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STATE OF ARIZONA  
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona  
June 14, 2002  
10:00 a.m.

ARIZONA INDEPENDENT  
REDISTRICTING COMMISSION

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

1                   The State of Arizona Independent Redistricting  
2 Commission convened in Public Session on June 14, 2002,  
3 at 10:00 o'clock a.m., at the Wyndham Buttes Resort,  
4 Kachina Ballroom, 2000 Westcourt Way, Tempe, Arizona, in  
5 the presence of:

6

7 APPEARANCES:

8

CHAIRMAN STEVEN W. LYNN

9

VICE CHAIRMAN ANDI MINKOFF

10

COMMISSIONER JAMES R. HUNTWORK

11

COMMISSIONER DANIEL R. ELDER

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COMMISSIONER JOSHUA M. HALL

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LISA A. NANCE, RPR, CCR NO. 50349  
Phoenix, Arizona

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2 ADDITIONAL APPEARANCES:

3

LISA T. HAUSER, Commission Counsel

4

JOSE de JESUS RIVERA, Commission Counsel

5

ADOLFO ECHEVESTES, IRC Executive Director

6

LOU JONES, IRC Staff

7

KRISTINA GOMEZ, IRC Staff

8

DOUG JOHNSON, NDC, Consultant

9

DR. MICHAEL P. McDONALD, Consultant

10

LISA A. NANCE, RPR, CCR, Court Reporter

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12

SPEAKERS FROM THE PUBLIC:

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14

MAYOR JOSEPH DONALDSON, Flagstaff

15

NEIL WAKE, Arizonans for Fair and Legal  
Redistricting, Inc.

16

RUDOLFO PEREZ, MALDEF

17

18

SCHEDULED SPEAKERS:

19

MR. DOUG JOHNSON

20

DR. MICHAEL McDONALD

21

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LISA A. NANCE, RPR, CCR NO. 50349  
Phoenix, Arizona

1 Public Session  
2 Tempe, Arizona  
3 June 14, 2002  
4 10:00 o'clock a.m.

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

6  
7 CHAIRMAN LYNN: The Commission will come  
8 to order.

9 For the record, roll call.

10 Mr. Elder?

11 COMMISSIONER ELDER: Here.

12 CHAIRMAN LYNN: Ms. Minkoff?

13 COMMISSIONER MINKOFF: Here.

14 CHAIRMAN LYNN: Mr. Hall?

15 COMMISSIONER HALL: Here.

16 CHAIRMAN LYNN: Mr. Huntwork is excused  
17 this morning. He had something come up and will be with  
18 us along about 11:00 o'clock.

19 Chairman is present along with legal staff  
20 and IRC staff.

21 We indicated we'd take public comment at  
22 11:00 o'clock. Given Mr. Huntwork is delayed, I'd  
23 rather not have Mr. Johnson's report. I thought I'd  
24 take any public comment anyone wishes to share with us.  
25 If not close to 11:00 o'clock, we'll take another short

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1 break, wait for both Mr. Johnson and Mr. Huntwork.

2 Without objection, I have two speaker  
3 slips, and I'd like to offer to each of the speakers the  
4 opportunity to speak now or speak at a later point, or  
5 both. It's your option.

6 We have Mayor Donaldson from Flagstaff and  
7 Neil Wake representing Arizonans for Fair and Legal  
8 Redistricting.

9 Gentlemen, if you would like to speak now,  
10 we're perfectly happy to have you do so.

11 Mayor Donaldson?

12 MAYOR DONALDSON: Good morning,  
13 Mr. Chairman, Members of the Commission.

14 Thank you for maintaining Flagstaff whole  
15 and in one district. Yesterday I heard continually  
16 throughout your discussions the phrases it is your will  
17 to maintain communities of interest, voting rights, et  
18 cetera. You have referred to the power of voices and  
19 the meetings you have held. Yet, you have refused to  
20 grant Flagstaff the same consideration.

21 One city in a Legislative District is not  
22 a community of interest. I still ask with the emphasis  
23 of 53,000 voices that you give direction to your  
24 consultant to give Flagstaff the same consideration as  
25 you have given so many other Arizona communities. At

1 the very least, I urge you to include the Flagstaff  
2 Metropolitan Planning Area with Flagstaff.

3 Again, thank you for the opportunity to  
4 voice my community's concerns before you.

5 Thank you.

6 CHAIRMAN LYNN: Thank you, Mr. Mayor.

7 Mr. Elder has a question.

8 COMMISSIONER ELDER: Mr. Mayor, and  
9 Mr. Chairman, do you have any idea what the population  
10 in the planning area that is outside of the current  
11 district that we have delineated is?

12 MAYOR DONALDSON: Chairman, Commissioner  
13 Elder, yes, I do. The Metropolitan Planning Area,  
14 including Flagstaff, is 73,000 people.

15 COMMISSIONER MINKOFF: I'm sorry?

16 MAYOR DONALDSON: 73,000.

17 COMMISSIONER ELDER: 56. 15,000 outside  
18 the area we're in now?

19 MAYOR DONALDSON: It's about 20,000. That  
20 includes Flagstaff.

21 COMMISSIONER ELDER: Thank you.

22 CHAIRMAN LYNN: Other questions or  
23 comments?

24 COMMISSIONER MINKOFF: Mayor Donaldson, I  
25 want to kind of repeat, rephrase the question I asked

1 you yesterday. When I look at this map and I look at  
2 the 30 districts that we have drawn, there are some of  
3 them that make me smile, because they work. This is not  
4 one of them, District 2. You were there when this  
5 district was developed, and you understand the terribly,  
6 terribly difficult time that we had.

7                   We can't add 20,000 people to this  
8 district. It doesn't work. It's terribly  
9 overpopulated. And it also destroys the demographic  
10 make-up of the district, which is extremely important  
11 for Department of Justice preclearance.

12                   We looked yesterday, I asked a question  
13 about moving Flagstaff out of the district and putting  
14 you in with the Verde Valley, as you requested, and  
15 moving some other population into the district. That  
16 didn't work, either.

17                   So I'm really asking for help. I don't  
18 like this district. I don't like what we've done to the  
19 City of Flagstaff. But, I also -- I like the  
20 alternatives even less, because it savages communities  
21 of interest, it creates problems with the Voting Rights  
22 Act.

23                   So we're really looking for guidance. If  
24 you can give us a way to get a district that approaches  
25 171,000 in population, that gives Flagstaff what it

1 needs, without violating the Voting Rights Act and  
2 without, you know, doing worse to another community of  
3 interest than we've done to Flagstaff, I would love to  
4 hear how we could do it. If you can give us some help,  
5 please, I'd very much like to hear it.

6                   MAYOR DONALDSON: Mr. Chairman,  
7 Commissioner Minkoff, we understood your offer yesterday  
8 and would like to keep that option open, if possible,  
9 understanding as we get into the process it becomes even  
10 more difficult.

11                   As I stated yesterday, you know, and again  
12 today, if you give us the same consideration as you've  
13 given other districts when -- if you fix pieces  
14 throughout the map and say well, yes, find a way, don't  
15 mess with this, don't mess with that, don't mess with  
16 this other, it makes the solution even more difficult.

17                   If there was no area held sacred within  
18 the configuration of the map, then there is a  
19 possibility. But as long as those fixed pieces remain  
20 an obstacle to create a solution, you'll never have a  
21 solution. But we would like to keep the door  
22 open in order to provide you a suggestion.

23                   COMMISSIONER MINKOFF: Mayor Donaldson, I  
24 appreciate that and look forward to hearing from you.

25                   I would tell you the only things that we

1 are holding sacrosanct, if you will, are those things  
2 that allow us to comply with the Voting Rights Act. And  
3 about that we have no choice. Other than that, things  
4 are on the table.

5 Right now we're dealing with  
6 competitiveness. This particular area of the state is  
7 not in play in that discussion. We went through the  
8 districts one by one yesterday and determined, for the  
9 purpose of competitiveness, only, not to make any  
10 adjustments in these districts. So nothing is going to  
11 happen on that today. If you can get something back to  
12 us by the time we reconvene next week, we can look at  
13 it.

14 MAYOR DONALDSON: Thank you. Appreciate  
15 it.

16 CHAIRMAN LYNN: Neil Wake.

17 Mr. Wake?

18 MR. WAKE: Thank you, Mr. Chairman,  
19 members.

20 Yesterday I favored you with a short but  
21 important point, I hope, and I want to offer a different  
22 point which hopefully will also be short and I think is  
23 very important. I was here most of yesterday, not in  
24 the evening, and I heard a lot of talk about what is  
25 competitiveness. I can see the members of this

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1 Commission struggling with this. And I watched your  
2 consultants address these questions.

3 I want to offer what I think are some  
4 baseline observations on that to avoid a risk of perhaps  
5 getting a little bit lost in numbers and losing track of  
6 the fundamentals.

7 I submit that political competitiveness,  
8 is, I hope we all know, a matter of degree. If voters  
9 have choices, they will have choices within a range of  
10 demographics, or party affiliation, and whatnot. If  
11 parties field candidates, people have choices.

12 And I recall that that is part of what the  
13 discussion of Prop 106 was about. There was complaint,  
14 particularly, that the 1992 Legislative map didn't  
15 really give people choices so in many districts  
16 candidates weren't running, parties were not fielding  
17 candidates.

18 Most of us remember what happened in '92.  
19 I remember it from being involved in the redistricting  
20 back then. And the Legislative maps back then were  
21 drawn by incumbent legislators of both parties sitting  
22 down and carving up to make sure that they were  
23 protected. So even in the urban areas in which you have  
24 more practical flexibility than others, we saw  
25 bizarre-shaped districts that were aimed solely at

1 strengthening Republican or Democrat voting abilities so  
2 that there weren't candidates running.

3                   And I submit to you that competitiveness  
4 within the meaning of Prop 106 has to be understood  
5 within that context of the actual motivations and the  
6 political debate. So if you have a district that falls  
7 within a range that is likely to have candidates  
8 running, people will have choices.

9                   The second subpoint relates to the same  
10 thing. You heard a lot about statistics yesterday and  
11 you will today. I have specific comments about  
12 statistics I would like to share, too. That whole  
13 statistical exercise is based on something that the  
14 political junkies, maybe I should say the political  
15 experts, will look at. They take a hypothetical plain,  
16 middle Republican and hypothetical plain, middle  
17 Democrat and speculate how such persons would fare in a  
18 hypothetical district.

19                   Well, that's a way of testing party  
20 identification and nothing else. It doesn't identify  
21 candidates. And, fortunately, both of our major parties  
22 don't seem to serve up to us plain vanilla candidates.  
23 They serve up to us candidates that come from all over  
24 the Baskin selection, different people, different  
25 issues, different backgrounds and campaigns. Actual

1 voting in our state reflects real diversity from both  
2 parties.

3                   Now, I have a specific comment about this  
4 plus or minus three-and-a-half percent that Dr. McDonald  
5 spoke about yesterday. And I buttonholed him later and  
6 talked to him to make sure I was understanding what he  
7 was trying to say. And this also came up in the court  
8 case, a lot of depositions, including Dr. McDonald, and  
9 other experts, interestingly talk about this.

10                   I want to identify with you what I think  
11 he was saying to show that's only a limited tool and by  
12 no means the ultimate inquiry.

13                   As I understand Dr. McDonald's exercise,  
14 he was trying to identify the break point, fifty-fifty  
15 break point at which a Democrat, plain, vanilla  
16 Democrat, plain, vanilla Republican, would have about  
17 equal chance of winning a district. When he said he was  
18 looking for a 95 percent confidence interval, what he  
19 meant was he wanted to have 19 times out of 20, he had a  
20 range where that fifty-fifty, equal chances, would fall  
21 within that range. And that range is plus or minus  
22 three-and-a-half percent.

23                   So again, let me restate, the exercise he  
24 was undertaking was to feel confidence that 19 out of 20  
25 times he bracketed a range of numbers within which that

1 even point would fall.

2 Now I submit to you that is a helpful  
3 inquiry for the Commission to look at. But I point out  
4 that that is not the ultimate inquiry you are making.  
5 You are making inquiry as to what is competitive within  
6 the legal meaning of Prop 106. And he acknowledged that  
7 that seven percent range was very conservative and that  
8 it's necessarily so because of the task he's  
9 undertaking.

10 Let me tell you what some of the other  
11 experts said in the court litigation. I want to point  
12 to an expert put forward by the opponents, the Minority  
13 Coalition. They offered Dr. Lublin. Dr. Lublin said a  
14 range of 10 percent is an accurate or fair measure of  
15 competitiveness. That's much wider than the seven  
16 percent that Dr. McDonald offered.

17 I want to repeat myself. I'm not accusing  
18 Dr. McDonald of saying seven percent was the range. He  
19 was saying something different, for which that is  
20 helpful.

21 Now let's look at what these maps do, or  
22 the interim map does, if you take my opponents court  
23 expert, 10 percent. If you take 10 percent as the  
24 measure of competitiveness, we have now 9 competitive  
25 districts out of 30. But there's an interesting

1 statistical phenomenon. There's a lumping of data  
2 points right just beyond the 10 percent range, just  
3 beyond. And everybody knows that there is no magical 10  
4 percent. Nine-and-a-half percent could be not much  
5 different from 10 percent. 10-and-a-half percent could  
6 not be much different than 10 percent. But we find if  
7 you move up to 11 percent, there are then 12 competitive  
8 districts already. And if you move just a little  
9 further to 11.6 percent, we bring within the range 16  
10 competitive districts.

11 Now the point of all this is there is no  
12 arbitrary number. Everything is a matter of degree. A  
13 district at 11-and-a-half percent is probably somewhat  
14 less competitive than a district at 10 percent. But I  
15 submit that your task is to look at the practical  
16 reality with the help of statistical devices, but they  
17 are only tools, and make judgments about what really  
18 meets this constitutional goal of competitiveness.

19 And I finally will say, which I heard some  
20 comments like this, that is competitiveness is a matter  
21 of the statewide goal. It's a matter of every voter in  
22 the state as a whole. And I would submit that if you  
23 have a district that is within the range where  
24 candidates will be fielded, and they'll run, and if  
25 parties do their job, they put up good candidates,

1 campaign well on points of principle and policy, and  
2 maybe you might have a district that in two or three  
3 cases out of three or four, one party is going to win.  
4 But in one case, one election out of three or four, the  
5 other party will win. That's the case, a district in  
6 which there are choices. And I submit that is  
7 competitive. That is the measure of whether people have  
8 choices.

9                   And it would not be right to create more  
10 bulletproof districts so that some other district will  
11 have something closer to that fifty-fifty range. If we  
12 have more districts that are within the broader range in  
13 which candidates are likely to be fielded, and the  
14 parties have to take their chances whether they put up  
15 good candidates or lousy candidates, then you have  
16 served to the maximum this goal of political  
17 competitiveness.

18                   Thank you very much.

19                   I have -- I guess I have one totally  
20 unrelated point I would like to mention.

21                   Commissioner Minkoff inquired a number of  
22 times about minority influence districts and a desire  
23 not to change those numbers. I'd like to point out as a  
24 matter of law, and of course you'll consult with your  
25 own attorneys about this, under the Voting Rights Act,

1 there are no legal implications for so-called influence  
2 districts.

3 For Section Five retrogression, which  
4 hopefully we're already past, it doesn't matter whether  
5 you can make an influence district. The only thing that  
6 matters is whether you've diluted an existing district.  
7 And there is no requirement under Section Two to create  
8 an influence district. Lower court federal cases are  
9 clear about that. It is only when you create a  
10 majority-minority district that a Section Two comes into  
11 play.

12 Now there may be other reasons not to  
13 tinker with a minority influence district. But I want  
14 to point out there's no federal law prohibition in doing  
15 so.

16 CHAIRMAN LYNN: Thank you, Mr. Wake.

17 I believe several Commissioners may have  
18 questions, if you'll entertain them.

19 COMMISSIONER ELDER: Mr. Chairman.

20 Mr. Wake, you make a comment that  
21 competitiveness, candidates would be fielded, or could  
22 be fielded.

23 MR. WAKE: Yes.

24 COMMISSIONER ELDER: Yet I'm looking at  
25 the newspaper this morning at two or three fall that

1 within our seven percent to where no opposition party  
2 candidate was fielded. What is the effect or why, if  
3 we're saying 10 percent or 11 percent, in your comments,  
4 is competitive, when we have something in the one or two  
5 percent range and can't get a candidate?

6 MR. WAKE: My response is twofold. You  
7 can't judge on any one election. You have to use  
8 multiple elections. And especially unfortunate in this  
9 election, this has been burdened with the uncertainty of  
10 preclearance, candidates not knowing what districts  
11 they'll be running in.

12 I believe this election is a bad one to  
13 judge anything by, precisely, because of the  
14 uncertainties the candidates felt.

15 Nevertheless, a district within seven  
16 percent, one in the general, ought to be easily  
17 competitive. We have examples of candidates running and  
18 winning across party lines because, frankly, we have  
19 weakening party loyalty in the state, and that's true  
20 generally in the country, and greatly increasing  
21 Independent registration and minor party registration.

22 That also leads to a further subpoint  
23 worth pointing out. Judge It, and other computer  
24 measures, go back and look at actual past elections. I  
25 believe that that tends to cloud, in some ways, real

1 political competitiveness. We've got cases in districts  
2 here where there's pretty seemingly real party  
3 registration managed. When you run the Judge It,  
4 McDonald analysis, they get closer.

5                   Those are districts where the Independents  
6 of Arizona voters come into play, lack of party loyalty,  
7 independence, quality of candidates. To some extent  
8 seven percent may be reflecting the performance of  
9 strong candidates, reselections who have cross-party  
10 appeal, and they're telling you less about whether seven  
11 percent is a measure, or even 10 percent, or anything,  
12 is a measure you can put a lot of weight on when looking  
13 at party, direct party registration.

14                   Going back to campaign Prop 106, they  
15 weren't talking about Judge It, not talking about the  
16 McDonald analysis, but the two major parties, those  
17 parties, and registration issues there.

18                   I'm wandering, but hopefully that's  
19 helpful to your question.

20                   CHAIRMAN LYNN: Mr. Hall.

21                   COMMISSIONER HALL: Mr. Wake, while I  
22 agree competitiveness is on a continuum, and certainly  
23 much debate can occur relative to which point, what  
24 point or percentage you utilize, would you agree that  
25 the methodology that we're utilizing by Dr. McDonald is

1 an accurate measurement?

2 MR. WAKE: I'm sorry, I didn't hear the  
3 last couple words.

4 COMMISSIONER HALL: Would you agree that  
5 the methodology utilized by Dr. McDonald is an accurate  
6 measure of competitiveness?

7 MR. WAKE: Well, Mr. Chairman,  
8 Commissioner Hall, I -- I would agree that all the  
9 inquiries that you are making are appropriate, that none  
10 of them is dispositive, and that you have to look at all  
11 of these things. And ultimately I believe that under  
12 the constitution this Commission is vested with  
13 considerable judgment and discretion to determine what  
14 degree of competitiveness is satisfactory to meet the  
15 constitutional requirement. Beyond the limited --  
16 beyond a certain boundary, the Commission would be  
17 abusing it's discretion.

18 But I believe it is vested in this  
19 Commission, primarily, to make the judgments on these  
20 many factors. So I wouldn't endorse any one measure,  
21 not Dr. McDonald's or anyone else. I believe you have  
22 to look at them all and use your knowledge, your  
23 experience, and your judgment in saying here is a  
24 district that may have, you know, more Republican or  
25 Democrat registration and a certain voting district we

1 think in light of the need to respect communities of  
2 interest, and equal population, this is competitive  
3 enough to meet that constitutional criteria.

