percentages  
21 in this area?

22 MR. JOHNSON: Yes, other than like the  
23 north side of A and the K-N switch that had not been  
24 discussed, everything that was discussed was done.

25 COMMISSIONER ELDER: Thank you.



1 CHAIRMAN LYNN: Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Doug, can you put  
3 the other test superimposed on this?

4 MR. JOHNSON: Sure.

5 COMMISSIONER HUNTWORK: I really want to  
6 see what the differences are in Glendale, basically. So  
7 leave Glendale up. Maybe you can impose the lines or --

8 MR. JOHNSON: Let me change colors.

9 COMMISSIONER HALL: It's all one color to  
10 Jim, anyway.

11 COMMISSIONER HUNTWORK: Great.

12 MR. JOHNSON: The white lines are the other  
13 test, test B. The colors are test A, so you see the  
14 differences.

15 Let me take the double letters off.

16 COMMISSIONER HUNTWORK: Okay. Now, if my  
17 colors, if my eyes don't deceive me, and they might,  
18 Glendale was split -- it's split three ways in both tests  
19 or split four ways in the other --

20 MR. JOHNSON: Three ways in both tests.

21 COMMISSIONER HUNTWORK: Three ways in both  
22 tests. In one test, kind of the heart of Glendale is  
23 together, and the third split is up at the northern tip,  
24 is that right, in the test that we are looking at now,  
25 the first test we're looking at? I'm trying to make sure



1 I see correctly.

2 MR. JOHNSON: Mr. Chairman, Commissioner  
3 Huntwork, the test referred to the west Glendale heart,  
4 central section corner, North Glendale. Test A unites  
5 the west and southeastern corner in one district  
6 together, and then the north is largely intact. It does  
7 lose the very north piece of it.

8 COMMISSIONER HUNTWORK: Right. But most of  
9 the north is, in fact, intact in one district.

10 Do you have population densities in there?  
11 Never mind. If it's easy, though, I'd like to know, but  
12 not -- I remember from the other day it's not that easy.

13 Okay, that's fine. Thank you.

14 MR. JOHNSON: I should note just from work  
15 done with Glendale, that whole, the heart of Glendale up  
16 north is fairly of similar density. The differences the  
17 city talks about, when they developed very different  
18 characteristics, very dense, recently developed, that's  
19 why they distinguish from the southeast corner.

20 CHAIRMAN LYNN: Again, the question with  
21 respect to competitiveness, Dr. McDonald?

22 DR. McDONALD: I'm having Ms. Leoni tell  
23 Ms. Hauser to tell me.

24 CHAIRMAN LYNN: A bird told me.

25 Between the two tests, comment on the

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1 relative competitiveness on this area of the map.

2 COMMISSIONER ELDER: Original, this test to  
3 the second.

4 DR. McDONALD: In the original test we had  
5 an uncompetitive K, just ones affected in terms of  
6 competitiveness, rather than go through them all, an  
7 uncompetitive K and competitive O. In -- well, M was  
8 competitive and L was competitive. In the test, the  
9 line -- lines rather than the colored-in shaded, that has  
10 a competitive K and a competitive O in addition to  
11 competitive M and competitive L. The test which is the  
12 shaded test has a competitive K, M, and L but not a  
13 competitive O.

14 COMMISSIONER HALL: So, just to confirm, if  
15 we accepted this test, pursuant to the motion, the whole  
16 state currently has 10 competitive districts; is that  
17 right? I'm not saying we're finished, just trying to  
18 keep score, here, where are we at, three in Tucson --

19 DR. McDONALD: Three in Tucson.

20 COMMISSIONER HALL: Three.

21 DR. McDONALD: M, K, L, H -- H and D and B,  
22 and BB, so we'll have 10, correct.

23 CHAIRMAN LYNN: Further discussion on the  
24 motion?

25 Mr. Huntwork?



1                   COMMISSIONER HUNTWORK: Okay. I'm going to  
2 vote for this motion because the, as compared with the  
3 other test, this -- the other test does, in my opinion,  
4 have significant detriment on Glendale, in comparison  
5 with this one. That's the key. This one does the best  
6 job of any map we have seen of uniting Glendale. And the  
7 other, then, would disrupt that in a way that I believe  
8 does have significant detriment.

9                   CHAIRMAN LYNN: I agree with that,  
10 Mr. Huntwork. I believe in terms of our definition, we  
11 are talking about significant detriment where it relates  
12 to representation. And the way Glendale is laid out, the  
13 way testimony about Glendale has come into the Commission  
14 over and over again, is the Old Town area of Glendale,  
15 with it's characteristics, you very much need to have  
16 common representation, and, therefore, would suffer  
17 significant detriment were they to be split in a manner  
18 that the other test accomplishes. And it is for that  
19 reason that I, too, am supportive of this test as opposed  
20 to it. I feel your point is extremely well-taken with  
21 respect to this particular community of interest.

22                               Further discussion on the motion?

23                               Mr. Elder.

24                   COMMISSIONER ELDER: Mr. Johnson, turn off  
25 all others. Let's see the one we're going to vote on

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1 here.

2 Okay. Thank you.

3 CHAIRMAN LYNN: Back it out?

4 Make sure which line I was looking at.

5 All those in favor of the motion to accept

6 this test, this is the February 22nd Test B, signify by

7 saying "Aye."

8 COMMISSIONER HALL: "Aye."

9 COMMISSIONER HUNTWORK: "Aye."

10 COMMISSIONER ELDER: "Aye."

11 CHAIRMAN LYNN: Chair votes "Aye."

12 Opposed, "no"?

13 Motion carries unanimously.

14 To Mr. Hall's point earlier, if you'd be so

15 kind as to go through the test, give a running tally in

16 the map as we address these, I mean it would be helpful.

17 DR. McDONALD: Currently, as of this

18 adoption, there are 10 competitive districts.

19 CHAIRMAN LYNN: Thank you, Dr. McDonald.

20 Okay. Are we finished in Phoenix?

21 MR. JOHNSON: Yes.

22 CHAIRMAN LYNN: Let's move north?

23 COMMISSIONER ELDER: Sure.

24 CHAIRMAN LYNN: We had a test on AA, I

25 believe.



1 MR. JOHNSON: Yes.

2 Mr. Chairman, this is the test where BB  
3 picked up some population from AA, and then R picked up a  
4 little more population from BB to shift population down,  
5 primarily from the Grand Canyon and Tusayan areas which  
6 were picked up into BB.

7 CHAIRMAN LYNN: Again, would, would you  
8 help me with -- I know I can look it up, but the Native  
9 American VAP before and after the test.

10 MR. JOHNSON: Mr. Chairman, before we did  
11 this test, back on the Competitive B2 plan, the Native  
12 American voting age percentage in AA was 59.77 percent.  
13 The district was actually overpopulated by 1.2 percent.  
14 The version shown, the screen has a -- passes the  
15 compactness test and AA is underpopulated by 55/100ths of  
16 a percent and the Native American voting age population  
17 is 60.83 percent.

18 The other two things we looked at in the  
19 test which had compactness scores, BB is below the  
20 compactness score you are using giving 1.75 deviation in  
21 AA which gets us up to 61.83 for a 2.6 percent deviation  
22 in AA which gets us to 62.1.

23 CHAIRMAN LYNN: Mr. Elder?

24 COMMISSIONER ELDER: Mr. Chairman,  
25 Mr. Johnson, what was the total minority percentage in



1 the before and after?

2 MR. JOHNSON: Before, in the Competitive B2  
3 plan, the total voting age minority was 64.21. And it  
4 is, in the test on the screen, test A and test B, it is  
5 65.05.

6 CHAIRMAN LYNN: Changes made to AA in order  
7 to accomplish this, highlight once again, along A and the  
8 long series of tests, the areas of -- in exchange with  
9 BB?

10 MR. JOHNSON: Yes.

11 CHAIRMAN LYNN: Would you highlight those.

12 MR. JOHNSON: Sure.

13 We did the black outline here which is BB,  
14 so the change was the Grand Canyon Village area was in  
15 AA. Plan B2 has now moved south. There was a small fix  
16 to the leg on the reservation there which moved into AA  
17 because of zero population, then over south of the  
18 reservation in Mohave County, essentially between the  
19 freeway and reservation border east of Kingman. And New  
20 Kingman, we moved that area into District BB. And then  
21 right along the river we moved unincorporated areas also  
22 south from A into BB. And an additional test, I  
23 mentioned going into higher deviations, just take that  
24 river arm further north.

25 CHAIRMAN LYNN: Thank you.

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1                   Is there a motion with respect to this  
2 test?

3                   Mr. Huntwork.

4                   COMMISSIONER HUNTWORK: I want to make sure  
5 I understand what happened with BB and the result of  
6 this. You just can't look at these as one district in  
7 isolation. BB was a competitive district, I want to make  
8 sure it still is and still will be. When you move  
9 population in, you have to move population out, maintain  
10 competition.

11                  DR. McDONALD: BB maintains its competitive  
12 status.

13                  COMMISSIONER HUNTWORK: After equalizing  
14 population.

15                  DR. McDONALD: In the tests, both test A  
16 and B they remain a competitive district.

17                  COMMISSIONER HUNTWORK: Okay.

18                  COMMISSIONER HUNTWORK: Move people out of  
19 BB where?

20                  MR. JOHNSON: Lake Havasu there's a split.  
21 We just increased the split, split population in R from  
22 Lake Havasu.

23                  COMMISSIONER HUNTWORK: Bear with me. Lake  
24 Havasu City is a community of interest. You just said we  
25 split a community of interest. We're doing this in order



1 to create a competitive district? Tell me more about it.  
2 I need to know whether that is significant detriment to  
3 that community of interest.

4 MR. JOHNSON: Sure.

5 COMMISSIONER HUNTWORK: You said we split  
6 it further doing more damage to it.

7 MR. JOHNSON: I don't know if you are  
8 familiar with the streets in Lake Havasu City or not, but  
9 we are -- it is not a city that is laid out in a grid  
10 fashion by any means. The first split was around Rolling  
11 Hills Drive, Totum Drive, and Demaret, D E M A R E T,  
12 Drive. Now with this change it's along Saddlebrooke  
13 Drive, Blue Grass Drive, and -- looks like Chip Drive.  
14 In terms -- oops, in terms of people, it will just take  
15 me a minute here.

16 CHAIRMAN LYNN: As you are doing that,  
17 Mr. Johnson, it occurs to me when you are dealing with  
18 urban areas, I know this is on a relative scale, when you  
19 are dealing with urban areas, urbanized Phoenix, with  
20 it's 18, 21 incorporated areas in the metropolitan area,  
21 it's often very difficult to really realize when you move  
22 from Phoenix to Chandler, Phoenix to Tempe. I mean we  
23 know where boundaries are, as you are driving through  
24 them, not necessarily as evident as it is in other  
25 places. When you get into the rural areas it's really



1 easy to figure out when you come to town. It has a  
2 different feel to it, a different concept, a different  
3 ambience.

