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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
June 18, 2002
1:30 p.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 18, 2002,
 3 at 1:30 o'clock p.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
- 12 COMMISSIONER JOSHUA M. HALL

13
 14
 15 ADDITIONAL APPEARANCES:

- 16 LISA T. HAUSER, Commission Counsel
- 17 JOSE de JESUS RIVERA, Commission Counsel
- 18 M. MARGUERITE LEONI, NDC Counsel
- 19 ADOLFO ECHEVESTE, IRC Executive Director
- 20 LOU JONES, IRC Staff
- 21 KRISTINA GOMEZ, IRC Staff
- 22 DOUG JOHNSON, NDC, Consultant
- 23 DR. LISA HANDLEY, Consultant
- 24 LISA A. NANCE, RPR, CCR, Court Reporter

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SPEAKERS FROM THE PUBLIC:

MAYOR JOSEPH DONALDSON, Flagstaff

DAVID CANTELME, Counsel, Flagstaff

PETER MORAGA, Minority Alliance

HELEN PRIER, Director, Phoenix Historic Districts Coalition

KEN CLARK, Asst. Director, Phoenix Historic Districts Coalition

PAUL HEGARTY, Democratic Party

JUDY DWORKIN, Counsel, Navajo Nation

SCHEDULED SPEAKERS:

MR. DOUG JOHNSON

DR. LISA HANDLEY

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Public Session
Tempe, Arizona
June 18, 2002
1:45 o'clock p.m.

P R O C E E D I N G S

CHAIRMAN LYNN: Good afternoon. We'll
call the meeting to order.

For the record, roll call.

Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Here.

CHAIRMAN LYNN: Mr. Hall?

Roll call, Mr. Hall.

COMMISSIONER HALL: Here.

CHAIRMAN LYNN: Mr. Huntwork?

MR. HUNTWORK: Present.

CHAIRMAN LYNN: Chairman is present along
with legal counsel, NDC, and with NDC staff.

A little housekeeping, ladies and
gentlemen, just to give you a sense of the schedule, we
will be meeting as long as we need to meet this
afternoon. There will be a point there will be a
natural break because of the consultants. We'll give

1 instructions to the consultants at which point we'll
2 recess and reconvene tomorrow. That depends on how
3 extensive instructions are and how much time consultants
4 need to prepare.

5 We are prepared to finish sometime
6 tomorrow. That means it could be sometime early
7 Thursday tomorrow as well as late tomorrow evening. It
8 doesn't necessarily have to take that long, just depends
9 on all the various factors we're dealing with.

10 As is the custom in this phase of our
11 work, we will listen to comments from the public
12 periodically throughout the time we meet in deference to
13 the fact people are on various schedules and those that
14 wish to address us can come to any of the sessions and
15 do so.

16 I have four speaker slips to begin the
17 session this afternoon.

18 If anyone is present that wishes to
19 address the Commission, they need to fill out one of the
20 yellow speakers slips which can be found in the rear of
21 the room.

22 The first speaker this afternoon is Mayor
23 Joseph Donaldson, Mayor of the City of Flagstaff.

24 Mr. Mayor, good afternoon.

25 MAYOR DONALDSON: Good afternoon.

1 Thank you, Mr. Chairman, Commissioners,
2 for the opportunity to address you once again and
3 present an alternative proposal.

4 I believe this proposal addresses the
5 Proposition 106 criteria and many of the specific
6 concerns that have been brought before you, namely
7 maintaining the Tri-Cities area, strengthening voting
8 age population in District 1, specific needs of Tucson
9 and Pima County residents, recognizing the importance of
10 rural districts, as well as maintaining Flagstaff and
11 its metropolitan planning organization whole and with
12 communities of interest.

13 I request at this time our presentation be
14 made by Dave Cantelme. At the conclusion of
15 Mr. Cantelme's presentation, after the Commissioners
16 have had an opportunity to ask questions, I further ask
17 the Commission to provide direction to NDC consultants
18 to run the tests on this proposal. I believe the
19 proposal meets the Proposition 106 criteria.

20 I've come to understand the importance of
21 professional expertise in the tweaking of any map.

22 Thank you.

23 Mr. Cantelme.

24 MR. CANTELME: Thank you, Mr. Mayor.

25 Thank you, Mr. Chairman, and Members of

1 the Commission.

2 If I may approach, Mr. Chairman, I have a
3 written submission I'd like to present.

4 CHAIRMAN LYNN: Without objection.

5 And also, I've got, Mr. Chairman, we are
6 somewhat low tech, unfortunately, I have a map here. If
7 I could position it more closely so the Commissioners
8 might see it, so you can take the geography down, so you
9 can see the map and also the Power Point.

10 COMMISSIONER MINKOFF: Move that way.

11 MR. CANTELME: Is this better?

12 MS. HAUSER: I'll get up and move.

13 MR. CANTELME: I'll get up and move.

14 COMMISSIONER MINKOFF: Thanks.

15 MR. CANTELME: What we've taken in mind,
16 and we very much appreciate the opportunity to make this
17 presentation. I'll need to qualify it. May I come down
18 here, if that's all right, so I work with the map?

19 CHAIRMAN LYNN: I think the amplification
20 is not necessary, or we can let you have one of these,
21 Mr. Cantelme. I don't want anyone in the audience to
22 miss what you are saying. You can use one of the
23 microphones from the dias.

24 MR. CANTELME: Thank you, Mr. Chairman,
25 Members of the Commission.

1 What we've done is to the best we can to
2 respect communities of interest, satisfy the
3 constitutional requirements, satisfy voting rights
4 requirements, and to draw districts that represent
5 natural historical communities of interest. We had
6 taken the initial DOJ adjusted map, and we've tinkered
7 with it. There's a template we started with. We have
8 not run this through the computer. We think the figures
9 are accurate. It's done from the US Census website, and
10 hand calculations and a calculator. They do need to be
11 verified.

12 First, what we have done is made one
13 district out of Yavapai County. And to do that, what
14 we've done is taken your District 1, and we've added all
15 of Yavapai County to it. And in addition, Yavapai and
16 Coconino Counties bisect Sedona. The majority by far,
17 to one majority, is Yavapai. Added all of Sedona to
18 Yavapai County.

19 We made a lot of additions and changes to
20 this, which we'll come to in just a moment.

21 Now I'll go to District 2. And District
22 2, we have option A and option B, depending on where you
23 place the Hopi Reservation. If you place the Hopi
24 Reservation in Coconino County, then you take the area
25 in Coconino north of District 2, this area here, and it

1 goes to District 2. If the Hopis stay with District 2,
2 this area comes down in Coconino County.

3 COMMISSIONER ELDER: Does that include
4 Page in that first alternative?

5 MR. CANTELME: Yes, it does, sir.

6 To satisfy the concerns of Navajo Tribes
7 and Apache Tribes, what we've done is united them. To
8 do that, we've add the non-Reservation portion of Apache
9 County. And to make sure that we get numbers right to
10 satisfy equal protection, we've taken Pinetop and Show
11 Low and added them to District 2.

12 Now, District 5, we've added all of
13 Coconino that's non-Reservation, that part of Navajo
14 County which is non-Reservation, minus Show Low and
15 Pinetop, and we've added all of Gila County that is
16 non-Reservation. And we believe this creates a very
17 solid rim country district between the rim country up
18 here, high country of Coconino, high country of Gila,
19 and this area of Navajo, and believe they have a real
20 community of interest for any number of considerations.

21 Now, I'm not following my Power Point
22 precisely. I feel I can make the points just as well
23 working from the map.

24 What brought this about, we did a little
25 preface before I get to the treatment of Greenlee and

1 Cochise. If you take populations of Yavapai, Coconino,
2 Gila, Navajo, Apache, and you add that portion of San
3 Carlos Apache reservation in gray, by my calculation you
4 have the precise, ideal district for three districts
5 plus five persons. It comes almost precisely, as
6 precisely as human beings, I think, are capable of
7 doing. The real question is how do you distribute the
8 population in these five counties and reservations to
9 satisfy the needs and wants of the reservations, of the
10 communities of interest, of equal protection, and of
11 voting rights. And we would submit that this plan does
12 exactly that.

13 Yavapai County, by history, by demography,
14 by interest, makes a district. That makes sense. The
15 Indian populations make a district. That makes sense.
16 The rim area make a district. That makes sense. Then
17 if you add the non-Reservation, red, in Greenlee, you'd
18 add approximately 33,000 people to what made this nearly
19 ideal populationwise districts.

20 So what we do is take these two counties
21 and add them to Cochise in 25. And we believe this is
22 by history, by economics, a southeast Arizona ranching
23 rural district. This is the area that Justice O'Connor
24 described in her book, Lazy D.

25 If you add these two counties down here,

1 however, that means you have to take from the western
2 side, because you increase the population beyond what it
3 should be, for equal protection. Now, in 4, we've taken
4 off Yavapai County all together. So we propose adding
5 essentially the Tohono O'odham Reservation plus this
6 western portion of Maricopa County, which is not heavily
7 populated, Gila Bend, this area through here. And if
8 you take Ajo in the western part of Pima and add it to
9 the river counties, to balance off taking Page, now it
10 doesn't balance precisely but it balances sufficiently
11 to satisfy within the parameters of equal protection.
12 Essentially it's a northern district on the river and
13 southern district.

14 Where you draw the lines, we don't say.
15 It's not our concern, really. We know the line must be
16 drawn somewhere here between these two river counties,
17 and it's within the province of the experts of the
18 Commission. But what we will say is when you add Ajo
19 and take out Page, you have enough population to make
20 two districts and satisfy equal protection.

21 The sum and substance of it is we think
22 you create more natural districts, resolve the problems
23 of the Tri-Cities, Flagstaff, Navajos, Apaches, have the
24 potential to resolve the problem with the Hopis, Graham,
25 and Greenlee, which are treated fairly putting them here

1 with Cochise, and you create a very nice rim, high
2 country district here that makes sense.

3 We believe we've satisfied, and you can
4 see our chart the greatest deviation is minus 2.8
5 percent, which is old district -- which is District 4
6 coming down in the Mexican border. The rest of them you
7 can see is in the two percent variation in terms of
8 population.

9 We don't have the computer capacity to do
10 the other tests that would be required for the
11 Commission to do it's -- make an informed decision, but
12 we believe if you do run a certain test, you'll solve a
13 great deal of the community of interest problems that
14 have come to the fore in litigation in the state court
15 lawsuit.

16 Now, we don't think this is going to
17 change competitiveness a whole lot. I think 5 becomes
18 probably a competitive plus towards the Democrats.
19 That's probably not a lot different from the way old 5
20 had been.

21 1 is a Republican district, under both
22 versions, the existing map and our proposal. The fact
23 is the northwest has become a Republican area.
24 Historically it wasn't.

25 Southeast, southwest, south are Democrat

1 districts.

2 This respects the natural distributions of
3 voting populations. We don't really affect that.

4 It's overall fair to Gila, Navajo, and
5 fair to this part of Apache County. It treats Yavapai
6 superior by far. Coconino, with the tribes, if you run
7 the numbers on it and do the computer tests, our
8 prediction is this will satisfy the federal
9 requirements, voting rights, constitution, will satisfy
10 Proposition 106 and respect to communities of interest,
11 in our opinion, in a superior way.

12 That concludes my presentation unless
13 there are questions from the Commission.

14 CHAIRMAN LYNN: Let us, before we ask any
15 questions, Mayor Donaldson, did you want the floor
16 again? Let us hear your entire presentation then ask
17 questions.

18 MAYOR DONALDSON: That's the entire
19 presentation. David Cantelme was just going to present
20 the map we had come up with as an idea.

21 CHAIRMAN LYNN: Questions or comments for
22 Mayor Donaldson or Mr. Cantelme?

23 COMMISSIONER MINKOFF: Is this on?

24 COMMISSIONER HALL: Can you hear me now?

25 COMMISSIONER MINKOFF: Mr. Cantelme, I

1 have one question that involves Voting Rights Act
2 compliance. We currently have Districts 25 and 23 and
3 24 mentioned in the DOJ analysis as majority-minority
4 districts. The new District 25 I seriously doubt is a
5 majority-minority district. And it looks, I'm trying to
6 find out, Ajo, I imagine, I'm guessing, may be Hispanic
7 enough that moving it into 24 doesn't mess that up.
8 Clearly we've lost 25 as a minority-majority district.
9 Has it been replaced by something else, do you know?

10 MR. CANTELME: Mr. Chairman, Madam Vice
11 Chairman, you have a valid concern, you are losing some
12 stated minority population. How you balance that up, we
13 don't know the minority population here. That would be
14 the test. My suspicion, there's probably a substantial
15 portion Hispanic.

16 What we think we can do is probably
17 fine-tune down in the Santa Cruz area to make up that
18 difference. So we would need to tweak through the
19 computers, because you have a very valid concern.

20 CHAIRMAN LYNN: Other comments or
21 questions for either Mayor Donaldson or Mr. Cantelme?

22 Mr. Elder.

23 COMMISSIONER ELDER: Either one. I'll put
24 either the Mayor or Mr. Cantelme on the spot.

25 Do you have a preference between Hopi in,

1 Hopi out, and any reasons?

2 MR. CANTELME: Mr. Chairman, Mr. Elder, we
3 do not. We designed this deliberately so either part
4 would satisfy. We're friends with both the Navajos and
5 Hopis and respect both tribes. We've given an option
6 that resolved it either way.

7 CHAIRMAN LYNN: Ms. Minkoff.

8 COMMISSIONER MINKOFF: Let me ask a
9 follow-up to that. If the decision was made to adopt
10 something like this, keep the Hopi with the Navajo, how
11 do you get that area of Page, et cetera, into the
12 district? We need to have contiguous districts.

13 MR. CANTELME: That's also a very good
14 question.

15 Mr. Chairman, Madam Vice Chairman, we were
16 informed, I can't verify this is totally correct, but we
17 believe it's accurate, that the tribes here would just
18 as soon go with Coconino as go over to the northeast.
19 So the natural way, of course, would be to simply draw
20 the line and keep all non-Navajo, Coconino, significant
21 in 5. Now, if that's not the case, you could do a thin
22 strip to come around connected over here, continuous,
23 analogous to the strip here.

24 CHAIRMAN LYNN: Mr. Huntwork.

25 COMMISSIONER HUNTWORK: Well, just out of

1 curiosity, why have you included all parts of southern
2 Apache County? We had a plan very similar to voted
3 down, actually, last August, September, when called plan
4 4H, very similar, a narrow strip coming down the eastern
5 portion boundary of the state to pick up reservations
6 and part of Apache County. Each go in with non-Indian
7 districts.

8 Here you are talking about the community
9 of interest between Flagstaff and the Navajos, yet you
10 put the non-Native American part of Apache County in
11 with the Navajos when it's not necessary to do so. I'm
12 curious what your thinking is there.

13 MR. CANTELME: Mr. Chairman, Mr. Huntwork,
14 the only reason we thought so had to do with the
15 numbers. If we don't need to to get the numbers, we're
16 not advocating it. This -- you'll see this part of
17 Apache goes down Navajo, Coconino, Greenlee. I'm not
18 sure you can do that. If I'm wrong, I hope I am wrong.
19 I think it makes sense that way. In some way we need to
20 connect the two and also need to make it within the
21 equal protection parameters of 171,025. If we were
22 taking a group that can be made -- that's the sole
23 reason for doing it that way.

24 CHAIRMAN LYNN: Other questions or
25 comments?

1 Gentlemen, thank you so much.

2 MR. CANTELME: Thank you very much.

3 CHAIRMAN LYNN: You also had a slip. Did
4 you want to speak separately?

5 COMMISSIONER MINKOFF: Oh.

6 CHAIRMAN LYNN: One other quickly.

7 COMMISSIONER MINKOFF: Is this map in any
8 printable or electronic format that could be made
9 available to the Commission?

10 MR. CANTELME: It should be early
11 Thursday, perhaps tomorrow.

12 CHAIRMAN LYNN: We definitely need it
13 tomorrow, Mr. Cantelme.

14 Thank you.

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: Although we did
17 vote it down last fall, show the gentleman 4H. That's
18 what -- put it up here.

19 CHAIRMAN LYNN: If Mr. Johnson can find
20 it, I'm sure we can show it.

21 In the interests of time, I don't want to
22 put pressure on you, Mr. Johnson, we'll take other
23 public comment and come back.

24 MR. JOHNSON: I think I've got it.

25 CHAIRMAN LYNN: All right.

1 COMMISSIONER HALL: 4G had the
2 southeastern district similar to this.

3 CHAIRMAN LYNN: This is one of the
4 proposals we had under consideration which does some of
5 the kind of things in the current Flagstaff proposal.
6 It doesn't quite sync up with what they are proposing.

7 There was the -- it was 4G, I think, was
8 the other one that had some similarities as well.

9 MR. JOHNSON: It had similarities down
10 south.

11 COMMISSIONER HALL: Southeast, right.

12 MR. CANTELME: Mr. Chairman, Members of
13 the Commission, if I might, one last question. We do
14 request our plan be submitted and tested, if it could
15 be.

16 CHAIRMAN LYNN: The question is -- you
17 don't have it in any form other than drawn on that map
18 at this point with instructions how to create various
19 districts. We'd need to create that, would we not,
20 electronically?

21 MR. CANTELME: Yes, sir.

22 COMMISSIONER ELDER: Mr. Chairman.

23 CHAIRMAN LYNN: Mr. Elder.

24 COMMISSIONER ELDER: How long would it
25 take, plus, minus precinct lines, to draw in what they

1 are showing on the map?

2 MR. JOHNSON: How --

3 CHAIRMAN LYNN: 4G, is that available?

4 MR. JOHNSON: I can look for it.

5 In terms of redrawing it, redrawing
6 four-fifths of the state, four hours, three hours, to do
7 a quick test. As you say, that would be without
8 cleaning up lines here and there.

9 CHAIRMAN LYNN: Why don't you, while we
10 take more public comment, for comparison purposes, we'll
11 look at that.

12 Without objection, more public comment.

13 COMMISSIONER MINKOFF: No. 4G doesn't go
14 into that.

15 CHAIRMAN LYNN: The next speaker slip I
16 had, Peter Moraga.

17 Mr. Moraga represented the Minority
18 Alliance.

19 If you would, please, for the clarity of
20 the Commission, since I don't know whether that's
21 shorthand for another group or a new group, if you at
22 least let us know who the group is and who you
23 represent.

24 MR. MORAGA: It's a new group that started
25 addressing the issue now, myself, Lee Landrum, Richard

1 Miranda, and other people from the community.

2 CHAIRMAN LYNN: Thank you.

3 I have a couple things.

4 This is a large map of what I'm going to
5 talk about today. We brought some smaller maps you can
6 have as I start talking about it.

7 CHAIRMAN LYNN: Please.

8 MR. MORAGA: I don't know if it's easier
9 to look at the smaller map in front of you or larger
10 map. We'll see what is easier. I'll walk you through
11 the proposed changes I was talking about.

12 Mr. Lynn asked a direct question when I
13 started, what is this Coalition, who are we about. It's
14 important in the context of why did the group ask to
15 speak today.

16 I'm a native of Arizona, grew up in the
17 West Valley, currently reside in the historic community.
18 This may not sound relevant to you right this second.
19 It will as we go through what I'm going to talk about,
20 what is the goal I'm going to talk about today.

21 Two goals we have, very important. One is
22 to preserve the minority-majority in District 14 and the
23 second is to keep the Historic Districts in its separate
24 district and community of interest. And that's what
25 we'll talk about.

1 The changes are very simple. If you look
2 at the map -- and also my talking points, I can submit
3 that as well. It walks you through the map so you have
4 that.

5 On your smaller map, I put an X you'll see
6 in the lower left-hand corner with a circle around it.
7 That's where we kind of change, changes are there. It
8 goes changes from District 14 to District 15 which
9 are --

10 CHAIRMAN LYNN: Mr. Moraga, I don't mean
11 to interrupt. Changes from -- what is your starting
12 point?

13 MR. MORAGA: Current, as we speak, today,
14 Districts 14, 15.

15 CHAIRMAN LYNN: Is this on is that on the
16 federal court's approved map? Is that where we're
17 starting?

18 MR. MORAGA: Yes. If you start at X,
19 that's 19th Avenue and Roosevelt, go east to Central
20 Avenue, go north, following the blue line, turn north to
21 McDowell, then east on McDowell to Squaw Peak, which is
22 basically the red line, north on the red line to Thomas,
23 and then back to 19th Avenue. Currently, that gray area
24 between the blue line and the red line is in District
25 14. Our recommendation -- and it's primarily Historic

1 District. Our recommendation is that that be moved into
2 District 15.

3 The changes to District 14, if you go to
4 the red line, furthest on the right-hand paper, you
5 start at Van Buren and 20th Street. Where we're adding
6 to 14 is basically the pink square that is on the
7 right-hand side of your paper.

8 What this says is that it preserves the
9 minority-majority in District 14, primarily the
10 Hispanic, preserves the historic communities together in
11 District 15.

12 Now you ask why? And why, I started off
13 with why I thought I made a good spokesperson for the
14 issue. I currently live in the historic communities and
15 grew up in West Valley. It's important both communities
16 get represented well in the Legislature. Both
17 communities are working hard to preserve their
18 communities, working on common projects relevant to
19 common communities of interest, putting together
20 disputability of areas of history, work projects,
21 develop common goals. Both are important. There are
22 quite many objectives to meet. They need to be in the
23 same areas in order to accomplish those effectively.

24 The second page of that map I handed you
25 has some information. You may have more current

1 information than I do at this point that may adjust
2 those numbers.

3 Doing that, adding the pink square on the
4 right-hand side of the page, shifting into 15, keeping
5 it together, increases the Hispanic representation in
6 District 14, preserves it stronger than they are as we
7 speak. The majority-minority Hispanic population we
8 tried to achieve in District 15, it gives historic
9 communities that have very different interests good
10 incentive to continue working on community projects,
11 continue working on what they need to get done in the
12 Central Phoenix area.

13 Again, by adding that peach square into
14 14, shifting historic communities back into 15, it
15 preserves the population numbers as well.

16 We think these are very easy, very
17 squared-off lines. I don't think it would take too much
18 adjustments. It preserves Historic Districts as a
19 community of interest, preserves 14 as a
20 minority-majority district, and it keeps the population
21 numbers in the area consistent with where they're at
22 today and allows those two to continue working on making
23 their communities stronger.

24 CHAIRMAN LYNN: Comments or questions for
25 Mr. Moraga?

1 Ms. Minkoff.

2 COMMISSIONER MINKOFF: Mr. Moraga, the
3 area that you have taken from 14 and put into 15, I know
4 the Willo District is in that and I know Palmcroft
5 District is in that. Can you identify other historic
6 neighborhoods bounded by Thomas Road, Squaw Peak --

7 MR. MORAGA: Sure. There's another
8 speaker that can speak to that as well.

9 Encanto, Palmcroft --

10 COMMISSIONER ELDER: Could you point at
11 the map? For those of us from Tucson, it makes no
12 sense.

13 MR. MORAGA: Between the pink line and
14 purple line here, it consists of several different
15 historic communities. Encanto is one of them, Willo,
16 Palmcroft, Coronado, Roosevelt, Story. Those type
17 communities reside in this area here. Over the last --
18 some history for those of you from Tucson. Over the
19 last several years, demographics have been changing
20 significantly. Younger, professional, higher
21 efficacy -- higher voting levels concerning higher
22 efficacy voters mixed in trying to achieve from a
23 minority-majority district could sway what we're trying
24 to accomplish with minority-majority interests, cause
25 confusion. A simple objective takes care of that,

1 accomplishes the objectives we're trying to achieve
2 overall.

3 COMMISSIONER MINKOFF: To clear up
4 somebody else's question somebody was asking, those
5 districts on the map are districts you are recommending?

6 MR. MORAGA: Yes.

7 COMMISSIONER MINKOFF: The other ones, red
8 ones, are what's approved by the court for 2002?

9 MR. MORAGA: What is approved is green,
10 the pink is recommended, blue is recommended.

11 COMMISSIONER MINKOFF: Currently in 14,
12 not 15.

13 MR. MORAGA: What we tried to do was
14 impact only 14 and 15. We tried not to go into other
15 districts in order to make this happen. We tried to
16 keep it as simple as possible with a small amount of
17 changes and still meet the objectives of both the
18 minority representation as well as population numbers
19 and community of interest.

20 CHAIRMAN LYNN: Mr. Elder.

21 COMMISSIONER ELDER: Mr. Chairman, Doug,
22 would it be possible to bring up the most recent map of
23 that area, 14, 15?

24 MR. JOHNSON: Recent, 2002, or last week's
25 tests?

1 COMMISSIONER ELDER: Both.

2 MR. JOHNSON: Sure.

3 COMMISSIONER ELDER: Made modifications to
4 14, 15. I want to see where those fit in the court
5 approved, modified plan, and this plan.

6 CHAIRMAN LYNN: Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Doug, this is
8 below the line. It wouldn't affect the changes between
9 15 and 11.