4                   What I'm saying, I believe you have a fair  
5 bit of discretion judgment in what is competitive.

6                   COMMISSIONER HALL: Not a fair question,  
7 that we have to utilize tools to measure. I'll ask the  
8 question anyway.

9                   Do you have any reason to doubt the  
10 accuracy of the measurement tools we're utilizing by  
11 reason of Dr. McDonald's analysis?

12                   MR. WAKE: The reason I'm hesitating, I'm  
13 not quite sure I understand. I'm sure I don't have any  
14 reason to doubt the numbers, the data that they relied  
15 upon are accurate and reliable, manipulation they've  
16 done is mathematically sound. I'm not questioning any  
17 of that. I'm trying to go beyond that to remind you  
18 that you have to have -- you have judgment about the way  
19 you get to them and value you attribute to each of those  
20 different tools.

21                   CHAIRMAN LYNN: Mr. Wake, I have a couple  
22 questions, if you'll indulge me.

23                   In anticipation of this agenda and this  
24 meeting, we actually invited a number of people to join  
25 us this week, by letter. We invited the major political

1 parties, including the Libertarian Party, to join us.  
2 We invited individuals who had, in one way or another,  
3 represented or become plaintiffs in the suits that have  
4 been filed. And our hope was with a focus on  
5 competitiveness we'd gain some insight from their best  
6 information to help us work on this definition, which we  
7 all know is complex because it is -- those of us who  
8 studied political science understand there's oftentimes  
9 less science and more art in the scientific foundation.

10                   Most of the science in political science  
11 is after the fact. They can tell you why something  
12 happened by studying after it happened. A predictive  
13 nature is another matter. Of course, we're using tools  
14 that are designed to be predictive, in some way. It's  
15 not just we who use it. Department of Justice uses  
16 predictive tools to determine whether Section Five is  
17 going to be complied with, in the future. So the  
18 questions I have are these:

19                   Assuming that you have this continuum of a  
20 definition of competitiveness, would you not agree that  
21 there is a point on that continuum where those things  
22 that are measurable end and those things totally out of  
23 our control begin? I submit those things on that end of  
24 the spectrum are people who are desirous of public  
25 service, the quantity and quality of those individuals,

1 the ideas that they bring forth in any campaign,  
2 confidence of the campaign workers, and the campaign  
3 itself, financial support of the campaign, support of  
4 the main party, the other party's candidates, and, in  
5 fact, a whole range of other things very unique to a  
6 district in which that race is being run that have  
7 nothing to do with anything we do here or anything,  
8 quite frankly, the parties may use to support those  
9 candidates.

10                   Circumstances, in other words, and that,  
11 to your point, the individuals who voted for Proposition  
12 106, I believe, desire exactly what you said, to have  
13 choices, to not go to the -- either the primary or the  
14 general election ballot and have only one name present.

15                   So we have a split responsibility. Our  
16 responsibility is using whatever tools we can fathom to  
17 go as far as we can go to insure choice. And the  
18 reverse of that would be to try to mitigate a chilling  
19 effect on individuals who might want to serve the public  
20 from offering themselves up, an overwhelming voter  
21 disparity in terms of voter registration. Those kind of  
22 things create a chilling effect.

23                   We have an obligation to do that. I grant  
24 you it's slippery. We don't have a bright line. We do  
25 know a certain disparity is more or less than another.

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1 (Commissioner Huntwork arrives.)

2 CHAIRMAN LYNN: To the extent we can make  
3 things as level a playing field as we can, I'd encourage  
4 that participation. Clearly one of the frustrating  
5 parts of this is all of those things we cannot control  
6 and in fact cannot even know in terms of what happens  
7 after we're finished.

8 So I wonder if, briefly, in terms of your  
9 experience, does it square with mine or are there other  
10 factors that we're not aware of?

11 MR. WAKE: Mr. Chairman, I think your  
12 observations are entirely compatible with the points I  
13 was trying to make, that there are many factors that  
14 have come into play by having choices. And a narrow  
15 range of Republican-Democrat effectiveness is less  
16 important than many of those other factors, within a  
17 certain range. Beyond a certain range, I guess we've  
18 adopted the vocabulary of bulletproof districts, then  
19 you don't have choices, certainly not in the general  
20 election.

21 I think part of the message that I am  
22 trying to communicate is that that range, in light of  
23 the importance of other factors beyond what this  
24 Commission does, that range is broader than just seven  
25 percent. I think it's at least seven percent and

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1 probably broader than that. And it would be actually  
2 detrimental to the political effectiveness of districts  
3 and of voters to be trying to -- yielding more  
4 bulletproof districts in order to try to achieve a more  
5 narrow range of politically competitive districts. A  
6 broad range of politically competitive districts better  
7 serves the choices of the voters, which is what they  
8 thought they were getting when they voted for Prop 106.  
9 Parenthetically, a broader range of politically  
10 competitive districts also does much less damage or  
11 risks less damage to other values that cannot be  
12 substantially detrimented to achieve these purely  
13 political competitive criteria.

14 Mr. Chairman, I think your observations  
15 are all correct. You expressed some better than I did  
16 and some additional things beyond what I did. I accept  
17 the correctness of everything you've said on that.

18 CHAIRMAN LYNN: To Mr. Hall's point, I  
19 don't want to badger the witness, so to speak, but I'd  
20 ask the question perhaps a different way in respect to  
21 Judge It, several measures we're using, registration  
22 being the most elementary, moving to AQD, certain races  
23 involved in the analysis, and up to Judge It. Would you  
24 not agree from the standpoint of tools that have been in  
25 use by the Commission that Judge It is the most

1 sophisticated of those and has more variables involved?

2 MR. WAKE: Well, I disclaim being an  
3 expert in that. My understanding is that it has more  
4 variables involved. However, again, it's based on a  
5 limited number of races and all have limited predictive  
6 value.

7 As I said a moment ago, I think part of  
8 the problem with that analysis is that it doesn't take  
9 account of the cross-party appeal of specific  
10 candidates, quality of the campaign, and quality of  
11 issues of specific candidates. So it, in some ways, it  
12 becomes a statistical identifier of candidates who  
13 appeal to their community without regard to political  
14 affiliation.

15 Well, I'm not sure how directly useful  
16 that is. Maybe that's an indication that some  
17 communities have very weak party affiliation. It may  
18 have more to do with the fact certain community leaders  
19 acquired the confidence of their communities and people  
20 don't care about their party affiliation. If we then  
21 try to extrapolate from that, we may be making  
22 judgments, hidden judgments, about party affiliation and  
23 party loyalty that aren't legitimate, putting too much  
24 weight on specific community leaders. We can all think  
25 of people, I won't name names, all know people where the

1 confidence of the community is not due to being  
2 Republican or Democrat but they've earned it over many  
3 years, over time. Judge It tends to translate back to  
4 party politics. I'm not trying to undercut Judge It.  
5 It's one tool, useful; but all tools are suspect.

6 It all comes back to your judgment based  
7 on the nonquantifiable knowledge of our community and  
8 whether parties are likely to field candidates, whether  
9 voters are likely to have a choice. That's what it's  
10 about.

11 If I get wrapped up in my thought again,  
12 I'm not attacking Dr. McDonald, because he gave you a  
13 useful tool. But I don't think there is anybody in this  
14 state who would stand up and say that the purpose of  
15 Prop 106 was to yield districts that had a fifty-fifty  
16 probability of Democrats or Republicans winning.  
17 Practical politics is much broader than that.

18 And forgive me for talking maybe in an  
19 academic way. Perhaps your constraints are less what  
20 I've identified than need not lose significant detriment  
21 to all other significant interests.

22 Thank you for letting me share that with  
23 you.

24 As I watched Dr. McDonald, I started to  
25 get worried there was too much emphasis on the

1 fifty-fifty point, too much emphasis on the 19 out of 20  
2 probability. You'd identify the fifty-fifty point,  
3 which is a useful tool, but again, it's not your  
4 inquiry, ultimate inquiry here.

5 CHAIRMAN LYNN: Two other quick points. I  
6 appreciate your indulgence.

7 First, because of the way Proposition 106  
8 is structured, what it's designed to do, certainly what  
9 we've tried to do and I believe we've done it, eliminate  
10 the so-called political gerrymander from the process, in  
11 your opinion, elimination of political gerrymander in  
12 and of itself, would you think that would have a  
13 positive effect on elections?

14 MR. WAKE: Yes. My recollection of the  
15 campaign for 106, eliminate the politically motivated  
16 gerrymander. I remind you, I'm sure you remember  
17 everything everybody said in these hearings. The first  
18 time I stood up, I read to the Commission language from  
19 the brochure of the Prop 106 committee in which they  
20 specifically said:

21 "Question: Does this mean we'll have  
22 reverse gerrymandering to yield even-party districts?"

23 And the answer is "No. Some people live  
24 in communities that prefer one party over another, one  
25 view of social policy over another. Those people have a

1 right under Prop 106 to have their communities and  
2 political values respected in the line drawing."

3                   So political gerrymandering is what this  
4 is about. Elimination of political gerrymandering  
5 yields for the most part, political gerrymandering, a  
6 prohibition on reverse gerrymandering. I want to be  
7 clear. Mr. Eckstein stood up in court and accused me of  
8 misleading this Commission about the law. I'm not  
9 saying you are prohibited from considering political  
10 competitiveness. You are required to consider political  
11 competitiveness. You may not do that if it has the  
12 effect of significantly detriminting other interests.

13                   CHAIRMAN LYNN: One last quick question,  
14 and hopefully a short answer.

15                   Because we cannot know nor take into  
16 account where incumbents, candidates live, when drawing  
17 lines, in fact, any observation of the lines drawn,  
18 either in the originally adopted map and certainly in  
19 the interim map would indicate in many cases there are  
20 districts with no incumbents and other districts with  
21 several incumbents than more seats available in the  
22 Legislature, would that in and of itself influence the  
23 competitiveness of a district?

24                   MR. WAKE: I believe, if by pure accident,  
25 and only pure accident, you yielded us districts with no

1 incumbents, the whole field wide open, the incumbency  
2 advantage is eliminated, candidates spring up from local  
3 communities, that's helpful to competitiveness in and of  
4 itself.

5                   Cases where incumbents were put in the  
6 same district, like the district I live in, I'm  
7 Republican, favored me eight incumbent Republicans.

8                   CHAIRMAN LYNN: Tried to give you a  
9 choice, Mr. Wake.

10                   MR. WAKE: That's what I was going to say.  
11 As a member of the community, rather than a Republican,  
12 I now have a rich set of choices among experienced and  
13 capable Legislators. That yields choices,  
14 competitiveness, in that way as well. It works both  
15 ways.

16                   CHAIRMAN LYNN: Thank you, Mr. Wake.

17                   Ms. Hauser.

18                   MS. HAUSER: Mr. Chairman, I just wanted  
19 to correct something, for the record.

20                   You indicated that the Commission is not  
21 allowed to take into account where incumbents or  
22 candidates live. But I just want to be very specific  
23 that it is only the plotting of addresses of incumbents  
24 that is prohibited. The fact that we now perhaps know  
25 based on candidate filing we have certain candidates who

1 reside somewhere within a district, that is permissible.

2 CHAIRMAN LYNN: Thank you for that  
3 correction and fine point.

4 MR. WAKE: Thank you, Mr. Chairman.

5 CHAIRMAN LYNN: Other comments or  
6 questions for Mr. Wake?

7 Mr. Wake, thank you. You've been generous  
8 with your time.

9 CHAIRMAN LYNN: Mr. Huntwork?

10 COMMISSIONER HUNTWORK: I wanted to  
11 respond to our counsel. I wanted to say, nevertheless,  
12 I don't find that information useful in what I'm doing  
13 and have no intention of taking it into consideration.

14 CHAIRMAN LYNN: As is your prerogative.

15 All right. I see Mr. Johnson is here.  
16 Obviously he has spent some time --

17 Get any sleep, Mr. Johnson?

18 MR. JOHNSON: Some.

19 CHAIRMAN LYNN: Good. We'll expect a more  
20 coherent presentation than with sleep deprivation.

21 MR. JOHNSON: Should be some better than  
22 others.

23 I'll let Dr. McDonald start, rather, with  
24 the results of the Judge It analysis.

25 CHAIRMAN LYNN: We'd rather go the other

1 way around. I'd like to know what you did before I know  
2 what the effect of what you did was. Does that make  
3 sense?

4 Thank you.

5 MR. JOHNSON: While I bring the files up,  
6 let me bring this up. In the instructions, there were  
7 four areas of tests you requested NDC, or instructed  
8 NDC, to look at. The first was districts 3 and 24.  
9 This may not be in order. 3 and 24; 11, 15 and 17; down  
10 in Tucson, 26, 28, and 30; and then in Maricopa the 6,  
11 7, 9, 10, 11, and 12.

12 One comment I should point out, as I was  
13 doing this in the big Maricopa area, just to make it  
14 more competitive, and made it less detrimental, other  
15 criteria included 4. I hope you'll forgive me for  
16 adding changes into 4. You'll see me what drove me to  
17 that point.

18 Let me start first with 11, 15, and 17,  
19 because there are actually two tests there.

20 When I started --

21 The first test I did in this area involved  
22 all three districts, 11, 15, and 17.

23 You can see, the colors on here are the  
24 new districts, the test districts. You can see 11 has a  
25 weird shape on the left and extends down into

1 Scottsdale. Blue lines on here are the interim map  
2 lines. You can see where changes took place. I got  
3 about this far, ended up picking all the Scottsdale  
4 portion from District 17.

5 COMMISSIONER MINKOFF: Doug, pick that up  
6 about Scottsdale?

7 MR. JOHNSON: Got to this point in the  
8 test, had all of Scottsdale of 17 into 11. And I've  
9 done some trade-offs. You can see weird arms.  
10 Essentially what was happening is districts were getting  
11 slightly more competitive, but very slightly. What I  
12 realized is it worked where they got more competitive  
13 and less impact on city lines and criteria if I did not  
14 include 17, just traded between 11 and 15.

15 I did want to show you this. I took it as  
16 far down to 17 as I could go without going to Tempe. It  
17 just didn't work as well as if I left 17 out of the mix.  
18 So that's the only area where I had two maps to show  
19 you.

20 Let me bring up the one map.

21 As you can see --

22 COMMISSIONER HALL: Change the color on  
23 14.

24 MR. JOHNSON: Oh, yeah.

25 In this test, only this area, only 11 and

1 15 are changed. You can see, essentially, they become a  
2 horizontal north-south border in Phoenix, and 15 comes  
3 right up to the Paradise Valley border, those areas.  
4 Let me get this street name for you that goes across.  
5 It goes across Camelback.

6 And let me see here.

7 In terms of looking at the criteria and  
8 the impacts, there were no additional city splits. The  
9 changes are all within Phoenix. No tribal reservations  
10 were split. There's none in this immediate area.  
11 Obviously no county split changes.

12 Rural versus urban issues, this is  
13 obviously entire urban.

14 In terms of --

15 COMMISSIONER HALL: What is the road,  
16 straight line right there?

17 MR. JOHNSON: Camelback.

18 COMMISSIONER MINKOFF: It's Camelback.

19 MR. JOHNSON: In terms of AURs, let me put  
20 up the Hispanic border. This green line you see is the  
21 Hispanic AUR border. It does extend 15 a little further  
22 past that.

23 I'll hand you the stat sheets, the result  
24 of this, in terms of the impact on the Hispanic  
25 percentage and total minority percentage.

1                   Compactness, it actually is more compact.  
2    You can see the northern extension that used to be on  
3    15, goes up actually to 10, is now incorporated into 11,  
4    and it's both fairly rectangular.

5                   I've not had a chance to run the actual  
6    compactness tests and give you stats. It's one of the  
7    tests to look at, have a fairly good sense of.

8                   COMMISSIONER HALL: Is that jog the city  
9    line?

10                  MR. JOHNSON: This goes to the Paradise  
11    Valley line and doesn't go into Paradise Valley. There  
12    may be a block or two that does.

13                  This is a quick test to show where it's  
14    going, not completely balanced out.

15                  In terms of growth areas, obviously this  
16    is very well-developed already. We're not looking at  
17    any major growth area impacts.

18                  Want me to walk through the areas, give  
19    stats later or stats now?

20                  COMMISSIONER MINKOFF: Rather now.

21                  CHAIRMAN LYNN: A nice, integrated whole.  
22    Maybe you and Dr. McDonald can tag team.

23                  Dr. McDonald, can you pull up numbers as  
24    we go through? Might be nice to record that as we go  
25    through.

1 Mr. Elder.

2 COMMISSIONER ELDER: Doug, any other AURS  
3 besides Hispanic? Seems like close to historical and a  
4 couple areas.

5 MR. JOHNSON: Right. The other one was  
6 the historical district.

7 You can see the red line here, first to  
8 point out the main -- the historical area is split as we  
9 mapped it back in the process, already split between 14  
10 and 15. This actually unites a little more, picking up  
11 some more than areas in 11 now brings those together in  
12 the main body of 15. But it's just a small portion of  
13 it that is affected.

14 Other communities that you mentioned,  
15 there was testimony from the Arcadia and the Biltmore  
16 Country Club area saying they'd like to be with Paradise  
17 Valley.

18 I believe that was the extent -- off the  
19 top of my head, and in the time available last night,  
20 those are the main comments. You may obviously recall  
21 other comments from this area as you go through it.

22 COMMISSIONER HALL: Before Dr. McDonald  
23 comes up, what is the minority percentages in 15?

24 MR. JOHNSON: 15 was, I believe, 30 -- let  
25 me grab my originals.

1 MR. JOHNSON: 15 was 30.1 percent Hispanic  
2 VAP. It is now 33.8. So it has gone down just over  
3 four points.

4 COMMISSIONER HALL: Total minority?

5 MR. JOHNSON: Total minority, 50.37. And  
6 it is now 44.37. So it is -- that has gone up several  
7 points. It's not one of the districts Justice  
8 considered effective, influence.

9 COMMISSIONER MINKOFF: Doug, can you give  
10 me the figures?

11 MR. JOHNSON: Let me give you the stat  
12 sheets.

13 COMMISSIONER MINKOFF: How nice.

14 MR. JOHNSON: While I do this,  
15 Dr. McDonald, do you want to give them the numbers?

16 COMMISSIONER HUNTWORK: You said down  
17 30.12, 33.8.

18 MR. JOHNSON: Old was 38.

19 CHAIRMAN LYNN: 38.9 was the old one.

20 DR. McDONALD: Districts 11 and 15,  
21 previously on the interim map District 11 was analyzed  
22 as having 44.3 percent Democratic performance in the  
23 district, which would make it an uncompetitive  
24 Republican district under the test map that Mr. Johnson  
25 is presenting to you. That district is now at 45.0.

1 It's still an uncompetitive Republican district. As for  
2 District 15, the district under --

3 COMMISSIONER HALL: What is the difference  
4 on 11?

5 DR. McDONALD: 44.3 to 45, difference.

6 COMMISSIONER HALL: Spread.

7 DR. McDONALD: Spread? 10 percent spread  
8 under the test, and it would be an 11.7 -- no -- 11.4  
9 spread on the interim map. I'm having to do that on the  
10 fly.

11 So for District 15, we moved from a 53.7  
12 percent Democratic district, on the interim map, to 51.0  
13 percent Democratic competitive district under this test  
14 map. So that's a spread of 7.2 to 2.0.

15 MR. JOHNSON: Similar change in  
16 registration AQD.

17 One of the things that jumped out at me  
18 when we did it, went back, reviewed the whole data base,  
19 it seemed odd, there was significant change in the  
20 competitiveness 15 from changes and not a very large  
21 change in the competitiveness of District 11.