4 I guess the point is that when we go out  
5 of our way to split a city we identified as a community  
6 of interest, and particularly a city like Lake Havasu  
7 which is a rapidly growing city and one that has probably  
8 expanded much beyond the 2000 map you have there, it  
9 becomes difficult because you've now linked it with two  
10 districts where an enormous amount of population is  
11 elsewhere. And wherever those wind, in whichever  
12 districts, they're sure to be different in character from  
13 this particular district, this particular portion of the  
14 district. And that is really troublesome to me.

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: Particularly here  
17 we have a District with two cities at opposite ends, two  
18 cities that have no community of interest between them,  
19 between each other, but strong communities of interest in  
20 themselves. And one of them is being kept whole and the  
21 other is being split. And that may be, you know, that  
22 may be the control of this district, which pole actually,  
23 which end is actually on the heavier side of the balance  
24 here because of the long, empty space in between, which  
25 way will the scales tilt. We're changing the balance,



1 the further we tip this, the more we change the balance.  
2 Splitting it at all is a concern.

3 CHAIRMAN LYNN: Mr. Chairman,  
4 Commissioners, the initial test before B2, there are  
5 roughly 5,900 people from Lake Havasu put into District R  
6 out of total population of 42,000, so almost 10 percent,  
7 nine percent. The additional split put, I think, 6,000  
8 more people in, so around 11, 12 thousand people, a  
9 quarter of the city.

10 CHAIRMAN LYNN: Mr. Hall.

11 COMMISSIONER HALL: I've been in Lake  
12 Havasu a couple times in the last couple months. It's my  
13 recollection, that portion we're referring to, the very  
14 highly residential areas, and -- it's not like we're  
15 dealing with, you know, a downtown shopping center or  
16 something. I think, really, the number of people  
17 probably is -- it is certainly significant, much more  
18 significant now. Havasu has over 50,000 now and is very  
19 rapidly growing.

20 CHAIRMAN LYNN: Well, it is getting to be a  
21 long day and long week, but I don't know we have a  
22 motion, just looking at the district. Is there a motion  
23 with respect to the test run on AA?

24 COMMISSIONER HUNTWORK: Mr. Chairman.

25 CHAIRMAN LYNN: Mr. Huntwork.



1                   COMMISSIONER HUNTWORK: Just so we focus on  
2 this, I move we reject the test.

3                   CHAIRMAN LYNN: Is there a second?

4                   COMMISSIONER HALL: Second.

5                   CHAIRMAN LYNN: Discussion?

6                   Mr. Huntwork.

7                   COMMISSIONER HUNTWORK: Well, this is a  
8 complex analysis, because we're not just dealing with  
9 competitiveness here, although it's one of the things  
10 we're dealing with. We're also dealing with a voting  
11 rights district and a very important one and very  
12 complicated one in AA as well as a competitive one in BB.  
13 The Navajo position is that they are going to oppose any  
14 retrogression in their district.

15                   Based on the information that I understand  
16 about the effectiveness of the voting on the Navajo  
17 reservation, I believe that they had an effective  
18 district before this test occurred and that the damage  
19 that we do to this community of interest is significant.  
20 And it's not that I have a problem with the results of  
21 the test in AA, but I have a problem with the ripple  
22 effect that it causes in other districts. And so I want  
23 to reject this test not because of what it does to AA but  
24 because of what it does to BB and, in particular, to what  
25 it does to Lake Havasu City. If there were another way



1 to circulate population out of BB that doesn't have that  
2 effect, then I would certainly reconsider. I just -- you  
3 know, I just don't want to see it happen that way.

4 CHAIRMAN LYNN: Mr. Hall?

5 COMMISSIONER HALL: Well, what it does do,  
6 though, too, in addition, in the change between AA and  
7 BB, is it moves Grand Canyon Village back into BB, right?

8 MR. JOHNSON: Mr. Chairman, yes, moves them  
9 into BB, yes.

10 COMMISSIONER HALL: From AA to BB.

11 MR. JOHNSON: Correct.

12 COMMISSIONER HALL: From a community of  
13 interest standpoint, while I agree, Mr. Huntwork said  
14 Lake Havasu, I think, that is a good move. Certainly  
15 they fit more appropriately with Flagstaff simply because  
16 they can't go north there because there's a little  
17 canyon. So I --

18 CHAIRMAN LYNN: Small gully.

19 COMMISSIONER HALL: Just a little one. So  
20 that is a redeeming factor of the test. However, I  
21 concur with concerns relative to Lake Havasu.

22 COMMISSIONER HUNTWORK: Mr. Chairman, just  
23 a quickie, Joshua. You will never here me criticize you  
24 talking judgment, common sense, wisdom, and so on. We  
25 didn't find the Grand Canyon Village, and so on, as a



1 community of interest, so we can't find that as a reason.  
2 We can use the natural boundary geography as a reason.  
3 Your point there is apropos.

4 CHAIRMAN LYNN: I don't think there is  
5 another natural boundary that can match it in the state.

6 COMMISSIONER HUNTWORK: Or anywhere in the  
7 world.

8 CHAIRMAN LYNN: As being a divider.

9 COMMISSIONER ELDER: Mr. Chairman,  
10 Mr. Johnson, all the way around the Colorado there are a  
11 series of Indian tribes and reservations there. Are they  
12 all kept whole in all of these options or are any of them  
13 divided?

14 MR. JOHNSON: They are kept whole except  
15 for a couple of them have noncontiguous square miles far  
16 to the south, that kind of thing, but the main body of  
17 each reservation is, indeed, intact.

18 CHAIRMAN LYNN: Mr. Huntwork.

19 COMMISSIONER HUNTWORK: How many people are  
20 in Bagdad? You were talking about moving that into  
21 Yavapai earlier, another way to shed population.

22 MR. JOHNSON: Mr. Chairman, Commissioner  
23 Huntwork, there are 1,578 people in Bagdad. Those could  
24 be moved into CC rather than the additional population of  
25 Lake Havasu. Of course, we'd need to test the impact on

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1 competitiveness and compactness from doing that shift.

2 COMMISSIONER HUNTWORK: What other  
3 population areas are there along the southern boundary of  
4 BB?

5 MR. JOHNSON: There is Ash Fork which was  
6 also mentioned earlier, kind of over in the middle, not a  
7 lot of population in it, Seligman, another 456, between  
8 the 3,000, a little over 3,000 people, reducing the neck  
9 of BB there. That's the impact of that.

10 COMMISSIONER HUNTWORK: Right. And  
11 continuing on around the horn, any others before you get  
12 to Flagstaff?

13 MR. JOHNSON: Small numbers of population  
14 in unincorporated noncensus places, no incorporated areas  
15 or census places until you get to Flagstaff.

16 COMMISSIONER HUNTWORK: Okay.

17 CHAIRMAN LYNN: Further discussion on the  
18 motion?

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

21 COMMISSIONER HUNTWORK: "Aye."

22 COMMISSIONER HALL: "Aye."

23 COMMISSIONER ELDER: "Aye."

24 CHAIRMAN LYNN: Chair votes "Aye."

25 Motion carries unanimously.



1 Dr. McDonald, still at 10?

2 DR. McDONALD: Still at 10.

3 CHAIRMAN LYNN: Thank you very much.

4 District R, as we move along here. The

5 issue was the fairly narrow connector. Even though it  
6 met the definition, it was narrow. We asked you to see  
7 if it could be widened out some. Just review what  
8 transpired with the widening.

9 MR. JOHNSON: The neck, you can see here  
10 the white line was the previous neck where R was  
11 connected between what happened in District 24 and the  
12 Yavapai County line. We've widened that out by going  
13 into Yavapai County. You get 20, 30 people, get a  
14 smaller number of people in La Paz County. What was  
15 District 24 is now District DD, east of Wendon and  
16 Salome, and that brings the compactness score of District  
17 R up.

18 CHAIRMAN LYNN: Are those by large  
19 individual census tracts that were added?

20 MR. JOHNSON: We were looking to get a  
21 relatively compact, smooth border rather than individual  
22 jogs, so we were looking more at compactness than where  
23 the exact tract was.

24 CHAIRMAN LYNN: I'm wondering if you could

25 achieve a partial result by including one thought, in

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1 other words, if you rejected the top portion but accepted  
2 the bottom portion, which improves it some but doesn't  
3 split the county.

4 MR. JOHNSON: Correct. I don't know where  
5 that would end up on the score, though.

6 COMMISSIONER HUNTWORK: Do we have a county  
7 as a community of interest in that area?

8 COMMISSIONER HALL: It's split.

9 CHAIRMAN LYNN: This is an additional  
10 split.

11 COMMISSIONER HUNTWORK: Mr. Chairman, no  
12 motion here. I don't find that small number of people to  
13 be significant detriment without something, a natural  
14 resource that isn't related to the number of people that  
15 live there.

16 MR. JOHNSON: Mr. Chairman, Commissioner  
17 Huntwork, testimony this morning was along that line that  
18 was not a significant split.

19 COMMISSIONER HALL: Mr. Chairman, I move we  
20 accept this test.

21 CHAIRMAN LYNN: Second?

22 COMMISSIONER ELDER: Second.

23 CHAIRMAN LYNN: Further discussion on the  
24 motion?

25 All those in favor of the motion, signify



1 by saying "Aye."

2 COMMISSIONER ELDER: "Aye."

3 COMMISSIONER HALL: "Aye."

4 CHAIRMAN LYNN: Chair votes "Aye."

5 Motion carries.

6 We need to take a 15-minute break.

7 We'll reconvene in 15 minutes.

8 (Recess taken.)

9 CHAIRMAN LYNN: Back on the record.

10 All four Commissioners are present, legal  
11 counsel, consultants, and staff.

12 Mr. Johnson, does that, does that complete  
13 the first round of test review? Have we missed anything?

14 MR. JOHNSON: No, that's the fullest.

15 CHAIRMAN LYNN: Okay. Mr. Elder.

16 COMMISSIONER ELDER: Mr. Chairman,  
17 Mr. Johnson, I would like to take a look back at Tucson.  
18 And while you are doing that, Doctor, that's a glassy  
19 stare, McDonald, we're standing at nine competitive, or  
20 standing at 10 competitive districts by your running  
21 total?

22 DR. McDONALD: At the moment we're standing  
23 at 10 competitive districts.

24 COMMISSIONER ELDER: Okay.

25 Mr. Chairman, I want to revisit Tucson

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1 because I don't believe in the spirit and intent of  
2 Judge Fields' order that we can go through there and lose  
3 three competitive districts to hold the communities of  
4 interest whole.