10 COMMISSIONER ELDER: I thought we made a
11 change there to move that line, the southern part of 15,
12 but I'm not --

13 COMMISSIONER MINKOFF: North.

14 COMMISSIONER HUNTWORK: 15 and 11.

15 COMMISSIONER MINKOFF: It wouldn't impact
16 this at all.

17 MR. MORAGA: Yeah.

18 CHAIRMAN LYNN: So we're clear,
19 Mr. Moraga, do you have the pointer, Doug?

20 Just so we're clear, using the map on the
21 projector, I think what you are asking is that
22 horizontal line separating 14 and 15 be dropped,
23 lowered, to the alignment you show on your map, then
24 adds a substituted area for the population extending
25 that district eastward?

1 MR. MORAGA: Right. Exactly.

2 CHAIRMAN LYNN: Is that correct?

3 MR. MORAGA: Exactly.

4 CHAIRMAN LYNN: So the lower part of 15
5 east of the dividing line between 14, 15 would become
6 part of 15. And 15 would drop to an alignment -- I
7 guess it's just below the freeway?

8 MR. MORAGA: Right. Taking this out,
9 making that 14, taking pieces of that and putting it in
10 15, that's what we want.

11 CHAIRMAN LYNN: Commissioner Minkoff.

12 COMMISSIONER MINKOFF: Related to that,
13 this is something we're considering, that's all. This
14 is just on the table as something we're considering.
15 Would you confirm for us whether the change you are
16 proposing has any impact on -- basically this shows
17 changes in 11 and 14.

18 MR. MORAGA: 14, 15.

19 COMMISSIONER MINKOFF: This map change
20 we're considering, we said we'd keep on the table at the
21 last meeting, just involves a change in 11, 15 designed
22 to increase competitiveness. What I want you to
23 confirm, what you are proposing doesn't affect that at
24 all?

25 MR. MORAGA: Right. I understand that it

1 doesn't.

2 CHAIRMAN LYNN: Ms. Hauser.

3 MS. HAUSER: Mr. Moraga, are you a
4 candidate for the House in District 14?

5 MR. MORAGA: I am a candidate for the
6 House in District 14.

7 MS. HAUSER: Thank you.

8 CHAIRMAN LYNN: Other questions or
9 comments?

10 Thank you, Mr. Moraga.

11 MR. MORAGA: These are my talking points.

12 CHAIRMAN LYNN: Thank you.

13 May I also have your map or -- shall we
14 just stick to these?

15 MR. MORAGA: No. You can have those, too.

16 CHAIRMAN LYNN: Thank you.

17 We also have two other speakers which are
18 on, I suspect, a related topic, if not this topic, one
19 closely related, from Helen Prier, Phoenix Historic
20 District Coalition, P R I E R.

21 Good afternoon.

22 MS. PRIER: Yes. I'm speaking on the same
23 subject.

24 I'm the Director of the Phoenix Historic
25 District Coalition, have lived in one of the Historic

1 Districts for eight years. And five years ago, we being
2 the leaders all the Historic Districts in Phoenix,
3 numbered 22 at the time, decided to put together a
4 Coalition to work on common issues relating to all
5 Historic Districts, as it happens, over the years, it's
6 related to all the inner city neighborhoods bordering
7 Historic Districts.

8 So when we saw the map that basically cut
9 us in half, we were pretty concerned about that. So we
10 wanted to come up with an alternate plan that would keep
11 us together and so that we can move forward on our
12 common issues.

13 You were presented with a Power Point
14 presentation some time ago about the Central Phoenix
15 Historic District Plan. I don't know whether you recall
16 this document.

17 At that time, the presenter went through
18 the issues that we addressed. Some of them that are
19 being involved with the Coalition started the Coalition,
20 and I'm currently Director of the Coalition again.

21 What I want to do is draw your attention
22 to a map we came up of the Historic Districts. I'll
23 pass it around. We've done an overlay, outlined what
24 Mr. Moraga came up with, to show you the impact that
25 would do to the Historic Districts. It would pull them

1 all together with the exception of a few outlying, a few
2 very small Historic Districts, which even though perhaps
3 out of District 15, they're still reasonably contiguous
4 with other Historic Districts. 12 more Historic
5 Districts will be added to the roster. I put those on
6 there in yellow highlight. You see it's growing and
7 growing in the central area.

8 We want to keep the districts together for
9 all the reasons we discussed in the Power Point. I
10 could go over it again, but if you recall, we have --
11 the Coalition has worked together on all of the issues,
12 including blight, crime, store situations, forums on
13 increasing shopping opportunities in Central Phoenix,
14 in-fill, blight, transportation issues. And we all work
15 together on those.

16 I'll leave it to Ken Clark, who is with
17 us, to discuss with you some of the other issues we've
18 been working on and some other district plans we've come
19 up with, not this particular redistricting but others,
20 to show we're constantly working on central districts
21 together because of common interests.

22 Let me give you this so you can pass
23 around the map.

24 COMMISSIONER ELDER: Can I see the other
25 map, also, the fold-up?

1 MS. PRIER: Sure. This was a historic
2 document to promote Historic Districts. This one has in
3 yellow the new ones coming up.

4 CHAIRMAN LYNN: Mr. Huntwork?

5 COMMISSIONER HUNTWORK: I was going to ask
6 to see the map. We have both versions over there.
7 Maybe share one with us over here.

8 MS. PRIER: The squiggly line on that
9 indicates the new district down here, where it cuts
10 over.

11 CHAIRMAN LYNN: Other comments or
12 questions?

13 MS. PRIER: I think they're looking at the
14 map.

15 CHAIRMAN LYNN: Ms. Prier, thank you very
16 much.

17 Next speaker is Ken Clark, also
18 representing the Historic District.

19 MR. CLARK: I'm the Assistant Director of
20 the Historic District Coalition, a candidate for the
21 State House in District 15. I live in the area north of
22 where we're talking there.

23 At this point, I'd reiterate, go further
24 into what Helen Prier said, to add that in the past, and
25 certainly in the Phoenix Redistricting process, we've

1 played a prominent role in attempting to keep these
2 historic neighborhoods together. I do have the -- one
3 example, one of the proposals we've done in the few
4 hours we had in time to get ready for the meeting today.
5 I'd pass that out as well.

6 Our attempt was try to keep more or less a
7 central city district. We believe, as some were saying,
8 again, there are many common districts. This area here,
9 as you'll see on the map I just gave to you, has a
10 majority of the Historic Districts in them.

11 There are other issues as well as I'd draw
12 your attention to. Transportation, a new light rail
13 system coming in, I'd point out on paper, follows along
14 here, would come up here and come -- take in a great
15 deal of now 15, this area here, we're hoping to
16 encourage you to move over to 15, place on that.

17 We had a forum on the light rail with the
18 Historic Coalition not three months ago, addressed many
19 of concerns of the oncoming light rail.

20 Representatives of many of the Historic
21 Districts you see on the map were present at the forum
22 present to have input like that to talk about the
23 issues.

24 That's just an example of the kind of
25 in-fill issues we believe we'll better be able to

1 address if we have many of our historic districts
2 together in one district.

3 Whether you were to leave 11 as it is
4 along Camelback, as you have on the table now, or
5 whether you would keep District 15 as it is with that
6 area up there along I-17, I don't know if we have a
7 comment on that. We certainly are fully in agreement
8 with Mr. Moraga this area right here should be part of
9 District 15.

10 CHAIRMAN LYNN: Comments or questions for
11 Mr. Clark?

12 Mr. Clark, thank you. We'll take any
13 information.

14 Mr. Huntwork.

15 COMMISSIONER HUNTWORK: Well,
16 Mr. Chairman, Mr. Clark, Mr. Moraga, I live in the area
17 you are talking about. I understand exactly what you
18 are saying. One of the thing that happens in some parts
19 of the city when divided by a line like this, you get
20 more representation by having two representatives. One
21 of the points the Coalition made a few weeks ago, they
22 felt there was compatibility between the Hispanic
23 minority agenda and historic neighborhoods. As a
24 resident of the area, I didn't disagree with that. The
25 face on other side of the coin, concern is we

1 deliberately set out to create districts that had 55
2 percent Hispanic voting age population.

3 I can readily see you united the Historic
4 Districts, probably did a better job uniting the
5 southern community, southern tier. Do you have any idea
6 what you might have done to the Hispanic voting age
7 population in District 14? Have you set it up to 58, 59
8 percent? Or what have you done to that we were trying
9 to balance carefully in our previous iterations.

10 MR. CLARK: I might pass off to Peter.
11 Numbers we came off, our interpretations do a better job
12 creating a minority-majority district on the plan
13 presented here than on the screen.

14 COMMISSIONER HUNTWORK: Meaning more
15 concentrated.

16 Yes. Peter has the numbers. Let him use
17 them.

18 MR. MORAGA: Yeah. Second page. You may
19 have that a little better than we do. Don't adjust up
20 or down that much.

21 We feel -- we worked to maintain the
22 integrity of a minority-majority district in 14. That
23 was one of the goals.

24 CHAIRMAN LYNN: If I read this correctly,
25 took a quick look, total Hispanic percentage likely from

1 your mapping, one could assume VAP would also go up a
2 little over whatever bench mark was.

3 COMMISSIONER MINKOFF: About 7,600
4 additional Hispanic voters. How total population is
5 changed, with 7,631 addition.

6 COMMISSIONER MINKOFF: What is
7 percentagewise in --

8 COMMISSIONER ELDER: Total minority, 75
9 percent, according to this.

10 COMMISSIONER HUNTWORK: Our approved.

11 COMMISSIONER MINKOFF: 61.48. Total VAP?

12 COMMISSIONER HUNTWORK: No. I wanted
13 total.

14 It will go up three percent, basically.
15 The question then will be -- go from 55 to 58 percent.

16 CHAIRMAN LYNN: 55, 58.

17 COMMISSIONER HUNTWORK: Thank you.

18 CHAIRMAN LYNN: Next speaker slip, Paul
19 Hegarty.

20 Are you representing yourself or anybody
21 else, clarify that. We're happy to take it either way.

22 MR. HEGARTY: Paul Hegarty, an Arizona
23 resident since '76, Political Director of the Arizona
24 Democratic Party, also became one of the more vocal
25 people, self-appointed. We believe people that voted

1 for Proposition 106, care about the most, that's
2 competitive.

3 First of all, I want to recognize what a
4 daunting task you have, all you had to do, as far as the
5 Commission in putting together political maps, had been
6 problems, hurdles throughout the process.

7 We've gotten to the end, the biggest
8 challenge, competitiveness. Even though it seems a
9 simple task, to candidates more than the two candidates
10 being in an election, a fair chance of winning a
11 district, it's hard to actually define what a
12 competitive district is. It's also hard to create one.

13 Knowing we've gone through a lot of
14 different models, a lot of different computer programs,
15 AQDs, Judge It, guesswork, and things like that, I'd ask
16 you if you'd consider waiting until after the election
17 cycle. We now have maps out there, have one of the most
18 competitive -- major party competitiveness in statewide
19 districts, Congressional Districts, and the majority of
20 Congressional Districts. Provides good opportunity to
21 wait until after primary elections, after general
22 elections, find out after elections what is competitive,
23 one step from the computer models, everything you've
24 been doing here.

25 On that note, though, if you do all

1 continue, I do ask one more time as going through here
2 looking out to describe which districts make it more
3 competitive, which change in the maps. A bigger
4 district, competition doesn't come down. Individual
5 districts, competitive, do stay, don't give a lock to
6 one party. A lot of things voters believed, they wanted
7 to take redistricting out of the basement of the
8 Capitol, from whichever party is in control and could
9 not make sure solidified, having control the last 10
10 years, borderline on that, Republicans having numbers
11 half solid Republican, don't start making Democratic
12 districts, making more competitive, looking for the
13 bigger picture, give options to Democrats, Republicans,
14 third-party emerge, have a tie in the Senate and House.
15 We believe that has made great strides this year. Thank
16 you.

17 CHAIRMAN LYNN: Thank you, Mr. Hegarty.
18 Questions or comments?

19 COMMISSIONER HALL: As you were utilizing
20 this, as everybody is, in an effort to assign some
21 measurement to what is competitive, I don't know whether
22 you were here, don't believe you were here last week
23 when Dr. McDonald was making his presentation providing
24 analysis in that area on the procedure, process,
25 analysis he uses, called Judge It, as you are well

1 familiar. I'm just curious. In your opinion, is that
2 an accurate information tool?

3 MR. HEGARTY: Probably the most accurate
4 information together out there. What I've seen, it's
5 the best one used so far. I know that is a unique
6 field. If Judge It were the one used and a consistent
7 factor for that, that would be the best guess.

8 COMMISSIONER HALL: Thank you. Appreciate
9 that.

10 You made -- also mentioned, are you aware
11 what the registration spread is after you take out the
12 majority-minority districts?

13 MR. HEGARTY: I don't quite understand.

14 COMMISSIONER HALL: There's an approximate
15 five-point spread in the State of Arizona after you take
16 out majority-minority districts that now have been
17 approved by the three-judge federal court panel. Remove
18 those, if you will, and hold them separate, are you
19 aware what the party registration difference is not
20 considering those?

21 MR. HEGARTY: I do not know.

22 COMMISSIONER HALL: Pardon?

23 MR. HEGARTY: I do not know.

24 COMMISSIONER HALL: It's 16 percent. I
25 guess, what is curious to me, I concur with you 100

1 percent we want to have as many competitive districts as
2 possible. What -- speaking for myself, and I think
3 fellow Commissioners, what we're struggling with is ways
4 to find more Democrats. Or, to put it bluntly, while I
5 may have suggestions later on, a registration campaign,
6 nevertheless, we are where we are.

7 The follow-up question is what suggestions
8 do you or do the Democratic Party have? We spend hours
9 and numerous days working on this very, very important
10 and difficult issue. I guess what we're looking for are
11 suggestions. My question is why doesn't the Democratic
12 Party have more specific answers for ways to do that?

13 MR. HEGARTY: I don't have specifics here.
14 We did submit maps early on. With the role of the
15 Democratic Party, we felt it might be tainted in some
16 motions. Put stuff out early on, worked with groups,
17 you did work with things, others have. The whole
18 northern region, better regions, Native American
19 populations, districts heavily favored toward one party
20 or the other. Take the northern region, I guess 2 and
21 1, find a way to bring both -- make a little, both,
22 competitive in both districts.

23 You all talked about areas in Tucson, 26,
24 28, 30, that there are probably ways. Unfortunately,
25 Tucson is more dominated -- all of those lie toward one

1 party in Tucson, one of the few counties, a strong
2 Democratic position. With growth down there, there
3 might be ways to do that. I know it is a challenge. If
4 you like specific districts, I know we're in a position
5 now, the field early on, and have realized, we, as a
6 Democratic Party; it might be too difficult for the
7 Independent Commission as well.

8 CHAIRMAN LYNN: We certainly appreciate
9 that comment, because it -- it is part of the record and
10 it's been a difficult thinking of a way. We know the
11 party does have interests different from the
12 Commission's and respect that. The difference is as we
13 work those and still maintains an independent
14 perspective.

15 MR. HEGARTY: I agree, a tough task.

16 CHAIRMAN LYNN: Appreciate your
17 recommendations or comments.

18 Thank you, Mr. Hegarty.

19 The last speaker of this session, again,
20 we'll accommodate public comment as much as feasible, is
21 from Judy Dworkin representing the Navajo Nation.

22 MS. DWORKIN: Good afternoon, Commission
23 members. Thank you for the opportunity to speak this
24 afternoon.

25 I don't think I need to tell you the

1 Navajo Nation's position is to have a robust Native
2 American district.

3 I had an opportunity to meet with
4 Flagstaff earlier today. Although my client has not yet
5 had an opportunity to review the map, but I believe that
6 the Flagstaff proposal has merits and we would urge the
7 Commission to give it further analysis and evaluation.
8 Obviously, with respect to option A or B, the Navajo
9 Nation is clear with respect to being with the Hopi.

10 That's the end of my presentation.

11 CHAIRMAN LYNN: Mr. Johnson --

12 Mr. Huntwork, absolutely.

13 Ms. Dworkin, would you entertain a
14 question from Mr. Huntwork, please.

15 COMMISSIONER HUNTWORK: One of the
16 problems that we're struggling with is how much is too
17 much. To analyze the district and Voting Rights Act, we
18 want to make sure the numbers are sufficient to be
19 effective and not so great as to pack a district and
20 deprive a population of influence outside of that
21 district.

22 As you know, I'm sure we have that issue
23 coming up throughout the Central Phoenix area and other
24 parts of the state where the effort, at least by many,
25 is to reduce the number of Hispanic voters in districts

1 so that they have broader influence outside the
2 district.

3 We've had negotiation with the Coalition
4 whether it should be 55, 56, 59 percent Hispanic. The
5 district you are proposing, Flagstaff proposing, is at
6 least 70 percent, I think, I believe the numbers are
7 higher than that, voting age Native American population.
8 That number seems inordinately high from a Voting Rights
9 Act perspective. Community of interest perspective is a
10 totally different analysis. It also leads too much
11 higher numbers for Hispanic voters in Central Phoenix.
12 I guess my question is, how do you analyze that? Where
13 do you come on it?

14 MS. DWORKIN: Of course, my concern is
15 only with respect to Native American population. And
16 the plan adopted by the Commission, I'll comment
17 specifically on the Native American issue.

18 I recall your comment last week,
19 Mr. Huntwork, with respect to packing of that district.
20 I think you used the word "packing" last week. We do
21 not believe that the issue packing applies to the Native
22 American majority-minority district because the concept
23 of packing has with it the concept of unpacking so that
24 there can be influence or a second minority-majority
25 district. There is, as you know, no way to create a

1 second Native American majority-minority district. So
2 the issue is completely the issue of allowing Native
3 Americans to have an opportunity to elect a candidate of
4 their choice.

5 The Apaches have never been able to elect
6 an Apache representative and have expressed to the
7 Commission, in court, and, I believe, during the
8 Commission hearings, an interest in being in the same
9 district as the Navajo Nation so that they would have an
10 opportunity to be represented by a Native American,
11 whether that person is an Apache, or Navajo, or some
12 other Native American, it would be, most likely, a
13 Native American. So that I believe is responsive to
14 your issue.

15 We do not think that there is a packing
16 issue in the State of Arizona with respect to Native
17 Americans due to the fact there can only be one Native
18 American majority-minority district.

19 COMMISSIONER HUNTWORK: It is responsive.
20 I appreciate that.

21 I want to ask you a follow-up question.
22 I've stated many times and I'll state again, I don't
23 think there's a more important question we've faced
24 throughout entire process, at least in my mind, than
25 this one right now. It did seem to me we had evidence

1 that the Apache tribes had influence in District 5. In
2 fact, if you took them out of District 5 -- District 5,
3 by our analysis, is a very competitive district by being
4 Democrat. If you look at it, the Apache Reservations
5 would be the marginal tilt point between probably a
6 Republican and Democrat district. It seems to me that
7 they have, by their own definition, they have influence
8 in that district. From what you are saying you would, I
9 surmise, disagree with that. It seems to me they must
10 have influence there and there must be evidence in the
11 transcript as well.

12 MS. DWORKIN: I guess the only thing I can
13 say is in preparation for the state court litigation,
14 under Section Two, the San Carlos Apache Tribe
15 representatives had indicated there is not that sort of
16 influence and have expressed a clear interest in being
17 with the Navajo Nation.

18 COMMISSIONER HUNTWORK: What about the
19 White Mountain Apaches?

20 MS. DWORKIN: The White Mountain Apache we
21 have not been in anywhere as close contact with. The
22 one thing that has been absolutely crystal clear and
23 not -- has not changed from day one is that the White
24 Mountain Apache tribe and San Carlos Apache Tribe want
25 to be in the same district. And the San Carlos Apache

1 Tribe has been committed to being with the Navajos. The
2 White Mountain Apache tribe has been committed to being
3 with the San Carlos.

4 I believe that the information that the
5 Commission has received from White Mountain has been
6 several different types of responses that say we like
7 our neighbors, we like the Navajos' plan, we like -- you
8 know, we like Arizona, and, most of all, we want to be
9 with the San Carlos Apache Tribe.

10 CHAIRMAN LYNN: Mr. Hall.

11 COMMISSIONER HALL: Thank you for your
12 comments.

13 As you know also, there are some issues
14 relative to drawing district on the basis of race. I
15 wonder if you had a comment relative to that.

16 MS. DWORKIN: I think that the proposals
17 that the Navajo Nation have made, both the Navajo
18 Illustrative Plan, and Navajo Preferred Plan, and in
19 fact the district Flagstaff appears to be proposing, all
20 of those districts are done in a way that do not have a
21 Shaw vs. Reno concern to them. I think that is probably
22 what you are talking about. I think they are all
23 compact, contiguous, and involve bringing sort of a
24 solid district to bear in the northeast portion of the
25 state.

1 I think that even our position with
2 respect to the adopted Congressional plan, we would be
3 very concerned about a district that sort of reaches
4 down and picks up by a thread the Apache Tribe. However
5 much that would solve issue of Apaches, we think it's
6 much more important -- at least as important to comply
7 with other Proposition 106 requirements. Obviously
8 voting rights has greater weight.

9 In creating a district, it makes sense to
10 do it in a way that has Prop 106 requirements. We think
11 we've done that in the plans we've proposed to this
12 Commission and the court.

13 CHAIRMAN LYNN: Other questions for
14 Ms. Dworkin?

15 MS. DWORBIN: Thank you.

16 CHAIRMAN LYNN: I have no other speaker
17 slips for this session. We'll have others as we go
18 forward.

19 Mr. Johnson, were you able to find other
20 tests that had some of the elements of the Flagstaff
21 plan in them?

22 MR. JOHNSON: Mr. Chairman, the test that
23 we were looking for was Test G, I believe. Yeah. It
24 did, however, have a difference. What I was trying to
25 find was the test that had, similar to their proposal,

1 Graham, Greenlee, Cochise, and Apache together. I don't
2 have that. I have one from Cochise County that is very
3 similar. I don't have them on this computer.

4 MR. RIVERA: Mr. Chairman?

5 CHAIRMAN LYNN: Mr. Rivera.

6 MR. RIVERA: Mr. Johnson, how does the
7 Flagstaff plan compare to the Navajo Preferred Plan
8 presented by the Navajo Nation in federal court? Can
9 you do that?

10 MR. JOHNSON: I do have that on here.

11 There are some definite similarities, but
12 I don't know how close it is.

13 It's significantly changed. You can
14 see --

15 MR. RIVERA: Nice pointer.

16 MR. JOHNSON: Yeah.

17 You can see the -- let me make sure I have
18 the right lines up here.

19 The Navajo Preferred Plan did not put
20 Yavapai County together. That difference drives a lot
21 of changes throughout Coconino and Navajo County and
22 down south as well. Doesn't have the corner, southeast
23 corner district.

24 MR. RIVERA: Mr. Chairman, Mr. Johnson, is
25 this in the state court one or federal court one?

1 MR. JOHNSON: Federal court ones.

2 MR. RIVERA: Two plans.

3 MR. JOHNSON: There were two plans,
4 earlier. This is Preferred and there was Illustrative.

5 MR. RIVERA: Neither one united Yavapai
6 County?

7 MR. JOHNSON: No, this is the Illustrative
8 Plan which doesn't unite Yavapai.

9 MR. RIVERA: Mr. Chairman, can I ask
10 Ms. Dworkin if she remembers off Navajo whether either
11 one of them united Yavapai County? Since she won't talk
12 to me, I have to ask you questions.

13 MS. DWORKIN: This may be a difficult way
14 to get -- unusual way to get to the answer to your
15 question, but when I talked to the attorney that
16 represented, I think, the Tri-City area, I believe
17 that -- I recall my conversation saying that the Navajo
18 Illustrative Plan included Verde Valley, and Chino,
19 Prescott Valley, and Prescott in the same district. I
20 don't know if it included all of Yavapai. Verde Valley
21 and the Tri-Cities are in the same district. But the
22 Navajo Preferred Plan did not. I think neither included
23 all of Yavapai County.

24 MR. RIVERA: Thank you.

25 Mr. Chairman, if I continue, hopefully to

1 make it easier --

2 These not for you, Ms. Dworkin, let me ask
3 Mr. Johnson some questions.

4 MS. DWORKIN: Okay.

5 MR. RIVERA: So the Commission can look at
6 similar figures without evaluating the whole plan, show
7 the way how similar in Navajo, Apache, in the Native
8 American percentage? Is there a way -- is it similar
9 enough you can present the Commission figures from the
10 preferred map instead of going back and looking at this?

11 If you can't answer that, that's fine.

12 MR. JOHNSON: The preferred Legislative
13 plan doesn't include Havasupai and Hualapai
14 Reservations, and it would be different, neither are
15 anywhere where close down south in the Cochise area.

16 They are not very comparable.

17 MR. RIVERA: Okay. Thank you,
18 Mr. Chairman.

19 CHAIRMAN LYNN: Other comments or
20 questions from Mr. Johnson?

21 COMMISSIONER HALL: Can you run the
22 numbers on that test provided by Cochise County? As you
23 indicated, one of the Cochise County proposals,
24 southeast Arizona, are almost identical. I don't know
25 if you ever ran numbers on it. Effectually, what they

1 have in district numbers, District 2, is as Mr. Huntwork
2 pointed out, is about the same as 4H, percentagewise.