22 What ended up -- turns out all data was  
23 correct. And the explanation for that is the number of  
24 votes cast in an election. Turns out one-for-one trade,  
25 move a voter from one district to another, taking out of

1 one to another, comes to percentages that are not a  
2 one-to one trade. Essentially moving, I don't remember  
3 the exact number, hypothetically, saying, 2,000 people  
4 out of District 11 into 15, turns out to be 2,000 people  
5 casting ballots, a significant factor in District 15,  
6 and virtually insignificant to District 11.

7 That's why there's a large change in 15,  
8 small in 11, even though direct trade.

9 CHAIRMAN LYNN: Mr. Elder.

10 COMMISSIONER ELDER: Mr. Chairman,  
11 Mr. Johnson, another thing I notice here is the  
12 differential in number of voters. We went from 169,369  
13 in 15 to 167,073, giving a deviation from roughly the  
14 171 number we're looking for. Has it expanded? Does  
15 that have an effect on the spread of competitiveness?

16 MR. JOHNSON: Yes. There's a similar  
17 effect there. District 11, number of voters went down.  
18 District 15, number of voters went up. Registration  
19 spreads in District 11, in the interim plan, Republicans  
20 have a 22.3 percent registration advantage. This is  
21 active voters. In the test plan that is dropped by  
22 three points to 19.39. That three-point drop in  
23 District 11, when the trades are made, result -- trades  
24 into a 9 point drop in District 15.

25 In the interim map, Democrats have 9.05

1 percent advantage in District 15. 9 percent advantage  
2 drops to essentially even in the new test District 15.  
3 Republicans have 0.3 percent registration advantage. So  
4 it was an interesting result. It illustrates the  
5 results of turnout and participation in different areas,  
6 and all other issues you are very familiar with at this  
7 point.

8 That's the result at this point of this  
9 map.

10 As mentioned before, all these tests, as  
11 is mentioned before, are attempts to illustrate the  
12 general thrust of this. They're certainly not in line  
13 or completely reviewed plans.

14 CHAIRMAN LYNN: Mr. Huntwork.

15 COMMISSIONER HUNTWORK: Mr. Chairman, want  
16 to talk about these now? I have some strong reactions  
17 to this, but shall we defer?

18 CHAIRMAN LYNN: We can do them while they  
19 are fresh.

20 If you would like to take them, discuss  
21 them through -- the goal today is to see the results  
22 either ordered for next week, a full mapping to see what  
23 the total implications are, or to indicate in no  
24 uncertain terms why that would not be a good idea and  
25 move on.

1 I think we can take one at a time and  
2 discuss them until ready to do something with them.

3 Mr. Huntwork.

4 COMMISSIONER HUNTWORK: Well, then, I  
5 would like to jump in with a couple thoughts here.

6 CHAIRMAN LYNN: Come late, start early.  
7 Go ahead.

8 COMMISSIONER HUNTWORK: Number one, 15 was  
9 a very awkward district that we never intended to look  
10 like, if you will, temporary -- what is left over after  
11 we made the necessary adjustments to fix 13 and 14. And  
12 the change to make both 11, 15 more compact is something  
13 that we would need to consider very seriously anyway,  
14 quite apart from the fact that it has a beneficial  
15 effect on competitiveness.

16 So all of the things that we're  
17 considering seem to me to work together in favor of  
18 that.

19 And I'm concerned about the effect on the  
20 Hispanic AUR. And I'm also concerned about the  
21 community of interest between a couple of the areas over  
22 in the east end of old 11. But overall, I do think it's  
23 something we have to look at very carefully.

24 Camelback Road is a pretty logical break  
25 point for anyone who is familiar with what is really

1 happening demographically in Phoenix.

2                   So you have to consider, having said all  
3 that, I'm concerned about one thing which is, you know,  
4 we haven't really gotten to the bottom line on our two  
5 Hispanic districts with 13 and 14. We have interim  
6 districts, but we have not seen the corrected study.  
7 And those changes, those districts, have a profound  
8 effect on everything we're doing, not just here, this  
9 side, the other side as well, with 9, 10, 12, in  
10 particular.

11                   I certainly recall that one of the tests  
12 that was done, which raised the high Spanish voting age  
13 level up to 59 percent, as it happened in, I think, 13  
14 and 15, left 14 in the middle as a competitive district.

15                   Until we have the evidence on  
16 effectiveness numbers nailed down, I'm concerned about  
17 going too far with any studies because they may very  
18 well change and we may be back to something else  
19 completely. That was why the difference between this  
20 and the alternative plan was dramatic. And 15 would  
21 have become the strong Hispanic district. And,  
22 furthermore, that was the only way of getting effective  
23 numbers up to the 59 percent range, if we find we have  
24 to go there. So I just want to leave that on the table.

25                   CHAIRMAN LYNN: Ms. Minkoff.

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1                   COMMISSIONER MINKOFF: Mr. Chairman,  
2 regarding Mr. Huntwork's comments about other issues we  
3 have to deal with, I absolutely support him. I think  
4 what we're doing, what remains on the table for  
5 consideration rather than approving any changes to the  
6 maps, because I agree with you, Jim, our prime  
7 responsibility at this point, the first thing we have to  
8 do is comply with the Voting Rights Act and then do  
9 other stuff.

10                   I have a question, Doug. I would like to  
11 look at the eastern area of District 15, what we add  
12 into. Is that the entire Arcadia area?

13                   MR. JOHNSON: Let me zoom in on that to  
14 see more detail.

15                   COMMISSIONER MINKOFF: I want to make sure  
16 we're not chopping up that area. They make it very  
17 clear they want to be united in whatever district  
18 they're in.

19                   MR. JOHNSON: As you see, I can bring up  
20 specific street names, if --

21                   COMMISSIONER MINKOFF: It would help. The  
22 major streets.

23                   MR. JOHNSON: Right.

24                   MR. JOHNSON: Changes the interim line.  
25 You can see blue from the interim district, staircase

1 up. Now we move across the canal and all the way to the  
2 Paradise Valley City line.

3                   You can see by the contours of the  
4 streets, this area just south of Paradise Valley is  
5 clearly a fairly united community. And then how contour  
6 changes to get into the City of Paradise Valley, I guess  
7 that's probably because of a hill, but I don't know  
8 intimate details.

9                   COMMISSIONER MINKOFF: Mountain.

10                  MS. HAUSER: Bigger than a hill.

11                  COMMISSIONER MINKOFF: Geography lesson.

12                  MR. RIVERA: Going for a drive at lunch.

13                  MR. JOHNSON: This morning, not a map with  
14 me, one of the things left off the quick tests.

15                    You can see where Camelback Road turns  
16 southeast and levels out there. That's in the middle of  
17 the area moved.

18                    And then over on the east side, I'll point  
19 out this continues as the interim plan to be the border  
20 of Scottsdale, the jagged edge there, because the city  
21 border is jagged.

22                    COMMISSIONER MINKOFF: Thank you.

23                    CHAIRMAN LYNN: Just to be clear as to  
24 where we're headed, with respect to Mr. Huntwork's and  
25 Ms. Minkoff's concerns about a comparison at some point

1 between what this would do and what other solutions or  
2 other maps do, the interim map, 2002 map, I like to  
3 refer to it as 2002 map, it's now certain for 2002. In  
4 order to do that, in order to have that comparison, we  
5 still would need to have you finish up -- I know this is  
6 a rough approximation. In order to be able to actually  
7 make a determination, fully, you would have to still do  
8 some work; is that correct, Mr. Johnson?

9 MR. JOHNSON: Yes. Two pieces not  
10 mentioned, intro AQD number deviation. District 11, in  
11 this test, is still overpopulated by 1,700 people, just  
12 over one percent.

13 And District 15 is actually underpopulated  
14 by about 3,000 people, or 1.9 percent. I have to  
15 balance those out, double-check, I actually followed the  
16 city line, a lot of clean-up.

17 CHAIRMAN LYNN: One thing we need to  
18 remember, in this round of adjustments, we don't any  
19 longer have to worry about splitting precincts in terms  
20 of population deviation, because we now have a two-year  
21 window in which the counties can reprecinct for 2004  
22 elections. If we were to work harder at balancing  
23 population, by doing so split precincts would not be a  
24 hardship on the county to do that and get that done.  
25 That helps us.

1 Mr. Hall.

2 COMMISSIONER HALL: Mr. Chairman, I agree  
3 with my fellow Commissioners this is a cleaner look,  
4 much more compact. Furthermore, it's making 15 a  
5 competitive district, which I think is advantage.

6 With respect to the concerns mentioned  
7 relative to Voting Rights Act like 13 and 14, while we  
8 don't have preclearance on that, I am comfortable with  
9 levels, comfortable it's strengthened by the three-judge  
10 panel and Special Master Mr. Cain also indicated in his  
11 report a support of those numbers.

12 While we have some additional analysis to  
13 do next week on that subject, I'm not so sure that we  
14 can afford, in light of our schedule, to put everything  
15 on hold. I think that this is a positive change in many  
16 respects and I think that I'm comfortable that 13 and 14  
17 will represent voting trends of the districts to elect a  
18 candidate of choice.

19 CHAIRMAN LYNN: In light of comments,  
20 Mr. Hall, are you prepared to move an instruction to  
21 Mr. Johnson?

22 COMMISSIONER MINKOFF: Well --

23 CHAIRMAN LYNN: I'd like something on the  
24 floor. I'm trying to move the meeting along.

25 COMMISSIONER MINKOFF: I just have a

1 question before we get to a motion.

2 CHAIRMAN LYNN: Go ahead.

3 COMMISSIONER MINKOFF: Doug, I agree with  
4 Mr. Hall's comments. It looks better. You've done a  
5 good job creating a competitive district in 15. We  
6 still have essentially a bulletproof district in  
7 District 11, at least according to AQD, a little bit  
8 less, according to Dr. McDonald.

9 What I wondered is 15 is a very  
10 competitive district, and there's a leeway, and it still  
11 remains a competitive district. I wondered if there is  
12 any way to make 11 more competitive without sacrificing,  
13 because I think we're all in agreement, good to get  
14 another competitive district, without sacrificing -- 15  
15 is now two percent.

16 MR. JOHNSON: Right.

17 COMMISSIONER MINKOFF: A lot of leeway,  
18 still remains a competitive district, if we do something  
19 with 11 now at 10 percent to move it, if not all the way  
20 to seven percent, closer to seven percent so voters in  
21 that district as well have a good choice.

22 Is there still population that can be  
23 switched? I imagine it would probably be the western  
24 boundary of 11 or possibly some of the eastern part of  
25 15.

1                   MR. JOHNSON: I started to look at that  
2 and see if I could go further with that. This, as you  
3 can see, mentioned nice, clean lines, nice and smooth.  
4 To get much further toward the seven percent range in  
5 District 11, it started to get really ugly, lots of  
6 jags, a precinct there, precinct there, hunting through  
7 it. I can go into more detail, more than impulses, and  
8 show you how lines might get closer when we come back  
9 with another map.

10                   One thing I would note, as introduction,  
11 District 11 doesn't get to the seven percent range  
12 Dr. McDonald was talking about, gets closer, ends up by  
13 Judge It, at exactly a 10 percent spread which, as you  
14 recall, is the spread Dr. Lublin used in his different  
15 tests.

16                   We are making progress. I can certainly  
17 look at that and have an option for that.

18                   COMMISSIONER HUNTWORK: The reason for the  
19 comment, while I like the look of these districts, that  
20 is important, but as a voter in District 11, which I  
21 happen to be, I'm not going to take a picture of this  
22 and put it on my wall. I'm much more concerned with how  
23 the district operates than how it looks, although  
24 obviously compactness is criteria we do have to take  
25 into consideration.

1                   If there's a way you can do it without it  
2 being so ugly that people across the street from each  
3 other don't know what district they're in, I'd like to  
4 see an attempt -- I think you are moving right  
5 direction -- I'd like to see an attempt to maintain the  
6 competitiveness in 15 while still attempting to enhance  
7 the competitiveness of 11. I think that is really what  
8 we're trying to do is maximize competitive districts,  
9 not get to zero.

10                   MR. JOHNSON: One follow-up on that. I  
11 can certainly do that. The only caveat that I had, it  
12 won't be the western portion, because that's the only  
13 heavily Democratic part, somewhere in the middle.

14                   COMMISSIONER MINKOFF: I'm prepared to  
15 make a motion.

16                   CHAIRMAN LYNN: Several Commissioners want  
17 in on discussion. Let's do that.

18                   One thing I'd like to do, with all due  
19 respect to Ms. Minkoff, the characterization as  
20 bulletproof, I don't think a 10 percent spread is  
21 bulletproof in any sense of the word.

22                   COMMISSIONER MINKOFF: AQD.

23                   CHAIRMAN LYNN: I'm looking at Judge It.  
24 I'm suggesting under Judge It, it's anything under  
25 bulletproof.

1                   COMMISSIONER MINKOFF: AQD is a little  
2 over 16. That's the first thing that caught my eye.

3                   CHAIRMAN LYNN: Let's be careful of  
4 characterization of districts based on an ever-changing  
5 definition of competitiveness.

6                   Mr. Hall, Mr. Elder, then Mr. Huntwork.

7                   COMMISSIONER HALL: Mr. Chairman, I -- in  
8 response to Ms. Minkoff's suggestion, I think that would  
9 be ideal. I really do. I think an important point Doug  
10 made is that the voter turnout to the north is much  
11 higher than the voter turnout to the south. And I think  
12 that a continued effort to do that is going to  
13 constitute some significant jaggedness of the borders.  
14 Is that an agreement with your perception, Mr. Johnson?

15                   MR. JOHNSON: Definitely will result in  
16 not as smooth a lines we have here, the degree to which  
17 is hard --

18                   COMMISSIONER HALL: Still uncertain.

19                   MR. JOHNSON: Will be.

20                   COMMISSIONER HALL: I want to point out, I  
21 see certain strengths to this. We certainly don't live  
22 in a perfect world, but both of these districts are more  
23 competitive by reason of this change. So at this point  
24 I'm having difficulty seeing the downside.

25                   I guess what I'm asking is certainly this

1 is more compact and both are more competitive, and we  
2 are meeting on goals and favoring a competitive district  
3 where there is no significant detriment. My question --  
4 the only other goal I'm not intimately familiar with is  
5 community of interest, and I'd request from my fellow  
6 Commissioners what, if there is a community of interest  
7 issue here with respect to these two districts.

8                   COMMISSIONER MINKOFF: One community of  
9 interest that I can see is the Arcadia neighborhood,  
10 which is probably more closely allied with District 11.  
11 However, if you put them back in District 11, they  
12 basically undo everything that Doug has done. So it's a  
13 balancing act.

14                   You know, if I were a typical Arcadia  
15 voter, I'd probably be a lot happier in District 11 as  
16 currently constituted rather than in the new map. But  
17 other than that, I don't see community of interest  
18 issues. And the question is: Does the creation of a  
19 competitive district overshadow that, because we have  
20 kept that community of interest intact? We have moved  
21 them in mass. We haven't chopped them up, which I think  
22 would be a serious mistake.

23                   In terms of your comments, I agree with  
24 you, this is good. I'd just like to see if it can get  
25 better.

1                   CHAIRMAN LYNN: Mr. Elder, then  
2 Mr. Huntwork.

3                   COMMISSIONER ELDER: Thank you,  
4 Mr. Chairman.

5                   Commenting on the 11, 15 split you have in  
6 the blowup there, I'm a strong proponent of if you can't  
7 get there from here type analysis, where we've split  
8 Camelback Mountain from one side of one district and  
9 another side of another district. The way we've  
10 maintained the political boundaries of Paradise Valley,  
11 kept it a fine line, people know "I live Paradise Valley  
12 or don't;" seems to make it easier for voters to  
13 participate in candidates' campaigns. On the whole, I'm  
14 in favor of that in the sense it makes it a clean  
15 district.

16                  COMMISSIONER HUNTWORK: I have nothing to  
17 add. My thoughts were already expressed by fellow  
18 Commissioners.

19                  CHAIRMAN LYNN: And for a certain amount  
20 of time, we're reading each other's minds.

21                  Is there an affirmative motion with  
22 respect to further instruction? Again, we're not  
23 adopting anything. We're either moving forward on some  
24 of these tests for more analysis or we're not. That's  
25 really where we are today.

1 Ms. Minkoff.

2 COMMISSIONER MINKOFF: Mr. Chairman, I'd  
3 like to move we instruct NDC to continue with the  
4 refinement of this test to make whatever adjustments are  
5 needed to clean it up, to equalize the population, and,  
6 if possible, if possible, to increase the  
7 competitiveness of District 11 without destroying the  
8 other things that we have gained from this shift.

9 CHAIRMAN LYNN: Is there a second?

10 COMMISSIONER ELDER: Second.

11 CHAIRMAN LYNN: Discussion on the motion?

12 Mr. Huntwork.

13 COMMISSIONER HUNTWORK: With regard to  
14 increasing competitiveness of 11 --

15 COMMISSIONER MINKOFF: Jim, I'm having  
16 trouble hearing.

17 COMMISSIONER HUNTWORK: I can hear myself  
18 rather well.

19 CHAIRMAN LYNN: Can't we all.

20 MS. HAUSER: Excuse me, Mr. Chairman. Can  
21 we identify, the motion didn't identify the test by  
22 number.

23 COMMISSIONER MINKOFF: The test between 11  
24 and 15.

25 CHAIRMAN LYNN: The only test we have or

1 only reference we have is a June 14th test of District  
2 11 and 15.

3 MS. HAUSER: You have -- I think  
4 Mr. Johnson described two tests, Number 1 and 2. This  
5 is Number 2, right?

6 COMMISSIONER MINKOFF: First was an  
7 abandoned test, is it not, not a completed test?

8 The test between 11 and 15 making the  
9 primary boundary between the two districts. Does that  
10 define it closely enough?

11 MR. JOHNSON: Sure.

12 MR. RIVERA: For the record.

13 CHAIRMAN LYNN: Give it a number, Doug.

14 MR. JOHNSON: Call it Test 2, second one I  
15 presented in the area.

16 CHAIRMAN LYNN: Fine. District 11, 15  
17 Test 2. That's the one incorporated in the motion.

18 MR. RIVERA: Just to make it easier, as  
19 there's going to be a record of this somewhere, and  
20 other people besides us in the room look at it, if you  
21 give numbers to every one of the tests so they can be  
22 quickly identified off your records and tied to the  
23 transcript, that would make it a lot easier for  
24 everybody. Okay, Mr. Johnson?

25 MR. JOHNSON: For the record, identified

1 Test 2 change 11, 15. Test 1 was a change of 11, 15 and  
2 17.

3 CHAIRMAN LYNN: So authorizing Test 2.

4 Thank you.

5 MS. HAUSER: It's still clear this way.

6 COMMISSIONER HUNTWORK: That may address  
7 my question. I wanted to make sure we're only talking  
8 about adjusting between 11 and 15 and not going outside  
9 of those parameters.

10 COMMISSIONER MINKOFF: Uh-huh.

11 CHAIRMAN LYNN: Further discussion on the  
12 motion?

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

15 COMMISSIONER HUNTWORK: "Aye."

16 COMMISSIONER HALL: "Aye."

17 COMMISSIONER MINKOFF: "Aye."

18 COMMISSIONER ELDER: "Aye."

19 CHAIRMAN LYNN: Chair votes "Aye."

20 Motion carries unanimously and is so  
21 ordered.

22 Mr. Johnson, next area of testing.

23 Test 3?

24 MR. JOHNSON: Makes logical sense. If  
25 okay with the Commission, I'll continue with the

1 Maricopa area, go with 6, 7, 9, 10, 12.

2                   So Test 3 is a test, base based on  
3 instruction of the Commission, to look at Districts 6,  
4 7, 9, 10, and 12, which already had two districts  
5 generally considered competitive, and see if we could  
6 turn it into three districts competitive. One caveat as  
7 went into the test, started moving populations around,  
8 it was clear it would do significantly less impact on  
9 different communities and requests of areas if I added  
10 District 4 into the mix. If that's acceptable to the  
11 Commission, that's the test I have for you here.