5                   What I'd like to do is I'd like to describe  
6 another test to see if we can generate a minimum of two.  
7 I would hope for two. I don't want to say "minimum" in  
8 the direction. We need to at least maintain one and  
9 hopefully two districts in the core of Tucson. And that  
10 would leave us with the, I want to say, good humor of the  
11 court as well as doing the best job we can in the intent  
12 that the order was placed to us.

13                   CHAIRMAN LYNN: Is that in the form of a  
14 motion?

15                   COMMISSIONER ELDER: To run a test, yes.

16                   CHAIRMAN LYNN: Is there a second?

17                   COMMISSIONER HUNTWORK: Well, second.

18                   CHAIRMAN LYNN: Thank you.

19                   Would you like to be heard, Mr. Huntwork.

20                   COMMISSIONER HUNTWORK: What test?

21                   COMMISSIONER ELDER: I'm getting ready to  
22 describe that as soon as they got the screen up and  
23 going.

24                   CHAIRMAN LYNN: Fill in a blank here and  
25 describe --



1                   COMMISSIONER ELDER: Since I verbally  
2 didn't communicate last night when trying to describe a  
3 possibility, there were some assumptions. And just  
4 looking at the densities and the way things were put  
5 together, I would like to try to describe some parameters  
6 or some focus that might preclude the same thing from  
7 happening that occurred on the original test, on the  
8 second test on Tucson.

9                   If I could go to the screen and describe as  
10 much as possible, see if that gives Doug and Dr. McDonald  
11 and the rest of my Commissioners a sense of where I'm  
12 going, I'd like to do that.

13                   CHAIRMAN LYNN: Mr. Elder, what I prefer,  
14 you may like to do it exactly that way, let me suggest if  
15 you could share with the consultants the outcome you are  
16 looking for in terms of either communities of interest or  
17 other features other than getting into the specific  
18 manipulation. There may be two, three ways to do  
19 something to achieve the outcome you are looking for. I  
20 understand --

21                   COMMISSIONER ELDER: Okay. I'm going to do  
22 it my way. I'll also try to give you a conceptual  
23 approach to it.

24                   The conceptual approach is to maintain the  
25 communities of interest described in the City of Tucson,



1 the Foothills, the retirement communities; we also have  
2 the town of Oro Valley; and there's an edge on Marana in  
3 the area in play. Because the other district is one of  
4 the -- that is to west of Marana, that is in the Voting  
5 Rights Act area. So that district, W and T, are not to  
6 be modified or touched, as I would view it. With that  
7 said, then what happened the last time is we ended up  
8 with four vertical breaks going down through the City of  
9 Tucson that were connected to some horizontal breaks in  
10 the Foothills that didn't follow any kind of land form,  
11 geography, roadway system, just horizontal lines that  
12 divided something. I'm not quite sure what it divided,  
13 but it reeked -- "reeked" -- yeah, probably a good word,  
14 reeked havoc on the communities of interest there.

15 I'd like to give some edges of where you  
16 can keep moving across this way to achieve, probably move  
17 this way to achieve, move where, I don't have enough  
18 without a computer, again, to do what Jim was saying,  
19 clicking on what Jim was saying, how many Republicans,  
20 Democrats. I have to depend on the doctor and Doug to do  
21 it. I'll try to speak loudly so everybody can hear.

22 These were the areas where we have the two  
23 retirement communities. Keep the Town of Oro in whole  
24 here and the eastern part of Marana. You may very well  
25 be we tie those together. There should probably more



1 Democrats here, far more Republicans in this area, and  
2 coming on down until you start picking up population for  
3 a district. We have a river that was dividing the  
4 Foothills District from the city. There are roads  
5 through the Foothills that the primary flow is north to  
6 south. We have very few roads, I'm looking at this, I'd  
7 say we have very few roads in this area of the Foothills  
8 that run east to west. It seems like most people feed on  
9 the outcome of communities and go onto these roads having  
10 flexibility to move across the Foothills using Oracle,  
11 First Avenue, Campbell, I mean a whole series that tie,  
12 people recognize as edges of communities even within the  
13 Foothills from Catalina Foothills, Cat 1, Cat 2, Cat 9,  
14 and they pretty much follow these roads.

15                   When you get into the City of Tucson, get  
16 into that area, the University of Arizona, I believe  
17 about right in here, this district in one of -- I want to  
18 say previous plans of a year ago came over probably to  
19 Campbell, but we have the same demographics there. Maybe  
20 to the north of University make maybe -- going through in  
21 a vertical direction, end up with something, enough  
22 Democrats in this area, enough Republicans in this area,  
23 and Democrats spill over. The assumption, I don't know  
24 if it will fly, but it may, with the City of Tucson in  
25 the configuration primarily south of the river, we're



1 going to have far more Democrats at that point than we do  
2 Republicans. But we are also holding, this says W, W or  
3 T, right south of the City of Tucson, here we go, Y, T,  
4 this core in the City of Tucson, we also have the  
5 Democrats here to the east of University, also have  
6 within the city limits, we have Republicans down in Rita  
7 Ranch, the Hispanic community of Rita Ranch you don't  
8 want in that area, which is how the notch got here in the  
9 first place. Balance these Republicans with Democrats we  
10 pick up there. It gives up Y. I don't see any way there  
11 are enough Democrats left to get. You can't go across  
12 the Foothills, couldn't get any before. You can't come  
13 across there in my mind. I don't know where there were  
14 any Democrats before. Third, competitive, to keep Y,  
15 just in my heart of hearts I don't know how you can do  
16 that. You might get us two competitive districts in the  
17 City of Tucson, this being one competitive district and  
18 the part here being competitive, and then this Y picking  
19 up the Foothills more rural, more density, Green Valley  
20 at the bottom, Sierra Vista, both Rs. The whole rural is  
21 R, the Foothill is R. Mesa, as far as density goes, does  
22 get us the potential, I hope, of two competitive  
23 districts, and it for the most part keeps the Foothills  
24 as a community of interest we were looking for as a whole  
25 which honors, really, to a greater extent the city limits



1 of Tucson, combines retirement, resort communities, the  
2 growing new subdivisions of Marana, not agriculture, and  
3 seems to make sense communities of interest all the way  
4 through. That was my guess. That's what I would like to  
5 test.

6 Any other questions, Doug, for the  
7 Commission to see where we go from there?

8 Mr. Huntwork?

9 COMMISSIONER HUNTWORK: I'd like to add so  
10 we don't have to do multiple tests if we find we can't do  
11 two, do one that preserves communities of interest. We  
12 don't want to, you know, by misdefining this miss at  
13 least the opportunity to do one if that's the only  
14 opportunity we have.

15 CHAIRMAN LYNN: Does everyone understand  
16 the motion that, in fact, was a motion, may have been the  
17 world's longest motion, a motion with explanation, to run  
18 a test?

19 I should ask Mr. Johnson, Dr. McDonald,  
20 based on their knowledge, how much work is involved in  
21 running this particular test.

22 Let me ask it. Let me ask the question  
23 later of other tests we're also ordering. There may be  
24 an accumulation of testing.

25 Ms. Hauser.



1                   MS. HAUSER: The only request I have at  
2 this point is an attempt -- it's helpful to have the  
3 description there, to attempt in some fashion to frame  
4 the motion in a way someone reading it from the record  
5 would know. Dan has explained what he intends to have  
6 accomplished graphically, visually. But if we could have  
7 it concisely put into some kind of words that somebody  
8 reading this --

9                   CHAIRMAN LYNN: I'll try.

10                  MS. HAUSER: You know it's impossible to  
11 read the record and know what that was.

12                  CHAIRMAN LYNN: Ms. Hauser, if I knew what  
13 you were saying, life would be a lot better.

14                         Let me attempt to do that.

15                         I believe the intent of Mr. Elder's motion  
16 is as follows: The current map does clear, significant  
17 detriment to the communities identified in the Tucson  
18 area, those being the City of Tucson, the Foothills, the  
19 retirement areas, the Town of Marana, Town of Oro Valley,  
20 that there may be a way to restore the damage that has  
21 been done to those areas in terms of combining voting  
22 blocks from what currently appears as District V,  
23 District U, and District Y in such a way as to better  
24 provide the opportunity for representation of those areas  
25 and in doing so still maintain a, hopefully two,



1 competitive districts in the area, but to Mr. Huntwork's  
2 point, it may require that that area only contain one  
3 competitive district. Our hope would be that we could  
4 restore the opportunity for appropriate representation in  
5 those areas and still maintain two competitive districts.

6 MS. HAUSER: Effective representation.

7 CHAIRMAN LYNN: Effective representation  
8 and maintain those districts.

9 Is that closer to what you had in mind?

10 COMMISSIONER ELDER: Close.

11 CHAIRMAN LYNN: Made it up. Make them all  
12 up.

13 COMMISSIONER HALL: Crystal clear.

14 CHAIRMAN LYNN: Discussion on that motion?

15 All those in favor of the motion signify by  
16 saying "Aye."

17 COMMISSIONER HUNTWORK: "Aye."

18 COMMISSIONER HALL: "Aye."

19 COMMISSIONER ELDER: "Aye."

20 CHAIRMAN LYNN: Chair votes "Aye."

21 Motion carries and is so ordered.

22 Other tests we might want to run?

23 What I'm envisioning, just for the sake of

24 the Commission, the point which I'll ask Mr. Johnson,

25 Dr. McDonald, how much time is necessary to complete the

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1 testing phase we're currently ordering? I'd intend at  
2 that point to take a break, allow them complete testing,  
3 reconvene at whatever hour they suggest, and continue  
4 with our questions toward the selection of a map that we  
5 might further consider in this process.

6 Mr. Huntwork.

7 COMMISSIONER HUNTWORK: One other test I  
8 might talk about a little bit. I also want to talk about  
9 Chandler. I attempted earlier to make a motion we find  
10 significant detriment to Chandler. I'd like to deal with  
11 that sooner rather than later. That one is burning a  
12 hole in my pocket. I don't know if anyone else agrees.

13 CHAIRMAN LYNN: Fine.

14 COMMISSIONER HALL: Based on this map.

15 COMMISSIONER HUNTWORK: Based on this map,  
16 I make a motion the Commission finds this map does  
17 substantial detriment to the City of Chandler by dividing  
18 it into three districts instead of two and by failing to  
19 give it a clear, substantial majority in any of those  
20 districts.

21 CHAIRMAN LYNN: Is there a second?

22 COMMISSIONER HALL: I second that.

23 CHAIRMAN LYNN: Discussion on the motion?

24 I think, for the record, you know, I ask  
25 the Commission to be as specific as possible. We have a

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1 set of specific criteria we're applying, and that  
2 criteria needs to be applied evenly, consistently, across  
3 our map. With that in mind.