3 MR. JOHNSON: In District 2, they are
4 going to be similar; but I would have to check the
5 numbers just to be sure, because the portion of Apache
6 County taken --

7 COMMISSIONER HALL: Right.

8 MR. JOHNSON: Our 4H, none did we put Show
9 Low, Pinetop, with the rest of the Apache Reservations
10 and take the rest of the county out.

11 Down south, the Cochise proposals, we
12 didn't -- it was a long time ago. I don't know if we
13 ran the numbers specifically on those. They will be
14 different because Cochise County did not separate Sierra
15 Vista as the proposal today does.

16 CHAIRMAN LYNN: Other comments or
17 questions for Mr. Johnson, at this moment?

18 I wonder if we might, before we take
19 Dr. Handley, and that is anticipated might be as much as
20 a half hour, 40 minutes, why don't we take a brief break
21 now. I'd like to try to keep the break to 10 minutes,
22 if we could, and then be back and take Dr. Handley.

23 Without objection.

24 (Recess taken.)

25 CHAIRMAN LYNN: For the record, all five

1 Commissioners are present; however, for the record, I'll
2 point out all legal counsel are missing.

3 As soon as we get legal counsel back in
4 the room --

5 MR. ECHEVESTE: One second.

6 CHAIRMAN LYNN: Let the record show we've
7 been joined by legal counsel and can proceed with the
8 afternoon meeting.

9 We would like to call on Dr. Lisa Handley.

10 Dr. Handley will be making a presentation
11 this afternoon with respect to her report on racial
12 block voting and the 2002 Legislative Map and the
13 opportunity of minorities to elect.

14 Dr. Handley, welcome.

15 DR. HANDLEY: Thank you.

16 What I have done is I've been asked to
17 review the interim plan and to offer my opinion as to
18 whether it was sufficient or not to meet DOJ objections.
19 And I've done some additional analysis in order to
20 answer these questions. I'd like to spend a few minutes
21 describing the additional analysis I did.

22 The first thing I did was look at some
23 Spanish surname registration data.

24 Doug Johnson provided me with a data base
25 that identified the Spanish surname registered voters of

1 total registered voters. And I took a look at the data
2 base. And the assignment was to replicate the racial
3 block data base using this. After looking at the data
4 base, I realized there were serious flaws. First of
5 all, I merged the data base with my elections and PL
6 Census data base and discovered that there were hundreds
7 of precincts in which the number of registered voters
8 far exceeded the number of population, total population
9 in those precincts. Second of all, I did a correlation
10 analysis to determine how closely the Spanish surname
11 percent matched the Spanish surname percent of the
12 Spanish voting population and found an extremely low
13 correlation, which is not what I should have found,
14 indicating Spanish surname was identifying some people
15 as Hispanic that probably were not and, more
16 importantly, missing a great deal of Hispanic
17 population.

18 I did go ahead and do the 2000 analysis,
19 racial block voting population for 2000. That's the
20 2000 primary and 2000 general, most recent election,
21 most closely registrationless, which seems to be ballots
22 of early 2001. Miraculous enough, all racial
23 polarization I found when I used the voting age data
24 base disappeared, which led me to believe the Justice
25 Department also didn't use the data base.

1 The reason racial block voting disappeared
2 were problems with the data base in not identifying
3 Spanish surname.

4 I did an analysis. This analysis was not
5 used to form any opinions other than the fact that
6 Spanish surname registration should not be used.

7 The second thing I did, asked for
8 recompiled election results. In other words, I asked
9 that Hispanic candidates, Hispanic preferred candidates
10 that had run in the Maricopa County area, that their
11 election results be recompiled up to the new interim
12 plan districts. And I got those results for a couple of
13 candidates, for the 2000 general for Pastor and for the
14 Maricopa County Board of Supervisors District 5, Mary
15 Rose Wilcox, and discovered the Hispanic preferred
16 candidate won in the interim District 13, 14.

17 MR. RIVERA: Excuse me, Dr. Handley, I
18 hate to interrupt. Speak up a little or get closer to
19 the microphone. Pretend you're yelling at students.

20 DR. HANDLEY: I never yell at students. I
21 speak quietly and force them to listen to me.

22 As I was saying, both Hispanic preferred
23 candidates won overwhelmingly in these districts. I've
24 also taken a look at some of -- looked at court
25 testimony, looked at Professor Cain's report, went back

1 to my original block voting analysis, and on the basis
2 of these things concluded that the interim plan was
3 sufficient to respond to the DOJ objections. It was a
4 reasonable alternative, reasonable answer to the
5 objections.

6 CHAIRMAN LYNN: Okay. I'm sure --

7 Mr. Johnson?

8 MR. JOHNSON: If I may, Mr. Chairman, just
9 so that the record is clear on all this, on the data
10 questions, what Dr. Handley is referring to, this is
11 data compiled specifically for this, not data used by
12 the IRC through the process or concerned about in
13 earlier tests.

14 CHAIRMAN LYNN: In fact, I believe
15 Dr. Handley was referring to a data base requested to be
16 constructed by the Department of Justice. And we
17 complied with that request but it was not our intent to
18 use that and in point of fact pointed out to Department
19 of Justice the data would be flawed and would not be of
20 much use.

21 DR. HANDLEY: Correct on both counts.

22 That is where the data base came from, why it was
23 compiled, and the results: It is flawed.

24 CHAIRMAN LYNN: I wonder, we had talked
25 about the possibility of at some point today holding a

1 brief Executive Session. I'm wondering if now might be
2 the right time to do it.

3 COMMISSIONER MINKOFF: One question that
4 doesn't relate to any of it.

5 Dr. Handley, did you commit any of this to
6 writing, anything you can give to the Commissioners that
7 summarizes your report?

8 DR. HANDLEY: I have a piece -- an Excel
9 work sheet that shows compiled election results. I also
10 have a chart that gives the results of the racial block
11 voting analysis I hesitate to turn over simply because I
12 know it's wrong. But other than that, nothing.

13 COMMISSIONER MINKOFF: Okay. Thank you.

14 CHAIRMAN LYNN: Dr. Handley, thank you.

15 We may have additional questions at some
16 point later, but at this point, I appreciate your
17 report.

18 Mr. Elder.

19 COMMISSIONER ELDER: One other question,
20 Dr. Handley, does the Department of Justice recognize
21 the flaws that you have found? Have they done the sort
22 of same analysis and come up with the same understanding
23 as far as Spanish surname?

24 DR. HANDLEY: One can only speculate,
25 having not had that conversation; but they would surely

1 have done just about exactly what I did and realized it
2 was flawed, I would think.

3 COMMISSIONER ELDER: Thank you, ma'am.

4 COMMISSIONER HALL: I make the motion we
5 go into Executive Session.

6 CHAIRMAN LYNN: Second?

7 COMMISSIONER MINKOFF: Second.

8 CHAIRMAN LYNN: Pursuant to
9 38-431.03(A)(3) and 38-431.02(A)(4), it's been moved and
10 seconded we go into Executive Session.

11 Those in favor, say "Aye."

12 COMMISSIONER MINKOFF: "Aye."

13 COMMISSIONER HUNTWORK: "Aye."

14 COMMISSIONER ELDER: "Aye."

15 COMMISSIONER HALL: "Aye."

16 CHAIRMAN LYNN: Chair votes "Aye."

17 (Motion carries.)

18 CHAIRMAN LYNN: Ladies and gentlemen, I
19 don't know anything about the length of it.

20 Traditionally I'd say somewhere between 30 and 60
21 minutes. That's the best I can guess at this point.

22 (Whereupon, the Commission recessed Open
23 Public Session to go into Executive Session from 3:34
24 until 4:32 p.m. at which time Open Public Session
25 resumed.)

1 CHAIRMAN LYNN: On the record.

2 We'll now take a 10-, 15-minute break in
3 public session.

4 CHAIRMAN LYNN: The Commission will come
5 to order.

6 For the record, all five Commissioners are
7 present with counsel, NDC, and Commission staff.

8 Next agenda item I have is report from NDC
9 on instructions, directions given to NDC last meeting to
10 follow up on some of the issues raised at the last
11 meeting on competitiveness and to further test certain
12 districts for that purpose.

13 Mr. Johnson, are you prepared to make that
14 report at this time?

15 MR. JOHNSON: Yes.

16 CHAIRMAN LYNN: Please proceed.

17 MR. JOHNSON: Mr. Chairman, if I might,
18 over the Executive Session break I took a quick look at
19 the Flagstaff proposal from this morning, wanted to
20 comment on that before going to a more formal report.

21 As you can see on the screen, I drew
22 District 25, just that district of the proposal, to see
23 what impact it would have, as discussed this morning.
24 The main thing that became evidence and I talked over
25 with the Flagstaff representatives, and what often

1 happens when working with paper maps, it's difficult to
2 get lines exact. The way this district is as drawn,
3 this is 23,000 short, about a 13 percent deviation. So
4 to address that -- evaluate this district and decide
5 whether or not it reduces Hispanic voting strength in 25
6 or anything else, we'd first need to get it up to the
7 deviation range we're targeting.

8 I did take a quick look just to see if
9 that would be something easy to fix. As you can see by
10 rough lines and coloration, this is a very quick look,
11 essentially, I am able to determine it's not easy to
12 address that question. Through here is the appropriate
13 population, 178,000 people. However, drawing this has
14 stranded this area, the west Marana area. A plan would
15 have to come up to address how to reconnect those to
16 District 4 before we could call it population balanced
17 and truly appropriate for review.

18 I've discussed that with representatives
19 from Flagstaff. I suspect they'll work on that and come
20 back to you with a map that does that work to address
21 that. Right now it's not balanced enough to evaluate
22 whether it truly affects voting rights in the district.

23 COMMISSIONER MINKOFF: Mr. Johnson, one of
24 the things that occurred to me as they were explaining
25 the proposal to us, what they are calling District 25

1 may very well not be a majority-minority district any
2 longer. They had taken a lot of population out of it,
3 put into 4, Yavapai County, now western Maricopa County,
4 a good part of western Pima County. I don't want you to
5 spend a lot of time doing the analysis on it until we
6 have something back from them, but do you think there's
7 any possibility that may be a majority-minority
8 district?

9 MR. JOHNSON: With reservation moving,
10 it's a thought I had. I've not drawn any lines or tests
11 on it. The Tohono Reservation has 10,000 people in it,
12 compared to the rest of District 4, which has very -- a
13 relatively very small Hispanic or other minority
14 populations. Really Peoria dominated the district for
15 the most part, Peoria, Buckeye. It's not going to be a
16 significant percentage.

17 CHAIRMAN LYNN: Mr. Johnson, Ms. Minkoff
18 makes an assertion, I don't doubt it a minute, I wonder
19 if you have an opinion or are able to give us a
20 corroboration, in the map presented by the Flagstaff
21 representatives with respect to their District 25, in
22 your opinion, would that drop to no longer being a
23 majority-minority district?

24 MR. JOHNSON: Yes. When I put the Tohono
25 Reservation back into it, attempt to get close to

1 population balance, it was a 45 percent Hispanic total
2 population district. So it does drop below majority
3 status. And again, they may find a way to fix that, but
4 it's not something we could do in a short time frame.

5 CHAIRMAN LYNN: I understand. Thank you.

6 Any other questions on that issue before
7 we ask Mr. Johnson to continue with his report?

8 Mr. Johnson, please proceed.

9 MR. JOHNSON: The set of instructions at
10 last week's meeting the Commission issued to NDC was
11 including finalizing Districts 11, 15, cleaning up
12 lines, seeing if any of the other criteria could be
13 cleaned up a little bit.

14 And the larger task was to mix what had
15 been a test of 6, 7, 9, 10, and 12, and then to add into
16 that previous test District 11, see if we could get 6
17 and other districts more competitive than they had been
18 in the tests last week. I've done that and have two
19 versions of that to show you, two choices I ran into on
20 that.

21 The third was reduce deviations, primarily
22 in areas where they were highest. And I have the tests
23 to show you on that front.

24 And then in La Paz, secondary issues. One
25 was a motion for a test uniting zero population in

1 Parker with the rest of the City of Parker in District
2 24. That being zero population contiguous, easy enough
3 to do that. Then a question about Rainbow Estates, a
4 development just south of Quartzsite and La Paz.

5 Let me jump into within that one first, if
6 I may.

7 MS. HAUSER: Mr. Chairman.

8 CHAIRMAN LYNN: Ms. Hauser.

9 MS. HAUSER: I saw some puzzled looks
10 about Rainbow Estates. That was direction you gave with
11 respect to cleaning up some problems that occurred with
12 some Census descriptions not matching with the city or
13 town lines. And that request would include some of the
14 things that were brought to our attention over the past
15 few months where jurisdictions found they had little
16 problems like that. One of those was La Paz County.
17 And Quartzsite and happens to have that name, Rainbow
18 Acres or Rainbow Estates.

19 CHAIRMAN LYNN: Is that a Census place
20 name?

21 MR. JOHNSON: No. A development the
22 County of La Paz is building.

23 CHAIRMAN LYNN: Thank you.

24 MR. JOHNSON: Not a formal motion
25 instruction, a question about a letter received from

1 them.

2 I did talk to a representative of the
3 county and looked at the maps they provided. And at
4 issue, the issue as the county representative
5 acknowledged is this small area just to the south of
6 Quartzsite.

7 You can see the area just southwest of
8 Quartzsite in those Census blocks. Essentially what
9 they described is the Census map showing this
10 neighborhood is incorrect and the neighborhood is
11 actually to south of Quartzsite not southwest, goes
12 along the southern edge. The other comment was this is
13 just the first stage of a development that will take up
14 a significantly larger area, almost halfway across
15 Quartzsite and going through this area.

16 Their request was to take the whole square
17 of land, Bureau of Land Management section, Section
18 Seven down there, into District 3 with Quartzsite. And
19 the challenge here is section township lines as we've
20 encountered so often don't match Census geography.

21 Let me give this more perspective here as
22 I zoom out.

23 The blocks that would be involved includes
24 the one immediately surrounding what the Census shows as
25 the development, extends south considerably, has about

1 19 people. The block due south of the middle of
2 Quartzsite has about 100 people in it. Yes, 111 people
3 in it.

4 So that's the challenge facing the
5 Commission is to unite this area, you would end up with
6 some very irregularity shaped blocks as the district
7 border and we'd be moving about 130 people from one
8 district to another.

9 It would avoid -- what the county is
10 fearing, people on the outside of Rainbow Way, the
11 border of the Census blocks, are in District 24. People
12 inside Rainbow Way are in District 3. That's the source
13 of their confusion. Given the Census lines, it's not an
14 easy fix.

15 CHAIRMAN LYNN: Mr. Elder.

16 COMMISSIONER ELDER: Are we over or
17 underpopulated in either one of those districts?

18 MR. JOHNSON: District 3, where these 130
19 people went into, is 670 people short. So that would
20 bring that closer to balance.

21 COMMISSIONER ELDER: My question would be,
22 if we connected the dots or precincts, there's an
23 in-held banana looking thing, couple other things. If
24 you took the other precincts, tried to make it more
25 compact, contiguous, how many people are in those

1 precincts?

2 MR. JOHNSON: One here is zero pop. Yes,
3 zero pop. We could pick up one, illustrating before,
4 and the inlet there, and we'd address the county's
5 concerns about the Rainbow Way people. That would not
6 get all the section in, all the future development in
7 they'd like to get, but it would address their immediate
8 concern with a move of only, I think, 13 people --

9 COMMISSIONER ELDER: One circle is State
10 Route --

11 MR. JOHNSON: Route 95, the red line
12 coming down the screen --

13 COMMISSIONER ELDER: State route 96, or
14 something like that. I was wondering about the
15 precincts to the west of the state roadway.

16 MR. JOHNSON: These are Census blocks.
17 Let me put population on them.

18 COMMISSIONER ELDER: Did it really
19 quickly, about 250 people in all of those. Makes sense
20 to bring them all together, make it more compact,
21 contiguous, and put it all together, bring the
22 population deviation up?

23 MR. JOHNSON: It is certainly an option,
24 would, as you pointed out, reduce deviation between the
25 two districts. One thing would, the gray line at the

1 bottom, county line.

2 COMMISSIONER ELDER: Not split it.

3 MR. JOHNSON: Splitting La Paz, two
4 people.

5 COMMISSIONER ELDER: 162, 5, 11, 4, five
6 zeros through there.

7 MR. JOHNSON: An easy way to do those, and
8 I did.

9 CHAIRMAN LYNN: Mr. Hall.

10 COMMISSIONER HALL: You are saying do it?

11 COMMISSIONER ELDER: Yeah. I would move
12 we combine the Rainbow -- was it called Acres -- Rainbow
13 Estates along with the adjacent zero population in areas
14 to the west of the State Route into District 3, I
15 believe it is.

16 MR. JOHNSON: Yes.

17 CHAIRMAN LYNN: Second?

18 COMMISSIONER MINKOFF: Second.

19 CHAIRMAN LYNN: Thank you.

20 Discussion on the motion?

21 Mr. Huntwork.

22 COMMISSIONER HUNTWORK: What I'm concerned
23 about is going back. I don't know if we identified the
24 map -- I'm concerned about doing anything other than,
25 frankly, correcting -- looking at those areas where data

1 bases we had previously were inaccurate and determining
2 whether or not we want to make any changes on that. A
3 lot of things we're talking about here are beyond what I
4 think we should be doing. So even though this might be
5 a change that has some reason to do it and some not to,
6 I would be inclined not to do it unless we were already
7 changing the border for some other reason, to make it
8 more competitive or because the numbers we were given
9 previously are incorrect.

10 CHAIRMAN LYNN: Mr. Elder.

11 COMMISSIONER ELDER: In description, two
12 factors come to bear: One, the county is saying there's
13 inaccuracy in the mapping with the Census; and number
14 two, there's a strong community of interest right there
15 around the Rainbow Estates that should be made whole.
16 On those two points, primarily. If we want to use it,
17 unless there's an error, there's an error in the maps.

18 CHAIRMAN LYNN: Ms. Minkoff.

19 COMMISSIONER MINKOFF: Mr. Chairman, the
20 other thing is I think we're at the point now except for
21 the interim map approved by the courts for 2002, that's
22 the only map we really had. We're blazing new trails
23 here. There's no precedent to follow. I think that any
24 time that you look at the map and realize that we can
25 make it better, I don't see a problem in doing that.

1 CHAIRMAN LYNN: Mr. Hall?

2 COMMISSIONER HALL: Well, Ms. Minkoff, I
3 would be perfectly happy if we would have had DOJ
4 approve our original map. I'm proud of that product.
5 And, frankly, in many respects, it was better for those
6 who pretended to represent other interests, including
7 the issues of competition. And had they been
8 supportive, it would have been more effective for them
9 also. In light of the fact of the DOJ objection, now
10 coming, having to increase numbers in certain districts,
11 we're here where we are. So I'm not sure I agree with
12 the characterization we're here to take a whole fresh
13 look, and whatnot.

14 We have an interim plan in place for 2002,
15 but essentially the last year plus of my life I've
16 dedicated to this process I don't think is in vain.
17 Most of what I've heard today are readdressing issues we
18 have analyzed in intimate detail and discussed and
19 hashed and tested to numerous degrees.

20 I'm not speaking necessarily to this
21 particular point. I'm responding to what I sensed the
22 general comment was.

23 The intent are compliance in every area of
24 DOJ, to make sure every mandate is met set forth in
25 Proposition 106, comparing the new data base received

1 which corrected some errors, some errors. I think that
2 basically, I'm still hopeful in every area we made the
3 right decisions. I think that basically we are wanting
4 to reaffirm, in most cases, what we've already said.

5 COMMISSIONER MINKOFF: We're not
6 disagreeing, Josh. I'm saying there are situations that
7 have been pointed out to us we were not aware of when we
8 approved the interim map to submit to the court. We
9 heard a couple -- several today, some of which may be
10 doable, some may not, some may improve the map, some
11 which don't. All I'm trying to say, I too believe we
12 made every decision we made for the right reasons. I'm
13 not suggesting we live with them. When things are
14 pointed out to us, I don't think we should say we won't
15 get into that because we've already approved the map.

16 CHAIRMAN LYNN: Mr. Huntwork.

17 COMMISSIONER HUNTWORK: As to my previous
18 point, it is a valid point. There appears to be a
19 mistake here. When that happens, regardless of not
20 wanting to do other things, I think it's appropriate to
21 take care of things.

22 CHAIRMAN LYNN: Further discussion on the
23 motion?

24 If not, all in favor, say "Aye."

25 COMMISSIONER MINKOFF: "Aye."

1 COMMISSIONER HUNTWORK: "Aye."

2 COMMISSIONER ELDER: "Aye."

3 COMMISSIONER HALL: "Aye."

4 CHAIRMAN LYNN: Chair votes "Aye."

5 Motion carries unanimously and is so
6 ordered.

7 Mr. Johnson.

8 MR. JOHNSON: Next is going to the next
9 test.

10 What happened, I went through this
11 twofold. One, two tests I wish to show you today for
12 your review on the competitiveness front as it affected
13 competitiveness of various districts. Second is as
14 machinations moved around in the competitiveness
15 testing, another issue became clear. Where it was
16 possible -- I have one test shows this, one doesn't,
17 this is also for the Commission's review -- it was
18 possible to unite significantly more of Glendale.

19 Almost -- somewhere between a third and
20 half of the city's population could be united into
21 District 9, taking a portion of Glendale in District 4,
22 trading for Sun City. We end up with Glendale still
23 split in a number of pieces with a large portion united
24 in one district. Also end up with three Sun Cities all
25 together in one district. We obviously had testimony

1 both ways on the three Sun Cities. I want to present
2 both of these for you to review.

3 Test one, you can see it takes District 6,
4 actually, a little further than we originally intended
5 in addition to taking in areas of District 11 --

6 CHAIRMAN LYNN: Mr. Johnson, before you go
7 too far, give us colors versus lines and what they
8 represent.

9 MR. JOHNSON: Okay. Red lines you see
10 overlaid on the map are lines from last week's test.
11 For example, over Glendale, you'll recognize what we're
12 calling the Trojan horse piece there, more or less, the
13 horizontal border between 11, and 15 as drawn last week.
14 Colors shown underneath those are test one.

15 COMMISSIONER HALL: Change colors on 6 and
16 15.

17 COMMISSIONER MINKOFF: Change 15. It's
18 the same as the one below.

19 MR. JOHNSON: Let me show it in Maptitude.
20 Perhaps it will be clearer.

21 There we go.

22 So this is in Maptitude. I can zoom in
23 and show any details you wish to see.

24 Essentially we had two districts last
25 week, 10 and 12, that Dr. McDonald found were within

1 seven percent on the Judge It tests. District 6, it was
2 getting close. The goal was to see while keeping 10 and
3 12 within the seven percent range, attempting to make
4 all districts competitive, see if we could also get
5 District 6 within that seven percent range. What I have
6 for you are two versions of attempting to do that. This
7 one, you can see District 6 as it was drawn north of
8 District 11 which now extends through the western piece
9 of District 11 and actually goes down and takes up a
10 piece of District 15. It comes down to, I'll get the
11 street name --

12 CHAIRMAN LYNN: Indian School.

13 MR. JOHNSON: Yes, Indian School Road
14 there and goes along Indian School over to Seventh
15 Street.

16 The other piece you see here in test one,
17 I did not make the Glendale shift in this map. As you
18 see Districts 9 and 10, the border changed
19 significantly, cleaning up to follow major roads, city
20 lines, that kind of thing. The Trojan horse is gone and
21 the border blue of 9 and green of 9, Agua Fria, Agua
22 Fria over on the west side.

23 Another small change made is the City of
24 Surprise split into three pieces. It was intentionally
25 split into two pieces. They wanted it in two to keep

1 Old Surprise out of the district with the Sun Cities.
2 The portion of East Surprise that was with Number 9 was
3 reunited with Western Surprise in District 4, as long as
4 I had to make changes between District 4 and 12.

5 COMMISSIONER MINKOFF: Where is Old
6 Surprise?

7 MR. JOHNSON: Old Surprise in District 12.
8 Essentially just above El Mirage. I can highlight
9 Surprise.

10 Old Surprise is essentially a square mile.

11 COMMISSIONER MINKOFF: Okay.

12 MR. JOHNSON: Right there. This was split
13 off, extension of the eastern edge of Surprise, and have
14 it all unified.

15 Other changes made, District 11 as it gave
16 up its western portion to District 6 now extends north,
17 goes to what was the northern border of 6 now. And that
18 is -- I believe that is Bell -- oh, Union Hills, goes
19 all the way top to Union Hills, picks up a small portion
20 of District 11 north of Paradise Valley to increase
21 compactness and follow major roads and took out notches.

22 District 10, main changes, the northern
23 arm that went up north of Union Hills has been taken off
24 and traded for population between it and District 9.
25 That's in the Glendale, Peoria areas.

1 District 12 and 4, there's been
2 significant change. The reason for that is -- District
3 12 gave up a small area to District 10 in the eastern
4 extension in Phoenix or Glendale. To trade off for
5 that, it picked up essentially the western arm of
6 Surprise and far north end of Buckeye.

7 Now we have Buckeye, the City of Buckeye,
8 united in District 12 except the southern noncontiguous
9 portion of the city. There's a large area that the
10 population in that area and portions of Eastern Surprise
11 equals small pieces dropped off.