12                   So again, the blue lines indicate the 2002  
13 map. And the colors indicate the lines as drawn in this  
14 test. Again, it is in this case, you'll see it is  
15 definitely a rough test. We started with the big  
16 picture and zoom in.

17                   Big picture, District 7, green district,  
18 picked up the northern area of Maricopa County,  
19 previously District 6, including New River and most of  
20 the area of District 6 that was east of I-17.

21                   Also in the big picture, you can see  
22 District 12 moved a little to the west. It's picked up  
23 the Buckeye area that continued due west of it.

24                   The reason for each of those will become  
25 evident when we zoom in.

1                   In this test, there was merely focus that  
2 the three districts fall within some or all of our  
3 competitiveness measurements and try to make them more  
4 competitive generally, I believe the phrase was "by  
5 degrees, if possible, obviously keeping other criteria  
6 in mind." One of the pieces that did fall into place  
7 for this, the main reason why District 12 moves to the  
8 west so significantly, is that neck of District 12 in  
9 the 2002 map extended over 13 and 14 is now moved into  
10 10. We've improved compactness of 12 there. District  
11 6, which is the district that I, after looking at the  
12 plan, looking at different districts, focused on trying  
13 to get within our competitive ranges, is now moved  
14 obviously more south integration to a fairly squat  
15 district that includes the old southern end of District  
16 6, extends east to pick up the southwest corner of what  
17 was District 7, and then goes down and picks up the  
18 eastern portion of old 2002 District 10.

19                   Let me zoom in and give you some streets  
20 here.

21                   On the west side, District 6 is now  
22 bordered by the freeway, I-17. East side, it goes over  
23 to 40th Street with one jog in there. Then it comes  
24 down to what remains the same on the southern side,  
25 northern border of 11 at Sweetwater and what was the

1 northern border of 15. After district 15 was done, the  
2 border was down here, south of Hatcher. On the north  
3 side, it's Union Hills Drive is the border there.

4                   Again, running through our various  
5 criteria on this district, city splits, this district is  
6 now entirely within the City of Phoenix, does not pick  
7 up the New River community to the north. County splits,  
8 no change. Rural versus urban, really no change. In  
9 growth areas, there's obvious, significant change. The  
10 growth areas of 6 and 7 are not combined, or former  
11 growth areas of 6, 7 are now combined into 7.

12                   Other criteria, AURs, Hispanic AUR,  
13 historic district, other districts, don't reach up into  
14 this area.

15                   Other communities, in the north we had had  
16 the, near the end of the process in October, Cave Creek  
17 and Carefree did request to be in District 7 with  
18 essentially the northern remainder of Scottsdale, small  
19 border of Scottsdale. They stay in that district with  
20 no change in the district other than bordering  
21 communities are added into it, particularly New River.  
22 So that's District 6, 7 on communities.

23                   Obviously significant changes to 9 and 10,  
24 also. Let me zoom in on those.

25                   As noted, District 4 has given up most of

1 it's Buckeye portion. To make up for that trade, 10  
2 went further to the east. Used to be, in 2002 maps,  
3 66th.

4                   District 9 remains largely the same in the  
5 western portion. North it extends a little further  
6 north. Let me confirm which city it's going north in.  
7 So it moves north in Glendale. It's not -- Glendale is  
8 already split. District 10 already had a portion of  
9 Glendale. This is not increasing the number of splits,  
10 just more of Glendale in District 9.

11                   COMMISSIONER MINKOFF: Majority of  
12 District 9.

13                   MR. JOHNSON: Not majority. Glendale is  
14 split six ways. Glendale was significant pieces rather  
15 than small pieces, and that remains, so --

16                   COMMISSIONER MINKOFF: That has not  
17 changed that.

18                   MR. JOHNSON: Increase the portion of  
19 Glendale that is concentrated in that district, to a  
20 degree, complying with their request.

21                   District 9 extends east into Phoenix now.  
22 That is because of the tradeoff in population between 9  
23 and 10.

24                   District 10, as I noted, has given up it's  
25 eastern portion, that portion east of the freeway, is

1 extended slightly to the north of it's previous border,  
2 extends generally over the Grand Avenue corridor and  
3 picks up the southeastern corner of 9.

4                   As you see from the lines, this is clearly  
5 a rough test shown to illustrate the trends as we  
6 mentioned yesterday and what is possible. That whole  
7 border between 9, 10 is something I'd like to go back  
8 and see if we can make more compact, perhaps follow city  
9 borders better. This got us to where we were in the  
10 test. The last change to District 12 also picked up a  
11 small corner, the southwestern corner of District 9 that  
12 comes up to the border in -- that comes up to the border  
13 of Sun City but does not go into it. So it adds  
14 population into District 12 which was needed but  
15 continues to comply with the request of El Mirage and  
16 Old Surprise not to be in a district that includes the  
17 Sun Cities.

18                   I can give you the statistics and Judge It  
19 numbers, if you'd like that, or take questions  
20 beforehand?

21                   CHAIRMAN LYNN: Mr. Elder, can we get  
22 Judge It numbers and then I'll call on you?

23                   COMMISSIONER ELDER: What Doug  
24 presented --

25                   What is the area in the southeast corner

1 of 9 now in 10? Is that primarily Peoria? Sun City?

2 MR. JOHNSON: It actually is Peoria. Yes,  
3 that is the Peoria area.

4 COMMISSIONER MINKOFF: Peoria or Glendale?

5 MR. JOHNSON: This area that moves from 9  
6 to 10 is Peoria. And then the old border between the  
7 two districts was the Glendale-Peoria city line. Now  
8 we're crossing over into Peoria.

9 COMMISSIONER ELDER: Thank you.

10 CHAIRMAN LYNN: And from Dr. McDonald, can  
11 we have some numbers for these districts, including  
12 District 4, obviously, if that was involved in the  
13 shifting?

14 DR. McDONALD: For District 4, that was  
15 under the interim map --

16 COMMISSIONER MINKOFF: Dr. McDonald, can  
17 you speak up a bit?

18 DR. McDONALD: Sorry.

19 District 4, interim map, Democratic  
20 performance, Judge It, 42.4 percent for a spread of 1.2  
21 percent. And under the test map, it is -- remains the  
22 same, 42.4 and a spread of 15.2 on competitive,  
23 Republican district.

24 For District 6 --

25 CHAIRMAN LYNN: Dr. McDonald, the

1 acoustics are, unfortunately, not great in this room.  
2 The amplification has a lot of echo and it's difficult  
3 to hear.

4 DR. McDONALD: I can hear myself.

5 CHAIRMAN LYNN: One more time on the Judge  
6 It difference, if you would.

7 DR. McDONALD: There is no change on Judge  
8 It numbers on District 4. It remains at 42.4 percent  
9 Democratic performance, which is a 15.2 percent spread.

10 CHAIRMAN LYNN: Thank you.

11 DR. McDONALD: For District 6, under the  
12 interim map, that district had Democratic performance of  
13 44.5 percent for a spread of 11.0 percent. And under  
14 the test map, it is now at 45.9 percent for a spread of  
15 8.2 percent, still an uncompetitive Republican district,  
16 but less so.

17 District 7, under the interim map, is a  
18 42.5 percent Democratic performance, for a spread of  
19 15.0, which is a Republican competitive district. And  
20 under the test map, it is now 42.2 percent, or a 15.6  
21 spread. A slightly more uncompetitive Republican  
22 district.

23 District 9, under the interim map, was  
24 43 -- excuse me, 44.3 percent, or a spread of 11.4.  
25 Uncompetitive Republican. Under the test map, it is

1 43.8 percent, or 12.4 Republican uncompetitive. So it's  
2 slightly more uncompetitive.

3 For District 10, under the interim map,  
4 the Democratic performance is 48.2 percent for a spread  
5 of 3.6 percent, and that is a competitive Republican  
6 district. And under the test, it is a 47.9 percent  
7 Democratic performance for a 4.2 percent spread, which  
8 is -- still remains a competitive Republican district.

9 For District 12, we have a Democratic  
10 performance of 48.1 percent. And the spread of that is  
11 3.8 percent. That is a competitive Republican district.  
12 Under the test map, it is 48.2 percent, or 3.6 percent  
13 spread. That is -- remains a competitive Republican  
14 district.

15 CHAIRMAN LYNN: So I guess the question  
16 is: We didn't, within your definition of  
17 competitiveness, gain a third district by moving these  
18 lines. We, in fact, made a couple of districts slightly  
19 less competitive and one district slightly more, but all  
20 of those were in the double digit range?

21 DR. McDONALD: Correct. Everything seems  
22 to just have washed out here, some slightly more  
23 competitive, some of those slightly less competitive,  
24 yes.

25 COMMISSIONER MINKOFF: Dr. McDonald, a few

1 reactions. One district not competitive, made it  
2 significantly closer, District 6, now 8.2. It stands  
3 only about a percentage point away from being  
4 competitive.

5           There are some things in the map, even  
6 beside the competitiveness, I do like. Number one, I  
7 think the shift between District 6 and 7 make sense from  
8 a community of interest standpoint. In terms of future  
9 population equalization, we tried to spread out those  
10 areas. In terms of common interest of a district, it  
11 makes sense to have that whole Cave Creek, Carefree, New  
12 River area in the same district, because they're all  
13 experiencing the same kind of growth and development.  
14 Secondly, I think that splitting 10 at the I-17 freeway  
15 makes some sense. It is a natural boundary, and that's  
16 one of the things that we were asked to consider by Prop  
17 106. And the other big plus I think is putting Buckeye  
18 in District 12, because I recall the West Valley  
19 communities really asked to be together, Buckeye,  
20 Litchfield Park, Goodyear, Tolleson. We haven't been  
21 able to put them all together. This is one less split.  
22 Buckeye, Litchfield Park have a lot of common areas.

23           I think it improves competitiveness in  
24 District 6, significantly. It doesn't get us all the  
25 way we want to be, but I think it makes a significant

1 difference. Changes in other districts are minimal. I  
2 think it provides some advantages in these other areas  
3 I've mentioned. I think it's worth pursuing another  
4 test.

5 CHAIRMAN LYNN: Dr. McDonald, a question.  
6 I may have the wrong district, but with respect to  
7 District 10, did you indicate yesterday that District 10  
8 was the 3.55 district rounded up 3.6?

9 DR. McDONALD: Yes.

10 CHAIRMAN LYNN: That's been made slightly  
11 less competitive in this test up to 4.2?

12 DR. McDONALD: Correct.

13 CHAIRMAN LYNN: Okay. Thank you.

14 Other comments or questions?

15 MR. JOHNSON: Mr. Chairman, may I clarify  
16 something? These are rough tests, working late and  
17 quickly. The spread -- the one-page handout I just gave  
18 all of you and the audience, at the top, "DOJ 4 State  
19 Legislative Districts," that should be June 14th. The  
20 change didn't get made in that heading in getting this  
21 ready for you.

22 CHAIRMAN LYNN: Thank you.

23 Other comments or questions.

24 COMMISSIONER HUNTWORK: I agree with a  
25 number of things Commissioner Minkoff noted here. But

1 one great disadvantage to this in my mind is  
2 equalization of population. I know with the growth  
3 areas in District 7, now in 2002, it is already, I'm  
4 sure, out of line with -- in population with the other  
5 districts. And I think it was a very worthwhile goal I  
6 think everyone agreed on. We had Democrats and  
7 Republicans alike coming in reminding us of the need to  
8 do that in order to protect not only the present but  
9 future voting rights of our fellow citizens for the next  
10 10 years. I think that is very important.

11 I don't really see a payoff here that  
12 justifies going to all this trouble. We did change 6 in  
13 a positive direction, but we changed 7 in a negative  
14 direction. We obviously changed 9 in a negative  
15 direction. And it was definitely not a bulletproof  
16 district, and it's headed in that direction. We changed  
17 10 in a negative direction. 10 is at a point where I'd  
18 suspect it's in the curve where those changes have a  
19 pretty significant effect on overall competitiveness.

20 I think the hope was that we could produce  
21 a clear winner out of this, produce a district that was  
22 really, truly, going to be a competitive district. And  
23 that we've not succeeded in doing.

24 Thank you.

25 DR. McDONALD: Chairman Lynn, excuse me.

1 Chairman Lynn, I misspoke in responding to your  
2 question. District 10 is not the district I was talking  
3 about yesterday. That would be District 24 that was  
4 just outside the range of competitiveness.

5 CHAIRMAN LYNN: Okay.

6 DR. McDONALD: My apologies.

7 CHAIRMAN LYNN: 10 was a solid 3.6, moved  
8 to 4.2.

9 DR. McDONALD: Still within the seven  
10 percent competitive range.

11 I've given two numbers, asking for both  
12 the spread between performances and actual percentage  
13 number. It's within the seven percent spread at 4.2  
14 under the test map.

15 Does that make sense?

16 CHAIRMAN LYNN: No. Because I think --  
17 thought the seven percent range was plus or minus 3.5.

18 DR. McDONALD: Give the spread seven  
19 percent, if between the two. Some Commissioners were  
20 asking for the difference between that spread. I was  
21 giving you two numbers there, one being -- for instance,  
22 District 10 was a 48.2 percent, which has -- this is the  
23 difference number in that Mr. Johnson was telling you  
24 about, I guess, yesterday, which is 3.6 percent. So  
25 under the test map, it is now 47.9, which, if you took

1 Republican minus Democrat, would be a 4.2 percent  
2 difference.

3 CHAIRMAN LYNN: Thank you.

4 Mr. Hall.

5 COMMISSIONER HALL: Doug, is there any way  
6 to eliminate the Trojan horse you created or is that a  
7 necessity?

8 MR. JOHNSON: Shape?

9 COMMISSIONER HALL: The green Trojan  
10 horse.

11 COMMISSIONER ELDER: The one I was  
12 referring to, the southeast horse.

13 MR. JOHNSON: Westward-headed horse here.

14 The border between 9, 10 definitely is an  
15 area I, if instructed to continue forward with this  
16 test, I'd examine and look at ways to clean up. It  
17 shows you the kind of numbers you can get to. It may  
18 not be the best way to get those specific numbers.

19 CHAIRMAN LYNN: Ms. Minkoff.

20 COMMISSIONER MINKOFF: Doug, go back to  
21 the area between 6 and 7. There's been a significant  
22 change in District 6 in this test, probably more than in  
23 any of the districts. All districts are a percentage  
24 point and point two percent. District 6 has changed  
25 significantly but still isn't quite competitive.

1                   Have you gone as far as you can go with  
2 that or are there other things that might be done truly  
3 make six a competitive district without sacrificing 10,  
4 12 which are also competitive?

5                   MR. JOHNSON: Any gains to 6 from here on  
6 would come at the expense of 9 and 10 -- I'm sorry, 10's  
7 competitiveness level. It might be possible to get a  
8 little closer, but I somewhat doubt it would get  
9 significantly any closer.

10                   COMMISSIONER MINKOFF: 9 is -- was not a  
11 competitive district, is a competitive district now.  
12 That wouldn't be a concern. 10 is a competitive  
13 district and is a very serious concern.

14                   Are you saying in order to make six  
15 competitive, you'd sacrifice 10?

16                   MR. JOHNSON: From what I was able to test  
17 last night, getting six within the seven percent range  
18 would have it out of it. Once I got that impression of  
19 the test, I stopped, in logical order, and got as close  
20 as I could. One caveat to that, as I do tests, I get  
21 registration, AQD, but I don't get Judge It until later.  
22 It's difficult to fine-tune the Judge It number.  
23 There's more focus on those, the attempt to translate  
24 them.

25                   Anything is possible. We referred before

1 to a district with a possible to link with Kingman and  
2 Sierra Vista in a district. With the other criteria and  
3 considerations, a desire not have single block-wide  
4 districts, it may be possible to get it a point or two  
5 more and tradeoff with 10, but it's not going -- I don't  
6 foresee getting within the seven percent range we're  
7 generally targeting.

8 CHAIRMAN LYNN: Other comments or  
9 questions?

10 Mr. Elder.

11 COMMISSIONER ELDER: Mr. Chairman,  
12 Mr. Johnson, as I come back to my geography aspects of  
13 it, I do like the shift to where 10 is now using the  
14 eastern edge of the freeway as a boundary. I don't know  
15 if you can cross over the wall, one side to the other.  
16 With that said, whether you call it perimeter,  
17 compactness, or a characteristic like 9, it's a real  
18 difficult edge to determine where you are, who is your  
19 representative, and where you vote. I think the same  
20 thing could be said of 10 on the other side. Comes in  
21 and adds in very circuitous routes to get from one place  
22 to another.

23 I don't know when I look at, as I was  
24 worried about yesterday, by combining all these, really  
25 we're looking at an analysis of 9, 10, and 6 I guess is

1 the three we're looking at there. And it seems like  
2 we've done more harm than good on compactness with the  
3 exception of 6, which looks a little more compact. But  
4 9, 10 has gone the other direction. We had a gain, and  
5 now we've gone backwards on competitiveness. I'm not  
6 sure the direction we're going in is the direction to  
7 achieve results.

8 CHAIRMAN LYNN: Mr. Huntwork.

9 COMMISSIONER HUNTWORK: Mr. Chairman, I  
10 agree with that overall. I -- we tried very hard here,  
11 but I don't see that we've done any good.

12 I would like to see where everybody is. I  
13 make a motion we not continue this test.

14 CHAIRMAN LYNN: Is there a second?

15 Second?

16 COMMISSIONER ELDER: All 6 or ones that  
17 relate to 9, 10 --

18 CHAIRMAN LYNN: This test has all the  
19 districts in it, with the changes just gone over. The  
20 motion is inclusive, that is to say this is a single  
21 test. This would be Test 3. And the motion is to not  
22 further continue with Test 3.

23 COMMISSIONER ELDER: I would second that.

24 CHAIRMAN LYNN: Moved and seconded.

25 Ms. Minkoff.

1                   COMMISSIONER MINKOFF: Mr. Chairman, I'm  
2 not sure if we proceed with this test I'd vote for  
3 incorporating it into our map, but I really would like  
4 to see what Doug can do with it. I think there are some  
5 positives, I mentioned, even aside from competitiveness.  
6 I think some work better, putting Buckeye in with other  
7 west communities, dividing 10 and 6 at the Black Canyon  
8 freeway, 6 being significantly more compact. The  
9 communities do have common interests together in  
10 District 7. The one thing I would agree with  
11 Commissioner Elder is really ugly is Joshua's Trojan  
12 horse. Doug felt with a little more time he could clean  
13 that up a little bit.

14                   I don't know what the end result of this  
15 is going to be. I'm going to vote against the motion  
16 just because I'm not ready to drop it yet. I'd like to  
17 see what Doug can do to make 6 a little more  
18 competitive, which I think is a positive, and cleaning  
19 up the border between 10 and 9 without sacrificing the  
20 competitiveness of 10.

21                   Just based on that, I'll vote against the  
22 motion.

23                   CHAIRMAN LYNN: Thank you.

24                   Further discussion on the motion.

25                   MR. JOHNSON: Mr. Chairman, to clarify,

1 I'd like to try to clean up the border of 9, 10. I'm  
2 not sure I'll succeed.

3 CHAIRMAN LYNN: I understand.

4 COMMISSIONER HALL: Need to clean up  
5 compactness, Doug.

6 What is your confidence we'd create  
7 another competitive district by reason of the changes?  
8 What I'm seeing is the hope was trying to make 6 more  
9 competitive. We're a ways from that, with a lot of  
10 Republicans surrounding it. So I guess -- my concern is  
11 continuation is simply going to promote more  
12 gerrymandering, as in, ie, the Trojan horse, fingers  
13 here and fingers there to simply find numbers.