4 COMMISSIONER HUNTWORK: Well, Mr. Chairman,  
5 significant detriment has to do with the ability of  
6 Chandler as a city to substantially control at least one  
7 district in the Legislature. It currently has that  
8 ability. And I think the testimony was, and I think the  
9 numbers are that, as configured, there will be serious  
10 question whether Chandler would be able to control even a  
11 single district.

12 CHAIRMAN LYNN: And I think that goes to,  
13 certainly, a function of size of districts versus size of  
14 cities or communities of interest that are within a  
15 district.

16 COMMISSIONER HUNTWORK: Yes.

17 CHAIRMAN LYNN: In terms of there ability  
18 to influence, in terms of their ability to generate the  
19 influence necessary for effective representation, I agree  
20 with you, there are communities of certain sizes by  
21 virtue of not just the fact they are divided but how they  
22 are divided, which render them essentially powerless  
23 within the districts that they would be a part of,  
24 insofar as unsubstantial numbers to ultimately get the  
25 representation that they deserve in an effective manner.



1                   COMMISSIONER HUNTWORK: Yes. In this case  
2 you have, essentially, a trifurcation, I just made that  
3 up. Sounds about right.

4                   DR. McDONALD: Like a crossword puzzle.

5                   CHAIRMAN LYNN: Further discussion on the  
6 motion.

7                   COMMISSIONER HALL: For my benefit,  
8 Dr. McDonald, in the event that the test in Tucson is  
9 successful and the intent of that motion is to unite  
10 communities of interest, to restore, I should say,  
11 communities of interest loses one competitive district in  
12 Tucson, and in the event that this motion presently  
13 pending were to make District H noncompetitive, what  
14 would be our tally?

15                   DR. McDONALD: Without bringing Tucson into  
16 the mix, it would reduce from 10 to nine the number of  
17 competitive districts.

18                   CHAIRMAN LYNN: Mr. Hall's point, if you  
19 were able configure Tucson in such a way we lose one  
20 competitive district, we'd be at eight; if we had to lose  
21 two, we'd be at seven?

22                   DR. McDONALD: Correct.

23                   CHAIRMAN LYNN: Mr. Hall --

24                   COMMISSIONER HALL: Mr. Huntwork.

25                   COMMISSIONER HUNTWORK: I feel



1 complimented.

2 MR. RIVERA: How low we have fallen.

3 CHAIRMAN LYNN: No, but I've offended

4 Mr. Hall.

5 COMMISSIONER HALL: I moved to this side of  
6 table and we're buddies.

7 COMMISSIONER HUNTWORK: Right.

8 Now I've forgotten what I was going to say.

9 COMMISSIONER HALL: My question is --

10 CHAIRMAN LYNN: Mr. Hall, I was right.

11 COMMISSIONER HALL: Yeah, you are right.

12 Obviously when you guys did the last test,  
13 the key test, you created a long, skinny district in  
14 Mesa. It was the product of an effort to unite Glendale  
15 and still maintain a competitive district. That leads to  
16 my question: Is it your opinion --

17 CHAIRMAN LYNN: Not Glendale, Chandler.

18 COMMISSIONER HALL: Sorry, Chandler. Is it  
19 your opinion it's extremely difficult to maintain a  
20 competitive district and still respect the surrounding  
21 cities and communities of interest so they have the  
22 opportunity for effective representation?

23 DR. McDONALD: Correct. What we started  
24 with in doing that test is first unite, divide the City  
25 of Chandler into two districts, draw a competitive



1 district, then begin filling in around that as best as  
2 made sense. That would be the only competitive district  
3 that would be available, yes.

4 COMMISSIONER HALL: I guess my question is,  
5 I mean we're not doing this just to make changes for the  
6 sake of making changes. Obviously we want to create  
7 competitive districts that don't cause significant  
8 detriment to the other goals. What I'm hearing from my  
9 fellow Commissioners, I tend to agree, that the effort to  
10 create a competitive district in the East Valley is  
11 causing significant detriment. My question is in light  
12 of the fact it seems to me that that isn't an option, can  
13 we take the existing districts from our adopted plan, and  
14 will they -- in other words, if we don't, if unable to  
15 accomplish the goal of competitiveness, why make  
16 unnecessary changes for the benefit of the  
17 municipalities, for the benefit of the current  
18 Legislature, the current members of the Legislature?  
19 I'm --

20 Doug?

21 MR. JOHNSON: Mr. Chairman, Commissioner  
22 Hall, were you to vote against this plan, for the current  
23 motion, we'd obviously need something in this area. The  
24 two options that you've seen recently, the 2004 plan  
25 districts in this area or the, what we call the

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1 Communities 2B plan, this is what we were looking at the  
2 other day which are fairly similar, the main change being  
3 how in the 2004 plan, let me show them to you -- get the  
4 coloring right --

5 COMMISSIONER HUNTWORK: Mr. Chairman, while  
6 he's doing that, I'd like to make a brief comment to shed  
7 light. The motion had to do with finding significant  
8 detriment in this case. I wasn't picking a map,  
9 rejecting a map, until we know what is happening in  
10 Tucson. We don't know, have to have seven competitive  
11 districts regardless of whether they do significant  
12 detriment or not. Have that in mind.

13 CHAIRMAN LYNN: I understand the motion  
14 only with respect to the declaration of significant  
15 detriment of a tri-lateral split of Chandler.

16 COMMISSIONER HUNTWORK: Right.

17 CHAIRMAN LYNN: Mr. Hall was asking a  
18 question in advance of some other question, I think.

19 COMMISSIONER HUNTWORK: Yes.

20 CHAIRMAN LYNN: Mr. Hall, do you need an  
21 answer to your question before we vote on the motion?

22 COMMISSIONER HALL: No.

23 CHAIRMAN LYNN: If not, all those in favor  
24 of the motion, signify "Aye."

25 COMMISSIONER ELDER: "Aye."



1 COMMISSIONER HUNTWORK: "Aye."  
2 COMMISSIONER HALL: "Aye."  
3 CHAIRMAN LYNN: Chair votes "Aye."  
4 Motion carries and is so ordered.  
5 Mr. Johnson.  
6 MR. JOHNSON: The map on the screen, the  
7 Communities AA plan, the current process we're walking  
8 through is in colors. And we take -- what you see is  
9 a -- and then the 2004 plan is again in the white lines.  
10 So the map under current process in the Chandler area  
11 there, H, goes up a little more to Mesa, north and east,  
12 than it did in the 2004 plan; and I comes over a little  
13 more into Chandler over to Alma School Road. Chandler  
14 stops, or District H stops at the Chandler city line.  
15 The 2004 district continued east and picked up Maricopa  
16 County portions of Queen Creek. That difference is to  
17 offset District X with a slightly larger incursion into  
18 Mesa in District X -- I'm sorry, no, a smaller incursion  
19 into District X rather than larger incursion.  
20 The white lines are from the 2004 plan, C,  
21 F in Mesa just moves to accommodate other differences.  
22 COMMISSIONER HUNTWORK: Mr. Chairman.  
23 CHAIRMAN LYNN: Huntwork.  
24 COMMISSIONER HUNTWORK: Any population  
25 moved in or out of that area, boundaries, outer



1 boundaries, what I call the East Valley Districts, appear  
2 to be identical or is there some slight change?

3 MR. JOHNSON: There is actually change.  
4 It's a little hard to see.

5 Yeah. Let me make this go through yet.  
6 Let me make this go through.

7 Yes. Under our current plan, District B  
8 comes further in and district -- there's a large area  
9 here in question.

10 In our current plan, the actual South  
11 Mountain is in J. Under the older plan it was in I.  
12 That's only two people, not a big shift. B is coming  
13 further in under our current work which then pushes I  
14 further over to H and it comes through. I think --

15 COMMISSIONER HUNTWORK: Does that result in  
16 overpopulation?

17 MR. JOHNSON: My best recollection is  
18 that's the result, reducing overpopulation in the East  
19 Valley 2004 plan. DOJ had an objection, high populations  
20 in the East Valley reduce somewhat in 2004 the current  
21 process since they didn't go through the same process  
22 which has lower deviations in the East Valley.

23 CHAIRMAN LYNN: Any other tests that the  
24 Commission wishes to order?

25 Mr. Huntwork.



1                   COMMISSIONER HUNTWORK: Mr. Chairman, at  
2 least in my judgment the action we took with regard to  
3 adjustments AA, in my mind at least, was based on the  
4 unacceptable way in which population was being circulated  
5 around and the believe that the changes were not  
6 necessary to comply with the Voting Right Act. However,  
7 I would, nevertheless, like to know if there is any other  
8 way to redistribute the population. One thing that  
9 occurs to me, you know, is maybe a couple thousand people  
10 or a little over a thousand people might be able to do  
11 another way, you might take away compactness of that  
12 district and it has to be tested. Another possible way  
13 to do it would be to do some detriment to the Flagstaff  
14 area, in other words, take some population out of BB in  
15 Flagstaff instead of taking additional people out in Lake  
16 Havasu City, add obviously then to the district, to  
17 District CC, and then you'd have to adjust something out  
18 the bottom of CC. At that point you get into R which is  
19 underpopulated, and into, however you're going to  
20 distribute out of R in the first place, if R, you took  
21 into R and it stayed there. The question simply is: Is  
22 there another way to do it so you may do detriment to  
23 another community of interest but we might possibly be  
24 able to find that it's not significant detriment as  
25 opposed to this ever-increasing detriment that we would

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1 be doing to Lake Havasu City?

2 CHAIRMAN LYNN: And let me ask a related  
3 question. I think it's related. It may not be. We have  
4 a situation before the test was run. I believe AA was  
5 overpopulated 1.2 percent. We do have the option  
6 bringing that over population down, simply removing.

7 COMMISSIONER HUNTWORK: I think BB is also  
8 overpopulated.

9 CHAIRMAN LYNN: I understand, there may be  
10 a ripple.

11 A related question: You might be able to  
12 run a test that first adjusts that population, and then,  
13 and then has -- a two-stage test. I know we're trying to  
14 achieve multiple goals here. One is to address the  
15 concerns in AA in terms of Native American voting age  
16 population. Second would be to address -- certainly I  
17 share the concerns of the split at Lake Havasu. I'm  
18 wondering if there is a way try to do both, going through  
19 those three districts, AA, BB, and I guess CC and maybe  
20 into R.

21 COMMISSIONER HUNTWORK: Maybe,  
22 Mr. Chairman, maybe up in the population east of  
23 Flagstaff, put that back into AA to allow more to be  
24 taken out on the west end and put it in BB without  
25 necessarily going into the Flagstaff planning area.