12 So the main changes here, just to
13 summarize, are District 6 coming down into District 11
14 and 15, and then the trade-offs between 9 and 10, and
15 small changes to Districts 4, 7, and 12.

16 The --

17 COMMISSIONER MINKOFF: Are you leaving
18 this test?

19 MR. JOHNSON: Yes. I have the results
20 side by side for two tests I want to show you.

21 COMMISSIONER MINKOFF: Oh.

22 MR. JOHNSON: Let me show you where the
23 lines go.

24 Test two, very similar, very similar
25 except two changes. Number one, District 6 stops at the

1 border of 11 and 15. Small changes to 11 and 15 to
2 balance more. District 6 does not go into 15. Other
3 major change between this and test one, this illustrates
4 where 9 picked up more than the border of Glendale,
5 picks up a little more of Peoria, concentrate in Peoria
6 and trades the area for Sun City. District 4 comes up,
7 picks up Sun City and Youngtown. Otherwise about the
8 same as test one. Trades between 4 and 11, 4 and 11 are
9 the same, and 6 and 11 the same. Sun City, Glendale
10 trade is the same as 6, 11. You can choose the pieces
11 from either of the two maps or look at in them in more
12 detail.

13 What we have here -- and let me pass out
14 the data sheets. I'm handing out the Judge It tests and
15 standard spread sheets for test one and two. You can
16 see on the screen the progress of the tests. Both of
17 them ended up quite similar.

18 Key changes, as you probably notice,
19 District 4 is largely unchanged through the various
20 tests. The only number that changes, other than decimal
21 points, is the AQD copy, from the 2002 plan, three-judge
22 panel, this election, Republican advantage, 26 percent,
23 and it goes down to 24 percent.

24 District 6 is where the largest change
25 takes place. Judge It scores Republican advantage 11

1 points to Republican advantage four points, spread
2 between the two parties so within Dr. McDonald's seven
3 point range.

4 District 7 becomes, by Judge It,
5 essentially unchanged; but registration AQD is slightly
6 less competitive, larger range.

7 District 9 has a similar effect. Judge It
8 is slightly less competitive, 11 to 12 percent spread in
9 registration. AQD goes from 16 to 21.

10 District 10 remains in Judge It seven
11 point competitiveness range. Registration AQD becomes
12 one point more competitive.

13 District 11, roughly unchanged. Becomes
14 slightly less competitive according to the three
15 measures.

16 12 we have virtually unchanged. Judge It
17 goes from a four-point spread to three-point spread.
18 Others are unchanged.

19 And 15 is another one with significant
20 change. Seven-point Judge It spread to one-point Judge
21 It spread and AQD from 13 to one.

22 And the slide goes on to show deviation.

23 Want me to continue on with deviation or
24 discuss it?

25 CHAIRMAN LYNN: Let's at least get the

1 deviation figures for these districts so we have a
2 complete picture. Then I think we ought to talk about
3 this before we move on to something else.

4 MR. JOHNSON: Okay.

5 CHAIRMAN LYNN: As we did with Quartzsite
6 and Rainbow Estates.

7 MR. JOHNSON: District 4, same for both
8 plans, six-tenths of one percent overpopulation.

9 District 6, also the same for both
10 plans -- no. I have two print-outs of the same plan
11 here.

12 CHAIRMAN LYNN: Doug, need two more spread
13 sheets for Mr. Hall.

14 MR. JOHNSON: District 4, six-tenths of
15 one percent over population in test two.

16 And it is a 0.45 percent over population
17 in test one.

18 District 6 is 84 people off in test one
19 and 40 people off in test two. So almost perfectly
20 balanced.

21 The reason I should note these are not at
22 perfect deviation, when I was working on these I stopped
23 at major roads, city borders, and other criteria we
24 looked at back in November. I did not have time to
25 prepare a complete list of exactly how to get each one

1 to zero population deviation. That is the explanation
2 in each case.

3 District 7 in test one is two-thirds of
4 one percent overpopulated and is identical in test two.

5 District 9 is seven-tenths of one percent
6 overpopulated in test one and one-and-a-half of one
7 percent overpopulated in test two.

8 10, is one-quarter of one percent
9 overpopulated in test one and a third of one percent
10 overpopulated in test two.

11 District 11 is identical in both plans at
12 a quarter of one percent overpopulated.

13 And District 12 is also identical in both
14 plans at two-tenths of one percent overpopulated.

15 Finally, District 15 is 133 overpopulated
16 in test one and 169 people overpopulated in test two.

17 You'll note all the districts I just noted
18 are overpopulated. The reason is attempting to minimize
19 total population in Districts 13, 14, 15, 16, each,
20 spreading that additional population through these
21 districts.

22 CHAIRMAN LYNN: Comments or questions for
23 Mr. Johnson on these tests?

24 Ms. Minkoff.

25 COMMISSIONER MINKOFF: Mr. Johnson, is it

1 possible to put test one, test two, side by side on the
2 screen so we can look at them both?

3 MR. JOHNSON: Yes.

4 13, 14, and 16 are unchanged in both of
5 these, as is 17.

6 COMMISSIONER MINKOFF: One on the left and
7 two on the right?

8 MR. JOHNSON: Correct.

9 CHAIRMAN LYNN: Mr. Huntwork.

10 COMMISSIONER HUNTWORK: I'm having a real
11 hard time seeing all this with all the different lines
12 on here.

13 I really would like to have some way to
14 actually look at these maps.

15 CHAIRMAN LYNN: Remove the old districts
16 and look at what he's proposed? Would that help you?

17 COMMISSIONER HUNTWORK: Up to a point it
18 would.

19 And I think that -- I think it's still
20 hard -- some of the colors are exactly the same. I
21 can't tell the difference between six and 10. I'm a
22 little bit color blind. Pastel greens, if that's in
23 fact yellow and green, it's hard for me to see.

24 COMMISSIONER HALL: Same color as money,
25 Jim.

1 MR. JOHNSON: If it's helpful, I can walk
2 through each district.

3 COMMISSIONER HUNTWORK: The frustration is
4 these are major changes I need to be able to look at and
5 think about. I know we're not even looking at 7. 7 is
6 twice as big as it was before. 7 has essentially become
7 all the area out of 16 and 7. All the growth areas I
8 know have been combined into 7.

9 CHAIRMAN LYNN: Mr. Hall?

10 COMMISSIONER HALL: Mr. Chairman,
11 Mr. Johnson, what other things do you have on your plate
12 other than these two tests in your presentation today?

13 MR. JOHNSON: Just walking through the
14 deviation adjustments I made at this point.

15 COMMISSIONER HALL: Mr. Chairman, I make a
16 recommendation we break for a small period of time and
17 allow individual Commissioners to digest in more detail,
18 simultaneously maybe grab a snack, versus trying to
19 digest in public, coming back in an hour or so having an
20 opportunity to do that to some degree. I'm wondering if
21 our discussion wouldn't be more fruitful at that time.
22 And we'd be able to give any instructions we'd deem
23 appropriate to Mr. Johnson so we assure we can address
24 that.

25 CHAIRMAN LYNN: I'll take that suggestion

1 or any other.

2 Mr. Huntwork, do you have any alternate?

3 COMMISSIONER HUNTWORK: I'm concerned
4 about a number of things. I don't have access to my
5 computer. I can't look at them the same way as we did
6 when we created the districts. The second time I spent
7 a lot of time looking at districts, thought about all
8 the testimony from communities inside of them, how far
9 to go north, south, east, west. And there's just an
10 awful lot of thought that went into creation of the
11 original districts.

12 And seeing these for the first time, we're
13 talking about the possibility of taking action tomorrow.
14 For me to understand what these tests do and what they
15 represent, I think I need to get on the computer, take
16 them home, at least look at them overnight, and meet --
17 talk about them tomorrow. I don't think I could talk
18 about them in an hour in anything like the kind of
19 intelligence and detail we had when we made our original
20 decisions.

21 CHAIRMAN LYNN: Other comments?

22 Mr. Hall?

23 COMMISSIONER HALL: Well, Jim, the
24 challenge is that if we want any additional instruction
25 or input or analysis on his part, that we need to order

1 it tonight. If we give him instruction in the morning,
2 he won't have sufficient time -- I'm considering the
3 time lengths here. You know, my -- I don't think we
4 noticed this for Thursday. I think we don't have the
5 calendar type thing.

6 I understand what you are saying. In
7 light of the fact of your supreme intelligence, I was
8 assuming you could assimilate that in an hour.

9 CHAIRMAN LYNN: Another way of looking at
10 the same question, this may be an oversimplification, it
11 appears to me the tests, both, either, in terms of gross
12 accomplished, we achieved two districts that are
13 significantly more competitive at the cost of two or
14 three districts that move slightly in the opposite
15 direction. And one way of looking at this, not in a
16 micro way but a macro way, is given the changes that you
17 observe, not that you can absolutely identify each bit
18 of, any change made to the original districts clearly
19 has the potential of having impact on one of the other
20 goals we've used in drawing those original districts.

21 The question is do the results justify the
22 closer look? If in fact they do, I think we need to
23 build into the schedule enough time for you to take that
24 look, understand what nuances are, where they impact,
25 what the changes do, and be able to comment on that.

1 I ask the opposite question. Do you think
2 results justify a closer look? If they do, I think we
3 need to figure out what way to do that. If the results
4 are not sufficiently improving the overall condition of
5 the map, then it may be a fruitless exercise I'm
6 suggesting.

7 COMMISSIONER HALL: To restate that, I
8 guess my perspective is that we have created additional
9 competitive districts, and competitiveness is to be
10 favored. I guess the question we need to answer,
11 indeed, in our analysis, is has significant detriment
12 been caused to the other districts. I'm just sensing
13 that obviously one of the other goals is that of
14 communities of interest. And similar to what we
15 discussed in detail in the Tucson area, the feedback I
16 am looking for are areas or communities of interest as
17 you heard from testimony today, you know, relative to
18 this particular discussion about those particular
19 communities of interest. That for me was very
20 beneficial, helpful, to some of what we heard before. I
21 respect these particular changes. I'd welcome and
22 appreciate input from my Maricopa colleagues as to the
23 detail, impact of that.

24 I guess my question is, Jim, it seems to
25 me Doug could sit, go through an hour, and help you in

1 that respect, or all of us, and come back and address
2 more specifics on that.

3 CHAIRMAN LYNN: Ms. Minkoff.

4 COMMISSIONER MINKOFF: Let me respond to
5 that.

6 I think it would be very helpful for me to
7 be able to look at these districts and manipulate them
8 myself. There are things I might be interested in
9 looking at, aren't what others are looking at.

10 Do you have them put on laptops those of
11 us with them can share them?

12 MR. JOHNSON: I don't have that. I could
13 make a disk and put it on the computers.

14 COMMISSIONER MINKOFF: I'd find that
15 helpful.

16 The other thing, it seems to me this is
17 certainly worth not dismissing out of hand. There are
18 interesting things. I want to commend you for the work
19 you've put into it. I would like to suggest possibly a
20 couple things.

21 Number one, I think we ought to look at
22 these two proposals and maybe hone in on one of two
23 being an approach Doug should follow. I don't think his
24 time is utilized wisely doing two parallel instructions.
25 Before sending him off to do more work on this, we need

1 to determine what, if anything, we're going to do
2 relative to the proposal presented changing District 14,
3 15 to accommodate the Historic District AUR. That would
4 impact 15. If it makes 15 -- if it changes the
5 composition of 15, maybe it will not have created a
6 competitive district but a Republican district. We need
7 that consideration. Need some decision on whether we
8 want to proceed with testing of that proposal.

9 I suggest we try to make a test on areas
10 that gives us something to look at and Doug something to
11 work on.

12 CHAIRMAN LYNN: Mr. Huntwork?

13 COMMISSIONER HUNTWORK: I agree with
14 Mr. Hall, the mandate of 106, we are to favor
15 competitive districts where they do know significant
16 detriment. I don't know if I can figure that out in an
17 hour or not. I'm more than happy to try. But we gave
18 lots of thought to that question when we drew the
19 districts the first time. I'd hate to substitute an
20 hour's worth of thought for a week's worth of thought
21 with my computer and sleepless nights.

22 I think what we should see in an hour, or
23 hour and a half, we'll just see.

24 The other thing, I'd like to emphatically
25 agree with Commissioner Minkoff, we need to take a look

1 at this Historic District proposal made earlier. And
2 there's no motion on the floor. If I just continue that
3 line of thought, I did when we ordered the previous
4 tests between 15 and 11, in fact, when drawing the
5 Districts 14 and 15 lines for the interim maps, one of
6 the premises was we weren't dividing that Historic
7 District too badly. We have evidence now, I know from
8 my own knowledge, we pretty much divided it down the
9 middle. For better or worse, that's what we did. I
10 think we really ought to consider what would happen if
11 we did something to unite -- I think this map over here
12 on the easel was based on the interim map. I would like
13 to see -- I'd like to see what would happen if we made
14 that same change as between 14 and 15 at the same time
15 making the proposed change between 15 and 11. I think
16 that would potentially provide -- potentially would
17 provide a more competitive District 11, competitive
18 District 15, unite the Historic Districts, and provide a
19 District 14 that more accurately reflects the Hispanic
20 community of interest that, as spread out as it is, is
21 truly better reflected in the proposal.

22 COMMISSIONER MINKOFF: Something you just
23 said.

24 COMMISSIONER ELDER: Sure.

25 COMMISSIONER MINKOFF: Jim, you said doing

1 that might also impact District 11. How would that
2 impact 11?

3 COMMISSIONER HUNTWORK: Haven't seen the
4 results of the test between 15 and 11.

5 COMMISSIONER MINKOFF: Are you suggesting
6 this switch might change the borders of that test?

7 COMMISSIONER HUNTWORK: I'm merely
8 thinking if we combine this with the new configuration
9 of 15 and 11, the net result be a somewhat more
10 competitive 11, competitive 15, 14, and 15 better
11 reflect communities of interest. I think it's worth a
12 try.

13 COMMISSIONER MINKOFF: Thank you.

14 CHAIRMAN LYNN: Mr. Elder, Mr. Hall.

15 COMMISSIONER ELDER: Mr. Huntwork, if you
16 look at the right plan, that 14, 15, probably with maybe
17 one street offset vertical, respects that Historic
18 District. 14 came up and 15 dropped down on the right
19 side. We may have some analysis or data how it affects
20 us from a historic standpoint. I think as I look at the
21 proportions, where they are, 14, 15, the right-hand side
22 almost reflects what the Historic District asks for.

23 MR. JOHNSON: Mr. Chairman, if I might,
24 part of the confusion on the different maps, District 6,
25 the one coming down the further, test one versus test

1 two, 14 is unchanged in both. The changes they are
2 asking for is not here. They'd be looking to bring 15
3 almost to the border of 16.

4 CHAIRMAN LYNN: Let me clear up one point.
5 Do you have a separate recommendation on 11 and 15?

6 MR. JOHNSON: No. That test is rolled
7 into test two. I don't have the details of what the
8 effect is on 11, purely because of time interests.
9 District 15 is as the district would be configured
10 solely in the test of 15. 11 is affected by 6 coming
11 into it.

12 CHAIRMAN LYNN: I want to be clear
13 everything is on the table. We've seen all the tests
14 we're going to see on these districts or are there
15 others?

16 MR. JOHNSON: These are all the tests I
17 have prepared.

18 CHAIRMAN LYNN: Okay.

19 Mr. Hall and Mr. Huntwork.

20 COMMISSIONER HALL: Mr. Huntwork, just to
21 serve as institutional memory, our instructions to
22 Mr. Johnson on Districts 13 and 14 were not to amend
23 them because, as a Commission, we were pleased with the
24 fact that the three-judge federal panel has adopted them
25 for the 2002 election, the Special Master of the court

1 was complimentary of them. And so with respect to the
2 discussions relative to the presentation we heard
3 earlier on the Historical District, I still have the
4 same concern, we -- from our previous instructions, we
5 didn't want to make changes in areas where we felt that
6 we were -- we felt at least uncomfortable and a variety
7 of interested parties were comfortable. That's my
8 concern with respect to that is changing something
9 previously this Commission and others have felt is in
10 compliance with the Voting Rights Act. So, just for a
11 little historical perspective, whatever that is worth.

12 CHAIRMAN LYNN: In terms of trying to get
13 us past where we are and move forward, it seems to me
14 the two issues are related. First is individual
15 Commissioners, too, become familiar with these changes
16 in order to comment on them and make a decision on them,
17 should they choose to. The second is as to whether or
18 not a majority of the Commission wishes to include in
19 the discussion the changes proposed earlier to District
20 14 and 15 by the historic group and then to understand
21 what the impact of those changes would be primarily to
22 14, both districts, if the changes were to be made.

23 So it seems to me that one does not
24 require any more work for Mr. Johnson, the former,
25 because the work is there, and it requires us to take

1 the time and perhaps interact with him individually to
2 get familiarized with it to the point we could discuss
3 it.

4 The other does require work of Mr. Johnson
5 and may impact our ultimate decision with respect to
6 this map if the changes, even though changes located are
7 confined to 14, 15, have any significant impact on
8 primarily 14, to Mr. Hall's point.

9 So I guess what I would suggest we might
10 do: Number one, I believe, Mr. Johnson, you've
11 estimated it might take, again, depending on how easily
12 done this might be, it might take an hour or so,
13 assuming things don't get terribly complex, to
14 effectuate the proposed change in 14, 15, should we
15 order it. And it would then give us an opportunity to
16 take a look at it in the context of other things we have
17 in front of us?

18 MR. JOHNSON: Yes. I could do it into one
19 of these tests or combine it into one of these tests in
20 an hour. Both, an hour and a half, something like that.

21 CHAIRMAN LYNN: Given 14 is unchanged in
22 both tests, it's up to us to pick a 15 we'd like to see
23 the test run on.

24 COMMISSIONER HALL: Affects 6 and
25 everything else.

1 CHAIRMAN LYNN: The change doesn't affect
2 it. Doug can, say, only run one in an hour.

3 COMMISSIONER HUNTWORK: Right.

4 COMMISSIONER MINKOFF: Rather than 15,
5 selecting 15 to work with, look at both maps, express a
6 preference to one approach or the other. If he changes
7 on one, 15, decide we like the other map better, kind
8 of --

9 CHAIRMAN LYNN: My point is I'm not sure,
10 based on the discussion I'm hearing, Mr. Huntwork, don't
11 I want to put words in your mouth, is able to express a
12 preference without analyzing both maps. If you can
13 analyze both maps, perhaps he may.

14 MR. JOHNSON: Not to complicate further,
15 the Commission did not rule out last week's test or the
16 interim maps. There are four options. So you have all
17 four.

18 CHAIRMAN LYNN: Mr. Huntwork.

19 COMMISSIONER HUNTWORK: Couple things.
20 Number one, I can assure you I will not able to fully
21 assess this map unless I know what happened to District
22 11. District 11 was changed. I don't know what
23 happened to it. We need that information.

24 How long will it take to do that?

25 MR. JOHNSON: Talking about if we didn't

1 do any of 6, 7 -- what I haven't tested, didn't do any
2 of the 6, 7, 9, 10 tests, left those as they were in the
3 2002 plan, only changed 11 and 15? That's the test I
4 haven't run yet.

5 COMMISSIONER HUNTWORK: Well, we have
6 original 11. We have the test -- last week's test
7 between 15 and 11. I simply need to know what the
8 competitiveness numbers are in this configuration of 11.

9 COMMISSIONER MINKOFF: They are here. You
10 have them, Jim.

11 COMMISSIONER HUNTWORK: They've been run
12 through Judge It?

13 COMMISSIONER MINKOFF: Yes. Test one,
14 test two.

15 MR. JOHNSON: Numbers for District 11 are
16 the two spread sheets. What I haven't presented, if you
17 didn't do 6, other changes, only did 11, 15, what would
18 that leave. It would be similar to last week, very
19 similar to last week's, I'd guess less than a percentage
20 point. Last week 11 was a 10 percent spread.

21 COMMISSIONER HUNTWORK: If you didn't make
22 any changes. What changes did you make to 15, 11?

23 MR. JOHNSON: Either the Commission stick
24 with the 2002 plan, or similar to what I showed you last
25 week.

1 COMMISSIONER HUNTWORK: Why do anything at
2 all different from last week if not making other
3 changes?

4 MR. JOHNSON: Cleaning up lines. Last
5 week's session was fairly quickly done, cleaning lines,
6 trying to follow major streets better. It's not a
7 significant change, by "significant" meaning more than a
8 half or one percent at most on Judge It.

9 CHAIRMAN LYNN: Mr. Hall.

10 COMMISSIONER HALL: Mr. Chairman, I'd ask
11 Mr. Johnson to incorporate the proposed changes to 13,
12 14.

13 COMMISSIONER MINKOFF: 14, 15.

14 COMMISSIONER HALL: 14, 15.

15 Which test is the right-hand side?

16 MR. JOHNSON: Two.

17 COMMISSIONER HALL: On test map two, and
18 we recess for one hour.

19 CHAIRMAN LYNN: It's a complex motion.

20 Is there a second?

21 COMMISSIONER MINKOFF: If Mr. Johnson will
22 nod his head an hour is enough time to accomplish it,
23 I'll second it.

24 MR. JOHNSON: Short of a big surprise on
25 the lines, it should.

1 CHAIRMAN LYNN: There's a second.

2 COMMISSIONER HUNTWORK: This means the
3 hour he'd be walking me through changes would be spent
4 working.

5 CHAIRMAN LYNN: Considering the fact that
6 we don't have, we don't have disks we can have on
7 computers to look at these maps yet, those need to be
8 burned --

9 COMMISSIONER MINKOFF: Yeah.

10 MR. JOHNSON: That would probably take
11 about half hour, 45 minutes, to get created and a disk
12 to take with you or get on your computers.

13 COMMISSIONER HALL: Half hour to load the
14 computers here?

15 MR. JOHNSON: First you have to make
16 export files, burn them on CD, and get on them yours.

17 COMMISSIONER MINKOFF: That we could take
18 home tonight?

19 COMMISSIONER HALL: Take home tonight is
20 not helping.

21 COMMISSIONER MINKOFF: That's what Jim is
22 saying.

23 CHAIRMAN LYNN: We're not going to adopt
24 anything tonight. Hopefully we can make enough progress
25 so get to some decision-making tomorrow, seems to me.

1 Would it then make some sense to -- again,
2 Mr. Huntwork, you would have to -- you'd have to agree
3 to this, it seems to me.

4 Based on the motion on the floor, I wonder
5 if we might work that motion to the point we take a 90-
6 minute break. The first portion of that would be used
7 to get test one and two onto the computers available
8 here, and that while we then take an additional hour to
9 look at the nuances of those tests, you could make
10 progress on the 14, 15 adjustments part of Mr. Hall's
11 motion.

12 I wonder if that might move us forward to
13 have a reasonable discussion later this evening about
14 what both of you would like to pursue tomorrow.

15 COMMISSIONER HALL: I so move and amend
16 the motion.

17 COMMISSIONER MINKOFF: That's fine.

18 MR. JOHNSON: Probably two hours is more
19 realistic for that.

20 CHAIRMAN LYNN: Then two hours.

21 The point is to make as much progress as
22 we can this evening before we close.

23 COMMISSIONER MINKOFF: We'd not be
24 directing him to do anything on 14, 15, in this first
25 stage or incorporated --

1 CHAIRMAN LYNN: Incorporated in Mr. Hall's
2 motion is work on these adjustments for 14, 15.

3 I'm trying to sequence it so it provides
4 the Commissioners an opportunity to look at test one and
5 two while that work is being done.

6 If I may, in terms of the motion, we'll
7 basically take a two-hour break. At the first portion,
8 we'll give Mr. Johnson time to get test one and two on
9 the computers. Once that's accomplished, Mr. Johnson is
10 free to conduct the work on 14, 15. And we'd reconvene
11 after a two-hour period with questions on test one and
12 two and hear from Mr. Johnson on the effects of these
13 changes in 14 and 15.

14 Discussion on the motion?

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

17 COMMISSIONER MINKOFF: "Aye."

18 COMMISSIONER HUNTWORK: "Aye."

19 COMMISSIONER ELDER: "Aye."

20 COMMISSIONER HALL: "Aye."

21 CHAIRMAN LYNN: Chair votes "Aye."

22 Motion carries unanimously and is so
23 ordered.

24 The Commission is recessed for two hours.
25 We'll reconvene at 8:00 p.m.

1 I ask, first, we really try to reconvene
2 at 8:00 p.m. That will give us an opportunity to
3 discuss in a reasonable manner, at least for a couple
4 more hours while we some have wits about us this
5 evening, and order additional work we need on an
6 overnight basis and reconvene tomorrow. And I'd ask we
7 promptly reconvene at 8:00 p.m. for further discussion.

8 (Dinner recess was taken.)

9 CHAIRMAN LYNN: The Commission will come
10 to order.

11 For the record, all five Commissioners are
12 present, counsel, NDC counsel, and NDC consultants.

13 Mr. Johnson.

14 MR. JOHNSON: My dinner consisted of a
15 Dr. Pepper and a Snickers, so if I'm wired --

16 CHAIRMAN LYNN: That's three food groups.

17 MR. JOHNSON: You should have the maps on
18 the computers and also a handout showing Districts 4, 5,
19 6, 7 --

20 COMMISSIONER MINKOFF: What?

21 MR. JOHNSON: No, this.

22 MR. RIVERA: Doug, can I have one?

23 Here it is.

24 MR. JOHNSON: I have a spread sheet
25 showing results of the spread sheet. Kristina is making

1 copies now. Instructions over dinner in addition to
2 putting the maps on the computer was essentially to draw
3 the proposal that the Historical District had brought in
4 earlier today into test two, June 18, test two.