14 In my opinion, what we've done to District  
15 9 is significant detriment to that district. And we're  
16 asking now, not just clean up edges, we're saying clean  
17 up edges, make more competitive, find more numbers, if  
18 you will.

19 My concern is given your effort here, and  
20 what is done, notwithstanding the growth area issue of  
21 District 6, what it's done to District 9, is it  
22 possible -- you know, I mean, is it safe to say that in  
23 order for you to increase the competitiveness of 6 we're  
24 going to require additional fingers and stretching of  
25 those districts?

1                   MR. JOHNSON: Yes. To get 6 more  
2 competitive, it's going to involve some kind of crossing  
3 over into 10 and picking up in 10, have to pick up  
4 somewhere else.

5                   I don't foresee, and from testing last  
6 night, didn't see a way to get 6 within the seven  
7 percent range we're aiming for. It's currently, what,  
8 8.2. So we may get that down, up to a point, and get it  
9 closer --

10                  COMMISSIONER HALL: More concerning to me,  
11 from a truly competitive standpoint, given my  
12 perspective, is that both 10 and 12, and especially 10,  
13 has been weakened in its competitiveness. That's  
14 already a Republican leaning district, which the turmoil  
15 I think in that area between Republicans and Democrats  
16 is significant in this discrepancy. I think smaller  
17 part, higher turnout areas is more beneficial to  
18 increase competitiveness. The change proposed is a 3.6,  
19 4.2, which is a .6 swing. I'm concerned, deep in the  
20 heart in Phoenix, that's more significant than it would  
21 be in Prescott, per se, or something of that nature.

22                  So -- I welcome Dr. McDonald's input on  
23 that, but it seems that for the two-point gain in 6, we  
24 may lose more ground in competitiveness in the heart of  
25 the valley.

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1                   MR. JOHNSON: I'd just say despite the  
2 long hours, I think you guys on that kind of decision  
3 have a considerably tougher job than I do.

4                   CHAIRMAN LYNN: Ms. Minkoff.

5                   COMMISSIONER MINKOFF: Doug, question,  
6 because this particular test creates a new kind of  
7 border that didn't exist before between District 6 and  
8 District 11, and 11 is not competitive, even with the  
9 new test. We've made 15 competitive but not made 11  
10 competitive. Is there any way to make one of those two  
11 districts competitive, 6 or 11, by switching population  
12 between them without going into 10 or 9 or some of the  
13 others?

14                   MR. JOHNSON: That could very well work.  
15 The western portion of District 11 is relatively heavily  
16 Democratic, now 6 could pick up some of those areas  
17 which would result in 11 moving north and picking up  
18 some of the northeastern parts of 6. I wouldn't know  
19 for sure until I tested it.

20                   COMMISSIONER MINKOFF: You think it is a  
21 possibility and we could make one of the districts  
22 competitive, below the seven percent level?

23                   MR. JOHNSON: Where is 11, 6 is eight.

24                   COMMISSIONER MINKOFF: 8.2.

25                   MR. JOHNSON: 11 is down to 10, six is

1 8.2.

2 Yes. There's certainly a chance that that  
3 could lead to getting 6 below the seven percent target  
4 and obviously 11 would go up higher than 10 percent.

5 COMMISSIONER MINKOFF: Or the other. It  
6 doesn't really matter to me. But if we make one of  
7 those districts competitive, we didn't look at it that  
8 way before, there was no common border and now there is.

9 CHAIRMAN LYNN: So, on the motion.

10 COMMISSIONER HALL: I was going to say,  
11 that sounds like a separate issue there. I don't know  
12 if I can understand that, as soon as we understand this.

13 COMMISSIONER HUNTWORK: What I'd do is  
14 vote against the current motion, which is abandon all  
15 together, and then move we ask Doug to proceed with this  
16 test incorporating new District 11 to see if we could  
17 get a competitive district.

18 CHAIRMAN LYNN: That motion can have its  
19 own hearing and we can get to that after we dispose of  
20 the first one.

21 COMMISSIONER HUNTWORK: If defeat the  
22 first one, make a succeeding motion.

23 CHAIRMAN LYNN: If we believe that that  
24 adjustment, in and of itself, along with whatever goes  
25 with adjustments already made, are sufficient to vote in

1 favor of it.

2 Mr. Huntwork.

3 COMMISSIONER HUNTWORK: That's why we did  
4 it, considered it.

5 I'm not opposed to considering both to  
6 make sure we've looked at everything we can. But I do  
7 want to understand what we are talking that. You are  
8 talking about putting 11 all the way up to what is now  
9 the north line of 6? You talked about some things  
10 added --

11 MR. JOHNSON: Just from knowing that the  
12 parts, the layout of -- partisan layouts of 6 and 11,  
13 the southern end of 6, borders of the western edge of  
14 11, if that extended down, it would be picking up some  
15 certainly leaning Democrat areas. And if 11 extended  
16 northward, as shown on this test District 6, that would  
17 be picking up some both Republican and some fifty-fifty  
18 precincts that would result in 6 becoming more  
19 competitive, by our measurements, and 11 less by our  
20 measurements. That is off the top of my head, just  
21 recalling the layout from the test, that is probably the  
22 first way I'd approach such a test.

23 COMMISSIONER MINKOFF: Can you zoom in on  
24 6 and 11?

25 CHAIRMAN LYNN: Mr. Hall and then

1 Mr. Elder.

2 COMMISSIONER HALL: Ms. Minkoff, we can  
3 always request another test. For clarification, from my  
4 standpoint, we're speaking if a test occurs. I'm  
5 wondering if --

6 I'm recommending, Mr. Chair, we deal with  
7 this motion, and I call the question.

8 CHAIRMAN LYNN: The question has been  
9 called for.

10 Any further discussion?

11 COMMISSIONER MINKOFF: I have a question,  
12 procedural question on it. The motion is to do no  
13 further testing on what we've represented on 6, 7, 9,  
14 10, and 12?

15 CHAIRMAN LYNN: Correct.

16 COMMISSIONER HUNTWORK: If this passes,  
17 would a new motion that incorporates that and 11 into it  
18 be out of order?

19 CHAIRMAN LYNN: No. These are procedural  
20 votes and they have equal standing.

21 COMMISSIONER MINKOFF: Okay.

22 CHAIRMAN LYNN: Change the nature of what  
23 you're asking to be done, change a district's nuance,  
24 they're equal motions.

25 COMMISSIONER MINKOFF: All right.

1                   CHAIRMAN LYNN: There's a motion on the  
2 floor. The question has been called.

3                   All in favor, signify "Aye."

4                   COMMISSIONER HUNTWORK: "Aye."

5                   COMMISSIONER HALL: "Aye."

6                   COMMISSIONER ELDER: "Aye."

7                   COMMISSIONER MINKOFF: "Aye."

8                   CHAIRMAN LYNN: Chair votes "Aye."

9                   Motion carries and is so ordered.

10                  Any other affirmative motion on any or all  
11 districts we've been working with?

12                  CHAIRMAN LYNN: Ms. Minkoff.

13                  COMMISSIONER MINKOFF: Mr. Chairman, I  
14 would like to move we direct the consultants to move  
15 forward with a test incorporating Test 3, is it, Doug?

16                  MR. JOHNSON: Yes.

17                  COMMISSIONER MINKOFF: Test 3 involving  
18 Districts 6, 7, 9, 10, and 12, with the inclusion of  
19 District 11, to see if one more competitive district can  
20 be created in District 6.

21                  CHAIRMAN LYNN: Is there a second?

22                  COMMISSIONER HALL: I'll second that.

23                  I'd like to understand it.

24                  COMMISSIONER MINKOFF: I do, too.

25                  COMMISSIONER HALL: If I can.

1                   Mr. Johnson, what I thought I heard her  
2 say, Ms. Minkoff say, is bring 6 further south into 11,  
3 take 11 further north?

4                   MR. JOHNSON: That is, off the top of my  
5 head, the thought with the most likely way to get  
6 success.

7                   COMMISSIONER MINKOFF: Move back to what  
8 you had before.

9                   COMMISSIONER ELDER: Red light.

10                  COMMISSIONER HALL: What is confusing, 11  
11 is already dominant Republican, right? Are you saying  
12 the western side of -- I'm wondering if you can shine  
13 back up there your color coding of party registration.  
14 Maybe that will clarify my question.

15                  Mr. Johnson, I'm just here to save you  
16 from doing unnecessary tests.

17                  MR. JOHNSON: So, just to describe this,  
18 the red, obviously as more red, more Republican; yellow,  
19 kind of in the middle; darker greens you see on the very  
20 edge, more Democratic areas.

21                  District 6, you can sort of make out the  
22 black border of it east of the freeway. So you can see,  
23 and District 11 comes across below 6 and extends just  
24 past the freeway. My thought is in an effort to make 6  
25 more competitive, come down, pick up areas to the south

1 of it; District 11, come down, pick up more orange and  
2 yellow areas in here.

3                   Again, I won't know -- these are not,  
4 until I run the test, hopefully it would not require  
5 coming across into the center of 6, heavily Republican  
6 areas to get to target percentages. If it did, I'd show  
7 it to you.

8                   Any other questions?

9                   COMMISSIONER HALL: Well, I guess,  
10 Ms. Minkoff, I, too, would be interested in seeing the  
11 results of that. I guess with the caveat that we clean  
12 up the compactness issues that were created in 9, some  
13 other areas I'm uncomfortable, I think those are -- I  
14 certainly am willing, Mr. Chairman, to look at the  
15 results of that.

16                   COMMISSIONER MINKOFF: Incorporate that in  
17 the motion. I have no problem. You said cleaning up  
18 compactness?

19                   CHAIRMAN LYNN: Without objection, it will  
20 be included.

21                   Mr. Elder.

22                   COMMISSIONER ELDER: Mr. Johnson, would  
23 you pan over to where we see the Trojan horse? Lost the  
24 Scottie dog, now we have a horse.

25                   From a registration standpoint, yellow is

1 somewhat neutral, or fifty-fifty, or plus five or minus  
2 five?

3 MR. JOHNSON: Correct. Yellow is 50 to 55  
4 percent Democrat -- AQD numbers, I should clarify. And  
5 almost yellow to very light orange is 45 to 50  
6 Democratic AQD, 50 to 55 Republican AQD.

7 COMMISSIONER ELDER: Looks like from that  
8 map it could be cleaned up in a fair sense, look at  
9 that. Stuff on 9, yellow, if you reverse the location  
10 so we have better compactness, again, trying to know  
11 where you are and not a whole bunch of streets that  
12 cause us to wonder where we're campaigning and where  
13 we're voting, it would be helpful.

14 CHAIRMAN LYNN: Discussion on the motion.

15 MR. JOHNSON: One thing I realized, my  
16 screen projection, in the projection, very light orange  
17 fades yellow. Where you see yellow 45 to 55 percent,  
18 both ranges, as mentioned.

19 COMMISSIONER ELDER: Yes.

20 CHAIRMAN LYNN: Ready for the question?

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

23 COMMISSIONER MINKOFF: "Aye."

24 COMMISSIONER ELDER: "Aye."

25 COMMISSIONER HALL: "Aye."

1 COMMISSIONER HUNTWORK: "Aye."

2 CHAIRMAN LYNN: Chair votes "aye."

3 Motion carries unanimously and is so  
4 ordered.

5 At this juncture, before we move to the  
6 next test, I'd like to take a break. In deference to  
7 the members of the public who are here, I had one  
8 speaker request come in since we began. I want to give  
9 that person an opportunity to speak when we return  
10 before we go to the next test.

11 Please, try to take a 10- to 15-minute  
12 break, and we'll be back.

13 (Recess taken.)

14 CHAIRMAN LYNN: The Commission will come  
15 to order. All five Commissioners, Commission staff,  
16 legal staff, consultants.

17 We have two more tests to look at.  
18 Without objection, I do have one speaker slip, and I'd  
19 like to ask the Commission's indulgence to allow Rudolfo  
20 Perez, Director of the Phoenix officer of MALDEF, to be  
21 allowed to address the Commission at this point  
22 regarding testing.

23 Mr. Perez, good afternoon.

24 MR. PEREZ: Good afternoon. Thank you  
25 very much, Mr. Chairman, and Members of the Commission.

1 I'm here to address the issue of  
2 competitiveness. MALDEF would not support a map that  
3 would put competitiveness above voting rights of  
4 Latinos. Any plans you adopt must avoid retrogression.  
5 Any map that does not comply with the Voting Rights Act  
6 will not be supported by MALDEF and very likely will not  
7 be precleared by Department of Justice.

8 CHAIRMAN LYNN: Thank you, sir.

9 Any comments or questions?

10 Ms. Minkoff?

11 COMMISSIONER MINKOFF: Thank you,

12 Mr. Perez.

13 We currently have an interim plan in place  
14 for the 2002 elections that has not been precleared. Is  
15 MALDEF comfortable with that plan in terms of Voting  
16 Rights Act compliance?

17 MR. PEREZ: Yes.

18 CHAIRMAN LYNN: Other comments or  
19 questions for Mr. Perez?

20 Mr. Hall?

21 COMMISSIONER HALL: Mr. Perez, thanks for  
22 coming. I'd like to compliment you and MALDEF for your  
23 consistent integrity throughout the process. We've  
24 always known where you stood, and we appreciate that.  
25 And just for the record, I'd also point out, make sure

1 you are aware, all the tests we've run have not impacted  
2 13, 14, 16, 23, those additional districts that have  
3 been identified as districts that are voting rights.  
4 And we're in the process of considering tests in  
5 southeastern Arizona which also were instructed --  
6 instructions were given not to impact voting rights  
7 interests in that area. You probably may or may not be  
8 aware of that.

9 MR. PEREZ: I appreciate that. I am aware  
10 of that.

11 CHAIRMAN LYNN: Mr. Perez, Mr. Hall speaks  
12 for all of us. We've enjoyed, and I mean that in the  
13 best sense of the term, enjoyed the interaction with  
14 MALDEF and MALDEF representatives since the beginning of  
15 the process and think your participation has been more  
16 than helpful, vital to our progress. Thank you very  
17 much.

18 MR. PEREZ: Thank you.

19 CHAIRMAN LYNN: Mr. Johnson. Test 4?

20 MR. JOHNSON: Yes.

21 CHAIRMAN LYNN: 18 through 22 or are you  
22 going somewhere else?

23 MR. JOHNSON: 3 and 24 or down to Tucson,  
24 whichever you prefer to see first.

25 CHAIRMAN LYNN: Well, why don't we do 3

1 and 24. Call this Test 4?

2 MR. JOHNSON: Yes.

3 Let me get my numbers together.

4 In the interim plan, 2002 plan, District 3  
5 had a Judge It spread of 7.6. District 24 had a Judge  
6 It spread of 7.2, both just outside of the seven percent  
7 range Dr. McDonald has described.

8 The instructions to NDC were to look if we  
9 could do trade-offs between the two districts and  
10 attempt to bring them both more competitive and  
11 hopefully within the seven percent range without  
12 impacting the voting strength of the Hispanics,  
13 particularly in District 24, as that district was a  
14 topic of the Department of Justice's letter and review.

15 The trade-offs that I looked at and made  
16 are all in La Paz County, and they involve three areas.  
17 One is the Census places or towns, Wenden and Salome.  
18 Second is Quartzsite, the City of Quartzsite and area  
19 surrounding it, and third is Parker and the areas  
20 immediately around it.

21 Let me first have Dr. McDonald describe  
22 the impact of the Judge It scores and changes and I'll  
23 go into more detail on it.

24 DR. McDONALD: All right. For District 3,  
25 as Mr. Johnson just stated, the Democratic performance

1 in that district was 46.2 percent.

2 COMMISSIONER MINKOFF: Can you speak up?

3 DR. McDONALD: 46.2 percent Democratic  
4 performance in District 3 for a spread of 7.6 percent.  
5 That was on the interim map. Under the test, it is now  
6 46.4, or a spread of 7.2 percent, still remains a  
7 Republican uncompetitive district but just marginally  
8 so.

9 On Districts 24, the Democratic percentage  
10 was 53.6 percent for a spread of 7.2 percent. This was  
11 the district that I had mentioned yesterday which is  
12 actually 53.55 being rounded up to 53.6 percent, so just  
13 barely outside the range of being competitive. Now this  
14 district under test is 53.5 percent, and that's actually  
15 being rounded up, so it's 53.48, and it's being rounded  
16 up to 53.5 for a spread of 7.0 percent, and that is now  
17 labeled as a competitive Democratic district.

18 CHAIRMAN LYNN: Mr. Johnson, a little more  
19 detail on the changes and what communities or parts of  
20 communities might have been affected.

21 MR. JOHNSON: In terms of county splits,  
22 all changes are within La Paz County, no effect on that.  
23 La Paz County was split, remains split.

24 In terms of city splits, this actually --  
25 one thing, in the 2002 plan, is this kind of generally

1 square area of Parker just east of the reservation, zero  
2 population, but had been split off from the main portion  
3 of Parker. It's allowed us to unify it. Zero  
4 population, but it's city lines.

5                   And then there had been some members of  
6 the public that testified to keeping Wendon and Salome  
7 together. We've now moved -- zoom in on that area --  
8 we've moved Wendon from District 24 to District 3 and  
9 moved part of Salome from District 24 District 3, as you  
10 see, just outside the airport. Quartzsite, a fairly  
11 large area in part, need to move the city. What changes  
12 were made, keeping kind of a compact area around it,  
13 population figures, is the reason for that area.

14                   Quartzsite moves from District 3 to  
15 District 24, kind of traded with Parker was the general  
16 approach of this plan.

17                   In terms of compactness, again, I haven't  
18 run the tests -- numeric tests on this, but it's roughly  
19 the same.

20                   The one key thing I wanted to point out  
21 this is the tribal reservation on the river there, the  
22 Colorado River Reservation, is now divided. This  
23 is because this tribal reservation is a fairly  
24 interesting configuration. The City of Parker -- I'm  
25 not sure if this is technically legally true, but

1 according to the Census border, the City of Parker is  
2 within the reservation.

3 MS. HAUSER: That can't be.

4 MR. JOHNSON: I think it might be the  
5 Census Bureau has the line slightly wrong and the  
6 reservation wraps around Parker.

7 Either way, to get -- move population from  
8 Parker, 24 to 3 required going through there. That's a  
9 relatively unpopulated split of the reservation, if it  
10 is a split of the reservation, something we wanted to  
11 avoid, one impact I wanted to be sure the Commission was  
12 aware of.

13 As Dr. McDonald noted, 24 crossed over the  
14 imaginary line we talked about of seven percent and 3  
15 gets much closer to it. In reality, I think this is as  
16 close to that line as 3 can get unless we start taking  
17 it down into Yuma County. And I didn't test what that  
18 would be. At that part we start picking up Hispanic  
19 populations as well and cascading effects as we go  
20 throughout through La Paz.

21 Let me list the registration numbers in  
22 the record. The new registration in District 3,  
23 Republican party has 13 percent advantage. Let me see  
24 if I have the newer ones. Previously they had -- well,  
25 previously they had 13.98 percent Republican advantage.