1                   CHAIRMAN LYNN: Recognizing that BB is  
2 competitive and we want to try to maintain that.

3                   Is that --

4                   Is that way too complex a group of  
5 suggestions to form into a motion?

6                   Understand what we're getting at here,  
7 Mr. Johnson?

8                   COMMISSIONER HALL: Before you answer,  
9 Doug, there's only like, what, four, five towns you can  
10 work with. My fear is we may be asking for the  
11 impossible.

12                  CHAIRMAN LYNN: I'm open to that.

13                  COMMISSIONER HALL: Feel free to say that.  
14 Don't blink.

15                  MR. JOHNSON: Let me look at -- actually,  
16 in addition to the population issue, we have a  
17 compactness issue as well. So then -- let me check where  
18 we're at on that number.

19                  COMMISSIONER HUNTWORK: Right on the edge  
20 is what you said before.

21                  MR. JOHNSON: Yes. The district under the  
22 B2 configuration you're talking about is at 1.18  
23 Polsby-Popper score. It is one-tenth of -- one-tenth of  
24 100th point to spare here.

25                  COMMISSIONER HALL: Well, I guess what



1 we're saying, Doug, run the test, consider people first,  
2 and look at whatever the implications are with respect to  
3 compactness, but --

4 CHAIRMAN LYNN: The intent is to try to  
5 maintain BB competitive and to make adjustment, see if  
6 there is a methodology to make adjustments among those  
7 districts that would reduce the damage that we've  
8 identified.

9 Mr. Huntwork, is that a motion?

10 COMMISSIONER HUNTWORK: So moved.

11 CHAIRMAN LYNN: Second?

12 COMMISSIONER ELDER: Second.

13 CHAIRMAN LYNN: Discussion?

14 MR. JOHNSON: Mr. Chairman, if I could just  
15 ask for a repeat or clarification of exactly what areas?

16 COMMISSIONER HALL: Fix it, Doug.

17 CHAIRMAN LYNN: Mr. Huntwork.

18 COMMISSIONER HUNTWORK: The idea would be,  
19 obviously, as you move population out of AA, any suitable  
20 population you move back in somewhere else without  
21 changing the competitiveness, although I kind of doubt  
22 that that would be the case, but that wouldn't impact the  
23 Native American ratios as much as the area you are taking  
24 out, that's one possibility. The only thing I think is  
25 the area is just northeast of Flagstaff you might have at



1 least a small number of voters that would fall in that  
2 category. The other thing is, look at the area south of  
3 Flagstaff or even going into the south side of Flagstaff,  
4 take anybody out of there, of course Forest Highlands,  
5 the Kachina Village areas there. Kachina Village has a  
6 significant number of actual residents as opposed to  
7 Forest Highlands which have very few permanent residents.  
8 There may be Democrats versus Republicans, I don't know  
9 how the effect of competitiveness would be of it. Check  
10 everything you can think of. Then, of course, earlier  
11 you identified Bagdad and Seligman.

12 MR. JOHNSON: Ash Fork.

13 I guess is the goal to bring AA to  
14 population balance?

15 COMMISSIONER HUNTWORK: No. Increase  
16 Native American percentages while still complying with  
17 the population deviation requirements throughout. BB is  
18 already over.

19 COMMISSIONER HALL: And protecting Havasu.

20 COMMISSIONER HUNTWORK: It is protecting  
21 Havasu from any further detriment.

22 CHAIRMAN LYNN: Mr. Elder.

23 COMMISSIONER ELDER: Mr. Chairman, direct  
24 Mr. Johnson to not split the FMPO there at Flagstaff.

25 And I'm not positive, and Mayor Donaldson or Vice Mayor,



1 am I correct in thinking that this area to the right of  
2 the vertical area of the FMPO is outside the FMPO.

3 MAYOR DONALDSON: Yes.

4 COMMISSIONER ELDER: I, we want to keep  
5 that is what my addition to the motion is. Make sure  
6 that stays whole. If population to the north and east is  
7 eating into AA, so pull some out or rotates through to  
8 where Havasu City remains whole in R and pick up  
9 population in Kingman and population rotates through to  
10 the east side of Flagstaff.

11 MR. JOHNSON: Just -- this may simplify the  
12 instructions a little bit.

13 Doing that, you are right, this area is  
14 definitely more Native American than the area over here.  
15 But that is -- doing that type of change is going to --

16 COMMISSIONER HALL: Competitiveness.

17 MR. JOHNSON: Compactness will fail.

18 COMMISSIONER HUNTWORK: Mr. Chairman, my  
19 motion specifically was to go into the Flagstaff Planning  
20 area, if necessary, without doing significant detriment.

21 We have to -- I'd say an impact, small  
22 percentage of that area, wouldn't -- it would be  
23 detriment. Our goal is not to do significant detriment.  
24 We're at that line. I feel we're right at that line,  
25 maybe already crossed it in Lake Havasu City. 10



1 percent -- five-40ths, or something, 12 and a half  
2 percent. I certainly wouldn't want to exceed that ratio  
3 anywhere, including in Flagstaff, but I just --

4 CHAIRMAN LYNN: With that clarification,  
5 Mr. Elder, your concern with respect to the planning area  
6 is not a part of the motion. If you want to offer an  
7 amendment, I'd be happy to accept that, see if that can  
8 be added.

9 I take it Mr. Huntwork doesn't want to add  
10 it himself, in fact, his specific instruction was  
11 contrary to it.

12 COMMISSIONER ELDER: Mr. Chairman,  
13 Mr. Huntwork, it can't be modified through compromise  
14 saying an absolute minimum impact to the FMPO? We can  
15 take a look at it. If it's too far for me, I can vote  
16 against the test.

17 CHAIRMAN LYNN: Absolutely.

18 COMMISSIONER ELDER: I can do that.

19 I'd like to give Mr. Johnson before he  
20 starts off possibly a limit, the FMPO, if it crowds in  
21 500 people -- at what point then do I start looking at  
22 it, no, that's gone too far, we don't gain that much over  
23 Havasu, don't gain that much in AA Native American  
24 percentages to justify damage to the community of  
25 interest.



1                   COMMISSIONER HUNTWORK: My thinking, in  
2 Lake Havasu we have 5,000 out of 40,000; roughly  
3 speaking, 12 and a half percent. Flagstaff Metropolitan  
4 Planning area may be 70,000. That would be, you know, 12  
5 percent of that would be a higher number. I'm not to  
6 suggest we don't have to go that far. Maybe only work  
7 the same number people through. Do a smaller impact on  
8 that area. That's why I think that it's worth  
9 considering. I may also feel, Mr. Elder, it doesn't do  
10 enough good and does too much harm. I just want to see  
11 what it does. Do basically the same test we just did and  
12 redistribute population a different way, see how much  
13 harm that does. It may not be possible. Anything we do  
14 there may destroy compactness of this district.

15                   COMMISSIONER ELDER: I already have made  
16 comments on the district. I biased Mr. Johnson in the  
17 way he approaches it. Let's leave it this way.

18                   MR. JOHNSON: It may help clarify the  
19 motion, I hope. It's one thing taking the Flagstaff area  
20 into CC.

21                   COMMISSIONER HUNTWORK: Yes.

22                   MR. JOHNSON: Per the instruction, this  
23 would be using, taking out of Flagstaff to bleed off  
24 population from BB pursuant to the instruction, as I  
25 understand it; however, unlike R, CC doesn't go down into



1 Maricopa County, you do have R coming in a little bit  
2 here. Unless we start taking Congress and Peeples  
3 Valley, and stuff, into R, we're really, there is no  
4 pass-through from CC. We're looking to increase CC a  
5 little bit.

6 COMMISSIONER HUNTWORK: No. I think you  
7 have to pass through. CC becomes overpopulated.

8 MR. JOHNSON: Yes.

9 COMMISSIONER HUNTWORK: I don't think it  
10 can happen unless you pass through. Part of what we look  
11 at as well, now we've done harm to something else.

12 MR. JOHNSON: Okay.

13 COMMISSIONER HUNTWORK: We have to see.  
14 We're attempting to go the second mile and  
15 see if there is a way to implement an important test. We  
16 didn't turn down what it did to AA, like it did to AA.  
17 The problem is what it did to everything else. See if  
18 there is another way to accomplish it.

19 CHAIRMAN LYNN: On the motion, further  
20 discussion?

21 All those in favor of the motion, signify  
22 by saying "Aye."

23 COMMISSIONER HALL: "Aye."

24 COMMISSIONER ELDER: "Aye."

25 COMMISSIONER HUNTWORK: "Aye."

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1                   CHAIRMAN LYNN: Chair votes "Aye."  
2                   Opposed, "No"?  
3                   Motion is carried.  
4                   Other tests you wish to order?  
5                   Mr. Johnson, given those two tests, and  
6 understanding Mr. Hall's comment, don't want you to lose  
7 sight of that, "no" is an okay answer if you've given it  
8 a good Claremont-McKenna try, if you know what I'm  
9 saying, it's a -- it's a --

10                  MR. JOHNSON: I hate to say this. We also  
11 need to -- there was no instruction yet on what to do in  
12 Chandler in terms of going to -- trying the 2004 lines in  
13 AA.

14                  CHAIRMAN LYNN: The idea in Chandler was to  
15 only effectuate a single split, I believe.

16                  COMMISSIONER HUNTWORK: Yeah. But in terms  
17 of which approach should you start with, the  
18 original 2004 approved map or draft map you had up there  
19 as an alternative.

20                  CHAIRMAN LYNN: We didn't -- the draft map  
21 is what is on the table at the moment, the map we're  
22 working with, unless you order something else.

23                  COMMISSIONER HUNTWORK: Okay.

24                  COMMISSIONER HALL: I think the map we're  
25 working with is the First Competitive Map.



1                   CHAIRMAN LYNN: Me, too.

2                   COMMISSIONER HALL: The map he flashed up  
3 is a step back from that, our Community of Interest Map.  
4 My recommendation would be in light of the fact creating  
5 the competitive district does cause significant detriment  
6 to the community of interest, that we would step back in  
7 the East Valley to the Community of Interest Map. That  
8 is a motion.

9                   COMMISSIONER ELDER: Second.

10                  CHAIRMAN LYNN: Discussion on that motion?

11                  CHAIRMAN LYNN: Mr. Huntwork.

12                  COMMISSIONER HUNTWORK: Mr. Chairman,  
13 I'm -- the differences from the approved maps are very  
14 small, 2004 approved maps are very small. And I just  
15 don't know what the -- how the court would feel if we  
16 substituted the approved districts in this area. It  
17 doesn't affect competitiveness anywhere. One thing it  
18 does --

19                  CHAIRMAN LYNN: Not substituting them. As  
20 I understand the motion, we're dealing with iterations of  
21 the same process. Forget 2004 a second. Up there, as a  
22 reference point, going back to, as you remember, we had  
23 the Communities of Interest Map.