5 So wasn't feeling real creative. June
6 18-2-14, District 14, Historical District test.

7 A couple complications I ran into in
8 drawing this, neither very time consuming. The
9 description given today, described starting at 20th
10 Street. And actually the border was already at I-10.
11 That was a one block move over, zero population change.
12 So that was a small change from the written description
13 they gave us but didn't affect any population. Second
14 change was the far eastern edge of new District 14,
15 written up as 47th Place. 47th Place is only a block or
16 two long and the border of 16 was 48th Street. I just
17 used 48th Street. I'll point out differences from right
18 up. Both seem to be clear from what they intended.

19 So after drawing this, here is a summary
20 of the changes. And let me hand this out to you.

21 Let me point out these are different than
22 stats of the speaker this morning. This is competitive
23 test two rather than the DOJ plan. A couple things jump
24 outright away. Competitiveness based on the
25 registration and AQD measurements are essentially

1 unchanged. District 14, registration was 52 percent
2 Democrat and -- 52.1. It's now 52.9. In District 15,
3 Democratic registration was 40.2, now 40.7. And the AQD
4 changes went from a 64.236 spread in 14 to 64.36, change
5 of only a couple decimal points. In 15 it went from a
6 one-point spread to a -- to a three-point spread, I
7 guess that is.

8 So other than -- 1.23 point spread AQD in
9 District 15 is a notable change but, again, it's still
10 within ranges we still consider competitive.

11 The other issue, looking at numbers for
12 you to keep in mind, Hispanic voting age percentages.
13 Just to walk through essentially the 2002 plan in
14 District 14, this is the one the Court implemented,
15 Hispanic voting age percentage is 55.16. In the
16 competitive test two, they showed this morning, it
17 remained 55.16. With these changes, it goes up to 59
18 percent.

19 In District 15, in the 2002 plan, Hispanic
20 voting age was 38.09. In the competitive test, that
21 went down to 33.1. And with this change it goes down a
22 little more to 29.73. Those aren't changes. The main
23 thing, the reason I note these are just because of the
24 59 percent topic discussion with the Coalition back when
25 we made the changes in response to DOJ letter, and we do

1 cross the 30 percent milestone in District 15 and cross
2 the 50 percent total minority in District 15. I point
3 those out so you are aware of them.

4 I'm open to any questions you may have on
5 the details.

6 CHAIRMAN LYNN: Ms. Minkoff.

7 COMMISSIONER MINKOFF: Doug, could you put
8 the map back up.

9 MR. JOHNSON: Sure.

10 COMMISSIONER MINKOFF: I wonder, at the
11 Northwestern end of District 15 there's a little tongue
12 south of Camelback that goes, I guess, 19th Avenue over
13 to the I-17 freeway. See where I mean?

14 MR. JOHNSON: Yes.

15 COMMISSIONER MINKOFF: When you put that
16 into District 14, which would make a little bit
17 straighter line, I'm not sure that that is as heavily
18 Hispanic population and there may be found corresponding
19 population to take out of 14 and put into 15 if we might
20 tone down those numbers a little bit? It straightens
21 the line and might have the other benefit as well.

22 MR. JOHNSON: That area -- let me see, get
23 the number. I think that is the northern edge of
24 heavily Hispanic areas. Let me just confirm that.

25 COMMISSIONER MINKOFF: The other

1 possibility, might take that area, move south and move
2 other population out of District 14. I think there are
3 ways without getting to the Historical District areas we
4 might be able to move back a little closer to what we've
5 already got.

6 MR. JOHNSON: That area is about 3,000
7 people.

8 COMMISSIONER MINKOFF: If that's the area
9 you've highlighted, not what I'm talking about. Right
10 there, yeah.

11 MR. JOHNSON: Yeah.

12 COMMISSIONER MINKOFF: That.

13 MR. JOHNSON: Actually, not as Hispanic as
14 I thought, 3,000 people, and 1,000 are Hispanic. About
15 a third. Putting that into 14 would offset that change
16 somewhat. I don't know to what degree.

17 COMMISSIONER HALL: What does it do?

18 COMMISSIONER MINKOFF: Accomplished a few
19 things, takes the jog out of there, makes the line
20 straighter, if we are concerned about exceeding, in
21 other words, not packing Hispanic voters in District 14,
22 it might eliminate some of that. They're now at 59
23 percent. If we dropped down to 58 percent or 57, I
24 think that they, you know, would certainly be able to
25 elect candidates of their own choosing but not feel

1 that, not feel packed.

2 MR. JOHNSON: Jog offsetting those two.

3 COMMISSIONER MINKOFF: If that's not the
4 best way to do it, I saw that, not very symmetrical. I
5 didn't think that heavily Hispanic, may be others to
6 look at.

7 CHAIRMAN LYNN: Part of the difficulty of
8 looking not in isolation but in combination at the two
9 various districts.

10 COMMISSIONER MINKOFF: 14 doesn't change
11 other districts.

12 CHAIRMAN LYNN: 15 does.

13 COMMISSIONER MINKOFF: Absolutely.

14 CHAIRMAN LYNN: Other comments or
15 questions on this particular aspect of the mapping
16 before we go back to overall changes?

17 COMMISSIONER ELDER: Say that again?

18 CHAIRMAN LYNN: Any other questions of
19 Mr. Johnson on this particular part of the mapping, the
20 question of the Historic District on 14 and 15, before
21 we go to a more general discussion?

22 COMMISSIONER ELDER: Mr. Chairman,
23 Mr. Johnson, could you put up the city limits or town
24 limits on the west side, there, Glendale and --

25 MR. JOHNSON: 14 --

1 COMMISSIONER ELDER: Any town limits, city
2 limits close to 14 or close on that?

3 MR. JOHNSON: Glendale comes in. Glendale
4 has a small piece of 14. The shaded area you are
5 looking at is Phoenix.

6 CHAIRMAN LYNN: Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Doug, can you put
8 up the June 14th test?

9 MR. JOHNSON: Overlaid or --

10 COMMISSIONER HUNTWORK: Separate.

11 You could make that same change on this
12 test as well, correct?

13 MR. JOHNSON: Yes.

14 MR. JOHNSON: And while the end result
15 percentages would be different, the change would be very
16 similar.

17 If you look at the sheet where it says the
18 change was -- the effect on 14 would be exactly the
19 same?

20 MR. JOHNSON: 14 would come out exactly
21 the same.

22 COMMISSIONER HUNTWORK: Numerical effect
23 on 15 would be exactly the same. It would start from a
24 different point.

25 MR. JOHNSON: Yes. Very, very close.

1 COMMISSIONER HUNTWORK: Where did 15 start
2 in this map?

3 MR. JOHNSON: Sure. It started at 33.84
4 percent Hispanic voting age.

5 COMMISSIONER HUNTWORK: What about the
6 competitiveness aspects?

7 MR. JOHNSON: AQD .5 percent Democratic
8 advantage.

9 COMMISSIONER HUNTWORK: If reading right,
10 1.7 percent change from Democrat to Republican on
11 today's test?

12 MR. JOHNSON: The one including the
13 Historical District change?

14 COMMISSIONER HUNTWORK: Yes.

15 MR. JOHNSON: This one we end up with a
16 three-point Democratic advantage. So Democratic
17 advantage goes up by a half point over last week's test.

18 COMMISSIONER HUNTWORK: That's not what I
19 was asking.

20 The test we did today on District 14 and
21 15, your 14, 15 change to June 18th test two, changed
22 District 15, 1.07 percent. And if I understand it
23 correctly, it made it -- that was a change toward being
24 more Republicans and less Democrats, is that right?

25 MR. JOHNSON: Test two from this morning?

1 COMMISSIONER HUNTWORK: Yes.

2 MR. JOHNSON: I believe that is correct.
3 Yes. Went to .5 Democratic percent advantage last week
4 to --

5 COMMISSIONER HUNTWORK: Not last week.
6 This handout here.

7 MR. JOHNSON: Yes.

8 COMMISSIONER HUNTWORK: You just handed
9 out. Lower right-hand corner, has the number 1.07
10 percent. What does that number represent?

11 MR. JOHNSON: That is the increase in
12 Democratic percentage of AQD.

13 COMMISSIONER MINKOFF: Over what?

14 COMMISSIONER HUNTWORK: Over this.

15 MR. JOHNSON: Over this morning's test
16 two.

17 COMMISSIONER HUNTWORK: District 15 became
18 slightly more Democrat?

19 MR. JOHNSON: Yes.

20 COMMISSIONER HUNTWORK: District 15?

21 MR. JOHNSON: Yes.

22 COMMISSIONER HUNTWORK: Okay.

23 MR. JOHNSON: Went Democratic AQD
24 advantage one-half one point over even to 1.15 percent
25 over a fifty-fifty split, if that makes sense.

1 COMMISSIONER HUNTWORK: Okay. Thank you.

2 CHAIRMAN LYNN: Other questions on this
3 portion of the mappings?

4 All right. Then let's --

5 COMMISSIONER MINKOFF: Oh.

6 CHAIRMAN LYNN: Ms. Minkoff.

7 COMMISSIONER MINKOFF: I do have one other
8 comment, since this test that we're looking at primarily
9 deals with Historic Districts, if you recall, Doug, last
10 week we mentioned Westwood Village neighborhood that had
11 been put into District 14 despite reams of testimony
12 they wanted to be with other Historic Districts. And we
13 asked you to see if you could correct that, the area
14 immediately northwest of Thomas and 19th Avenue. That
15 may be the area to put into 15 to compensate for that
16 northern part I suggested moving out. You know, it
17 would have the double advantage of putting with the
18 historic area. They asked to be with other historic
19 areas with them. Those of you at the meeting at Phoenix
20 Union High School Office remember how strongly they
21 wanted to be with the other Historic Districts.

22 MR. JOHNSON: It is certainly something I
23 could test.

24 COMMISSIONER MINKOFF: Basically between
25 Thomas and Osborn. I'm not sure it goes all the way to

1 Osborn. It very well may. 19Th Avenue and I-17
2 freeway. I'm not sure that's all Westwood neighborhood,
3 but there is data to explain what the area was.

4 How much population is there?

5 MR. JOHNSON: 3,000 people. Of them,
6 1,600 are Hispanic.

7 COMMISSIONER MINKOFF: Might work.

8 CHAIRMAN LYNN: Comments, questions on the
9 larger test?

10 COMMISSIONER HUNTWORK: Let me make sure I
11 understand what I'm looking at, what you handed out this
12 evening. At the bottom of the chart, both are entitled
13 DAQD. Am I correct the bottom should be RAQD?

14 MR. JOHNSON: Oh. That's correct.

15 CHAIRMAN LYNN: Discussion on the larger
16 area of the map, one or two? Two includes adjustments
17 to 14 and 15.

18 Mr. Huntwork.

19 COMMISSIONER HUNTWORK: I did get a chance
20 to look at this overall map, certainly not in as much
21 detail as I would like, but at least enough to form some
22 initial, general impressions.

23 Firstly, I think that the -- I have a
24 question for you, Doug. I think the areas of 9 and 4
25 that were changed here, with the Sun City change -- that

1 could be done in either one of the tests, right?

2 MR. JOHNSON: Right.

3 COMMISSIONER HUNTWORK: That's really
4 irrelevant to the question of number 6, for example.

5 MR. JOHNSON: Relevant whether 6 stops at
6 the border 15 or down into 15. In terms of taking a
7 step back and drawing last week's test, I haven't drawn
8 that. I suspect it can.

9 COMMISSIONER HUNTWORK: I mean between
10 test one and six, you could have varied only 6, left 9
11 the same as they were. They are just interchangeable on
12 the two tests?

13 MR. JOHNSON: Yes. There was population
14 moving that had to be balanced out. It didn't call for
15 anywhere near as significant a change in the Sun City,
16 Glendale move. It could be done with a smaller move.

17 COMMISSIONER HUNTWORK: Just to
18 understand, the difference between 6 in test one and two
19 required you to make changes in that area?

20 MR. JOHNSON: Required some balancing
21 changes, did not require a Sun City for Glendale trade.

22 COMMISSIONER HUNTWORK: I wanted to just
23 understand that part of it, separately.

24 But stepping back and more generally, I'm
25 very concerned about a couple of things which this map

1 appears to me to do.

2 COMMISSIONER MINKOFF: One or two?

3 COMMISSIONER HUNTWORK: Both of them.

4 Both of them. There's really no difference between them
5 for purposes of the comment I'm about to make.

6 Firstly, I'm very concerned about what has
7 happened to District 7. District 7 has become much
8 bigger than it was before, much less compact. That
9 would not make nearly as much difference in some other
10 areas, but in this area it makes a tremendous difference
11 because that is the heart of the growth area of North
12 Phoenix. That area is growing by leaps and bounds.
13 Both what was in our original map, or interim map, have
14 6 and 7 contained in very rapidly growing areas. And
15 when we combine them both into one, I think the issue of
16 compactness becomes that much more significant. And I
17 think it also shades over into just a sheer question of
18 equal population. I recognize that the population was
19 equal at the time of the 2000 Census, but already, that
20 area has grown tremendously. And in 10 years, over the
21 course of 10 years, I would expect that area to be half
22 again as big or twice as big in terms of total
23 population as some of the other areas.

24 One of the issues we addressed carefully
25 and took very seriously when we created the original map

1 was trying to divide up the growth areas so that the
2 rights of our fellow citizens to equal protection, equal
3 voting, would be reflected today and, to the extent
4 possible, throughout the period that these maps would be
5 in effect. I, in fact, wanted to do more. I was very
6 concerned about District 4, and still am, but it was the
7 wisdom of the Commission at that time that we had done
8 as much of that as we could and still preserve other
9 values.

10 Another point that is extremely
11 significant to me is that what District 6 does there, it
12 created a very long north and south district. It is not
13 long in comparison with the rural counties of Arizona or
14 with 7 and 8, which contained some large unpopulated
15 areas to the north, but in terms of a populated urban
16 area, it's a very long district north and south. And it
17 really goes from an area up in Moon Valley, and even
18 beyond, takes a narrow cut down through and right into
19 the heart of Central Phoenix. And regardless of which
20 one of the two configurations we look at, this one in
21 test two goes south into areas that have nothing in
22 common with those northern areas and then it even goes
23 east and picks up areas that are being, at least in my
24 judgment, separated from other more contiguous areas
25 that they have much more in common with.

1 So I think we're dividing communities of
2 interest that people ordinarily think of as how people
3 in Phoenix live, and travel, and choose to group
4 together in neighborhoods, and so on.

5 The third thing I want to point out is
6 right in the middle of that district, essentially where
7 we drew our lines in the original proposals and in the
8 interim map, are some obvious geographical features.
9 I'm sure they are visible from here, if we'd go out the
10 door here and stand on the edge of the cliff and look
11 north. But we've got essentially The Pointe at Tapatio
12 Cliffs on 7th Street there as it winds up through that
13 area right about where we had the line originally drawn.
14 We have the North Phoenix Mountain Preserves in that
15 area, golf courses, horseback riding areas, big open
16 spaces in there, and not even that many roads uniting
17 the two. They go from 7th Street all the way over to --
18 I think it might be 19th Avenue, 15th Avenue. And so
19 there's a huge, unmistakable geographical feature right
20 in the purported district.

21 Now, my way of thinking, at least, those
22 are the criteria that we were to -- we're not to do
23 significant detriment to any of those items that I have
24 just listed solely for the purpose of creating a
25 competitive district. That appears to me to be the

1 plain wording, plain meaning of Proposition 106. And at
2 least -- therefore, I would say that this District 6
3 does not fulfill -- it is an attempt to create a
4 competitive district between the second mile to
5 investigate what the possibilities are and see if there
6 is a way to do it. But at least in my judgment it comes
7 up against those criteria.

8 Thank you.

9 CHAIRMAN LYNN: Ms. Minkoff.

10 COMMISSIONER MINKOFF: Thank you,
11 Mr. Chairman.

12 Mr. Huntwork has made some excellent
13 points. I'd like to respond to them. I feel they are
14 all very valid, but I believe that some of the
15 advantages creating a Competitive District 6 trump some
16 of those objections, legitimate as they are.

17 First of all -- I remember our discussions
18 about trying to accommodate growth areas and trying to
19 plan ahead to 2010 and not have serious malapportioned
20 districts, which is probably inevitable, but the attempt
21 to minimize them is nevertheless commendable. On the
22 other hand, our first obligation is to follow the
23 requirements of the Arizona Constitution as amended by
24 Proposition 106. And the competitiveness clause we're
25 talking about says competitiveness shall be favored when

1 it does not cause significant detriment to any of the
2 other requirements. One of those requirements is
3 obviously the equal protection clause. The equal
4 protection clause applies to a snapshot, the 2000
5 Census. And there's nothing in that that requires us to
6 anticipate where future growth is going to be and to
7 accommodate it. While I believe that's commendable,
8 because we all do have some idea which are growth areas
9 and which are not, I don't believe that it can be used
10 to eliminate competitive districts. I believe that
11 would be in violation of Prop 106. If we can create
12 competitive districts then accommodate growth areas, I'm
13 very much in favor of it. I don't believe we can
14 accommodate the growth areas to the sacrifice of as
15 competitive district. My reading of Prop 106 is that
16 would be in violation.

17 Secondly, looking at these two maps,
18 because of what Mr. Huntwork mentioned about the
19 north-south character of District 6 under these maps and
20 an attempt to try to create districts that work, I have
21 a slight preference for map number two because the
22 southern boundary is Camelback, and map number one the
23 southern boundary is Osborn. I think Camelback includes
24 North Central Phoenix, includes areas which really seem
25 to fit much more closely to the northern portion of that

1 district than areas down by Osborn or areas down by
2 Camelback and the area immediately by Central Avenue,
3 part of number 6. If we choose maps on that basis, I
4 have a preference for the second map, which addresses
5 Mr. Huntwork's concern.

6 Third, in terms of geographic barriers, I
7 recognize they exist, but looking at District 11, we
8 have both Camelback Mountain, Lemons Mountain, and Squaw
9 Peak through part of that district, and very different
10 neighborhoods on either sides of those areas. We've got
11 Sunnyslope, you know, Hatcher Road, and Central which
12 has very little in common with Paradise Valley, and
13 Desert Ridge, and the north Tatum Road area.

14 It's tough to draw a district of 170,000
15 people and not find yourself combining different
16 neighborhoods within the same district and not crossing
17 geographic boundaries. So I understand really right
18 along 7th Street, which is the boundary of this
19 district, between Hatcher and the Thunderbird area
20 Mr. Huntwork is talking about, the north areas, around
21 there, there is no real population. 7th Street, North
22 Mountains, that forms the eastern boundary of this area.
23 The boundary goes between The Pointe Tapatio Mountains
24 and golf courses. I don't see that as much of a
25 geographic boundary as geographic boundaries in 11. It

1 doesn't cut the district in half like the eastern edge
2 of District 4.

3 For that reason I really believe in this
4 approach. And we may want to tweak it and move some
5 things a little bit here and there, but I believe the
6 approach, if not the specific boundaries, is a
7 significant improvement, creates competitive districts
8 without causing significant detriment to those
9 considerations which we're obliged under Prop 106 to
10 take into account.

11 CHAIRMAN LYNN: I wonder if I could ask a
12 couple of questions. I'm asking questions for my
13 colleagues of Phoenix.

14 I grew up in Phoenix and grew up in an
15 area I think would be in District 6. One of my concerns
16 is this. What would appear to be a notch of District 11
17 moving into District 6, based on my recollection, unless
18 things changed dramatically -- actually my father still
19 lives there, so I visit quite often. If you were to
20 draw a line on either side of Central Avenue going out,
21 let's say, to at least 15th Avenue and 12th Street or
22 16th Street north, it seems to me that that is a fairly
23 homogeneous area all the way up to Sunnyslope. And it
24 occurs to me that this sort of incursion into that is an
25 oddity. I don't know how significant it is, but -- I'm

1 not sure it makes a lot of sense, because that whole
2 area is very continuously similar.

3 Mr. Huntwork.

4 COMMISSIONER HUNTWORK: I'd say in broad
5 terms I'd agree with that up to Sunnyslope. I think
6 there's a big change at that point. I think there are
7 some nuances along the way. In general terms, yes.

8 CHAIRMAN LYNN: Ms. Minkoff.

9 COMMISSIONER MINKOFF: Except for the area
10 immediately bordering Central, which is an area unique
11 in character, though not large enough to create it's own
12 district, you made a good point.

13 The boundary along 7th Street, maybe
14 consideration would be to run that straight down, take
15 some northern portion of this area, the Bell Road
16 corridor, add it to District 11; because the Bell Road
17 corridor is a rather similar area.

18 I don't know if it works in terms of
19 competitiveness. There aren't any voting rights
20 demographics to be concerned with. I don't know if it
21 works for population.

22 Doug, do you think that would change the
23 competitiveness of this district?

24 MR. JOHNSON: It certainly will change the
25 competitiveness. How much, I'd have to test.

1 COMMISSIONER MINKOFF: One of the areas to
2 look at.

3 MR. JOHNSON: Areas up north are somewhat
4 balanced in registration. In that, where 11 comes over,
5 is definitely Republican.

6 CHAIRMAN LYNN: Mr. Elder.

7 COMMISSIONER ELDER: Mr. Chairman,
8 Mr. Johnson, could you put up our, I guess, 14 -- you
9 know, starting place, where you took that plan and came
10 up, test two and test one. I wanted to see them side by
11 side.

12 MR. JOHNSON: Need to do some color
13 changing.

14 There we go.

15 Focusing mostly on 6 and 11?

16 It's a little tough to show the area side
17 by side.

18 COMMISSIONER ELDER: Discussions just
19 transpired concerning whatever the mountain is, relate
20 to where Paradise Valley Racetrack is on the north side,
21 so have I idea at least where it is in geography.

22 It almost doesn't seem like we're gaining
23 anything in test two over our original and losing
24 considerable from the standpoint of access, and
25 contiguousness, and compactness, and where the edges

1 are, and geography of the city is. We have some pretty
2 strong edges. We're not crossing over the freeway. The
3 mountains seem pretty well identified in the lower part
4 of District 6. I don't -- you know, is it substantial?
5 I guess that's the key phrase we keep battling back and
6 forth. What does substantial detriment mean? Just my
7 sense is that we're losing considerably, especially in 6
8 where we're not really gaining that much in the other
9 districts around it.

10 CHAIRMAN LYNN: Ms. Minkoff.

11 COMMISSIONER MINKOFF: Mr. Chairman, the
12 area --

13 COMMISSIONER HALL: Go ahead.

14 COMMISSIONER MINKOFF: I'm just going to
15 respond real quickly. The area on the other side of
16 I-17 goes across District 11 rather than in District 6.
17 And it's actually a pretty unified -- it's a similar
18 area. The areas on both sides of the freeway from
19 Dunlap to Camelback are not really that different.

20 COMMISSIONER ELDER: Could you say that
21 from 36 -- no, 24th Avenue, or thereabouts, over to 7th
22 or 16th Street?

23 COMMISSIONER MINKOFF: In some areas yes,
24 some areas, no.

25 As I said before, you have 170,000 people

1 in this district. I don't think there's any one of the
2 30 districts on the map where I can't point to you areas
3 that are very dissimilar.

4 There are some, in District 6, as drawn.
5 I think there's some in that District 6 as drawn. It's
6 a big district. They all are.

7 CHAIRMAN LYNN: Mr. Hall.

8 COMMISSIONER HALL: Mr. Chairman, I've
9 listened intently to my colleagues. I think they've all
10 made some valid points. I am not convinced, however,
11 that the detriment described to the other goals is
12 significant. It isn't whether or not there is
13 detriment, it is whether or not there is significant
14 detriment. And I'm not pretending to have any
15 particular expertise on it, but it just seems to me this
16 is a classic example of where we had favored a
17 competitive district which has caused some detriment to
18 the other goals. I just don't think it's significant
19 enough to ignore the mandate we have constitutionally to
20 create competitiveness.

21 With respect to growth areas, I have a
22 client who is getting ready to build 1,500 homes in
23 District 12. That's going to be an extreme growth area
24 in addition to the north. And while I think that has
25 been an important and legitimate consideration, the fact

1 of the matter is south, west, north, and east, Apache
2 Junction included, the valley is exploding, will
3 continue to. It's impractical, impossible for us to
4 accommodate that. The fact is districts on the edge of
5 Metropolitan Phoenix area will be malapportioned.

6 With respect to geographic features,
7 several things come into play, and I don't think that is
8 necessarily significant enough to preclude this from
9 competitiveness.

10 So with that, I, too, favor test two. And
11 I think that it still maintains compactness and
12 contiguity. It still may not, as many districts don't,
13 perfectly respect communities of interest. I think in
14 general whether I'm at Thunderbird and voting with the
15 northern district or voting with the southern district,
16 I'm not so sure that's going to be a life-changing event
17 for me.