1 Now they're down to 13.3, so fractionally more  
2 competitive. AQD, District 3 is similar. It was 12.6  
3 percent Republican advantage, now 12.07. And District  
4 24 previously had a 9.4 Democratic registration  
5 advantage. It now has an 8.7 -- I'm sorry, 8.97 percent  
6 advantage. Again, A fraction gain, fractionally moving  
7 toward more competitive districts. 24, AQD almost  
8 perfectly balanced zero; .09 Democratic, now 0.44  
9 Republican advantage. Fractional changes all along the  
10 way as a result of this test.

11 CHAIRMAN LYNN: Mr. Johnson, I do have a  
12 concern about splitting a reservation. I want to ask a  
13 question about whether or not we have additional  
14 information. If, for example, the city is in the  
15 reservation, as Census data suggests is true, we don't  
16 know whether it's encroachment by the reservation or by  
17 the City of Parker; but however they are adjusted, both,  
18 if one goes into the boundaries of the other, is there a  
19 way to determine whether or not that portion of the  
20 reservation that has been split off is likely to have  
21 population growth other than in the city? I mean --  
22 that would take some doing in finding it out. It would  
23 be interesting to know insofar as if there was any  
24 growth that was to occur in the population, in the  
25 boundaries that are supposedly the reservation

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1 boundaries that would actually be growth from the City  
2 of Parker rather than growth from more populated areas  
3 of the reservation itself. That might be interesting,  
4 if we were going to do something we have haven't done to  
5 date, split a reservation. We've not done that. We  
6 were very keen on not doing that unless there were a  
7 good reason to do it.

8 COMMISSIONER MINKOFF: A related question,  
9 I think a legal question more than anything else, it  
10 seems to me, Doug, as you described to us, splitting the  
11 reservation, if part of Parker is in the reservation,  
12 I'm not sure that is possible --

13 MS. HAUSER: It's not.

14 COMMISSIONER MINKOFF: Indian Reservations  
15 have sovereignty. That would preclude a city from  
16 expanding its boundaries into Indian Reservations, I  
17 believe. Is that correct?

18 MS. HAUSER: It's not possible.

19 COMMISSIONER MINKOFF: So then it's just a  
20 matter of clearing up what these boundaries are. It  
21 seems to me we don't have to split the reservation. We  
22 have to find out what the real city limits are of Parker  
23 and what the real limits are of the reservation.

24 MR. JOHNSON: That would appear to be the  
25 truth to me, too. I don't know how long it would take

1 to identify. I suspect it could be done in a couple of  
2 days in terms of getting ahold of the right people and  
3 finding borders. I don't know if it could be done by  
4 Tuesday.

5 CHAIRMAN LYNN: I think if the direction  
6 that the Commission ultimately takes on this test is to  
7 order further review and move forward, that would need  
8 to be incorporated in whatever we do.

9 I'm clearly -- it does seem to be an  
10 issue. It wouldn't be the first time the Census data  
11 was somehow odd.

12 That needs to be cleared up if we decide  
13 to move forward with this.

14 Mr. Elder.

15 COMMISSIONER ELDER: Request for legal, I  
16 guess, is one of the tenants of the redistricting is the  
17 contiguousness of districts. Is it mandatory? In other  
18 words, can we take just this area, if it is indeed  
19 Parker outside the reservation, and link it with the  
20 other part of District 4?

21 MS. HAUSER: All of the criteria,  
22 including contiguity, are to be applied to the extent  
23 practicable. Well, that is among the criteria to be  
24 applied to the extent practical. Mandatory are voting  
25 rights compliance, the US Constitution; but with respect

1 to that criteria, it's to the extent practicable.

2 COMMISSIONER HALL: Doug, did we split the  
3 Navajo Reservation when ran the split for the Hopis?

4 MR. JOHNSON: In the Congressional plan,  
5 yes. No way without.

6 COMMISSIONER HALL: My recollection is  
7 it's extremely low population, but --

8 MR. JOHNSON: Right. I believe -- I know  
9 a one-way split had 9 people, the Navajo portion.

10 COMMISSIONER HALL: You are suggesting  
11 this configuration, population on the reservation in the  
12 affected area is very low. Is that what you are  
13 suggesting?

14 MR. JOHNSON: The thing making it  
15 difficult to identify, here, this relates to the  
16 Chairman's comment, too, there is this area -- let me --  
17 you can kind of make out the yellow line, what the city  
18 has defined as Parker, comes right along here and goes  
19 east-west in there. There is a small neighborhood  
20 outside of that that actually is at least a few hundred  
21 people. So if those are part of the reservation, we're  
22 looking at a significant -- well, relative to 9, looking  
23 at a much larger population. If the city line has  
24 changed since the Census defined it, those people are in  
25 Parker, we'd be looking at a very low number. It's all

1 part of the question.

2 Just to clarify what the Census Bureau  
3 does, it draws the line as it best understands them and  
4 sends them to the counties for review. Many counties do  
5 a very good job reviewing it. Many counties don't  
6 realize what the letter is, Census Bureau, not the top  
7 of priorities, and they don't all get reviewed. That's  
8 how these kind of things happen.

9 CHAIRMAN LYNN: Can we focus again on the  
10 split at the eastern end of the district?

11 COMMISSIONER ELDER: Wendon? Salome?

12 CHAIRMAN LYNN: Wendon, Salome.

13 I want to be sure I understand, Doug, the  
14 impact there on -- I guess can you get into the Salome  
15 split?

16 MR. JOHNSON: Yes. Salome is split  
17 generally along precinct lines, although there's a lot  
18 of zero population blocks here which explains the jagged  
19 lines. Obviously the results of this test was  
20 fractional gain. I was trying to get additional gain  
21 wherever I could. That -- people in District 3, one  
22 precinct, precinct results for them, voting behavior,  
23 that precinct, all the blocks in it, and here in 24  
24 separate precincts. These are old precincts I'm sure  
25 reprecincting or in the process of doing it now.

1 CHAIRMAN LYNN: What is the pleasure?

2 COMMISSIONER MINKOFF: What is the impact  
3 if we unified Salome in 3 or 24?

4 MR. JOHNSON: It would move them more --  
5 reduce the change in the test, move it back towards the  
6 point they were before. So considering that there is  
7 only about a half point change in any of these, a move  
8 to somewhere less than a half.

9 CHAIRMAN LYNN: Regardless of which  
10 direction you went?

11 MR. JOHNSON: Yes.

12 CHAIRMAN LYNN: Ms. Minkoff.

13 COMMISSIONER MINKOFF: Mr. Chairman, one  
14 of the things we've tried to do, wherever possible, is  
15 not split city and towns. Salome is so small, if we  
16 split them, they might never find each other. I think  
17 that small gains that we achieve in this are so minimal  
18 that I would recommend, I would move you not pursuing  
19 the change if it requires splitting the Town of Salome.

20 CHAIRMAN LYNN: It's been moved we not  
21 pursue the change. Is there a second?

22 COMMISSIONER ELDER: Second.

23 CHAIRMAN LYNN: Moved and seconded.

24 Discussion?

25 Mr. Hall.

1                   COMMISSIONER HALL: Mr. Chairman, I would  
2 welcome input from whomever desires to answer regarding  
3 the changes. This is currently a -- 24 is currently a  
4 voting rights district. And I'm looking at those  
5 percentages, the effects of those changes in those  
6 numbers, and would welcome input from any source, Jose,  
7 Lisa, whomever, with respect to whether they have  
8 comment on these changes.

9                   CHAIRMAN LYNN: Effect of the changes?

10                   COMMISSIONER HALL: Effect of the changes.  
11                   Total minority, for example, was -- total  
12 minority VAP was almost 46 percent and -- I should say  
13 came to 46 percent.

14                   COMMISSIONER MINKOFF: No, 47.

15                   COMMISSIONER HALL: It was 47.42. I mean  
16 about a percent and a half.

17                   MR. JOHNSON: Let me read in for the  
18 record, in District 24, Hispanic voting age 2002 plan,  
19 41.39. It's now 40.71. It dropped, as you mentioned,  
20 about 1.3. And total voting age, as Commissioner Hall  
21 mentioned, was 47.42, now 45.92.

22                   CHAIRMAN LYNN: Ms. Hauser.

23                   MS. HAUSER: Mr. Chairman, Commissioner  
24 Hall, at your next meeting you will be receiving a more  
25 detailed report from Dr. Handley concerning the Voting

1 Rights Act, implications of the interim plan.  
2 Specifically she's coming back in with some additional  
3 analysis under the racial block voting and the electoral  
4 opportunities the interim map affords members of  
5 minority groups. District 24, of course, didn't change  
6 in the interim map and has been precleared. In  
7 addition, she will also, in looking at the interim map,  
8 will look at any of the changes that you have under  
9 serious consideration. You know this -- I can't really  
10 say at this point the very small percentage change that  
11 you noted is enough to cause any concern. But it  
12 certainly is one of the districts that DOJ viewed as  
13 effective as originally drafted.

14 CHAIRMAN LYNN: Mr. Huntwork?

15 COMMISSIONER HUNTWORK: Well, for a small  
16 gain in competitiveness, I don't -- really an almost  
17 unmeasurable gain, I don't see any reason to reopen a  
18 district that has already been approved by the Justice  
19 Department.

20 Do we have a motion on the floor?

21 COMMISSIONER MINKOFF: Yes. A motion not  
22 to proceed.

23 CHAIRMAN LYNN: No further development  
24 with the test.

25 COMMISSIONER HUNTWORK: Was it seconded?

1 COMMISSIONER ELDER: It was.

2 CHAIRMAN LYNN: Moved, seconded.

3 COMMISSIONER HUNTWORK: Call for the  
4 question.

5 CHAIRMAN LYNN: Further discussion on the  
6 motion? The question has been called.

7 All in favor of the motion signify by  
8 saying "Aye."

9 COMMISSIONER ELDER: "Aye."

10 COMMISSIONER MINKOFF: "Aye."

11 COMMISSIONER HALL: "Aye."

12 COMMISSIONER HUNTWORK: "Aye."

13 CHAIRMAN LYNN: Chair votes "Aye."

14 Opposed?

15 Motion carries unanimously and is so  
16 ordered.

17 On to Tucson.

18 MR. JOHNSON: Test 5 this would be. The  
19 spread sheet, demographic data and Judge It, incorporate  
20 all tests except test one, that 11, 15, 17 test. What  
21 you are looking at incorporates all of these.

22 COMMISSIONER HALL: Did you make any  
23 population changes in the East Valley?

24 MR. JOHNSON: No. I did not go into any  
25 deviation. In Tucson, or the Tucson area, the districts

1 to see if I could make them more competitive were 26,  
2 28, and 30, 30 being the Olive green to the east, 26  
3 being the UFO, I believe it was called yesterday, light  
4 green, and 28 being the pink in here.

5 Let me take the big picture here and then  
6 I'll zoom in. The changes, 26 was close to being  
7 competitive. 28 was a long way Democratic. And 26  
8 Republican. I'll have Dr. McDonald speak to that. I'll  
9 have him do that first.

10 DR. McDONALD: Okay. For District 26,  
11 under the interim map, the Democratic percentage  
12 performance was 46.2 percent with a spread of 7.6  
13 percent. Under the test map, it is 46.7 percent for a  
14 spread of 6.6 percent. It moves from a Republican  
15 District to a competitive Republican district.

16 District 28 is Democratic performance of  
17 54.5 percent or a spread of 9.0 percent, a Democratic  
18 uncompetitive district. In tests, 50.8 percent, or a  
19 spread of 1.6 percent, a competitive Democratic  
20 district.

21 District 30, under the interim map, there  
22 was Democratic performance of 44.9 percent or a spread  
23 of 10.2 percent. Under the test, it is 47.1 percent, or  
24 a spread of 5.8, moves from Republican to a competitive  
25 Republican district.

1                   CHAIRMAN LYNN: Could we, Mr. Johnson,  
2 take a look at each one of those districts in turn.

3                   MR. JOHNSON: Sure.

4                   CHAIRMAN LYNN: Take us through the  
5 changes of each of those districts one by one.

6                   MR. JOHNSON: Okay. In District 26, which  
7 is the mild green at the top here, two areas change.  
8 Number one was actually similar to a change from a  
9 proposal during the court proceedings where District 26  
10 comes down, picks up the remainder of Flowing Wells.  
11 Flowing Wells is a Census designated place, not a city,  
12 and had been split in the 2002 plan. So we unified  
13 that. That was about 900 people. And also put in the  
14 surrounding area around Flowing Wells, which was about  
15 4,000 Tucson residents. Obviously the goal was, as  
16 Dr. McDonald described, it was a Republican district,  
17 putting Democrats into the district to bring it into a  
18 more competitive state.

19                   The other piece of this, some portions of  
20 Catalina Foothills were taken out and put in with the  
21 area previously 30 in this test which you can see is  
22 District 28.

23                   There's still some population balancing to  
24 be done between districts. That was a reflection of  
25 District 28 picking up additional Republicans.

1                   Moving on, probably the most significantly  
2 affected district in terms of geography in this test is  
3 District 28. Previously it was north Tucson extending  
4 not all the way to the city border but into east Tucson  
5 and down to 22nd, the border with 29. It now goes up  
6 and picks up all of what the Census defined as Tanque  
7 Verde, north of the river. A small piece of what the  
8 Census defined as Tanque Verde was not picked up. Also  
9 picks up a portion of Catalina Foothills that previously  
10 in the 2002 plan was in District 30. And it gives up  
11 this corridor in Tucson which 30 picks up.

12                   This area generally follows -- I believe  
13 it's Speedway on the north. Yes. This is a corridor  
14 that is Speedway on the north, goes over to Swan, and  
15 Columbus in the west, and down to the former border of  
16 28 and 22nd Street.

17                   District 30, I believe that's the only  
18 change to it. Loses areas I described 28 as picking up  
19 and picks up that corridor in Tucson.

20                   In terms of city splits, District 26 is  
21 now picking up the portion of Tucson south of the river.  
22 It had previously had some very, very small pieces of  
23 the City of Tucson extended north of the river. So  
24 technically Tucson is already split by 26 but now it's a  
25 much larger population in Tucson based on 26 and it also

1 for the first time comes south of the river into Tucson  
2 with District 26.

3                   District 28 and 30 already split east  
4 Tucson. We don't have additional city splits there.  
5 They are all within the County of Pima, no additional  
6 county splits.

7                   No reservations are affected by this.

8                   In terms of AURs, we do have the southern  
9 Hispanic AUR, but it is primarily focused on districts  
10 27, 29, so it isn't impacted by these changes.

11                   And none of these three districts were  
12 topics of the Department of Justice letter or any  
13 changes made in the interim review other than the  
14 portion of 26 that was up in Pinal County. And this  
15 does not affect that area at all.

16                   In terms of compactness, you can see the  
17 impact there. Obviously 30 gained a piece into Tucson,  
18 and 28 extended out to the east. When you do run  
19 compactness tests, they come out not as compact as the  
20 previous version.

21                   And growth areas, this area didn't impact  
22 the Rita Ranch, which was the main source of discussion  
23 on growth areas. Obviously the Foothills have issues as  
24 well on that topic.

25                   Have I covered everything --

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1 Rural versus urban, you are probably more  
2 familiar than me on the characteristics of that area at  
3 this point.

4 Let me address registration, AQD impacts.  
5 Although similar to the changes in the Judge It scores,  
6 District 26 was a 14.77 percent Republican advantage.  
7 It is now a 13.1 percent Republican advantage.  
8 Republicans retain an advantage, declines by 1.8  
9 percent, by registration.

10 AQD, District 26, 11.18 percent  
11 Republican. It remains a Republican advantage.  
12 Advantage declines 9.55 percent.

13 District 28, Democratic advantage declines  
14 from 13.91 to 2.16. And AQD, Democratic advantage  
15 declines 21.37 to 7.66.

16 Finally, District 30, registration, the  
17 Republican advantage declines from 17.5 to 10.17. And  
18 the AQD declines 14.7 to 6.52 percent, still  
19 Republican -- well, was Republican advantage, now is  
20 within what we previously defined as seven percent,  
21 competitive range AQD, although remains Republican.

22 Those are the stats from the result of  
23 this test.

24 Any questions?

25 CHAIRMAN LYNN: I want to be clear I

1 understand the area, Mr. Johnson, that is where your  
2 pointer is right at the moment, is that old 28?

3 MR. JOHNSON: Yes. Blue lines are the  
4 2002 districts.

5 CHAIRMAN LYNN: Is that 28?

6 MR. JOHNSON: That is 28, yes.

7 CHAIRMAN LYNN: Could we zero in on the  
8 new 28 and maybe get some streets in there, just for  
9 reference?

10 MR. JOHNSON: Up in the Foothills, down in  
11 Tucson, or both?

12 CHAIRMAN LYNN: I'd like to concentrate --  
13 I'd like to go all the way around it, but it might take  
14 longer than we might want to spend.

15 Highlight the dramatic changes.

16 MR. JOHNSON: Up in the Foothills, the  
17 Northern District of District 28 isn't a street. It is  
18 what the Census Bureau defined as a border of that area,  
19 the forest border.

20 CHAIRMAN LYNN: The Coronado National  
21 Forest.

22 MR. JOHNSON: This extension where the top  
23 of District 28 goes to the west, goes over to Alvernon.

24 COMMISSIONER MINKOFF: Alvernon.

25 MR. JOHNSON: Alvernon Way.

1                   Then it goes southern to Skyline, and  
2 eastward back to what essentially was the old border  
3 between two districts on Craycroft. Comes down to  
4 actually the precinct line border, Census geography,  
5 it's not a street there, but just south of Calle Barril,  
6 C A L L E, B A R R I L.

7                   MR. RIVERA: Mr. Perez can come over and  
8 pronounce it for you.

9                   MR. JOHNSON: Portuguese or Spanish, I'd  
10 do better.

11                  MR. RIVERA: Barril.

12                  MR. JOHNSON: And westward to Swan.

13                  COMMISSIONER MINKOFF: Okay. Thank you.

14                  MR. JOHNSON: This area, I'd point out I  
15 was following precinct borders in an attempt to run this  
16 test to get data. It may make sense as we clean up, if  
17 that's the Commission's choice, to slightly alter lines  
18 up here.

19                  Down in Tucson, the border between 26 and  
20 28, in this test, is Oracle Road. And then we come back  
21 along the 2002 plan border to Columbus. Southern border  
22 there, the jog there is Broadway. So it's Columbus and  
23 Swan with a jog on Broadway and then up to Speedway.

24                  And in the far east, the border between 28  
25 and 30 jogs up, this street right here -- yes -- along

1 Harrisburg --

2 COMMISSIONER MINKOFF: Harrison.

3 MR. JOHNSON: -- Harrison up to the river.

4 I should note, one thing in my mind as I  
5 went through this and attempted this, there was  
6 considerable discussion about the river's role as a  
7 boundary between these areas. Part of the reason, where  
8 28 had to go north to pick up Republicans in an attempt  
9 to make the competitive test reach it's goals, I tried  
10 to do so east of where the river splits. I don't know  
11 if that was an appropriate choice or not, attempt to or  
12 not, where there might not be as much of a dividing line  
13 as before.

14 CHAIRMAN LYNN: One of the interesting  
15 things, this may be the most classic, to me, anyway,  
16 sort of dilemma between more competitiveness and a  
17 fairly significant community of interest. One of the  
18 interesting things about 28 as it was originally drawn  
19 and was adopted as 28, essentially, is the heart of  
20 Tucson, the heart of the city, a very homogeneous area  
21 from the standpoint of neighborhood cooperation,  
22 standpoint of governments, from the standpoint of  
23 soscioeconomics. That was one of the more impressive  
24 areas that we drew just in terms of its character. And  
25 you can tell why the district was the way it was. And

1 what this does is provides significant improvement in  
2 three districts in terms of competitiveness. The  
3 question is at what price. And one of the prices here  
4 is what happens to District 28.