24                  COMMISSIONER HUNTWORK: Right.

25                  CHAIRMAN LYNN: We moved to a



1 Competitiveness With Communities Map.

2 COMMISSIONER HUNTWORK: Right.

3 CHAIRMAN LYNN: Mr. Hall's suggestion is go  
4 back one iteration to look at that.

5 COMMISSIONER HUNTWORK: I understand.

6 Speaking to that point.

7 COMMISSIONER HALL: Let me answer your  
8 question. I think we're better off with the Community of  
9 Interest Map, Jim, because, one, the population  
10 adjustments that have been made, I think, are more  
11 appropriate and, two, I think, as I understand what you  
12 said, Mr. Johnson, there are other minor ripple effects  
13 from other outlying districts we've created and it's just  
14 an automatic fit versus stepping back another level and  
15 trying to fit those, already trying to ripple population  
16 into Southern Arizona and ripple population in Northern  
17 Arizona.

18 I guess what -- I guess in -- it's -- that  
19 map is the product of this particular process we're  
20 involved in and I think in this particular situation is  
21 appropriate. So I guess --

22 COMMISSIONER HUNTWORK: I understand. One  
23 question. What did we do to Tempe? Tempe was a  
24 community of interest.

25 CHAIRMAN LYNN: Nothing.

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1                   COMMISSIONER HUNTWORK: Split Tempe  
2 differently than it was or more than it was?

3                   MR. JOHNSON: Let me show it here. The  
4 dark shading here is the City of Tempe. White lines are  
5 South Scottsdale, Tempe, then you have a split. We  
6 have --

7                   COMMISSIONER HUNTWORK: Tempe is more  
8 united than it was.

9                   MR. JOHNSON: Yes, now more united than it  
10 was. The southwest corner is split off into -- less  
11 split than it was before.

12                  COMMISSIONER HALL: In many respects, one  
13 good advantage, it treats the southeast valley better,  
14 also. I think that's a very -- not only very compact  
15 district, very representative of the folks that are in  
16 that area.

17                  CHAIRMAN LYNN: On the motion.

18                  Mr. Huntwork?

19                  COMMISSIONER HUNTWORK: I deny this map  
20 treats anywhere in the map better than originally.

21                  CHAIRMAN LYNN: Relatively speaking.

22                  COMMISSIONER HUNTWORK: But it does less  
23 damage here than in many other parts of the state.

24                  COMMISSIONER ELDER: Call the question.

25                  CHAIRMAN LYNN: All favor of the question,



1 signify by saying "Aye."

2 COMMISSIONER HUNTWORK: "Aye."

3 COMMISSIONER HALL: "Aye."

4 COMMISSIONER ELDER: "Aye."

5 CHAIRMAN LYNN: Chair votes "Aye."

6 Motion carries and is so ordered.

7 As I understand the three tests, the three  
8 tests specifically that are ordered, the Tucson test.

9 DR. McDONALD: Mr. Chairman.

10 CHAIRMAN LYNN: Dr. McDonald.

11 DR. McDONALD: I wanted to note we lost one  
12 competitive district. We're are now at nine competitive  
13 districts.

14 CHAIRMAN LYNN: Beginning testing with  
15 nine.

16 DR. McDONALD: Correct.

17 COMMISSIONER HALL: Because of H.

18 DR. McDONALD: Yes, lost competitive  
19 District H.

20 CHAIRMAN LYNN: Thank you. Appreciate it.

21 Starting with nine competitive, three tests  
22 to run: The Tucson test; Chandler test; and the AA, BB,  
23 CC, R test, for lack of a better term.

24 I need a time estimate, Mr. Johnson, for  
25 those tests to be completed.

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1                   COMMISSIONER HALL: We need a time estimate  
2 for how long it will take to give a time estimate.

3                   MR. JOHNSON: The difficulty is in the  
4 north, we could stumble across a solution in 10 minutes  
5 or search for it a considerable length of time.

6                   I think talking earlier about the Tucson  
7 test, you're probably looking about an hour and a half  
8 for that. Up north, it's difficult to say. I mean --  
9 report back to you?

10                  CHAIRMAN LYNN: Do the Tucson one, finish  
11 it.

12                  COMMISSIONER HUNTWORK: Mr. Chairman, is we  
13 reconvene based on the Tucson test, giving Doug an hour,  
14 hour and a half, or something, to work on the Northern  
15 Arizona test.

16                  MR. RIVERA: Doug is the only one here, has  
17 no one else to back him up.

18                  MR. JOHNSON: That makes sense. It's 4:00  
19 now, 5:30, look at the Tucson test, take a dinner break,  
20 do the Tucson test.

21                  COMMISSIONER HALL: 6:00, 6:30, have dinner  
22 in the interim, then all the tests.

23                  CHAIRMAN LYNN: I don't know what "all  
24 tests" look like.

25                  I understand the problem. What we need to



1 do is put the tests in order of effectiveness in terms of  
2 your pursuit. If you believe Tucson is an hour and a  
3 half, believe Chandler might be an easier test to run,  
4 please do those in order, then as much time as we can  
5 give you to try to deal with that other test. We'll stop  
6 at a point certain, 6:30, or some number, come back,  
7 report on everything you've done to that point. If more  
8 time is needed, we'll either grant it or defer it at that  
9 time. Make sense?

10 COMMISSIONER HALL: Just as a point of  
11 clarification, we're not running a test in Chandler.

12 MR. JOHNSON: Just substitution.

13 CHAIRMAN LYNN: You knew what I meant.  
14 Ordered a correction there.

15 MR. JOHNSON: Yes.

16 CHAIRMAN LYNN: Do we think 6:30? You tell  
17 me.

18 We want to be sure of Dr. McDonald's  
19 ability to run the appropriate JudgeIt as you go.

20 MR. JOHNSON: That should work. Hopefully  
21 we'll be done with everything, done at 6:30, if not,  
22 report back to you on everything we've done at that  
23 point.

24 CHAIRMAN LYNN: I'd suggest, are there  
25 members of the public that wish to address the Commission



1 at this time? You might --

2 Sure, Patrice.

3 COMMISSIONER ELDER: Let Mr. Johnson go.

4 CHAIRMAN LYNN: I will in either case.

5 Only one.

6 Mr. Johnson, you and Dr. McDonald are  
7 excused.

8 Ms. Leoni, stay with us.

9 Anyone other than Ms. Kraus at this moment?

10 Ms. Kraus, if you would, please.

11 MS. KRAUS: Mr. Chairman, Members of the  
12 Commission, the map selected Chandler had a couple small  
13 changes. I think switching population back and forth  
14 between I and H, that would make more sense to our  
15 community based on, you know, different subdivisions. If  
16 I could work with the consultants to work that out.

17 CHAIRMAN LYNN: I'm fearful to put a fine  
18 line on it, a fine line on every one of these. I'm not  
19 expecting you to accept half a loaf. We're trying to  
20 help you out.

21 MS. KRAUS: I understand.

22 CHAIRMAN LYNN: We cannot draw around  
23 individual trailer sites and homes. We're simply trying  
24 to fix a problem we all recognize in Chandler. My sense  
25 would be if there is a -- if it's a simple suggestion you



1 might convey to Ms. Leoni on her way out of the room, do  
2 the best we can.

3 MS. KRAUS: Swapping one square mile.

4 MR. RIVERA: Mr. Chairman, I prefer the  
5 public not --

6 CHAIRMAN LYNN: Are you prepared to tell me  
7 what the changes look like?

8 MS. KRAUS: I don't know exactly what  
9 populations are --

10 CHAIRMAN LYNN: Not a problem.

11 MS. KRAUS: One section in District I and  
12 one section in District H that -- two sections in  
13 District I, one at the northern part of I and one in the  
14 southern part of I. I suggest the southern part go into  
15 H and then adding more from I, or from H into I, the  
16 northern part, all the northern part go into I and all  
17 the southern part into H.

18 CHAIRMAN LYNN: Do you have a configuration  
19 of that?

20 MS. KRAUS: I can point at the map.

21 COMMISSIONER HUNTWORK: It's just  
22 population shifting.

23 MS. KRAUS: It is. There's a subdivision  
24 divided in the southern section and like communities  
25 divided in the northern section. You can remedy that by



1 splitting that.

2 CHAIRMAN LYNN: Well, let me defer to --

3 Hang on one second.

4 MS. HAUSER: Both are Republican districts,  
5 so it's not likely to make a difference.

6 CHAIRMAN LYNN: So -- okay.

7 CHAIRMAN LYNN: To the extent you can  
8 identify blocks, street names, or --

9 MS. KRAUS: I think I have it in my --

10 MS. LEONI: Get the street names.

11 COMMISSIONER HALL: To Mr. Rivera's  
12 comment, come back put on the public record when you  
13 review what occurred.

14 MR. RIVERA: I don't mind if you order the  
15 test. I don't want anybody talking to the consultants.

16 COMMISSIONER HALL: I move we order it.

17 COMMISSIONER HUNTWORK: Second.

18 CHAIRMAN LYNN: Discussion?

19 All in favor of --

20 MS. LEONI: If I have street names, if I  
21 hear them.

22 CHAIRMAN LYNN: We'll order the test as she  
23 gives us names.

24 MS. LEONI: Good.

25 CHAIRMAN LYNN: We'll order the test



1 pursuant to Ms. Kraus identifying blocks so we see what  
2 they look like.

3 All in favor of ordering that test, signify  
4 by saying "Aye."

5 COMMISSIONER HALL: "Aye."

6 COMMISSIONER HUNTWORK: "Aye."

7 COMMISSIONER ELDER: "Aye."

8 CHAIRMAN LYNN: Motion carries.

9 Ladies and gentlemen, at 6:30 we'll  
10 reconvene. We're in recess until then.

11 (Whereupon, the Commission recessed at 4:10  
12 to resume at 6:30 p.m.)

13 CHAIRMAN LYNN: The Commission will come to  
14 order.

15 All four Commissioners are present, all  
16 legal counsel, staff, and consultants.

17 Mr. Johnson, Dr. McDonald, would you walk  
18 us through the changes infused in what you are now  
19 calling the February 23rd Test Map.

20 COMMISSIONER HALL: Is this BB-6-4 or  
21 something (laughing)?

22 COMMISSIONER ELDER: Stroke nine.

23 MR. JOHNSON: Starting up in the north,  
24 north to south here, let me show you where we started.  
25 So we have the same areas and more taken out of AA that



1 we looked at earlier, the Grand Canyon, Canyon village  
2 area out of AA and into B, over in the Mohave County  
3 areas east of Kingman east of the reservation also out of  
4 AA, and again the area in the west along the river, the  
5 same area out of AA. Changes, though, to make the  
6 southern portion of BB work on the compactness front, AA  
7 picked up the area from the reservation going west and it  
8 goes to the, let me put the MPO line, it goes to the MPO  
9 border but not into it, so it was about 530 people picked  
10 up there. On the south, per the instruction, district --  
11 let me start with CC, CC picked up population to the  
12 east, that includes Ash Fork.