18 So with that perspective, Mr. Chairman, I
19 think what I'm saying, we have a mandate to favor a
20 competitive district. This is a classic example.

21 Therefore, I speak in support of these
22 changes.

23 CHAIRMAN LYNN: Just so we're clear,
24 Mr. Hall, I think at some point we'll get to a motion
25 and a vote. Would you clarify whether or not you are

1 supporting test 2-14 which incorporates the historic
2 changes or just test 2?

3 COMMISSIONER HALL: I'm comfortable with
4 the changes to the historic area simply because it
5 preserves the voting rights issues and in fact enhances
6 them, which I think helps us, and I don't think that it
7 does any significant -- in fact, I think it assists and
8 helps District 15. I think that is a positive change.
9 In answer to your question, I'm in support of test 2
10 incorporating the changes of 14, 15.

11 CHAIRMAN LYNN: Thank you.

12 Other comments on the map?

13 Mr. Huntwork.

14 COMMISSIONER HUNTWORK: I want to just --
15 I don't want to go back over all my previous comments,
16 at all. I do want to focus on a couple points that have
17 been made.

18 I think there is a question as -- all by
19 itself, I don't think that I would focus entirely on the
20 fact that we're putting so much growth area in a single
21 district when we don't have to do that. But I do want
22 to point out Proposition 106 says two entirely different
23 things. First thing, it says comply with the equal
24 protection clause and Federal Voting Rights Act. The
25 point Commissioner Minkoff made about equal protection

1 cases requiring a snapshot appears to be correct.

2 One of the questions that we all have to
3 ask when we take out Proposition 106 and read it is why
4 it says in addition to that, "equal population."
5 Proposition 106 doesn't have cases that say we can
6 ignore future growth. On the face of it, a state
7 growing as rapidly and predictably as the State of
8 Arizona, I think there's a real serious concern about
9 it.

10 I think that a decision that is made
11 consciously, knowingly, to pack all growth area into a
12 particular district, particularly anticipating the
13 growth area will be one political persuasion or another,
14 smacks of being a very unfair decision. I think that
15 the people of Arizona had in front of them a provision
16 that said we'd have equal population. Certainly one
17 interpretation and a fair interpretation of that is we
18 would attempt to maintain, or at least be sensitive to,
19 the quantity of population throughout the term. There's
20 no decided case on that. I readily admit it. I think
21 it's a important consideration.

22 I think in terms of total geographic area,
23 we doubled the size of 7. That's a compactness issue
24 for 7, and plain on the face of it and undeniable.

25 The second point I want to make is that

1 the mandate of Proposition 106 was that we would do our
2 best to create compact districts, districts that respect
3 geographical features, and so on, to the extent
4 practicable. That was the mandate. As has been pointed
5 out recently in sessions, literature put out by
6 proponents of Proposition 106 specifically answered the
7 question on gerrymandering to create competitiveness.
8 Don't worry, other criteria will protect you. Compact
9 districts will protect all citizens of Arizona against
10 this kind of seeking out and then creating long
11 districts with funny protrusions from them that unite
12 seemingly unrelated areas in order to artificially
13 create competitiveness. I simply suggest to you that is
14 the mandate of Proposition 106.

15 Depending on who you listen to, you get
16 all kind of theories on what the mandate Proposition 106
17 is. I'm reading the words of 106 and literature, very,
18 very clear, put out by the proponents of 106.

19 These are not consistent interpretations
20 of 106. It's not possible to completely reconcile and
21 be all things to all people. At some point you have to
22 make a choice as to what interpretation you think is
23 correct and act on that interpretation.

24 Thank you.

25 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

1 Ms. Minkoff.

2 COMMISSIONER MINKOFF: Thank you,
3 Mr. Chairman.

4 I think I have a different interpretation
5 of compactness. Compactness to me doesn't refer to the
6 size of the district but refers to the shape of the
7 district.

8 For instance, District 5 isn't a very
9 large district, certainly larger than anything we have
10 in Maricopa County, but it's reasonably compact to me
11 except for a little tongue of Gila County. That's the
12 way the county is drawn. That's why has it has an
13 unusual shape.

14 District 2, the northeastern portion of it
15 is compact. It has a tongue that goes out to the west,
16 that to me is there for a very good reason, it brings
17 additional Native American Reservations into District 2.

18 So when I look at compactness, it has to
19 do with population -- the size of districts has to do
20 with population density of the district. Compactness to
21 me has to do with shape and edges of the district.

22 Doug, as I recall, you have some
23 compactness measurements you've run on various
24 districts. Don't they refer more to edges than the size
25 of the district?

1 MR. JOHNSON: Correct.

2 COMMISSIONER MINKOFF: In other words, a
3 district encompassing the entire state of Wyoming would
4 be a compact district, would it not, since it would be a
5 rectangle?

6 MR. JOHNSON: Technically they actually
7 aim for a circle. It's impossible to have perfectly
8 compact, as you can't have two circles next to each
9 other. It's more --

10 COMMISSIONER MINKOFF: Edges than size.

11 MR. JOHNSON: Yes.

12 COMMISSIONER ELDER: Probably 13, 14, 6,
13 very uncompact in relation to 7, though it has large
14 area, has a more defined perimeter?

15 MR. JOHNSON: By that test. That's the
16 one all the parties use in the lawsuit. I think it was
17 chosen by most parties in the lawsuit as much as it's
18 very easy to run as well as for its standing in the
19 community. There are compactness figures as a
20 percentage of population in a small circle that take a
21 day to run. There are measurement tools out there.

22 If you look out there in the shape of a
23 circle, that's a pretty good rule of thumb.

24 COMMISSIONER HUNTWORK: If going to, if I
25 remember correctly, Dr. Heslop told me there were 39

1 different definitions in the literature and still
2 counting.

3 MR. JOHNSON: Since he said that, there's
4 probably four more.

5 COMMISSIONER HUNTWORK: Thank you.

6 CHAIRMAN LYNN: I think to Mr. Huntwork's
7 point made earlier, I want to juxtapose this issue in
8 the discussion next to the one we had regarding Pima
9 County last week. And to the extent you can relate one
10 to the other, because they're not -- obviously not the
11 same communities, not the same characteristics, it
12 appears to me while there are good arguments on both
13 sides of this issue, as there may have been in the other
14 discussion as well, there does for me tend to be a large
15 degree of difference between significant detriment that
16 might be accorded the changes proposed in Pima County
17 versus the ones proposed here. And perhaps it's because
18 the density of the population in Phoenix and
19 characteristics of various areas we're dealing with
20 across the northern part of the city, and into rural
21 areas, suburban areas, have many similar growth patterns
22 to it over the years. The growth patterns have been
23 quite similar in the area, densities differ, character
24 of neighborhoods differ, but essential growth patterns
25 have been somewhat more consistent.

1 I think that there may be some additional
2 work that we could do on this test that might make it
3 somewhat more appealing. And I -- I'm persuaded that
4 absent the significant discussion we saw in discussion
5 last week, we should pursue that.

6 I would certainly favor issuing some
7 instructions to Mr. Johnson to look at some things where
8 we think there might be opportunities to correct some
9 deficiencies we see, at least look at them more
10 carefully to see if this doesn't provide us with an
11 opportunity to achieve one of the significant goals in
12 the law.

13 Ms. Minkoff.

14 COMMISSIONER MINKOFF: Mr. Chairman, I
15 would like to put a motion on the floor, because I think
16 it's time to at least pick one of these two tests to use
17 to work with. And I would like to move that we proceed
18 with and work and modifications on the June 18th test 2.

19 Well, we'll talk about modifications later
20 on. I'm trying to put a motion on the floor to use test
21 2 rather than test one.

22 CHAIRMAN LYNN: Point to Mr. Hall earlier.

23 COMMISSIONER MINKOFF: Test 2 with
24 historic.

25 CHAIRMAN LYNN: Test 2-14.

1 COMMISSIONER MINKOFF: Not move to adopt,
2 choice test 2, test 3. I have suggested modifications.
3 I'm sure others do as well.

4 CHAIRMAN LYNN: I wonder at this point if
5 it might be just as definitive we eliminate one.

6 COMMISSIONER MINKOFF: I'll move we
7 eliminate the June 18th test 1 from consideration.

8 CHAIRMAN LYNN: Seconded?

9 COMMISSIONER HALL: Second.

10 CHAIRMAN LYNN: It's been seconded. I
11 read American sign.

12 Discussion on the motion?

13 Mr. Huntwork.

14 COMMISSIONER HUNTWORK: One of the key
15 differences in 1 and 2 is the change in Sun City. I
16 think it's a completely different discussion.

17 I'm inquiring about the sense of the
18 motion here. What all are we encompassing? We prefer
19 the iteration of District 6 in test 2?

20 COMMISSIONER MINKOFF: I've been told the
21 Sun City configuration is not critical in either plan.
22 Puts all Sun Cities in one district, may decide to go
23 that way, may instruct Doug, moving forward, test 2, to
24 put the split back.

25 Doug, isn't it correct that can go either

1 way, two different ways of achieving it?

2 MR. JOHNSON: Correct. Test 2 has the Sun
3 City change. If the Commission wanted to go back the
4 other way, we could do that in test 2.

5 COMMISSIONER MINKOFF: While I'm
6 suggesting removing test 1, this does not make a
7 definitive decision on Sun City. It may or may not be
8 subject to further motion.

9 CHAIRMAN LYNN: Further discussion on the
10 motion?

11 If not, all in favor of the motion,
12 signify by saying "aye."

13 COMMISSIONER MINKOFF: "Aye."

14 COMMISSIONER HUNTWORK: "Aye."

15 COMMISSIONER ELDER: "Aye."

16 COMMISSIONER HALL: "Aye."

17 CHAIRMAN LYNN: Chair votes "Aye."

18 Opposed, "no."

19 Motion carries unanimously.

20 Okay. Mr. Johnson, we've lightened the
21 load by one test.

22 Now the question is what would you like to
23 continue talking about with respect to Test 2-14.

24 COMMISSIONER MINKOFF: Mr. Chairman,
25 picking up on comments made earlier, I'm not sure I want

1 to put North Central Phoenix into District 6. I think
2 it fits very, very well in District 11, the area of 7th
3 Avenue, 7th Street. I think the area west of 7th Avenue
4 in that jog that goes into -- where 11 goes into
5 District 6, between Glendale Avenue and Dunlap, if you
6 move that boundary over to 7th Avenue, you would make 6
7 a little more compact. Then I would look for areas
8 either on the northern end of 6 or southeastern end of
9 6, I'll leave that to you. I don't know the
10 demographics of those areas as well, but test putting
11 the area between 7th Avenue and I guess that's 15th
12 Avenue into District 6 and find areas to move out of
13 District 6 so that competitiveness in District 6 is not
14 diminished.

15 MR. JOHNSON: Commissioner, if I may, I
16 can tell you that I would be surprised if there's a way
17 without diminishing competitiveness at all.

18 COMMISSIONER MINKOFF: Then don't do it.
19 That's what I'm asking.

20 MR. JOHNSON: Okay.

21 COMMISSIONER MINKOFF: What is the make-up
22 of the area of 7th Avenue and 15th Avenue between
23 Glendale and Dunlap?

24 MR. JOHNSON: This is a heavily Republican
25 area.

1 COMMISSIONER MINKOFF: I'm surprised.

2 Okay. Cancel that.

3 CHAIRMAN LYNN: Other instructions with
4 respect to Test 2-14?

5 Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Mr. Chairman,
7 number one, I would like to see a version of this test
8 that reverses the Sun City split.

9 Number two, I continue to be very
10 concerned about the way in which this District 6 is, in
11 effect, gerrymandered in order to create an artificially
12 competitive district. That's what, in my view, that
13 little jog is and curly Q down at the bottom. They are
14 both obvious, unmistakable, undeniable, unambiguous
15 efforts to do exactly that and then, of course, at the
16 expense of compactness.

17 I do wonder what the total effect on
18 District 6 would be, what District 6 would look like if
19 we actually drew that line straight down 7th Street and
20 just squared it up, made a rectangular district.

21 COMMISSIONER MINKOFF: Overpopulated.

22 COMMISSIONER HUNTWORK: Or take a portion
23 of East 7th Street, move it back to District 11. You'd
24 be swapping areas of 6, 11, and 15 in order to achieve
25 that. Square them up. I'm not sure how it would come

1 out. I'm sure you'd get something more compact and less
2 gerrymandered than that.

3 COMMISSIONER ELDER: Mr. Huntwork is
4 saying take as much off the eastern portion of the lower
5 leg to balance the in-held piece?

6 COMMISSIONER HUNTWORK: Come down 7th
7 Street as far as you can to create a district with the
8 correct population.

9 COMMISSIONER ELDER: I guess what I was
10 saying, if you started moving 7th Street instead of 7th
11 Avenue, would that be acceptable?

12 COMMISSIONER HUNTWORK: Yes. I'm thinking
13 about taking the area here in the southeast corner of
14 this version of District 6. I'm talking about swapping
15 this area for this area.

16 COMMISSIONER ELDER: I'm saying moving
17 until balanced.

18 CHAIRMAN LYNN: I think Mr. Elder is just
19 suggesting if you move that notch eastward and move the
20 leg westward to equal population until you balance, it's
21 the same concept.

22 COMMISSIONER MINKOFF: Can we ask for a
23 guesstimate of what that would do to the competitiveness
24 of 6 and 11?

25 MR. JOHNSON: It would make 6 more

1 Democratic and -- am I right -- no. Make --

2 COMMISSIONER MINKOFF: 6 is not
3 competitive any longer and 11 would not be either, would
4 it?

5 MR. JOHNSON: I can't guess as to the
6 degree to which it would move either one either way, but
7 it would move them away from the points they're at now.

8 COMMISSIONER MINKOFF: The area between
9 Dunlap and Glendale, 7th Street to 7th Avenue, is a
10 heavily, heavily Republican area. Taking that out and
11 putting it in the southern area would defeat what we're
12 trying to do.

13 COMMISSIONER HALL: Since Doug and I are
14 Indian brothers, I feel I know him. I don't think he
15 put a jog in for the fun of it.

16 To Mr. Huntwork's comment, gerrymandering,
17 look at 13, E.T. in a lounge chair. We certainly had to
18 be a little bit creative in an effort to come by that
19 for the Voting Rights Act. I'm not -- some argue -- I'm
20 not saying I agree with it. There's a very high
21 priority for creating competitive districts and we need
22 that. My point is I think you are going to have to
23 follow some creative routes.

24 Quite frankly, I'm surprised. I consider
25 6 very compact in light of the fact we're making an

1 effort to favor competitive districts. There are going
2 to be some jogs. Compared to other districts where we
3 had to strive on the Voting Rights Act, certainly this
4 is very compact. And in my mind, it's acceptable.

5 CHAIRMAN LYNN: Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Mr. Chairman, I've
7 said it before, and at this -- I'll make the point
8 again, in this context, that I absolutely believe that
9 we can sacrifice compactness for -- in order to comply
10 with the Voting Rights Act, which has a higher priority
11 than compactness in both Proposition 106 and just the
12 sheer law of federalism. Also, I was convinced from my
13 interpretation of 106 that we can trade compactness for
14 communities of interest because they are of equal
15 priority and the -- I think that's an equation we know
16 we have to take into consideration as we have to
17 maximize both of those to the extent practicable.

18 The trouble with this context is that
19 although I agree that we are to consider competitiveness
20 as a mandatory criteria, it's where it does no
21 significant detriment to the others, and that's the
22 difference. We did not have to -- we did not have that
23 prescription with respect to the Voting Rights Act or
24 respect to communities of interest. We do have it with
25 respect to competitiveness. And really, the question

1 is -- I hope we all agree on this -- simply is it
2 significant detriment. Are we doing significant
3 detriment in order to achieve this? And I think in
4 terms of compactness, there's an obvious detriment.
5 Also -- I have so many concerns, I think communities of
6 interest from the north and south that are not even
7 closely related to each other which we have put together
8 here, and that may be the most important consideration
9 of all in my mind.

10 Thank you.

11 CHAIRMAN LYNN: Mr. Hall, Mr. Elder.

12 COMMISSIONER ELDER: I'd weigh in, to some
13 extent. Pretty old, mature southern districts,
14 neighborhoods, and the northern part of 6 is so new you
15 don't, you know, have social relationship with your
16 neighbor yet. It's a whole different fabric, social is
17 different, the construct there.

18 One thing I'd like Mr. Johnson to do, be
19 prepared to provide us with information on, is city
20 splits on the various configurations we've got.

21 We pretty much itemized, and I want to say
22 in the original map of August took pride in the
23 reduction in the number of splits, reduction in the
24 number of city divisions, school districts, et cetera.

25 And I would also like to see where AURS

1 fit into both this plan as well as our August -- not
2 August -- June 14th plan. Because those were equal
3 criteria under the 106 jurisdictions as well as
4 communities of interest.

5 At best I'd say 6 has a functional thing I
6 like, zero population to in-held, in effect flare dense
7 north concentrates, very narrow area, mountains take up
8 so much, then another more mature area. Community of
9 interest, it doesn't seem to provide the continuity you
10 should have in the district.

11 Based on geography alone, you can't get
12 there from here. If you tried to get down I-17 in the
13 morning, you can't get there from here.

14 I still -- I would like to see that
15 removed from whatever it is on the east, eastern leg to
16 the west. Try to get a link, squaring off 6 and make it
17 more compact, repair both of them. But right now we
18 have an R district, both of them, trading numbers in an
19 R district. And it doesn't seem like that trade is
20 significant enough to justify the management of edge
21 conditions we have here.

22 You say contiguous. Yes, it is on the
23 map. Populationwise it is not. I'd like to see that
24 test or modification made, if we can.

25 CHAIRMAN LYNN: At this point, we don't

1 have a motion with respect to any of this.

2 These are good comments. At some point we
3 need the results incorporated into a motion.

4 Mr. Hall.

5 COMMISSIONER HALL: Mr. Chairman, an
6 additional point. The difference in criteria is a
7 distinguishing difference with the issue of
8 competitiveness, and the word is favored. And I've been
9 accused by some of my siblings as being the favored
10 child.

11 MR. RIVERA: They were wrong.

12 CHAIRMAN LYNN: I'm sure they were baffled
13 by any advantage you had.

14 COMMISSIONER HALL: No doubt.

15 Meaning, in their opinion, on occasion, I
16 received preferential treatment in certain areas. So
17 subsequently, I think that the word is on its face
18 obvious that there is some preferential treatment to
19 competitiveness.

20 I didn't write the Constitution, Daniel.
21 I'm saying that's what it says.

22 COMMISSIONER ELDER: Take both parts of
23 the sentence, Mr. Hall.

24 COMMISSIONER HALL: I understand. Would
25 be favored. Talking about precedence. Favored if no

1 creative difference. Okay. To gerrymander a little bit
2 because they'll trump it all. To some degree, to allow
3 flexibility of edges, borders of the line in order to
4 favor competitiveness. The fact is all Republicans,
5 Democrats don't live in a little circle. We're trying
6 to create competitiveness.

7 With respect to sociality, people across
8 the road don't play bridge together. We're talking
9 about going to the polls, voting for a representative
10 that represents their interests. I'm not saying --

11 If I'm on the next drafting committee, you
12 can rest assured I'll make a tremendous effort to remove
13 what I consider to be some ambiguities, conflicting
14 issues. It is what it is.

15 I think, lady and gentlemen, we are
16 mandated in this case. I -- obviously there's some
17 detriment to compactness, some detriment, probably, to
18 some degrees, to community of interest. I don't see it
19 as significant.

20 So, to Mr. Lynn's point, I think that -- I
21 don't think we can fix the east edge of 6, allow it to
22 be competitive. I recommend we try so, but I would like
23 to make a motion that we -- that you provide us with an
24 amended version of this test incorporating the change
25 Mr. Huntwork requested with respect to the Sun Cities

1 and to make an effort to increase the compactness of
2 District 6 while maintaining its competitive nature.

3 COMMISSIONER MINKOFF: Is that it?

4 COMMISSIONER ELDER: For clarification,
5 without any change to District 6?

6 COMMISSIONER HALL: I think we defined --
7 generally agreed we want to stay within certain ranges.
8 I'm not sure it's a bright line. I think we said we
9 want to be in an area where Mr. MacDonald would call it
10 quote, unquote "competitive." I'm saying stay within
11 those ranges he feels are quote, unquote "competitive."

12 I'm all for competitiveness, geographic
13 features. I trust Mr. Johnson, with his expertise,
14 timeliness, would do that, fine-tune test those areas,
15 accommodate the changes Mr. Huntwork has referenced in
16 Sun City and trying to make District 6 more compact.

17 CHAIRMAN LYNN: Is there a second?

18 COMMISSIONER MINKOFF: Second.

19 CHAIRMAN LYNN: Thank you.

20 Discussion on the motion?

21 COMMISSIONER ELDER: Can we make other
22 direction to that or a separate motion?

23 CHAIRMAN LYNN: Let's do it one of two
24 ways. Either suggest additional direction and see if
25 the maker and seconder buy it, or a separate motion.

1 Either case add.

2 COMMISSIONER ELDER: Mr. Chairman, if
3 going to take a look at the test at all, I'd like to
4 include the change of the little tail, whatever it is
5 that goes over I-10 in 15 in relation to the Historic
6 District to the south --

7 COMMISSIONER MINKOFF: Westwood.

8 COMMISSIONER ELDER: -- as much as change
9 in population, try to get that Historic District put
10 together with the balance of Historic Districts there.

11 COMMISSIONER HALL: I'm fine with that.

12 COMMISSIONER MINKOFF: Me, too.

13 CHAIRMAN LYNN: Included by reference.

14 Other discussion on the motion?

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: I want to point
17 out that on this latest test, the Judge It criteria for
18 District 11 is 13 percent. For District 6, it's four
19 percent. If you even them out, it would be
20 eight-and-a-half percent. Plus, we had at least
21 preliminary, Doug is saying that area we're talking
22 about squaring off is a very highly Republican. Reading
23 between the lines, it's probably a very effective area
24 in terms of turning out and voting. So I think it would
25 be worth a test on what would happen if we just squared

1 that thing off.

2 I just want to see what the answer to that
3 is. We may end up with two districts very close to
4 being competitive.

5 COMMISSIONER MINKOFF: Mr. Chairman, in
6 the interests of not having Doug spend too much time on
7 things we're not going to seriously consider, I have
8 some problems with that suggestion, because we are
9 charged, to the extent practicable, with creating
10 competitive districts. It doesn't say more competitive,
11 doesn't say almost competitive, it says competitive
12 districts. We have a measurement that we have been
13 using that says the Judge It number of seven or less is
14 considered competitive. To me, taking a four and a 13
15 and making two eight and a halves is removing a
16 competitive district rather than creating a competitive
17 district. I don't think we're allowed to do that if we
18 are trying to follow the mandates of Proposition 106. I
19 would have problems with that. I think we need to
20 create competitive districts. That's what it calls for.

21 CHAIRMAN LYNN: Mr. Hall.

22 COMMISSIONER HALL: Mr. Chairman, I think
23 that's a separate issue. I'm fine to run the test. Is
24 that long to do that? Seems like it would be pretty
25 quick. Or is that more difficult?

1 MR. JOHNSON: Well, on the competitiveness
2 test, I can do a test and give you registration, AQD
3 results. To measure Judge It results requires sending
4 the file off to Dr. McDonald and time for him to process
5 it and send it back. In terms of getting Judge It
6 numbers, it's considerably time consuming.

7 COMMISSIONER HALL: Would you be
8 comfortable with AQD analysis?

9 COMMISSIONER HUNTWORK: I'm not too sure
10 on District 6. On 11, they're very far apart.

11 CHAIRMAN LYNN: I wonder if not precisely,
12 but it might approximate the nature of the change by
13 looking at the change in the AQD score for this test,
14 what Doug can come up with.

15 COMMISSIONER HALL: AQD right now is 14
16 points different, right?

17 COMMISSIONER HUNTWORK: District 11, AQD
18 is 20. Judge It, it's 13. That's a huge difference.

19 COMMISSIONER HALL: Apples to apples, six,
20 AQD is six.

21 COMMISSIONER HUNTWORK: Yeah.

22 COMMISSIONER HALL: If he runs it, AQD 10,
23 15, with your mathematical genius, get somewhere.

24 COMMISSIONER HUNTWORK: I already
25 determined I can't figure out what Judge It does.

1 CHAIRMAN LYNN: To the extent we're only
2 asking for registration, AQD, Mr. Hall's question, is it
3 significantly more time in terms of instruction to take
4 a look at that, provide us with some feedback?

5 MR. JOHNSON: I can probably do it in an
6 hour, balancing the line out, giving registration and
7 AQD results just for that one test.

8 CHAIRMAN LYNN: All right.
9 Further discussion on the motion?

10 MR. JOHNSON: If we do want Judge It
11 analysis, Dr. McDonald is actually driving tomorrow day
12 and won't be available until tomorrow night.

13 CHAIRMAN LYNN: Mr. Hall, Mr. Huntwork.

14 COMMISSIONER HALL: To be clear,
15 Mr. Chairman, the intent of the motion is to maintain
16 the general integrity of 6 as it stands, incorporate
17 changes in Sun City and changes Mr. Elder -- I'd like to
18 see a map with that configuration.