5                   District 28 takes elements of central  
6 Tucson, which you are correct, Mr. Johnson, both rivers  
7 have something to do with the way Tucson is configured  
8 to the north and as the rivers split in the east. It  
9 was obviously occurring, development is obviously  
10 occurring in some relationship to where the rivers,  
11 which are dry most of the time, but can be significant,  
12 present barriers to neighborhoods and development.

13                   And even though the original district  
14 moves east of the town alignment, that area of the city  
15 is similar to areas around it.

16                   Now we have essentially an arm of District  
17 30 coming in to the center part of the city so that the  
18 center part of the city, Tucson, is now in part  
19 associated with Sierra Vista. And that is of concern to  
20 me. And I'm not sure the tradeoff, as good as the  
21 numbers are in the competitive column, is necessarily  
22 worth that disruption.

23                   Mr. Elder.

24                   COMMISSIONER ELDER: Mr. Chairman, and  
25 we've probably beat the communities of interest to

1 death, but I've got to go back and say, you know, we've  
2 had the state law where every one of those communities  
3 north of the river in 28 and in 26 has been at battle  
4 with the City of Tucson concerning annexation,  
5 concerning the right to become a city, so they protect  
6 themselves from incursion from the City of Tucson. It's  
7 not a pleasant battle at all. It is very -- it is very,  
8 very pointed and it is very divisive. To try to put two  
9 extremely adverse opponents together in 28 does not make  
10 sense at all.

11                   Number two, we had testimony that seemed  
12 like it went on forever from homeowners' associations  
13 along Broadway, do not split us, do not take us out,  
14 must have been 30 pages of testimony in the transcript.  
15 I know one would lady get up, another lady would get up,  
16 another one would get up.

17                   We have strong, strong communities of  
18 interest that span Broadway.

19                   The other community separated here is we  
20 had extremely strong testimony don't split along  
21 Columbus, include or exclude it, something. One of the  
22 reasons why the line is drawn where it was at 22nd  
23 Street was because that was an area where there was the  
24 break in communities of interest.

25                   We take, as Chairman Lynn notes,

1 socioeconomic and cohesiveness, how they go for block  
2 grants, how they go for lighting, how to go deal with  
3 things state, federal, city funded, going together, they  
4 don't go together into 26. There's not a streetlighting  
5 program -- sorry, 28, not a streetlighting program in  
6 28. I'm actually in 28, and I have to go around -- 13  
7 miles to my voting place. I can't get there from there.  
8 There's only two places to have crossed the Tanque Verde  
9 River, between the north part and south part. Cotton  
10 Road comes, there's a dip in sections, and a road comes  
11 across.

12 I have intimate knowledge of 28. I don't  
13 know how I could represent that district. I mean it's  
14 almost -- like discussions in the northeast part of the  
15 state, the Navajo and the Apache, Navajo Counties, and  
16 how the -- dissimilar funding, dissimilar needs have  
17 been addressed. It doesn't work. And this is almost as  
18 much if not more so.

19 We have rural and urban.

20 28 is low density, anywhere from two- to  
21 eight-acre density. And we have 30 brought in into the  
22 inner city. It doesn't make sense.

23 I think the comments, trying to wrap the  
24 inner city with Sierra Vista, is right on. You know, we  
25 take a look at the area to the northwest, look at Casas

1 Adobas, Casas Adobas is still in court with the City of  
2 Tucson with annexation issues.

3 To split the community to the left of --  
4 boundary between 28 and 26, I don't know what precinct  
5 it is. That doesn't fit anything. There's no road  
6 there I remember to divide the Census out. Communities,  
7 homeowners' association, school district, homogeneous on  
8 both sides of it. That split doesn't make sense.

9 The incursion to the west up there,  
10 Alvernon, Skyline, the Bel Air area, you have a private  
11 country club right at that loop. They are isolated from  
12 the balance of the section. Sunrise -- Skyline is not  
13 the boundary, Sunrise is. It's splitting, again, two  
14 neighborhoods that have been together for years, now  
15 splitting them apart.

16 I don't see much benefit to this plan. I  
17 would move that we do not make any further studies to  
18 this area.

19 CHAIRMAN LYNN: There's a motion.

20 Is there a second?

21 COMMISSIONER HUNTWORK: I'll second it for  
22 discussion.

23 CHAIRMAN LYNN: Discussion.

24 Mr. Hall.

25 COMMISSIONER HALL: Mr. Chairman, I

1 certainly respect the local knowledge of my two fellow  
2 Tucsonians, but, nevertheless, there is -- there are  
3 certain benefits from these changes. And they are that  
4 we now have three competitive districts versus zero, if  
5 I understood correctly.

6 MR. JOHNSON: Using the seven percent  
7 Judge It range.

8 COMMISSIONER HALL: Right. Based on  
9 that --

10 MR. JOHNSON: Yes.

11 COMMISSIONER HALL: -- dim line.

12 So I think that's significant. And  
13 harkening back to the Constitution, I guess the  
14 convincing that I require is that it says we must favor  
15 a competitive district that would provide no significant  
16 detriment to the other goals. What I hear from my  
17 fellow Commissioner is the goal we're referencing  
18 considering detriment to is the goal of community of  
19 interest. So for me, the way my mind works: Is that  
20 significant? If you look at the paper today, districts,  
21 the Senate race, for example, in Districts 26 and in  
22 District 30, there is one candidate running in the 2002  
23 elections under our interim plan. No competition. So  
24 obviously the numbers, and I'm just referring to the  
25 Senate race, the numbers there, under the interim plan,

1 and configuration of those districts, are such it has  
2 deterred even a contest in the primary of the dominant  
3 party much less a competitor from the other side.

4 I think our responsibility to favor  
5 districts that are competitive is very, very important.  
6 And I don't -- I don't doubt the characterizations that  
7 Mr. Elder and Mr. Lynn provided with respect to  
8 community of interest of 28. I guess what I'm trying to  
9 understand is is that significant enough to warrant  
10 ignoring competitiveness.

11 And here's my point which is, in reality,  
12 does someone over the River Road relate that closely  
13 with someone clear down over on Colby Road? Colby  
14 Road -- that is my question.

15 And are the issues you are referencing,  
16 Mr. Elder, more municipal in nature rather than on a  
17 state level? And would they be represented by a  
18 neighboring district or neighboring representative in a  
19 more competitive environment if those issues were fully  
20 flushed out versus here?

21 So I'm not saying I know the answer to  
22 that. I'm just requesting an answer to some of those  
23 questions.

24 CHAIRMAN LYNN: Ms. Minkoff, Mr. Elder,  
25 and then Mr. Huntwork.

1                   COMMISSIONER MINKOFF: Commissioner Hall  
2 has posed some very intelligent questions.

3                   I think looking at this test, this is  
4 really a classic example of the challenge of drawing  
5 competitive districts. Competitive districts, I think,  
6 by their nature, are not homogeneous districts, because  
7 they've got people on both sides of the political  
8 spectrum relatively evenly divided between both  
9 political parties, and generally you are not going to  
10 find that in any district dominated by one community of  
11 interest.

12                  I also looked at the paper this morning at  
13 the list of people filed to run for the Legislature in  
14 the next election. In 18 of our 30 Senate districts, 60  
15 percent of the districts, we have disenfranchised every  
16 resident of the minority party in those districts;  
17 because beyond the primary, there is no contest. All of  
18 those races will be decided in the primary. As a matter  
19 of fact, 11 of them don't have any primary contest. We  
20 can tell you now who 11 of 30 senators will be in the  
21 next election. Every single district in Southern  
22 Arizona, 23 through 30, is on this list. There isn't a  
23 single contest. District 27 does have a primary contest  
24 and District 28 has a minor third-party candidate.  
25 Other than that, none of the districts are competitive.

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1 In the House, District 26 has no contest beyond the  
2 primary.

3 I think that this is very, very serious.  
4 And I think we've done the voters of Arizona a  
5 disservice. We've taken the vote away from them. 11  
6 Democrat districts, seven Republican districts, members  
7 of the other party will not have a choice who represents  
8 them in the State Senate. I think that's plain wrong  
9 with Republicans in 11 districts and Democrats in seven  
10 districts.

11 Here we do have a chance to make three  
12 competitive districts. They will not be homogeneous.  
13 They can't be homogeneous. That's because there are  
14 people with different points of view.

15 I'd like to see if there's some way my  
16 Tucson colleagues can give some guidance to Doug, if you  
17 are concerned any communities are savaged, so he can  
18 hear about it, see if adjustments can be made.  
19 Otherwise, I would like to proceed with this test.

20 CHAIRMAN LYNN: Mr. Elder.

21 COMMISSIONER ELDER: Mr. Chairman, the  
22 discussion, comments Mr. Johnson made of Tanque Verde  
23 being a Census place, I don't know that anybody  
24 associates themselves as being a Tanque Verdeite, or  
25 whatever. It's bureaucratic nomenclature for an area

1 that doesn't exist in the real world. The closest thing  
2 would be Tanque Verde School District, Foothills School  
3 District. They are there because they didn't have any  
4 desire for contact with the Tucson district. Tucson  
5 District 1 had been the largest school district in the  
6 state. I think maybe Phoenix Union is now. But they  
7 will do anything to have exodus from Tucson District 1  
8 to get into Foothills School District. 10, 15 percent  
9 differential in land prices, homes' pricing.

10 If we take a look at the edges, again, the  
11 river is a distinct edge. City of Tucson, the only way  
12 they can annex now is to go to the state land  
13 department, annex vacant land. As soon as there's a  
14 voter, they lose the election. Serious. The only way  
15 they got 27 square miles to the south is there were no  
16 voters, all state land except for one owner, commercial,  
17 as a way to annex.

18 The animosity, the -- I would have to say  
19 the political atmosphere between the City of Tucson and  
20 the county is extreme. I cannot see, you know, that  
21 we're not doing what I would classify in this part, any  
22 part of the city -- this has got probably the most  
23 significant detriment to all the other goals of the  
24 Constitution. And the competitiveness should not be the  
25 driving force to continue to do substantial damage to

1 these areas.

2 CHAIRMAN LYNN: Mr. Huntwork.

3 COMMISSIONER HUNTWORK: Mr. Chairman,  
4 first, I want to compliment Commissioner Elder for doing  
5 such a good job summarizing all the testimony we heard  
6 on this subject before. This is not a new issue for us,  
7 really. We looked very hard at this configuration when  
8 we adopted our original districts. We looked  
9 specifically at competitiveness and weighed it against  
10 the communities of interest, compactness, and similar  
11 issues.

12 The numbers we used, data base corrections  
13 made, did not affect this area. We heard yesterday that  
14 the information on which we based those decisions the  
15 first time was essentially dead on, no change at all  
16 other than the fact that we had removed the Hispanic  
17 areas from the north end of 26 in order to put them in  
18 23. And we do have a population balancing issue that we  
19 have to take into consideration here with 26 which is  
20 going to cause some changes here to begin with.

21 But I'm simply reminded about how hard we  
22 worked to do what Proposition 106 requires us to do,  
23 which is to the extent practicable, to reflect the  
24 communities of interest; to the extent practicable, to  
25 create compact districts; and then to favor competitive

1 districts when it would not cause significant detriment.  
2 And I could not agree more that this plan causes a  
3 significant detriment to the communities of interest  
4 that were well-contained and well-represented by the  
5 original configuration of District 28 and, furthermore,  
6 that it causes a significant detriment to the  
7 compactness of District 28.

8 Thank you.

9 CHAIRMAN LYNN: One comment with respect  
10 to my colleague, Ms. Minkoff's, statement about  
11 candidate filing. I think it would be an overstatement,  
12 and frankly I think it's an incorrect statement, to  
13 suggest that we, the Commission, caused anything to  
14 happen. What we did was draw districts which we thought  
15 represented communities of interest, respected community  
16 boundaries, respected jurisdictions, complied with the  
17 Voting Rights Act and Constitution, and to the extent  
18 practicable, in all those instances, we felt competition  
19 was an important issue and held to that as well. Again,  
20 the fact that people failed to file in districts may  
21 have much more to do with circumstances totally beyond  
22 our control than they do with things we've influenced  
23 one way or another. In order to put comments on the  
24 record, I respectfully disagree with those conclusions.  
25 I believe we have other issues far beyond our purview

1 beyond people offering themselves up for public service.  
2 I think they need to be addressed but not by this  
3 Commission.

4                   With respect to Tucson, things are complex  
5 in Maricopa County and are actually quite a bit more  
6 simple in Pima County. The shift and lines between  
7 communities in greater Maricopa County is quite  
8 difficult to understand in some cases, intricate in  
9 others, and a street here or a neighborhood there may be  
10 able to blend more neatly into a configuration than we  
11 have in this particular area of the state. Two examples  
12 I'll cite: One is the issue of polarized voting with  
13 respect to geography. Not polarized in any other case.  
14 But here you have a classic example of it. If you look  
15 at the dividing line between -- dividing line at the  
16 east and northeastern boundary of what used to be  
17 District 28 as it bisects proposed District 28, it's  
18 essentially a bisection of a lot of Republican voters to  
19 the east and north and a lot of Democratic voters in the  
20 central part of Tucson, more polarized, in fact, than in  
21 many other communities with the exception, perhaps, of  
22 Central Phoenix. And to artificially, and I believe  
23 it's quite artificial, divide them in this manner in  
24 order to make the numbers for competitiveness' sake come  
25 into the ballpark does an enormous disservice to it in a

1 couple ways. First, what we have here as new proposed  
2 District 28 is a combination of a lot of lot Pima  
3 County, unincorporated Pima County and the City of  
4 Tucson. You need to live in Pima County, City of  
5 Tucson, to understand how well the two governments  
6 cooperate, coordinate, get along. They don't cooperate,  
7 coordinate, or get along. That's a very difficult  
8 situation. There are several implications with respect  
9 to state law. The fact those communities would be  
10 represented in this instance by a single set of -- one  
11 Senator and Representative might seem to be a healing  
12 effect. I can guarantee you both of those folks, both  
13 groups, communities, would feel they'd not be well  
14 represented by a single individual having that kind of  
15 conflict of jurisdictions dealing with it.

16           The second issue is just generally the  
17 sense that the way Tucson is divided, as Mr. Huntwork  
18 said very well, when he originally looked at communities  
19 of interest, all the citations Mr. Elder put on the  
20 record, over and over again the solution for Tucson was  
21 much clearer than for the Phoenix area, not just much  
22 less complex, much more clear in terms of making those  
23 divisions make sense in terms of community.

24           I clearly am in not support of the motion  
25 and do not think, even for the sake of competitiveness,

1 which I believe is very important, we can do this kind  
2 of damage to the communities that this potential map  
3 represents. And I can't in good conscious support it.

4 Further discussion on the motion?

5 Mr. Hall.

6 COMMISSIONER HALL: Mr. Chairman, I  
7 appreciate your input and that of my fellow  
8 Commissioners. I, too, recall the input in some of the  
9 Tucson meetings. I wasn't to as many as you folks were,  
10 however, I'm not sure if the input in any area was --  
11 well, to varying degrees, was totally unanimous on  
12 certain issues. But I defer to my fellow Commissioners  
13 on this issue of community of interest. The question  
14 is, in my mind, is us complying with our mandate under  
15 Proposition 106. And the words that are -- I'm trying  
16 to understand, in my mind, the two words, which are  
17 favor versus significant, that if we favor competition,  
18 which these tests do, and accomplish, are those -- are  
19 the ramifications of that, or favoring changes,  
20 significant? And I appreciate the input, because it's  
21 helping me crystalize that in my mind.

22 The reality is whether we can change what  
23 has occurred, whether we have influence on who has run,  
24 hasn't run, it is what it is. The fact is we've  
25 utilized information, all our analysis, and try to

1 predict the future on what we have in the past. The  
2 reality is we have a very noncompetitive situation.  
3 That's the struggle I'm wrestling with.

4 I don't pretend to have an intimate grasp  
5 of the neighborhoods of Central Tucson. I'm struggling  
6 with trying to assure myself if, in fulfilling my  
7 responsibility, as I'm sure all of you are, that we have  
8 represented the interests of the citizens in Tucson to  
9 the best that is then possible and does helping them  
10 have a choice at the polls outweigh the other issues you  
11 folks are referencing. That's what is unclear to me.  
12 I'm not sure if having additional choices with  
13 additional candidates may not help. And new ideas, new  
14 people, versus one person may well help provide new  
15 solutions to the problems in a neighborhood, or  
16 municipality, county, or whatever you folks are  
17 referencing.

18 Again, I welcome your input in helping me  
19 understand that.

20 CHAIRMAN LYNN: Mr. Elder and  
21 Mr. Huntwork.

22 COMMISSIONER ELDER: Add to that one  
23 representative running in District 5.

24 The aspect we have there in 28 south is  
25 going into an extremely urban area. Take that urbanized

1 area, match it with the rural aspect, we lose another  
2 rural district.

3 I mean the Tanque Verde area is low  
4 density, population there, we look at that thing, 28 --  
5 I guess it's 30, has been a rural district and  
6 population there that is being placed into 30 is high  
7 density, 50, 60, 70, very urban filled, if it changes  
8 the character of what 30 is. We had enough trouble in  
9 trying to deal with higher density housing and -- in our  
10 issue down in Green Valley. But by taking lower density  
11 areas going down into, in effect, Cochise to maintain  
12 that, affects low density flavor to that representation.

13 Almost all of the -- you know, we've  
14 talked about the sewer and water issues over on the  
15 river. 28, Foothills to the north, have those same  
16 issues. City of Tucson, and the old 28, is all on  
17 sewer. Sewer, water management issues are different  
18 from the Foothills.

19 There isn't anything that I can see that  
20 is comparable in the state, any more hard-lined, than  
21 this is almost to one side of the politics, almost to  
22 the Hopi-Navajo level of animosity.

23 Rural to urban character, almost -- is  
24 well-defined there. The river on, low density. We  
25 don't have issues of high density urbanization.

1 Representation, representation does not seem to fit.

2 CHAIRMAN LYNN: Mr. Huntwork.

3 COMMISSIONER HUNTWORK: Mr. Chairman,  
4 fellow Commissioners, I agree that this is an extremely  
5 important issue. It is important here and in every  
6 district we've drawn for the State of Arizona.

7 Our charter is set out in Proposition 106.  
8 Proposition 106 does not tell us, does not appoint five  
9 citizens to go out and do what makes us feel good or  
10 what is right. It gives us guidelines we have to  
11 follow. Those guidelines say we have to determine when  
12 we make a decision to create a less or more competitive  
13 district whether that action has a significant  
14 detriment. In my view, that's what we're called upon to  
15 do. That's the decision we're called upon to make here.  
16 We have to actually decide.

17 There was a tremendous amount of evidence  
18 in the record.

19 Commissioner Hall, I am not from Tucson,  
20 either, but I have looked at it and thought very hard  
21 about that evidence. I thought about it very hard  
22 before we made our initial determination in this area.  
23 And I did attend all the hearings in Tucson as well as  
24 reading some of the written material that was provided  
25 to us.

1                   I don't think this is a difficult choice.  
2 I think we face closer questions in other parts of the  
3 state. And we're going to have to make decisions there,  
4 too. In my view this is a clear case there would be  
5 significant detriment to at least two of our criteria,  
6 which as I said previously, are communities of interest,  
7 and, secondly, just the compactness of this district.  
8 28 was very well-drawn to capture the central area of  
9 Tucson.