13 COMMISSIONER HALL: Ash Fork.

14 CHAIRMAN LYNN: Not Ash Fork.

15 COMMISSIONER HALL: It's Ash Fork.

16 MR. JOHNSON: I forgot the second word, Ash  
17 Fork.

18 COMMISSIONER HALL: It's Ash Fork.

19 MR. JOHNSON: Coming down to the north  
20 edge, the same area on the north here along the top or  
21 close to the top of the Census places around the  
22 Tri-Cities comes across and down, really just looking for  
23 population that we can feed down to reduce the overall  
24 deviation of BB. The other area in question, Bagdad had  
25 been discussed. That actually moves from BB into R, and

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1 then to bleed the population through CC into R that we  
2 discussed, R also picks up Congress and what are the  
3 other places here, and Yarnell and Peoples Valley. So,  
4 so those three towns in Bagdad that go into R, and we end  
5 up, from a numbers perspective -- oh, then no changes in  
6 Lake Havasu City. So the split we looked at the other  
7 day, not the split we looked at the other day.

8 CHAIRMAN LYNN: First split.

9 MR. JOHNSON: Yes, first split.

10 COMMISSIONER HALL: 2,500.

11 MR. JOHNSON: I don't remember --

12 CHAIRMAN LYNN: 7,000.

13 MR. JOHNSON: The first one I mentioned  
14 today.

15 In terms of deviation, AA is now  
16 underpopulated by 1.06, BB is overpopulated by 1.56, CC  
17 is almost balanced, actually, 9/100s of a percent under,  
18 and R is actually underpopulated by 0.28 percent, and  
19 this passes a compactness score at .1 point compactness  
20 and others are higher. Finally, this, I'll have  
21 Dr. McDonald talk about competitiveness, the Native  
22 American voting percentage is 61.3 percent.

23 DR. McDONALD: Mr. Chairman, that,  
24 Commissioners, as far as competitiveness of BB, it  
25 retains its competitiveness status score of 47.1.



1                   MR. JOHNSON: Any questions about what  
2 happened up here?

3                   CHAIRMAN LYNN: Questions or comments for  
4 Mr. Johnson or Dr. McDonald?

5                   Okay, let's move to the Phoenix area.

6                   MR. JOHNSON: Okay.

7                   MR. JOHNSON: The black lines for the B2  
8 plan that the Commission voted on, and then we went back,  
9 let me see if I can put the 2A plan over, so we, we were  
10 successful in being able to substitute in 2A, and then --  
11 oh, here it is, and then pursuant to the final  
12 discussion, the shift in border H and I, I now, it  
13 previously came up to the Mesa border along Dobson Road,  
14 kind of stepped over to Alma School, now goes all the way  
15 up to the Mesa City line, but not into Mesa, so no  
16 additional split of Mesa along Dobson, Alma School Road.  
17 What that allowed is unification of the housing  
18 development split in the 2004 plan and moving of that  
19 area into H. It's not entirely up to Polk to keep  
20 deviation down, but the development is all in H.  
21 Otherwise, the rest of the East Valley is all the  
22 communities AA plan with the little correction of those  
23 two census blocks in Apache Junction we talked about  
24 before.

25                   COMMISSIONER ELDER: Deviation?



1                   MR. JOHNSON: Deviation here, H is over by  
2 .47 percent, I is under by .69 percent, CC is over by  
3 .11, and F is over by .78, and X is over by .73 percent.

4                   COMMISSIONER ELDER: Thank you.

5                   CHAIRMAN LYNN: Questions or comments?

6                   DR. McDONALD: Well, Mr. Chairman.

7                   CHAIRMAN LYNN: Dr. McDonald.

8                   DR. McDONALD: In terms of competitiveness,  
9 Doug and I discussed this, District H, a competitive  
10 district, previously, is now uncompetitive Republican  
11 with a score of 42.2 percent. All others were not  
12 competitive to start with.

13                   MR. JOHNSON: Chandler, the two Districts,  
14 H and I in Mesa, four Districts, H, C, F and X.

15                   CHAIRMAN LYNN: Mr. Elder.

16                   COMMISSIONER ELDER: Mr. Chairman, on Mesa,  
17 by virtue of population, it would have two or three  
18 districts required, or -- two or three splits required  
19 anyway; is that correct?

20                   MR. JOHNSON: Mesa requires three, so just  
21 one more than required.

22                   COMMISSIONER ELDER: We've gotten Chandler  
23 down to a two split by this.

24                   MR. JOHNSON: Yeah.

25                   CHAIRMAN LYNN: Mr. Huntwork.



1                   COMMISSIONER HUNTWORK: What we appear to  
2 have done, there are two very solid Mesa districts, a  
3 solid Chandler district, we have a Gilbert all in one  
4 district, we still have Tempe, of course. We even have  
5 more of Tempe in one than our original plan, and it's  
6 still very competitive, I'm sure one of the most  
7 competitive districts on the map. So --

8                   CHAIRMAN LYNN: Yep.

9                   COMMISSIONER HUNTWORK: I feel that very  
10 strongly reflects the communities of interest we've  
11 identified in that area.

12                  CHAIRMAN LYNN: Thank you.

13                  Moving south.

14                  MR. JOHNSON: Okay.

15                  COMMISSIONER HUNTWORK: What about the  
16 Central Phoenix, does that change or was that in the  
17 previous map?

18                  MR. JOHNSON: The Phoenix area is just as  
19 it was in the Test A configuration.

20                  COMMISSIONER HUNTWORK: Test A, right.

21                  MR. JOHNSON: Now going down to Tucson, the  
22 instruction I talked about, looking at the Rita Ranch  
23 option, if not, talked about options to go into Tucson  
24 Foothills, Tucson worked to achieve the goals. So first  
25 let me do a picture. So what we have is, first of all,



1 as mentioned, W and T are unchanged from what we looked  
2 at before. So then the Foothills area, the very end of  
3 it is in V. The rest of it is all in Y. And other than  
4 that very end in V and V comes down, there is no crossing  
5 of the community border into Tucson, so we achieved that  
6 goal. U is all those areas from 22nd up to our Foothills  
7 community border, and then it wraps around. The first  
8 step is just take the Tucson City area, take, trying to  
9 follow the urban-rural division there, come around, pick  
10 up Rita Ranch, actually tried to pick up the rest of the  
11 City of Tucson and census place of Vail as well. That  
12 just barely failed the compactness test, so we also  
13 picked up a census block that I think had one person  
14 here, maybe about 20 people in the census blocks just on  
15 the edge, might have been a few more than that, census  
16 blocks right on the edge of Tucson to make it fit the  
17 compactness test.

18                   Let me zoom in to where V, U, and Y come  
19 together.

20                   Now we have Y in the Foothills, V is the  
21 East Marana retirement communities coming down in, in the  
22 City of Tucson, and it actually comes down to Speedway in  
23 the south, although the University stays in Y, because we  
24 didn't make any changes in Y, V comes down to University  
25 not picking it up, down to Speedway. Let me check the



1 streets there for you. Comes over to Palo Verde  
2 Boulevard and Howard Boulevard. And then instead of the  
3 rest of Tucson being divided as it was before in Y and  
4 the Foothills District, the city area, incorporated area  
5 in U wrapping around the rest of the incorporated area  
6 around T.

7 Let me have Dr. McDonald talk about the  
8 competitiveness results here.

9 CHAIRMAN LYNN: Population deviation first.

10 MR. JOHNSON: Oh. These three, U is  
11 underpopulated by .69, V is underpopulated by .69, and Y  
12 is underpopulated by .43.

13 CHAIRMAN LYNN: Okay. Dr. McDonald.

14 DR. McDONALD: In terms of competitiveness,  
15 most the interested districts, U, V, Y, two of the  
16 previously -- all three were competitive districts. In  
17 this configuration, two of the three are competitive  
18 districts: Those are Districts U, Democratic competitive  
19 district, 50.6; V, competitive Republican district, 47.2;  
20 and then Y, now Republican, 40.1 percent.

21 CHAIRMAN LYNN: Overall total,  
22 Dr. McDonald?

23 DR. McDONALD: Eight competitive districts,  
24 13 Republican, four competitive leaning Republican, four  
25 competitive leaning Democratic, and nine Democratic



1 districts.

2 CHAIRMAN LYNN: Comments or questions by  
3 the Commission?

4 COMMISSIONER HUNTWORK: Well, my only  
5 comment would be that I think that we have taken this  
6 process about as far as we can, for now. These tests  
7 produced results which I'm very happy with. I'm very  
8 pleased we were able to find two competitive districts in  
9 Tucson. I was afraid, just looking at it, that it almost  
10 seemed as if you automatically lost two if you lost one.  
11 I think it was very good work to figure out a way.

12 That little tip at the end of the Foothills  
13 District, you describe as a small tip, can you give me  
14 just kind of estimate what percentage of the population  
15 of that district is involved there? Is that 10 percent  
16 or less? Is it -- is it 25 percent? What -- and I'm not  
17 asking for a decimal point or anything, I just want to  
18 know --

19 MR. JOHNSON: Casas Adobas, 54,000. Going  
20 off geography, half of Casas Adobas, 25,000, if that's  
21 evenly distributed people. It will take a minute to dig  
22 that up if we need to. Probably looking at 25, 27  
23 thousand out of 123,000, about a fifth.

24 COMMISSIONER HUNTWORK: Okay.

25 CHAIRMAN LYNN: Mr. Elder.



1                   COMMISSIONER ELDER: Mr. Chairman, as far  
2 as this test, I'd like to move we accept this test in the  
3 Tucson area.

4                   CHAIRMAN LYNN: What about the whole map?

5                   COMMISSIONER ELDER: Well, I'd move the  
6 whole map.

7                   CHAIRMAN LYNN: Move the whole map.

8                   COMMISSIONER ELDER: Just a point of  
9 reference. Is this map included in the whole map?

10                  MS. HAUSER: That is the map.

11                  CHAIRMAN LYNN: Just refer to it as the  
12 February 23rd Test.

13                  COMMISSIONER ELDER: I move we accept the  
14 February 23rd Test as the map we move forward with for  
15 consideration by the court.