19 I'd say I'd support a separate motion,
20 separate test pursuant to Mr. Huntwork's request in an
21 effort see if we square off the eastern edge of 6, what
22 that would do to the general numbers.

23 CHAIRMAN LYNN: So not incorporated in
24 this motion but as separate motion.

25 COMMISSIONER MINKOFF: Uh-huh.

1 COMMISSIONER HALL: Yes.

2 CHAIRMAN LYNN: Okay.

3 Further discussion on this motion?

4 COMMISSIONER MINKOFF: May I ask for a
5 summary?

6 Sun City, Westwood Village, anything else
7 as a change to --

8 COMMISSIONER HALL: If ability to clean up
9 the eastern edge of 6 and stay in range.

10 COMMISSIONER MINKOFF: Those are two
11 instructions, test to the high end of 14 with those two
12 modifications.

13 CHAIRMAN LYNN: On the motion, all in
14 favor of the motion, signify "Aye."

15 COMMISSIONER MINKOFF: "Aye."

16 COMMISSIONER HUNTWORK: "Aye."

17 COMMISSIONER ELDER: "Aye."

18 COMMISSIONER HALL: "Aye."

19 CHAIRMAN LYNN: Chair votes "Aye."

20 Opposed, "No."

21 Motion carries unanimously and is so
22 ordered.

23 Mr. Huntwork.

24 COMMISSIONER HUNTWORK: I'd like to make
25 the motion we also run a test where we square off the

1 eastern boundary of District 6 as much as possible along
2 the 7th Street corridor.

3 COMMISSIONER HALL: Second.

4 CHAIRMAN LYNN: Moved and seconded.

5 Discussion on the motion?

6 Mr. Hall seconded it.

7 CHAIRMAN LYNN: Ms. Nance would not have
8 seen that.

9 If not, all in favor of the motion,
10 signify "Aye."

11 COMMISSIONER MINKOFF: "Aye."

12 COMMISSIONER HUNTWORK: "Aye."

13 COMMISSIONER ELDER: "Aye."

14 COMMISSIONER HALL: "Aye."

15 CHAIRMAN LYNN: Chair votes "Aye."

16 The motion carries unanimously and is so
17 ordered.

18 Mr. Johnson, you've been up there a long
19 time. As I recall, there were other parts of your
20 report we've not yet heard.

21 MR. JOHNSON: Right.

22 CHAIRMAN LYNN: With respect to population
23 deviation --

24 That's actually the last one, is it not?

25 MR. JOHNSON: Yes.

1 CHAIRMAN LYNN: Ms. Minkoff?

2 COMMISSIONER MINKOFF: Mr. Chairman, I do
3 have another competitiveness issue I'd like to propose.

4 If you want this done first and to go back
5 to it, that's fine with me. If moving to something
6 else, I wanted to make sure I got that on the table. I
7 can do it now or later.

8 CHAIRMAN LYNN: Let me ask Mr. Johnson,
9 how long is your report on population deviation?

10 MR. JOHNSON: Just my report, fairly
11 brief, five minutes, probably. There may be discussion
12 and questions.

13 CHAIRMAN LYNN: Is there anything for to
14 us do with that report or is it informational only as to
15 what you've done?

16 MR. JOHNSON: Informational as to what
17 I've done so far. It may be the Commission wants to
18 stop or you may want me to go further with it. There is
19 a question for the Commission to consider.

20 CHAIRMAN LYNN: What I would like to do is
21 continue with the discussion on competitiveness and
22 then, time permitting, get to that report either this
23 evening or first thing in the morning.

24 Ms. Minkoff.

25 COMMISSIONER MINKOFF: Thank you,

1 Mr. Chairman.

2 I really think we've come a long way in
3 terms of working on competitiveness on this map. I'm
4 pleased with the direction things seem to be going.

5 As things look now, we seem to be looking
6 toward five competitive districts in Maricopa County. I
7 believe, given the other issues we had to deal with,
8 that is a good number.

9 We have one competitive rural district,
10 District 5. We have no competitive districts in Pima
11 County, in the southern part of the state. It may not
12 be doable, but I would like to give it one more shot.

13 We had a proposal a while ago to do some
14 changes with 26, 28, and 30 which created competitive
15 districts, but according to people who live there and
16 know the area better than the rest of us, it did not
17 work for communities of interest. I respect their
18 opinion, certainly have no reason to challenge it.

19 It looks to me like changes were pretty
20 extensive when we were dealing with three districts. As
21 I recall last fall when we adopted the map sent to
22 Department of Justice, there was a test that looked
23 primarily at 26 and 28, may have been minimal changes in
24 30. I don't recall whether there were or not. But I
25 would really like to ask Doug to give it one more shot,

1 a lot of the work has already been done, to see if there
2 is a way -- we've got a Democratic District 28,
3 Republican district in District 26. I think if we can
4 create two competitive districts, we've really done what
5 the spirit of this law is all about, we've given voters
6 a choice, not to the detriment of either political
7 party, because we've taken one district controlled by
8 one party, one district controlled by the other party,
9 given voters in both those districts a choice.

10 I would like to move we direct Doug to
11 look at Districts 26 and 28 and see if there is a way to
12 make both of them competitive.

13 This would not restrict you only to 26 and
14 28, but that would be the primary focus of your
15 activity. In other words, if you had to pull a little
16 bit from here or there, obviously trying to stay away
17 from any Voting Rights Act implicated district, I'd like
18 to direct Doug to see if we can get competitive
19 districts in Pima County that do not create significant
20 detriment to other requirements of Prop 106.

21 CHAIRMAN LYNN: There's a motion on the
22 floor.

23 Is there a second?

24 Hearing none, the motion dies for lack of
25 a second.

1 Mr. Elder.

2 COMMISSIONER ELDER: No. I was going to
3 make a different motion to that effect. It's all set.

4 CHAIRMAN LYNN: I'm not -- I'd be more
5 than happy, I think everybody knows my concern with the
6 suggestions made last week. I'd be perfectly happy to
7 go back and look at that previous suggestion with
8 respect to the interaction between 28 and 26, because I
9 frankly don't remember all of it, at the moment. I'd be
10 more than happy to look at it. I think it appeared two,
11 three places, Mr. Johnson. I think we ran a test on it,
12 I believe in one of Coalition 2's maps, I believe also
13 in one of the Navajo maps, Navajo Preferred, maybe not.
14 Maybe it's the other one. But it was in fact a much
15 more limited adjustment to 28 -- primarily 28, 26,
16 perhaps some population equaling through 30. I'm clear
17 about -- I'd be happy to revisit. I'm not sure I'll
18 vote for it. I'd be interested in looking at it.

19 Mr. Elder.

20 COMMISSIONER ELDER: Mr. Chairman, if the
21 discussion, or narrative we had last week was complete,
22 which I believe it was, and the only issue which was
23 brought up then, as it is now, was the shift in
24 competitiveness, we voted four-zero with one abstention
25 that there was indeed substantial harm to the other

1 tenants or factors of 106 in that three-way change.
2 Going to 26 and 28 I don't think changes that edge
3 between the two one iota. I don't think we should
4 continue to spend any time, effort of the consultant or
5 the Commission, to review that.

6 CHAIRMAN LYNN: Mr. Hall.

7 COMMISSIONER HALL: Mr. Chairman, I agree
8 with Ms. Minkoff it would be nice to create an
9 additional competitive district in Pima County. I
10 remember very vividly the discussion regarding this
11 issue. But it was the 11th hour of Tempe, and in fact
12 crossing the freeway, we ran a specific test on this,
13 the issue. And the discussion we had had becomes
14 somewhat vague to me. That's why I became very
15 supportive when we ran a three-way test which basically
16 recalled all the issues we discussed, almost identical
17 in the previous discussion when we adopted our final
18 plans. And while I would -- I think it would be great
19 to do that, given the constraints, most of which might
20 add voting rights in 25, 29, 23, when you take 23, 25,
21 29, voting rights related districts, it's extremely
22 difficult to create a competitive district without
23 causing significant detriment to other goals.

24 In my mind, it was clear after hearing all
25 the evidence, if you will, it was significant. So no

1 disrespect to Ms. Minkoff's motion, I just feel like
2 we've ridden that horse and put him up wet. I don't see
3 any point in opening the barn door again.

4 COMMISSIONER MINKOFF: Mr. Chairman.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: I'm suggesting 25,
7 29, voting rights, not be a part. Primary is 26, 28.
8 Might be minimal adjustment to 30 without changing the
9 essential character of that.

10 Discussion we had last week was a much
11 bigger shift among three districts. 28 ceased to be a
12 central Tucson district, moved east into the Tanque
13 Verde area. A significant portion of central Tucson
14 moved into 26. A total shift.

15 I'm looking for something much less than
16 that, adjustments primarily between the borders of 26,
17 28, nothing to do with the Voting Rights Act, everything
18 to do with competitiveness, not touching voting rights
19 districts.

20 As I recall, all three are pretty close to
21 the edge. I wouldn't want to change the demographic
22 composition of any one of the three.

23 I have a hard time supporting a map where
24 there is nothing competitive in Pima County. I believe
25 we can take a look at it without impacting the Voting

1 Rights Act, equal protection clause, all legally
2 significant things. We did it in Maricopa County. I
3 think we're sensitized to how it can be done. I'd just
4 like to give it another shot.

5 CHAIRMAN LYNN: Mr. Hall.

6 COMMISSIONER HALL: Ms. Minkoff, I'm not
7 sure you understood what I said. Not any of the three
8 tests said competitiveness. We have three voting rights
9 districts. When you have three voting rights districts,
10 you've used a lot Democrats.

11 COMMISSIONER MINKOFF: There's a lot in
12 28.

13 COMMISSIONER HALL: Spent, if you will.
14 But, in fairness, because I'm willing to look at
15 anything, I second your motion.

16 COMMISSIONER ELDER: Call the question.

17 CHAIRMAN LYNN: Is there any further
18 discussion on the motion?

19 Moved, seconded, to take a look at 26, 28,
20 with perhaps equalization of population but avoiding
21 those districts that are covered by the Voting Rights
22 Act.

23 COMMISSIONER HALL: Basically relooking at
24 the test, Andi, we did --

25 COMMISSIONER MINKOFF: Not that we did.

1 COMMISSIONER HUNTWORK: Before voting on
2 this, I want to say I remember the test we did in
3 October. This is not incredulous recollection. The
4 river there created quite a clear boundary line between
5 communities of interest. You could look at the map a
6 lot of different ways, and that was as obvious when you
7 tried to do a switch with 26, 28, as yesterday we tried
8 a three-way switch. There's no change to any
9 demographics here. Numbers used were correct, and I
10 think that there's no reason do it again. We did before
11 in detail. It was a sound decision, did it in public
12 session, did it on the record, and it's just baffling to
13 me why we'd do the same thing again.

14 If it is something more than a matter of
15 reminding us of what we did before, if --

16 Andi, if you are saying you have a
17 different approach than the one we did before, that I
18 would be more than interested in listening to. I don't
19 think we need to do it. I remember it.

20 CHAIRMAN LYNN: One of the reasons I'd
21 like to see it, we made an adjustment between 26 and 23
22 with respect to taking population out of 26 and moving
23 it into 23. I want to see for my own edification what
24 impact, if any, that might have had, what opportunities
25 may have either been created, or difficulties doing

1 that, in terms of a competitive district.

2 I'm looking at Judge It results for the
3 interim plan, and District 26 is 7.6 on the Judge It
4 scale. And again, with all due respect to my colleagues
5 who this evening at various times talked about
6 competitive and noncompetitive, I still find it very
7 difficult to find out at what point a district becomes
8 competitive or ceases to be competitive. I believe it's
9 a continuum: The closer to zero, the better it is; the
10 further away from zero, the worse it is. I clearly
11 understand we may not be able to get any significantly
12 closer than 7.6 percent. I honestly don't know. I
13 wouldn't already consider that competitive, in my own
14 mind. But I'm more than happy to take a look at it.
15 I'm not suggesting I'm ready to accept any of the
16 changes.

17 Mr. Huntwork.

18 COMMISSIONER HUNTWORK: I'm very well
19 aware of the fact of population imbalance. One of the
20 reasons I was so abrupt, I want to get past this and on
21 to a discussion of how to balance population. That does
22 offer opportunity, almost inevitably will shift some
23 population in the direction of 26 which would make it
24 more competitive. It's hard to figure out how to do it
25 without doing that. That does not mean rerunning a

1 whole new test. That means trying to look at something
2 new. That's what we need to get on to.

3 CHAIRMAN LYNN: Again, I would like to see
4 this done even if it is repetitive. Most of it, as you
5 said, has already been done.

6 I'd like to take a look at it. I do think
7 in terms of -- I think the point is well-taken with
8 respect to the deviation question. We may want to hear
9 that report from Mr. Johnson and perhaps table this
10 until we hear it or rethink it after we hear it, I don't
11 care which. I'm disposed today to look at it again in
12 the spirit of what we're trying to accomplish here. I'd
13 do it either way.

14 We have a motion on the floor. Mr. Elder
15 kind of informally asked we vote on it.

16 Further discussion on the motion or would
17 you like to table it?

18 Hearing no motion to table, all in favor
19 of the motion, signify by saying "Aye."

20 COMMISSIONER MINKOFF: "Aye."

21 COMMISSIONER HALL: "Aye."

22 CHAIRMAN LYNN: Chair votes "Aye."

23 Opposed say "No."

24 COMMISSIONER HUNTWORK: "No."

25 COMMISSIONER ELDER: "No."

1 CHAIRMAN LYNN: Motion passes three-two.

2 It shouldn't require a lot of work on your
3 part, Mr. Johnson, given the test has already been run.

4 Again, to put it in perspective, if we
5 could, then, without objection, I wonder if we could get
6 a brief deviation report. And certainly, if you could,
7 highlight -- not that you'll pay short shift to any of
8 it -- the issue with District 26 in particular.

9 MR. JOHNSON: Mr. Chairman, looking at
10 deviations in this plan, the Commission's instruction
11 was to attempt to reduce deviations, particularly in
12 districts with largest deviations, and to also try to
13 reduce them across the board where possible without
14 impacting other topics discussed in various tests.

15 Given the time frame and the amount of
16 work that would be required to go into, say, District
17 23, 13, 14, 16, where we have some very sensitive
18 Department of Justice and other voting rights areas of
19 concern, what I have to report on now, if we don't touch
20 those districts, don't touch key districts, topics of
21 the Department of Justice letter, avoid any impact on
22 that, and also if we try to avoid touching District 17
23 because of it's competitive nature in the East Valley,
24 what is possible. Looking at districts 18 through 22,
25 I'll get numbers for you, as you probably remember, we

1 had some significant deviations in the area ranging from
2 1.74 -- I'll read off 18 through 22, 1.74, 4.95 in 19,
3 essentially balanced in 20, 1.17 percent under in 21,
4 again almost five percent over in 22. Obviously 19 and
5 22 are very overpopulated and they are the most
6 overpopulated districts in the state. What it was
7 possible to do was to spread this deviation among these
8 districts.

9 Does someone have the pointer?

10 CHAIRMAN LYNN: I believe it's in the
11 men's room.

12 MR. JOHNSON: Okay.

13 So 19 and 22 are the most overpopulated.
14 The first step I did was attempt to essentially circle
15 the deviation spread through 19, 18, 21, and 20, first
16 get the deviation down in 22. So you can see the
17 changes in here. Black lines overlaid the 2002 plan.
18 Colors underneath are with the change.

19 So this reduced the deviation in 22. It
20 also allowed us to square this district border off
21 between 19 and 22. The change there is entirely within
22 the City of Mesa.

23 The other spot I looked at, this small
24 bump on Baseline where it goes up to the north. That's
25 following the city border of Gilbert. I didn't change

1 that.

2 19 is very overpopulated, even more
3 populated after that change. The next step was move an
4 area of 19 into District 18. You see it here moving the
5 border south of Broadway over to Via Vista into 18.
6 Then there was a double trade in District 18 in an
7 attempt to get the deviations balanced between 18, 19,
8 and 21.

9 You can see where 21 coming north of
10 Southern, that's east of Guadalupe Road there, and
11 because -- to keep it a square, major roads as the
12 border, and without getting weird jags through
13 neighborhoods, it worked best if I traded back the other
14 way with a small area.

15 I don't have the street name on this. I
16 can zoom in when I go to the other map, show you where
17 18 picked up a small piece of 21. That made the border
18 between 18 and 21 essentially straight up and down with
19 21 and 22.

20 And the last part of this was in Chandler,
21 a small piece right here, where District 20 would extend
22 slightly to the southeast below Pecos Road to finish
23 spreading of population deviations among these
24 districts.

25 CHAIRMAN LYNN: Mr. Johnson, at that

1 point, 20, 21, that is the split in Chandler, the single
2 split in the City of Chandler?

3 MR. JOHNSON: Yes. Three northern changes
4 all take place within the City of Mesa, so no city
5 border changes there. And then 20 and 21, it is
6 Chandler.

7 After these changes are made, 18 is two
8 and a quarter percent overpopulated, 19 is 1.9 percent
9 overpopulated, 20 is two percent overpopulated, 21 is
10 2.1, and 22 is two percent. So what this does is
11 essentially level off population deviations between
12 these instead of a max of 4.9 plus in the five
13 districts, two percent over.

14 In order to get these any lower, we're
15 kind of boxed in. As I'm sure you remember, 15 and 17
16 provide the border around 20 in the west, District 23
17 wraps around this area on three sides. If trying to
18 avoid touching Department of Justice topic districts,
19 attempting not to change the competitiveness of 17, this
20 is as close to even deviations as we can get.

21 CHAIRMAN LYNN: Questions and comments.

22 Mr. Huntwork.

23 COMMISSIONER HUNTWORK: Well, I would not
24 have given the instruction, do not agree with the idea
25 of freezing 17 merely because it's competitive. If

1 someone had come to me saying: Let's make a competitive
2 district by causing four, five other districts to be out
3 of population balance by two percent, I would have just
4 said, in my own mind, at least, I'd have said:
5 Absolutely not. That's an illegitimate trade and I
6 can't trade somebody's equal protection for
7 competitiveness.

8 Now, what would happen if we rippled this
9 change throughout Maricopa County even back down around
10 and back into Southern Arizona? Couldn't we do that and
11 wouldn't that get it down to well below one percent
12 deviations throughout? Ripple through probably 10 more
13 districts?

14 MR. JOHNSON: You make a good point. If
15 we rippled further, we reduce the deviations more where
16 we would -- ideally where we'd end up at the November
17 9th adopted plan, about 3.7, I think. To go below that
18 you start getting neighborhoods and other things we
19 looked at in November.

20 We could get it below where it is now if
21 we ripple throughout.

22 CHAIRMAN LYNN: It occurs to me that, I
23 guess to your point, Mr. Huntwork, would you not concur
24 that the reason we were out of balance in terms of
25 population deviation was consideration of all of the

1 goals in the Act, many of which were respect for cities,
2 and county lines, and communities of interest, which
3 caused us to draw districts that were somewhat more
4 unbalanced than we would have liked? And this, then, is
5 an exercise to minimize that imbalance without doing as
6 little changing beyond the scope of what we need to do
7 as possible. In other words, I wasn't terribly
8 uncomfortable, I know you were probably more
9 uncomfortable than I, with the range deviation in the
10 adopted map. It was within limits acceptable given
11 other things we were trying to achieve. This solution
12 with respect to Districts 18 through 22 cuts it in half,
13 does a little better than cuts it in half, to me, with
14 minimal impact on districts, certainly an acceptable
15 solution and one, at least for my sensibilities, that
16 doesn't need to be extended beyond the districts
17 involved.

18 Mr. Huntwork.

19 COMMISSIONER HUNTWORK: Mr. Chairman, at
20 least in my mind, we did a totally different
21 calculation. We did the best we could. We had very
22 little time. The court didn't impose tremendous
23 deadlines on us, the map we currently had, had districts
24 out of balance by a hundred percent, not three or four
25 percent. But now that we're back to the 1990 districts,

1 have population deviations, some districts twice as
2 large as others, that's a hundred percent deviation. So
3 we needed to get better districts than that approved.
4 And in that context the deviation four, five percent was
5 certainly acceptable.

6 I do not see any reason now why we need to
7 have deviations of this magnitude, certainly not to
8 preserve the City of Tempe, because it's not a pure City
9 of Tempe to begin with. We can ripple population
10 through it, change boundaries at the south side, where
11 the city is already split, the north side where
12 Scottsdale is included in it, ripple that population
13 through the entire valley. I think we ought to do it,
14 especially because we don't know if it would have a
15 significant effect on competitiveness of District 17 if
16 we made the effort to do that.

17 CHAIRMAN LYNN: Ms. Minkoff.

18 COMMISSIONER MINKOFF: Mr. Chairman, the
19 reason we ended up with overpopulation primarily in two
20 of the East Valley districts was because of an attempt
21 to comply with the Voting Rights Act. We took the Gold
22 Canyon area, a significant portion of Apache Junction
23 out of District 23, put San Manuel and Oracle into
24 District 23. And that was one of the things we had to
25 do to get the court to approve the interim plan that we

1 districts into the rest of the map, we're basically
2 redrawing the whole map and changing all the things
3 we've achieved in the other 25 districts.

4 CHAIRMAN LYNN: Mr. Hall.

5 COMMISSIONER HALL: I move that we
6 incorporate Mr. Johnson's proposed solution.

7 CHAIRMAN LYNN: It's been moved we
8 incorporate the deviation changes in Districts 18
9 through 22.

10 Is there a second?

11 COMMISSIONER MINKOFF: Second.

12 CHAIRMAN LYNN: Discussion on the motion?
13 Mr. Huntwork.

14 COMMISSIONER HUNTWORK: Mr. Chairman,
15 personally, I do not see that it is at all true we'd
16 have to create any additional splits in Tempe. What we
17 would do is take some area off the bottom, and we'd take
18 area off, Scottsdale off the top. It's already split
19 between Tempe and Scottsdale.

20 Secondly, the reason why we have imbalance
21 is correctly stated by Commissioner Minkoff. The reason
22 why we're doing what we're doing now is not. We now
23 have the opportunity to equalize the population. And
24 the argument I hear loud and clear is: Well, it's only
25 the East Valley, why not just stick the entire East

1 Valley with two percent overpopulation and not even
2 bother to take the time to look at the map to see if
3 there's anything we can do about it.

4 I don't believe that is correct. I don't
5 believe it's the right thing to do. And I strongly
6 oppose the motion.

7 CHAIRMAN LYNN: Further discussion on the
8 motion?

9 Mr. Elder.

10 COMMISSIONER ELDER: Mr. Chairman,
11 Mr. Johnson, what is the population deviation of 17 and
12 one and to the north, Scottsdale?

13 MR. JOHNSON: District 17 is slightly
14 underpopulated by 250 people, 0.15 percent. And
15 District 8 is slightly overpopulated 530 or 0.31
16 percent.

17 COMMISSIONER ELDER: In other words, if we
18 include 17, take two percent differential in 18, 19, 20,
19 21, 22, we're down in the one range as opposed to two
20 range?

21 MR. JOHNSON: That's correct.

22 COMMISSIONER MINKOFF: Don't you, between
23 the three districts, need 300 people? 500 too many in
24 8, or 250 too few in 17? 300 people.

25 COMMISSIONER ELDER: Two percent of --

1 3,000 people in 18, 19, 20, 21, 22 over as opposed to
2 300 over. If we took that balance and said let's make
3 all of them, 8, 17, 21, 22, 1,000 people over, we have
4 balance.

5 CHAIRMAN LYNN: Mr. Hall, Mr. Huntwork.

6 COMMISSIONER HALL: Mr. Chairman, this is
7 very interesting. Frankly, it's artificial in nature.
8 As pointed out, that was two years ago. All of these
9 are probably well over the percentages, from a practical
10 matter. We just had a discussion of growth areas.

11 I call the question.

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

14 Mr. Huntwork?

15 COMMISSIONER HUNTWORK: Mr. Chairman, I
16 want to -- I think this is an important point. I
17 appreciate the need to get on with things. At the same
18 time, I think it is -- it is important these are growth
19 areas. And to start in the hole to begin with knowing
20 it's just going to get worse doesn't help my feeling on
21 the subject very much.

22 The second point I would like to ask,
23 finally, there was a map submitted by the other
24 political party, if you will, with the sole purpose of
25 rippling population through which I've never seen

1 printed out, don't know if it did.

2 Did you look at that, Doug?

3 MR. JOHNSON: I did.

4 COMMISSIONER HUNTWORK: How did it deal
5 with rippling throughout the valley?

6 MR. JOHNSON: It aimed at reducing
7 deviations across the board. It changed virtually every
8 district, I think, to some small degree and ended up
9 with about, I think, under four percent total deviation.
10 Part of gain, as they said when they presented it, was
11 looking at reducing deviation, not aiming to change
12 anything else. Many places would reduce deviation. It
13 did what they tried to avoid, crossing major streets and
14 things like that. But they did look at every district
15 of the map to make changes to get to under four percent
16 deviation.

17 COMMISSIONER HUNTWORK: I know it's late.
18 I apologize. I don't mean to be curt or abrupt. How to
19 do it, how you get through District 17?