10                   CHAIRMAN LYNN: Further discussion on the  
11 motion?

12                   I would make one other very brief point,  
13 and then I think we can move to a vote. One of the  
14 reasons -- there may be many reasons, but one of the  
15 reasons some districts involved in this particular test  
16 map show individual candidates without much competition  
17 on the Senate side of the equation, by the way, from  
18 both sides of the aisle, you'll note, in the Tucson  
19 area, and the other thing is -- that is also reflective  
20 of the geographic polarity I talked about before. The  
21 other thing that happened in the last couple years in  
22 Tucson, in fact happened just over this last session, is  
23 Representatives and Senators from both sides of the  
24 aisle have been meeting jointly with constituents every  
25 month in an attempt not to differentiate among the

1 districts in Tucson but rather to bring them together  
2 and to learn more about how they can work as a voting  
3 block, if you will, to help Tucson get from a Maricopa  
4 County dominated Legislature that which is appropriate  
5 for Tucson. And it's some of that cooperative effort  
6 that has made each of these individuals, who are  
7 incumbents, for the most part, well-respected and  
8 well-liked, perhaps unchallenged for that reason. So  
9 with that having been said, any further comment on the  
10 question?

11 The question before you is a motion to not  
12 order any additional testing for Districts 26, 28, and  
13 30.

14 All those in favor of the question,  
15 signify by saying "Aye."

16 COMMISSIONER ELDER: "Aye."

17 COMMISSIONER HUNTWORK: "Aye."

18 COMMISSIONER HALL: "Aye."

19 CHAIRMAN LYNN: Chair votes "aye."

20 Those opposed?

21 I believe the motion carries and is so  
22 ordered.

23 THE REPORTER: I heard three?

24 CHAIRMAN LYNN: I understand. I didn't  
25 announce a unanimous voice. We're doing this by voice

1 vote today.

2 COMMISSIONER MINKOFF: I'd like the record  
3 to reflect I abstained from voting on the motion. I  
4 cannot in good conscious with respect to Tucson  
5 candidates. I did not vote against it.

6 CHAIRMAN LYNN: Mr. Hall?

7 COMMISSIONER HALL: I voted "Aye."

8 CHAIRMAN LYNN: Four, zero and one.

9 Mr. Johnson, any more to your report?

10 MR. JOHNSON: That concludes the tests I  
11 conducted last night per instructions yesterday.

12 The other item outstanding is the question  
13 of deviations.

14 I can run through that at this point --

15 CHAIRMAN LYNN: I think -- what I'd like  
16 to do, I know you haven't completed your work on  
17 deviations, or I believe you haven't completed your  
18 work, may not have even started it.

19 MR. JOHNSON: Right.

20 CHAIRMAN LYNN: I think what we'd like to  
21 do is give you some specific instruction with respect to  
22 deviation overall.

23 I want to be sure before we move on to  
24 other matters, are there any other issues of  
25 competitiveness that we need to address at this time?

1 MR. JOHNSON: Mr. Chairman.

2 CHAIRMAN LYNN: Mr. Johnson.

3 MR. JOHNSON: If I may, I meant to mention  
4 earlier, one item the Commission may wish to consider,  
5 the question of zero population of Parker. If the  
6 Commission may look at changes of the map, unite the  
7 City of Parker in District 24, as described in the test,  
8 it's a zero population move.

9 CHAIRMAN LYNN: I think we need to give  
10 specific instruction in that regard if, in fact, you'd  
11 like that to happen.

12 COMMISSIONER MINKOFF: I move to instruct  
13 NDC to unite the City of Parker in District 24.

14 COMMISSIONER ELDER: Second.

15 CHAIRMAN LYNN: Discussion on the motion?  
16 All those in favor of the motion, signify  
17 "Aye."

18 COMMISSIONER MINKOFF: "Aye."

19 COMMISSIONER ELDER: "Aye."

20 COMMISSIONER HALL: "Aye."

21 COMMISSIONER HUNTWORK: "Aye."

22 CHAIRMAN LYNN: Chair votes "Aye."

23 Motion carries unanimously.

24 Let me ask on scheduling, we have a few,  
25 very few items yet to take care of today. We need to

1 issue few more instructions in areas I will get into in  
2 a minute. Is your pleasure to take a lunch break or  
3 prefer to work through and finish up? Either way, based  
4 on what I see, we have less than an hour's worth of work  
5 today. It is 2:00 o'clock now.

6 COMMISSIONER HUNTWORK: I prefer to work  
7 through and finish.

8 CHAIRMAN LYNN: Then why don't we take a  
9 10-minute break and work through to the conclusion as  
10 quickly as we can and then move on.

11 What we'll do --

12 Mr. Mills, you asked --

13 Don't need to? Okay.

14 Then we'll have one more opportunity  
15 before we close for a call to the public.

16 Let's take a 10-minute break and then  
17 we'll return.

18 (Recess taken.)

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

21 For the record, all five Commissioners are  
22 present along with counsel and with consultants.

23 Ladies and gentlemen of the Commission, we  
24 have instructed the consultant to pursue two  
25 additional -- or two tests, but pursue it additionally

1 with respect to competitiveness. We now need to deal  
2 with a couple other items, the first being dealing with  
3 population deviation.

4 As you may know, I believe it's three  
5 districts, Mr. Johnson, in the four-plus deviation  
6 category, gives us a total deviation of -- approaching 9  
7 percent.

8 And it would be my recommendation that we  
9 instruct NDC for next week to specifically concentrate  
10 on those districts where the deviation is in excess of  
11 four percent and any other districts that you may wish  
12 to list that are in the high threes in order to bring  
13 the total deviation down to the lowest acceptable level,  
14 given that that -- that those changes will not cause any  
15 significant detriment to the other things that we've  
16 established, particularly not cause any detriment to any  
17 districts that have voting rights implications that may  
18 be adversely affected.

19 So what is your pleasure with respect to  
20 population deviation instructions?

21 COMMISSIONER MINKOFF: Can you let us go  
22 through here and identify districts?

23 CHAIRMAN LYNN: Sure.

24 MR. JOHNSON: If I may, to state for the  
25 record what you are all aware of, the main reason we

1 have large deviations is changes to District 23. And  
2 that led to underpopulation of District 26 and  
3 overpopulation of the Mesa area. So it would be very  
4 difficult and involve almost every district of the state  
5 to return us back to the level of population deviation  
6 we were at before. There are steps, as you just  
7 mentioned, to reduce deviation from the 2002 map.  
8 Because of changes in 23 we did in the interim map, it's  
9 not going to be possible to get all the way back.

10 CHAIRMAN LYNN: I understand. Thank you.  
11 Ms. Minkoff.

12 COMMISSIONER MINKOFF: Mr. Chairman, I  
13 would like to move we instruct NDC to equalize  
14 population as much as possible, or correct  
15 overpopulation as much as possible, in Districts 19 and  
16 22 and underpopulation in District 26, all of which  
17 exceed four percent, and to examine and recommend if  
18 there are ways to adjust population deviation in  
19 District 12, which is overpopulated by 3.6 percent, and  
20 District 16, underpopulated by 3.2 percent, without  
21 significantly damaging the demographic makeup,  
22 specifically, in District 16 which had been precleared  
23 for compliance with the Voting Rights Act.

24 CHAIRMAN LYNN: Is there a second for that  
25 motion?

1 COMMISSIONER HUNTWORK: Second.

2 CHAIRMAN LYNN: Thank you.

3 Discussion on the motion?

4 Mr. Huntwork.

5 COMMISSIONER HUNTWORK: Well, I think it  
6 is important to do this and to give Doug as much  
7 flexibility as possible in the approach that he takes.  
8 I'm not sure it's not necessarily to cycle population  
9 through the entire city in order to do this, but you do  
10 have to -- you would have to have involved Districts, I  
11 guess, it's 29, 25, I guess, is the border district.  
12 I'm not sure that can be done without affecting  
13 demographics. Kind of go through the East Valley and, I  
14 guess, Ahwatukee, and down into that district, or else  
15 the other alternative is ripple all the way through the  
16 valley, which does then involve a large number of  
17 districts. I'm sure you are well aware of that. But I  
18 do think -- I think you ought to take a look at it and  
19 see if there's a way to get the population back where it  
20 belongs.

21 The second thing I want to ask is when we  
22 do look at the voting rights information in order to  
23 make final decisions, I see a dissimilar approach for  
24 District 23 I haven't ruled out in my own mind, don't  
25 intend to bring up now, either. There still is the

1 possibility of making some changes that would obviate  
2 the original problem. I just want to point that out,  
3 that's still on the table until we make further  
4 decisions.

5 CHAIRMAN LYNN: Further discussion?

6 Mr. Elder?

7 COMMISSIONER ELDER: Yes. The concern is  
8 the motion lists specific districts. I'd leave it open  
9 to give Doug, or Mr. Johnson, the opportunity to make  
10 the changes in higher percent districts, if it affects a  
11 district a bit, allow that to be made, the goal being to  
12 equalize as much as possible.

13 CHAIRMAN LYNN: Ms. Minkoff.

14 COMMISSIONER MINKOFF: Mr. Chairman, the  
15 reason I identified those, they are significant  
16 districts, the most dramatically over or underpopulated  
17 districts. Obviously the only way to correct  
18 overpopulation, perhaps 19, is put it someplace else.  
19 This doesn't take any districts off the table. You  
20 know, if it's necessary to take voters out of 19 and 22  
21 to put them someplace else, obviously any districts  
22 where those voters can be switched without changing the  
23 community of interest, the voting rights impact of the  
24 district, they're all fair play. 20 is almost even  
25 population; 21, 2,000 people underpopulated. Those

1 would be candidates to take population from those two  
2 districts.

3 CHAIRMAN LYNN: Again, I think we need to  
4 be mindful the deviations that exist exist for a reason.  
5 None of these deviations was intended except as to  
6 accommodate something else decided earlier. We clearly  
7 are not trying to undo things we put in place with any  
8 of these districts. We're trying to, in the most benign  
9 way possible, reduce the overall deviation in the  
10 overall map. Clearly, that's the intent of the motion.

11 Mr. Hall.

12 COMMISSIONER HALL: Mr. Chairman, I don't  
13 want to preclude ourselves where utilizing deviations  
14 where appropriate for competitive purposes.

15 CHAIRMAN LYNN: Or voting rights issues.

16 COMMISSIONER HALL: Absolutely, or voting  
17 rights issues.

18 MR. JOHNSON: Mr. Chairman, most of the  
19 areas for these districts we're discussing, through  
20 October, November, there were various plans that did  
21 move population to adjust deviation. I anticipate  
22 changes that will not be a surprise to any of you and  
23 will be similar to what you've seen as we move  
24 deviations and through various tests.

25 CHAIRMAN LYNN: Mr. Huntwork?

1                   COMMISSIONER HUNTWORK: Mr. Chairman, I  
2 want to make one word of caution. I'm not sure we can  
3 do population deviations to achieve competitiveness. We  
4 certainly cannot do significant damage to other goals.  
5 One of the other goals is equal population. We did that  
6 for voting rights purposes, and I certainly agree with  
7 that. We can do that. But technically, I'm not sure we  
8 can do it for other reasons. We cannot do it  
9 significantly. I'd look very closely at that.

10                   To the extent that Doug might be making  
11 those judgments as he goes through there, I think it's  
12 important to have that in mind.

13                   CHAIRMAN LYNN: Mr. Elder?

14                   COMMISSIONER ELDER: Mr. Chairman, I know  
15 there was a comment made earlier, not because we have a  
16 precleared plan for 2002, we have the opportunity to go  
17 in and, if we need, to split precincts. I'd like to  
18 take as much burden off the counties. If you can do it  
19 without splitting precincts, that's a goal we should  
20 try, the new precincts 2002 is based on.

21                   CHAIRMAN LYNN: Ms. Minkoff.

22                   COMMISSIONER MINKOFF: Mr. Chairman,  
23 relative to Mr. Huntwork's comments, can we ask our  
24 attorneys in terms of achieving competitiveness, as long  
25 as the deviation is modest, is there a problem in

1 deviating a few thousand people one direction or the  
2 other for the sake of competitiveness?

3 CHAIRMAN LYNN: Ms. Hauser.

4 MS. HAUSER: First let me ask a question.  
5 That sort of deviation would result in, depends on the  
6 district what percentage it would ultimately be,  
7 correct?

8 MR. JOHNSON: Right. It's more difficult  
9 in competitiveness to define how much we're achieving  
10 than other things deviation is on. Uniting  
11 neighborhoods, following roads, it's yes, no, you either  
12 did or didn't. Competitiveness is a gray area. As  
13 Commissioner Hall said, it has dim lines in it. It  
14 could be one, two percent population shift could result  
15 in a half to one percent change in various  
16 competitiveness measurements, speaking theoretically.

17 MS. HAUSER: Let me just answer it this  
18 way, for the moment. I think you -- it's appropriate to  
19 ask Doug to reduce deviations as far as possible. I  
20 think when you get back into your next meeting, it's  
21 probably a better time to address that more  
22 specifically.

23 COMMISSIONER MINKOFF: Will you be able to  
24 point to, advise us a little more thoroughly?

25 MS. HAUSER: Yes. It's just not something

1 I would do at this point.

2 COMMISSIONER MINKOFF: Fine.

3 CHAIRMAN LYNN: Mr. Elder.

4 COMMISSIONER ELDER: This may be -- I  
5 don't know who the question is for, could be Doug, could  
6 be our attorneys.

7 What range of -- I guess what range change  
8 do we expect could occur based on the minority block  
9 analysis Dr. Handley will be presenting? Is it subtle  
10 changes we'll be looking at or could there be changes of  
11 a couple thousand people? Where I'm going, do we need  
12 to go to the finest fine-tune, utmost degree, when have  
13 to make changes after we hear the presentation next  
14 week?

15 CHAIRMAN LYNN: Ms. Hauser.

16 MS. HAUSER: Mr. Chairman, that's not  
17 really a question for Doug at this point. It is  
18 something Dr. Handley is working on, and she is going to  
19 be helpful to the Commission on whether or not the  
20 changes you made to satisfy the DOJ objections that were  
21 acceptable to the court, in her view, will sustain those  
22 districts through the next preclearance process. So at  
23 this moment I can't give you a specific answer as to  
24 whether or not the changes would, if any, be minimal or  
25 not. It's another one of those things that will be on

1 hold until the next meeting.

2 CHAIRMAN LYNN: In fact, we still have to  
3 order that work to be done. We'll do that subsequently.

4 We have a motion on the floor that deals  
5 with an attempt to reduce population deviation to the  
6 extent that those changes are benign with respect to  
7 other goals of the Commission under Proposition 106.

8 MR. JOHNSON: Mr. Chairman, my thinking  
9 is, of course, is to follow the same procedure we did  
10 before. I'll specifically say the deviation in this  
11 district, reduced to this amount, had this impact, so  
12 the Commission is the one making specific  
13 district-by-district choices as before. The reference  
14 to me making judgments --

15 CHAIRMAN LYNN: It is, in fact, a process.  
16 You propose, we will dispose.

17 Further discussion on the motion?

18 All those in favor of the motion, signify  
19 by saying "Aye."

20 COMMISSIONER ELDER: "Aye."

21 COMMISSIONER HALL: "Aye."

22 COMMISSIONER MINKOFF: "Aye."

23 COMMISSIONER HUNTWORK: "Aye."

24 CHAIRMAN LYNN: Chair votes "Aye."

25 Motion carries unanimously and it is so

1 ordered.

2                   Next, if we have instruction for  
3 Mr. Johnson on administrative clean-up, avoid population  
4 traps and corrections to resolve differences, should  
5 there be any Census boundaries, municipal boundaries,  
6 those kind of things we should ask administratively be  
7 done any time mapping is changed.

8                   COMMISSIONER ELDER: So moved.

9                   COMMISSIONER MINKOFF: Second.

10                  CHAIRMAN LYNN: Discussion on the motion?

11                  Mr. Huntwork?

12                  COMMISSIONER HUNTWORK: How much time does  
13 that take and should it wait until we're really done,  
14 Doug, until we have tests on Districts 6, 11, et cetera,  
15 we're still looking to? And should we wait until that  
16 before we do this level of fine-tuning?

17                  CHAIRMAN LYNN: Mr. Johnson?

18                  MR. JOHNSON: Commissioners, my suggestion  
19 would be -- I think I have enough time to get the tests  
20 fully done and do clean-up, if the Commission decides  
21 not make any changes as a result of next week's  
22 meetings, so we're ready to go. If I have a sense  
23 there's not time, clearly I'll concentrate on getting  
24 tests done rather than clean-up. I'll do the tests. I  
25 think there is enough time for both.

1                   CHAIRMAN LYNN: Trying to get as much done  
2 in the time we have, meetings as possible.

3                   Mr. Johnson clearly understands the  
4 priority.

5                   Further discussion on the motion?

6                   All in favor, signify by saying "Aye."

7                   COMMISSIONER ELDER: "Aye."

8                   COMMISSIONER MINKOFF: "Aye."

9                   COMMISSIONER HALL: "Aye."

10                  COMMISSIONER HUNTWORK: "Aye."

11                  CHAIRMAN LYNN: Chair votes "Aye."

12                  Motion carries unanimously and is so  
13 ordered.

14                  Instruction that Dr. Handley review  
15 opportunities of minorities to elect under the 2002 map,  
16 or the interim map, and to do the same thing for any of  
17 the tests that we have ordered be refined today, those  
18 two areas, both the interim map and potential of the  
19 changes we have ordered Mr. Johnson to look at.  
20 Dr. Handley will be with us next week and will be  
21 reporting on those findings, should we give her that  
22 instruction in person.

23                  Is there a motion to that effect?

24                  COMMISSIONER MINKOFF: So moved.

25                  CHAIRMAN LYNN: Second?

1 COMMISSIONER ELDER: Second.

2 CHAIRMAN LYNN: Discussion on the motion?

3 Mr. Huntwork.

4 COMMISSIONER HUNTWORK: We tried hard to  
5 not make changes affecting the Voting Rights Act  
6 districts. I'm wondering if any of the tests that we're  
7 looking at would have any such effect.

8 CHAIRMAN LYNN: I'm just saying to the  
9 extent any do, she would also look at those.

10 COMMISSIONER HUNTWORK: Fine.

11 CHAIRMAN LYNN: I didn't want to preclude  
12 anything. Have a full report.

13 Further discussion on the motion?

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

16 COMMISSIONER ELDER: "Aye."

17 COMMISSIONER HALL: "Aye."

18 COMMISSIONER MINKOFF: "Aye."

19 COMMISSIONER HUNTWORK: "Aye."

20 CHAIRMAN LYNN: Chair votes "Aye."

21 Motion carries unanimously and it is so  
22 ordered.

23 Ladies and gentlemen, that exhausts my  
24 list of things we need to do this week.

25 Let me ask first, is there any other

1 business from the Commission?

2 Mr. Johnson, anything further from you?

3 Ms. Hauser, anything further from you?

4 MS. HAUSER: No.

5 CHAIRMAN LYNN: Mr. Echeveste, anything  
6 from the Director?

7 MR. ECHEVESTE: No.

8 CHAIRMAN LYNN: Clearly unless the one  
9 member of the public wishes to speak, I'd be happy to  
10 hear from her if she does, then it is my understanding  
11 that we will or have noticed -- I guess we have noticed.

12 MR. ECHEVESTE: It's done.

13 CHAIRMAN LYNN: -- a meeting.

14 The Commission will stand adjourned until  
15 Tuesday, the 18th, at 1:30 in the afternoon at this  
16 location.

17 The Commission is adjourned.

18 (Whereupon, the Commission adjourned at  
19 approximately 2:45 p.m. to reconvene on June 18, 2002,  
20 at 1:30 p.m.)

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STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 140 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 27th day of June, 2002.

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

LISA A. NANCE, RPR, CCR NO. 50349  
Phoenix, Arizona