16                  CHAIRMAN LYNN: Is there a second?

17                  COMMISSIONER HUNTWORK: I, Mr. Chairman, I  
18 simply move -- I would not second that motion. I only  
19 want to move forward to next week. I believe our plan  
20 had been to have public comment on it for a week --

21                  COMMISSIONER ELDER: I agree to modify my  
22 motion.

23                  CHAIRMAN LYNN: It's Mr. Elder's intent to  
24 replace -- to test the February 23 with other maps we've  
25 been progressing through.



1 COMMISSIONER HUNTWORK: Right.

2 CHAIRMAN LYNN: The next iteration of our  
3 progress.

4 COMMISSIONER ELDER: I move we accept the  
5 February 23rd Test as the map we move forward with.

6 COMMISSIONER HUNTWORK: Second.

7 CHAIRMAN LYNN: Discussion on the motion?

8 I need to say publicly and on the record  
9 that this is, as all of you know, this has been and  
10 continues to be extremely an difficult process, a process  
11 undertaken under protest. And our appeal of the order  
12 continues and will continue. The constraints of the  
13 order have made it very difficult to do the kind of work  
14 we have signed on to do. And it's been most frustrating  
15 for all Members of the Commission, save Ms. Minkoff who  
16 might be having a good time in Southeast Asia. Hopefully  
17 she's having a good time. She'll actually be back to  
18 join us on the 1st of March. And that will, will be good  
19 to have her back.

20 I want to publicly thank the counsel and  
21 consultants, because without them we could not have  
22 gotten to where we are. And as has been the case, NDC  
23 has certainly done their usual good job of hearing what  
24 we're saying, paying attention to the instructions that  
25 they've been given, and giving us options that we can



1 certainly, we can certainly move forward with, albeit in  
2 the context of the court order and under protest.

3 I'd also like to thank Dr. McDonald for his  
4 oversight in terms of the competitiveness of the process.  
5 And we very much appreciate having him here. It's been  
6 very helpful.

7 Further discussion on the motion?

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

10 COMMISSIONER ELDER: "Aye."

11 COMMISSIONER HUNTWORK: "Aye."

12 COMMISSIONER HALL: "Aye."

13 CHAIRMAN LYNN: "Aye."

14 Opposed say "no"?

15 Motion carries unanimously.

16 Then the motion, without objection, is to  
17 take the February 23rd test, post it to the website,  
18 along with all relevant information, and begin taking  
19 public comment as soon as practicable. And what we must  
20 also do is subsequently order the consultants,  
21 Mr. Johnson, to move forward with this map in terms of  
22 additional population balancing and also any zero  
23 population traps that may result in the congruence  
24 between this map and the Congressional Districts.

25 Ms. Hauser.



1 MS. HAUSER: For population balancing  
2 purposes, you might want to have a motion to include Doug  
3 work with Dr. McDonald to make sure --

4 CHAIRMAN LYNN: I'll ask for a motion,  
5 anything you'd like.

6 MS. HAUSER: It doesn't matter for traps --

7 CHAIRMAN LYNN: Right.

8 Mr. Hall.

9 COMMISSIONER HALL: Mr. Chairman, I think  
10 it's important to apologize to the public. As we all  
11 know, and some may remember, the provision and  
12 requirement under Proposition 106 is that a 30-day  
13 comment period be provided to provide feedback on any map  
14 the Commission puts forth. Unfortunately, the judge  
15 ignored that important provision. And so we, while the  
16 time frame is short to receive input, we are under the  
17 time constraint of a court order.

18 CHAIRMAN LYNN: I'd also say, Mr. Hall,  
19 when we next convene on March 1st I certainly intend to  
20 ask my fellow Commissioners to ask the court with  
21 submission of the map we, in fact, get a 30-day period to  
22 provide input from the public. I think that's only fair  
23 and only appropriate. So, hopefully, that will occur.

24 Mr. Huntwork.

25 COMMISSIONER HUNTWORK: Well, I -- well, as



1 long as we're apologizing to the public, I want to  
2 apologize for basically the whole map. I think we've  
3 taken a meat cleaver to a process that we had used a  
4 scalpel on before. I think that the original maps are  
5 infinitely superior to this. I think this is the, you  
6 know, the offspring of a forced process that we all find  
7 abhorrent and unnatural, but we have certainly done our  
8 best, in all honesty, to comply with the order of the  
9 court, up to this point. And we will continue to the do  
10 our best to comply with the order of the court.

11 CHAIRMAN LYNN: Mr. Elder?

12 COMMISSIONER ELDER: No.

13 CHAIRMAN LYNN: Then if I could have a  
14 motion directing Mr. Johnson to move forward with the  
15 population balancing and the trap procedures.

16 COMMISSIONER HUNTWORK: So moved.

17 CHAIRMAN LYNN: Is there a second?

18 COMMISSIONER HALL: Second.

19 CHAIRMAN LYNN: All those favor of the  
20 motion, signify by saying "Aye."

21 COMMISSIONER ELDER: "Aye."

22 COMMISSIONER HALL: "Aye."

23 CHAIRMAN LYNN: Mr. Johnson?

24 MR. JOHNSON: Modified that I work with  
25 Dr. McDonald?



1 COMMISSIONER HUNTWORK: Yes.

2 CHAIRMAN LYNN: Thank you.

3 All those in favor, signify "Aye."

4 COMMISSIONER ELDER: "Aye."

5 COMMISSIONER HALL: "Aye."

6 COMMISSIONER HUNTWORK: "Aye."

7 CHAIRMAN LYNN: Motion carries.

8 I'd ask this evening if members of the  
9 public wish to address us, this is the last call to the  
10 public before our March 1st meeting; but I'd also tell  
11 you that you will have ample opportunity to address us  
12 through e-mail, through snail mail, through any of the  
13 normal methodologies available to you with respect to  
14 addressing the Commission. But I would ask if anyone  
15 wishes to address us this evening, I'll be happy to  
16 afford you that opportunity. If you do us the courtesy  
17 of making it brief, because it's been a long day and long  
18 weekend.

19 Mr. Mayor, and please state your name for  
20 the record since we don't have the slips.

21 MAYOR DONALDSON: Thank you, Mr. Chairman,  
22 Members of the Commission, for acknowledging Flagstaff's  
23 desire, wish, drive, focus, whatever else you want to  
24 call it. It was our intention to come here to make sure  
25 Flagstaff's community MPO area be kept whole in one

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1 district. We thank you for your hard work and appreciate  
2 you for acknowledging our community of interest. And  
3 thank you, and get home to your families and enjoy.  
4 Thank you very much.

5 CHAIRMAN LYNN: Thank you, Mr. Mayor.  
6 Mr. Flannery.

7 MR. FLANNERY: If I don't kill myself first  
8 (comment made as speaker negotiates the walkway and  
9 chairs to the podium).

10 MR. FLANNERY: Mr. Chairman, Members of the  
11 Commission, first of all, I want to express my  
12 appreciation for what you've done to CC. I assume  
13 somewhere between now and the first there will be numbers  
14 assigned to that to finalize this process. And in that  
15 process, I hope that you will recognize, as you did in  
16 the past, that CC will turn into a "1." I have to get  
17 that in now.

18 First of all, I want to thank you for  
19 everything that you have done, not just for one  
20 geographic area, but for the State of Arizona, because I  
21 know that the sacrifices have been great. I know  
22 sometimes there has been a very testy process that you've  
23 gone through, and I know that it's been a challenge. And  
24 I know that the intention was honorable. And I know that  
25 you may not be satisfied with the product in the end, but

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1 I know that hopefully you have set in motion some fairly  
2 good processes for the upcoming challenge for the next  
3 Commission. And for everything that you have done, I  
4 want to thank you for doing what you've done. So thank  
5 you.

6 CHAIRMAN LYNN: Thank you, Mr. Flannery.

7 We thank you for your assistance, those of you who have  
8 been with us along the way. It's always helpful.

9 Other members of the public?

10 Mr. Ryan. Obviously if I know you by name,  
11 clearly --

12 MR. RYAN: Mr. Chairman, Commissioners, I  
13 regret I couldn't greet you in the morning every morning  
14 as we started out, but short and simple: Thank you very  
15 much. I look forward to future meetings. I appreciate  
16 your hard work you are putting in on this.

17 Thank you.

18 CHAIRMAN LYNN: Thank you, Mr. Ryan.

19 Mr. Mandell, would you like to say  
20 anything?

21 Oh, I guess not.

22 Mr. Gorman.

23 MR. GORMAN: Good evening, Mr. Chairman.

24 Also on behalf of the Navajo Nation, we express our  
25 appreciation for your hard work done so far. We reserve

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1 time to review the map as you move forward. If need be,  
2 we'll be submitting comments.

3 CHAIRMAN LYNN: Thank you, Mr. Gorman.

4 CHAIRMAN LYNN: Ms. Kraus.

5 MS. KRAUS: Mr. Chairman, Members of the  
6 Committee, thank you.

7 CHAIRMAN LYNN: Thank you, Ms. Kraus.

8 COMMISSIONER HUNTWORK: You are welcome.

9 CHAIRMAN LYNN: Any other members of the  
10 public wishing to be heard at this time?

11 If not, Mr. Echeveste has provided the  
12 Commission with a written report. It's in your packets  
13 on the status of the office and our budget, and we  
14 appreciate that.

15 MR. ECHEVESTE: One clarification,  
16 Mr. Chairman. I also phoned to you by fax from the  
17 January meeting, the January financial report. That is  
18 so you all can keep your copy and be able to see the  
19 progress of expenditures. However, you also received in  
20 this packet the, I think, also, an update as of last  
21 Thursday which shows the amount, or the balance that we  
22 have as of that date.

23 CHAIRMAN LYNN: Thank you, sir.

24 I want to thank the NDC staff, and most  
25 especially I want to thank the consultants, legal

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1 counsel. More than anything else I do really want to  
2 thank my fellow Commissioners. This has not been an easy  
3 process for anyone.

4           If at times it appeared as though we were  
5 frustrated with what we were doing, it didn't just appear  
6 that way. It's a most frustrating experience. Everyone  
7 hung in and we have, we have done our work as directed by  
8 the court to this point.

9           We will have a few more things to do at the  
10 next meeting of the Commission which is tentatively, I  
11 say this, tentatively scheduled for March 1st at a time  
12 and place to be determined. And that is the next  
13 scheduled meeting or tentatively scheduled meeting.

14           Any other comments from the Commissioners?

15           If not, legal counsel? Anything?

16           MS. HAUSER: Not today.

17           CHAIRMAN LYNN: Good to go.

18           The Commission will stand adjourned until  
19 our proper notice of the next meeting.

20           Thank you all very much.

21           (Whereupon, the Independent Redistricting  
22 Commission adjourned at 7:15 p.m. on  
23 February 23, 2004.)

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STATE OF ARIZONA     )  
                                  )   ss.  
COUNTY OF MARICOPA   )

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 175 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