20 MR. JOHNSON: Oh, want to see a specific
21 line?

22 COMMISSIONER HUNTWORK: Or just
23 characterize for me. Tell me generally how you did it.

24 MR. JOHNSON: I haven't looked at District
25 17 in particular, focused more on the Central Maricopa

1 Districts, a quick sampling.

2 COMMISSIONER HUNTWORK: You did have to go
3 through 17 in order to do it?

4 MR. JOHNSON: Yes.

5 COMMISSIONER HUNTWORK: Just as you'd have
6 to do.

7 MR. JOHNSON: Made changes to 16, 13, in
8 addition to 17, and I think 23 as well. I didn't look
9 at 23, can't say for sure.

10 COMMISSIONER HUNTWORK: Mr. Chairman, I'd
11 like to know how they did it, before putting it
12 completely to bed.

13 CHAIRMAN LYNN: Is that something you can
14 pull up?

15 MR. JOHNSON: Yes.

16 CHAIRMAN LYNN: While doing that, I would
17 like to make one point, and that is if our intent was to
18 utilize all the districts in trying to achieve a zero
19 population deviation, that should have been the
20 instructions to Mr. Johnson. I don't believe it was. I
21 believe Mr. Johnson complied with the instruction he was
22 given. Because we focused on the higher numbers in the
23 deviation. We didn't, I don't believe, we can go back
24 and check the record, I don't believe we asked him to
25 make sure every district was as near zero as possible.

1 We asked him to narrow the range of deviation. He
2 concentrated on areas of highest deviation in order to
3 reduce that range.

4 Part of the concern is if our intent had
5 been to come as close to zero throughout the map as
6 possible, that would have been a specific instruction
7 and he would have had time to work on that.

8 Again, if that's where we want to go,
9 that's a different instruction. Give him instruction,
10 ask him to work on it.

11 I think what he did was responsive to the
12 instruction we gave him. And the motion on the floor at
13 the moment is, I think, supportive of that instruction.
14 That's all I'm trying to point out.

15 Mr. Johnson, want to answer the question
16 about the Republican?

17 COMMISSIONER HALL: I do. I'll sell it to
18 you. If we end the discussion in 10 minutes, I'll give
19 it to you.

20 MR. JOHNSON: I think a motion, instead of
21 instruction. Over in 18, 19, 20, 21, 22, somewhat
22 similar changes. It actually came up in Southeast Mesa
23 as well, picked up largely -- not as dense population in
24 there at all, picked up some population in there. Did a
25 similar rotation around the City of Gilbert as I

1 described in the East Valley. Then took a small piece,
2 you see the white area within the red line -- red lines
3 are the Republican map lines -- 17, a little to the
4 south, more or less squared that off. And then changes
5 continued, you can see the north part 17, small green
6 area north of the red line, that area would have moved
7 into District 8.

8 I don't see and haven't zoomed in down to
9 the super block level.

10 Not major changes between 6, 7, 8.

11 Where it goes from there, down in this
12 area, you can see small changes around the borders of
13 15, 14, and then in 13 -- you may recall 13, 14, 16, all
14 relatively underpopulated as part of the changes made in
15 the federal court plan. So in reducing those areas they
16 actually have blocked here and along the way.

17 Those are certainly changes we can look
18 at.

19 Impact on Hispanic percentages in those
20 areas, hundredths of points, maybe up to a 10th of a
21 point in some areas.

22 Largely the difference between those lines
23 and lines in place for 2002 are a result of following
24 major roads and looking to avoid splits of
25 neighborhoods. That's the tradeoff we face there, lower

1 deviations, some neighborhood splits.

2 That gives you a sense where they went
3 with all of this.

4 CHAIRMAN LYNN: Ms. Minkoff then
5 Mr. Huntwork.

6 COMMISSIONER MINKOFF: First of all, I
7 commend Mr. Johnson for doing what we asked him to do
8 and doing it very well.

9 I support the motion because I think that
10 there is a commonalty of communities of interests among
11 Districts 18, 19, 20, 21, 22, and as long as we are not
12 invading city boundaries, I think switching population
13 among those districts doesn't have a lot of impact.

14 There was a time that we had a map for the
15 State of Arizona that was population balanced. It was
16 called the grid. It was a long time ago. The reason we
17 don't have the grid anymore, according to requirements
18 of Prop 106, we made adjustments to the grid to
19 accommodate all the other requirements of Prop 106,
20 equal protection, Voting Rights Act, compactness,
21 contiguity, respecting political boundaries, et cetera.
22 That necessitates population deviations.

23 I think Mr. Johnson's work minimized those
24 significantly. I'm comfortable with the differences. A
25 difference of a couple thousand people, one difference

1 to another, is yesterday's news. At this point, some
2 differences may be 5,000 people, 10,000 people, or zero
3 because population of districts is changing constantly.
4 As I said before, we have no way of being
5 prognosticators and balancing districts for the next 10
6 years.

7 I think to go beyond these districts will
8 impact communities of interest, will chop up cities, is
9 going to create changes in voting rights districts.

10 I recommend approving the changes in these
11 five districts. If there are other areas that work
12 together we want to shift population, I'd be pleased to
13 see motions to that effect. But I do not feel
14 comfortable rippling population from Districts 18
15 through 22 into the rest of Maricopa or across a county
16 line causing splits in Pinal County.

17 CHAIRMAN LYNN: The question is called
18 informally.

19 Mr. Huntwork and Elder.

20 COMMISSIONER HUNTWORK: I was here when we
21 gave instructions. I recall no such limitation on the
22 instructions. If it had been clear there was a
23 limitation in the instructions, I would have
24 unquestionably spoken up at that time.

25 I don't think that it is fair or accurate

1 to retroactively create a clear limitation, maybe an
2 ambiguous one. It certainly was not in my mind.

3 I also think equal population is the
4 fundamental thing we have to do. The length we've been
5 going to look for competitive districts is important.
6 It's always worth going the second mile to comply with
7 every requirement. The bedrock is equal population.
8 There's an obvious way. You can argue 17 is a stronger
9 Tempe district after the change than it was before,
10 because there's more Tempe, less Scottsdale in 17, and I
11 doubt any significant effect on competitiveness overall
12 and provides a way in which this can be rippled through.

13 Thank you.

14 CHAIRMAN LYNN: Mr. Elder.

15 COMMISSIONER ELDER: Yes, Mr. Chairman.

16 I, too, did not understand or did not hear
17 or did not comprehend there were limits upon which we
18 had given Mr. Johnson to look at only those districts in
19 relation to balancing of population. My understanding
20 was or the intent of voting for work Mr. Johnson was
21 going to do was to try balance the population, and that
22 includes the districts that are affected by DOJ. In
23 other words, we underpopulated those because we were
24 looking for specific percentages, specific relations to
25 bench mark. If we have areas that do not change those

1 percentages we can add in or take out to be able to
2 maintain the percentages for minority voting rights, and
3 various issues we dealt with during that hectic two-day,
4 two-and-a-half day period, to get equal population so
5 there's the one-man, one-vote issue, we should still be
6 open, should still do that.

7 CHAIRMAN LYNN: Well, Mr. Johnson, just
8 for the sake of clarity, did you understand the
9 instructions on population deviation as I just recounted
10 them or did you understand them to be something
11 different than that?

12 MR. JOHNSON: There was, as I recall it,
13 and everything gets a little fuzzy after a certain hour,
14 there was a -- part of the instruction that asked to
15 look at the other districts and see -- other districts
16 being Voting Rights Act and competitiveness districts,
17 and see if there were changes to reduce deviation
18 without impacting goals in those districts. It was a
19 time issue.

20 Looking at that, three-quarters of a day
21 to a whole, if we keep the same effect. It's a lot of
22 detailed analysis. That is not incorporated into these
23 tests.

24 What I incorporated into the test was the
25 big picture ones I could get done and report to you.

1 I have not done the subtitle instruction,
2 I guess, also looking at other districts and seeing if
3 we could achieve the same goals there without -- with
4 smaller deviations.

5 I will note, just from now balancing
6 districts many, many times in various stages of the
7 process, in 13, 14, 16, and down south in 27, 29, we
8 definitely did consider deviation along with other
9 criteria when we drew these for the court. To achieve
10 the same target voting strength in those districts is
11 really going to require going through neighborhoods and
12 splitting blocks, just because that is what we looked at
13 back then. So I know for those districts that would be
14 the impact, as the Republican Party more or less
15 demonstrated here with their proposal.

16 Competitiveness of District 17 and other
17 competitive districts isn't something I've looked at in
18 a balancing context, can't characterize over the
19 district we looked at a month ago, or whenever it was,
20 for the court case.

21 CHAIRMAN LYNN: There's a motion on the
22 floor to accept changes for Districts 18 through 22.

23 Further discussion on the motion?

24 All those in favor of the motion signify
25 by saying "Aye."

1 COMMISSIONER MINKOFF: "Aye."

2 COMMISSIONER HALL: "Aye."

3 CHAIRMAN LYNN: Opposed say "No."

4 COMMISSIONER ELDER: "No."

5 COMMISSIONER HUNTWORK: "No."

6 CHAIRMAN LYNN: Chair votes "No."

7 Motion fails two to three.

8 I need to explain my vote. I would not
9 want -- I would not want the Commission to make a
10 decision either on the basis of misunderstood or an
11 incompletely understood instruction. I do think it's
12 worth discussion, whether that discussion takes place
13 tonight or tomorrow or at some future date, as to where
14 we as a Commission need to be with respect to population
15 deviation on this map.

16 I clearly now understand that there is a,
17 at least -- there's a significant difference of opinion
18 on the Commission on this issue. It may also require
19 that we get some legal advice on the issue as well as
20 other advice on the issue. My no vote is an attempt to
21 keep the record clear as to determining those things
22 first before we move to accepting deviations on a
23 piecemeal basis, if we're going to look at the entire
24 map.

25 So, having said that, we have a couple

1 things at work here. First of all, if there's more
2 business to take care of this evening, we do need a
3 break. Lisa has been at this for two-and-a-half hours,
4 as of our reconvening. I'd like to do that before we
5 take a number of other issues, if we have a number of
6 other issues this evening.

7 Mr. Elder.

8 COMMISSIONER ELDER: Can I ask a quick
9 question of Mayor Donaldson?

10 Mayor Donaldson, do you have any report as
11 to where your -- delineation as to where the proposed
12 plan, plan modifications are, when it will be ready?

13 MAYOR DONALDSON: Should be ready in the
14 morning.

15 COMMISSIONER ELDER: Are parts ready so
16 Doug can stay up all night?

17 MR. JOHNSON: I think we've already
18 covered that.

19 COMMISSIONER ELDER: I guess where I'm
20 going, that may well have ramifications, some go into
21 here, why go in fine-tuning based on concepts or actual
22 lines until we see that plan?

23 COMMISSIONER HALL: Mr. Chairman, on the
24 issue of population, I can recall three executive
25 sessions where we discussed it in intimate detail.

1 We're clearly within the parameters required by-law,
2 probably required by adjustments. We need a scope
3 around what we're doing here. Folks, we are stuck in
4 the mud.

5 I'm concerned that in certain areas we're
6 moving backwards instead of forwards. I think after the
7 break an initial discussion would be appropriate to
8 determine what the scope is of what we want to try to
9 accomplish -- if we go back to equal populize everything
10 to zero, it will never happen in light of voting rights
11 issues.

12 Do we need to step away a minute and
13 determine what the scope is and determine what we can
14 accomplish or just renotece another week of meetings?

15 CHAIRMAN LYNN: Let's take a 10-,
16 15-minute break and reconvene.

17 (Recess taken.)

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

20 For the record, all five Commissioners are
21 present, legal staff, NDC, and Commission staff.

22 Mr. Elder.

23 COMMISSIONER ELDER: Mr. Chairman, I would
24 like to make a motion. I'd like to make a motion to
25 direct Mr. Johnson to look at deviation of all the

1 districts of the state, because we have the time to do
2 that now. We should look at it for the voting rights
3 aspect one man one vote. We had a two-day window where
4 we did not have the time to take a look at the
5 deviation, and I think as near as possible to getting
6 the snapshot 2002 Census numbers down --

7 COMMISSIONER MINKOFF: 2000.

8 COMMISSIONER ELDER: -- 2000, that's our
9 mandate. And just because we needed to hit certain
10 target numbers in a very short period of time does not
11 mean now when we have the time to take a look at the
12 numbers we shouldn't at least make the attempt to make
13 the deviation smaller in all the places.

14 CHAIRMAN LYNN: Second to the motion?

15 COMMISSIONER HALL: Second.

16 CHAIRMAN LYNN: Thank you.

17 Discussion on the motion?

18 Let me ask, clarifying the motion, I take
19 it by the motion when you say "we have time," you are
20 referring to the fact there's an interim plan in place
21 and that the permanent solution for 2004 and beyond does
22 not have to be in place until sometime prior to the 2004
23 election, which gives us the time to do it?

24 COMMISSIONER ELDER: That or may only take
25 a day to do this, and we didn't have a day before. If

1 we can -- whether we meet next week for a day or two is
2 not a reason for not doing that at this stage.

3 CHAIRMAN LYNN: Okay. I just want to be
4 clear on what kind of time frame you think the motion
5 will carry with it. And to that point, I'll ask
6 Mr. Johnson at some point what he estimates, if the
7 motion were to pass, what that would take.

8 Ms. Minkoff.

9 COMMISSIONER MINKOFF: I'd like to ask the
10 maker and seconder if they'd consider in addition to the
11 motion instructing Mr. Johnson to make these adjustments
12 throughout the map taking care to cause no significant
13 detriment to any districts which comply with Section
14 Five of the Voting Rights Act and to cause no
15 significant detriment, significant, to the
16 competitiveness of -- any competitive district already
17 created.

18 COMMISSIONER ELDER: Mr. Chairman, I would
19 not agree to -- as far as the last portion. As far as
20 the first portion, yes. Second portion, we haven't been
21 able to determine what competitiveness is, anyway. To
22 the extent saying "significant," putting significance on
23 "significant," I don't know what we can do to that. If
24 it's reasonable, or if it doesn't do -- I want to say it
25 doesn't change it or take it out of being a competitive

1 district to a noncompetitive district, yes, I'd agree
2 with that. Say going from 3.1 to 3.2, that's still in
3 the seven percent range, that is not significant.

4 COMMISSIONER MINKOFF: You are right.

5 COMMISSIONER ELDER: If we get some
6 semblance to Mr. Johnson of what significant is --

7 COMMISSIONER MINKOFF: You know, I think
8 if we have a one percent district, take it to a
9 six-and-a half percent district; a three percent
10 district, take it to a three-and-a-half percent
11 district, that's probably going to happen.

12 I'm comfortable, you know, with leaving it
13 flexible. I think Mr. Johnson understands what we're
14 driving at.

15 COMMISSIONER ELDER: With that caveat,
16 yes.

17 CHAIRMAN LYNN: Mr. Huntwork, my specific
18 question is you are the seconder of the motion.

19 COMMISSIONER HUNTWORK: Yes. I want to be
20 clear as we go through this what the instruction is.
21 The reason we're doing this motion is because we had a
22 miscommunication on the instruction. It's a little too
23 easy to say Doug knows exactly what we want.

24 Yes, we will take competitiveness into
25 consideration.

1 COMMISSIONER ELDER: Yes.

2 COMMISSIONER HUNTWORK: As we will all
3 other criteria, communities of interest, compactness,
4 all other criteria, so as to minimize any harm to any
5 criteria as you achieve the overriding goal of
6 equalizing population, to the extent practicable.

7 MR. JOHNSON: Mr. Chairman, the
8 instruction before was not a matter of confusion, it was
9 a matter of time, my attempt today to get back to you
10 something solid you could look at. It was not a
11 matter --

12 CHAIRMAN LYNN: Clearly we've looked at
13 it.

14 Mr. Hall.

15 COMMISSIONER HALL: Mr. Chairman, I'm in
16 total agreement with the motion. I don't -- in the hope
17 the intent of the last motion not to be misconstrued,
18 priority and timing, I don't know how to resolve the
19 macro issues on the table, what we'll do in Maricopa
20 County. There are other tests already on Doug's plate
21 we have to resolve.

22 We have to determine in a general sense
23 what our big districts are before we ask to make
24 population deviation adjustments.

25 We're all in agreement we'd like to have

1 every district be ideal and perfect. That's all well
2 and good. This motion needs to be tabled until after we
3 have Mr. Johnson already eat, if you will, everything on
4 his plate, do that and bring back that information and
5 let us analyze it and process it and make some macro
6 determinations on the issues on his plate. Then after
7 that I think we then instruct him to do precisely what
8 Mr. Elder has proposed.

9 CHAIRMAN LYNN: Ms. Minkoff.

10 COMMISSIONER MINKOFF: Mr. Chairman, I
11 agree with Mr. Hall. I'm not sure we need to table it.
12 I think we can pass the motion, instruct Mr. Johnson
13 that the first work he is to do is the other kinds of
14 adjustments to the districts that we've recommended.

15 Let's get a map that looks good absent
16 population equalization, approve it in concept, and
17 direct him to work on equalizing population.

18 CHAIRMAN LYNN: Clearly none of us wants
19 to make any more work for Mr. Johnson than we need to to
20 achieve a solution.

21 To my point, at some point in our
22 deliberations you will have a map with which you can
23 then move forward in terms of a deviation assessment
24 throughout the state pursuant to Mr. Elder's motion on
25 the floor at the moment.

1 Given that we give you the -- direction to
2 write a map to look at, can you give us estimate how
3 long will take to do a full, statewide assessment
4 according to the motion and come back to us with a
5 recommendation?

6 (Cellphone rings.)

7 CHAIRMAN LYNN: And perhaps that's the
8 answer right there.

9 COMMISSIONER HALL: President Bush.

10 No, Dear, I won't be home for dinner.

11 (Laughing.)

12 MR. JOHNSON: Mr. Chairman, you're
13 correct, there's no way do the work until all other
14 tests are done, as Commissioner Minkoff said, and
15 adopted in concept. At that point, it would probably
16 take a minimum of a week, probably a week and a half or
17 two weeks, depending on scheduling, when that falls, if
18 weekends are available to work through, to do a full
19 report like we did back in October and November, balance
20 everything out, so the Commission can look at options
21 where you might want to deviate, et cetera.

22 CHAIRMAN LYNN: Mr. Elder.

23 COMMISSIONER ELDER: Was that the one,
24 Mr. Johnson, where you also looked at traps and other
25 finesse done at the very end or a previous iteration,

1 more grander, larger scale modification? Which one was
2 that?

3 MR. JOHNSON: It could be done as part of
4 the same project. We'd want to address traps and things
5 twice, do it before deviation work and after deviation
6 work. Don't have to do it before we report to you and
7 after, can be within the same period. That's all part
8 of the same clean-up.

9 CHAIRMAN LYNN: Further discussion on the
10 motion?

11 I trust the maker and second understand
12 given the time frame of what we're doing, this is a
13 procedural motion. At the point appropriate to do the
14 iteration review, it will be done in this manner. We're
15 not ordering it to be done immediately, because we don't
16 have a map on which it can be done.

17 COMMISSIONER ELDER: Yes.

18 COMMISSIONER HUNTWORK: Yes.

19 CHAIRMAN LYNN: With that in mind, all in
20 favor of the motion, signify "Aye."

21 COMMISSIONER MINKOFF: "Aye."

22 COMMISSIONER HUNTWORK: "Aye."

23 COMMISSIONER ELDER: "Aye."

24 COMMISSIONER HALL: "Aye."

25 CHAIRMAN LYNN: Chair votes "Aye."

1 Opposed say "No."

2 Motion carries unanimously.

3 We're at a point in the evening where, in
4 the opinion of the Chair, any substantive discussion of
5 any kind ought to be deferred until tomorrow, at some
6 point.

7 I would like to get from Mr. Johnson an
8 estimate, aside from population, which has been
9 deferred, with the things currently on the agenda to be
10 worked on between now and the next time we get together,
11 recognizing we can begin the day with public comment and
12 other things that will determine the starting point from
13 the time you tell us, you can be ready to give us a
14 report.

15 When would that be?

16 MR. JOHNSON: Mr. Chairman, looking at the
17 instructions so far, which is Commissioner Hall's motion
18 on Sun City, the compactness of District 6, and the
19 15 -- northwest corner of 15 and Westwood Village trade
20 as one test, Commissioner Huntwork's motion testing the
21 squaring of 6 and 11, and the fact it's already 11:00
22 o'clock, optimistically, I'd say I'd be ready to report
23 by 11:00. I think more realistically we're looking at
24 12:00 or 12:30.

25 CHAIRMAN LYNN: And in that time frame,

1 given one of the instructions this evening was also 26
2 and 28 in Tucson, but that is a revival of a test
3 already there.

4 MR. JOHNSON: Oh, that's right.

5 CHAIRMAN LYNN: Does that change your
6 estimate, Mr. Johnson?

7 MR. JOHNSON: Failed the first time seeing
8 it.

9 That would probably -- that one would
10 probably add about an hour or so. We're looking at, I
11 would say, 1:00 o'clock would be a good time for me to
12 report.

13 CHAIRMAN LYNN: Mr. Elder?

14 COMMISSIONER ELDER: Mr. Chairman, my
15 sense is we should just go ahead and start at 11:00 or
16 12:00, have public comment, and hopefully -- I guess
17 where I'm going, hopefully Mayor Donaldson and the group
18 early in the morning would be able to have a contact
19 point with Mr. Johnson. Because I would like to have,
20 even if it be a cursory review, some sort of assessment
21 where we could put it in and say: Look, it just isn't
22 working or is working, go further, know right at the
23 beginning. If we needed to recess for an hour or two
24 because of that, we could. But 11:00, 12:00, public
25 comment, Mr. Johnson at 12:30 or 1:00, unless he has

1 work he can do with Flagstaff and that part.

2 CHAIRMAN LYNN: Let me propose this and
3 certainly throw it out for your discussion and
4 edification. If you want to make a change, please do
5 so.

6 My sense is what we ought to do is recess
7 until 11:00 tomorrow. I'm going to bet that either
8 Mr. Johnson will decide to get less sleep or the testing
9 will go better than he anticipates. Given neither of
10 those occur, I still think we ought to go ahead and --
11 let me revise that. Let's say 11:30, meet at 11:30.

12 My suggestion would be either have a late
13 breakfast or early lunch. The intent would be to start
14 at 11:30, work through the day until dinner time, if not
15 otherwise finished, and then try to work as late as we
16 need to tomorrow to get wherever we're going to wind up.

17 It would also be my guesstimation given
18 the work out and work that still needs to be done, I'm
19 not at all confident we'll have a final answer tomorrow.
20 So what we may want to do also, tomorrow, is check
21 schedules for subsequent meetings in the couple weeks to
22 come. And there may be a day or so we might be able to
23 find that works. If not, we'll see.

24 Having said that, let's try 11:30 tomorrow
25 with Mr. Johnson available, let's say, in the 12:30

1 range, give or take. And that would probably be the
2 best --

3 COMMISSIONER ELDER: Can they have a
4 contact, or way of getting together if they do arrive
5 early enough, they know where to get a hold of you?

6 MR. JOHNSON: The only concern with that,
7 any time I spend talking with Flagstaff will add to the
8 time before I'm ready to report.

9 Is that what you are referring to, getting
10 together with Flagstaff?

11 CHAIRMAN LYNN: The issue is if you touch
12 base with Flagstaff tomorrow morning, find out what
13 information they have or can give you, number two,
14 you'll know, have better time to touch base with them on
15 how much work you have to do on the list you are working
16 on. We might be able to accommodate the schedule in
17 some way through what you do tomorrow, have you do both,
18 not at the same time sequentially.

19 MR. JOHNSON: I can check in with them
20 just before the meeting starts at 11:30, if that makes
21 sense.

22 CHAIRMAN LYNN: To Mr. Elder's point, if
23 they have information for you before that, if there's a
24 way for them to get you what they have, so you know what
25 you have to work with.

1 COMMISSIONER ELDER: My hope is they are
2 preparing a disk they can hand to you, you put in, look
3 at, run your information, your study on.

4 MR. JOHNSON: You guys don't have
5 something similar to a mapping system? You'll come back
6 with something similar to today?

7 COMMISSIONER ELDER: Ms. Minkoff is saying
8 take more time. Should do it at 3:00.

9 If we get that information, we need to
10 have that.

11 CHAIRMAN LYNN: Flagstaff indicated they
12 will not be able to provide electronic data at any time.

13 COMMISSIONER ELDER: What were they doing?

14 MS. HAUSER: What are they bringing?

15 COMMISSIONER ELDER: What are they going
16 to provide? We had taken a map at 11:00 o'clock today.

17 MR. JOHNSON: Ran into population
18 deviations today. They're revisiting that, attempting
19 to address it in a similar fashion as a map description,
20 print paper map descriptions, how they'd address that
21 problem.

22 COMMISSIONER ELDER: Start at 11:00
23 o'clock then.

24 CHAIRMAN LYNN: Make it 11:30 to give
25 Mr. Johnson as much leeway as we can.

1 We'll meet at 11:30, expect to hear your
2 report at or before 12:30.

3 MR. JOHNSON: I can be here and give you
4 what I've got.

5 CHAIRMAN LYNN: Without objection, we'll
6 recess until 11:30 tomorrow morning.

7 (Whereupon, the Commission recessed at
8 11:11 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 190 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 30th day of June, 2002.

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

