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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
June 25, 2002
12:30 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 25, 2002,
 3 at 12:30 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

ADDITIONAL APPEARANCES:

15

LISA T. HAUSER, Commission Counsel

16

JOSE de JESUS RIVERA, Commission Counsel

17

M. MARGUERITE LEONI, NDC Counsel

18

ADOLFO ECHEVESTE, IRC Executive Director

19

KRISTINA GOMEZ, IRC Staff

20

DOUG JOHNSON, NDC, Consultant

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LISA A. NANCE, RPR, CCR, Court Reporter

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 Phoenix, Arizona

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SPEAKERS FROM THE PUBLIC:

- DAVID CANTELME, Counsel, Flagstaff
- B. PAUL BARNES, President Neighborhood Coalition of Greater Phoenix and Planning and Zoning Chair and Director Arcadia/Camelback Mountain Homeowners Association
- DANA TRANBERG, Intergovernmental Relations Asst., City of Glendale
- MICHAEL POPS, President of SMIC

SCHEDULED SPEAKERS:

- MR. DOUG JOHNSON

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Public Session
Tempe, Arizona
June 25, 2002
12:30 o'clock p.m.

P R O C E E D I N G S

CHAIRMAN LYNN: The Commission will come
to order.

For the record, roll call.

Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: Mrs. Minkoff?

COMMISSIONER MINKOFF: Here.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Here.

CHAIRMAN LYNN: Mr. Huntwork is not
present. He's excused. He'll be here in 15 minutes or
so.

The Chair is here as is NDC, NDC's
counsel, Commission's counsel, and the Commission staff.

Ladies and gentlemen, this is the time and
place designated for comments from the public. For
those that wish to address the Commission, they need to
do so by filling out a yellow form. These are available
in the back of the room.

1 I have three forms filled out at this
2 time.

3 As is our custom, we'll try to work in
4 public comment throughout the deliberations today and
5 into this evening. I can't tell you at this point how
6 long we'll go. We'll go until we're finished, whatever
7 that means. Our schedule is such that at the conclusion
8 of today's meeting, whenever it does conclude, the
9 likelihood we'll get together again before the middle of
10 August is quite slight. This will be the last meeting
11 of the Commission in June and we're not likely to have a
12 meeting in July. As the day unfolds, we'll try to
13 figure out what that means in terms of what happens
14 between now and our next meeting.

15 At any rate, we have three members of the
16 public who have asked to address the Commission. First
17 is David Cantelme who is representing the City of
18 Flagstaff.

19 Mr. Cantelme.

20 MR. CANTELME: Thank you, Mr. Chairman,
21 Members of the Commission.

22 Is this on?

23 CHAIRMAN LYNN: Yes.

24 MR. CANTELME: If I may, I'd like to
25 approach and distribute our proposed plan.

1 CHAIRMAN LYNN: Without objection.

2 MR. CANTELME: Mr. Chairman, I also have
3 our proposed plan on disk. I believe Mr. Johnson is
4 putting it on the computer.

5 MR. JOHNSON: It's processing.

6 MR. CANTELME: With the Commission's
7 permission, I have the plan. We hired an expert to put
8 it through the computer. I gave it to Mr. Johnson. If
9 I may have leave, we'd make it a submission to the
10 Commission and submission of the disk to Mr. Johnson.

11 CHAIRMAN LYNN: For the record,
12 Mr. Huntwork has joined us and we're happy to see him.

13 MR. CANTELME: A couple points about the
14 proposed Flagstaff Preferred Plan. The computer run was
15 prepared by Tony Sissons.

16 The black lines, black numbers, are the
17 Flagstaff Preferred Plan. Red is the current Commission
18 plan, red lines, boundaries, red digits for district
19 numbers.

20 Here are, Mr. Chairman, Members of the
21 Commission, the modifications required by the computer
22 in order to meet the parameters for equal protection,
23 voting rights, et cetera. They are modifications to the
24 hand-drawn plan we presented last week.

25 These are the main points. In last week's

1 plan Ajo was in District 24 with Yuma. Now it goes to
2 District 4, which is primarily a western Maricopa County
3 district.

4 Number two, Greenlee goes from District 25
5 under last week's Flagstaff plan to District 2, Winslow
6 to District 2. Pinetop, Lakeside, before we had in
7 District 5, excuse me, District 2, now will go to
8 District 5. Extends District 5, a rim district,
9 including non-Reservation portions of Coconino, Sedona,
10 non-Reservation portions of Navajo County south of
11 Highway 40. All of the San Carlos and White Mountain
12 Apache tribes go into District 2 with the Navajo tribes.
13 Again, we propose a plan A or plan B depending on
14 whether the Hopi are in or out of the Navajo District.

15 The point I want to make in particular is
16 that this new District 5, in our plan, is essentially a
17 tie between Democrat and Republican registration, 38
18 percent plus minus Democrat, 38 percent plus minus
19 Republican, the balance being independent or other
20 parties, very competitive, perhaps the most competitive
21 district of all 30.

22 Now, the specific changes, if you follow
23 me in the hand-outs I gave you, I won't go over plan
24 B. Plan B is Hopi in rather than Hopi out. Other than
25 that, it's the same.

1 If you go to the chart I have attached to
2 my handout, it gives you the demographics. And I'm
3 going to go with plan A in terms of my presentation this
4 afternoon. Again, we take no position on plan A or B,
5 Hopi in or Hopi out. But you can see there,
6 essentially, in District 5, as I mentioned, you have
7 Democrat registration, 38.82; Republican registration of
8 37.97 percent, difference of only one percent. Under
9 the DOJ approved plan for District 5, you have a
10 Democrat registration of 50.9 percent and Republican
11 registration of 36.6 percent. This takes a Democrat
12 majority district and makes it a very competitive
13 district.

14 In terms of District 25, the southeastern
15 district, which there was a question about in our
16 original presentation, whether or not it satisfied
17 voting rights, whether it affected a minority dominated
18 district or not, and if you see on the chart,
19 essentially there's no change in terms of numbers and
20 demographics between what the Commission, what the DOJ
21 plan, approved plan does, and what this proposed plan
22 would do.

23 If you look at the voting age, minority,
24 in our plan A, 41.75 percent, slightly higher than the
25 DOJ approved plan, 41.39 percent. And I believe all

1 minority again reflects a slight increase under the
2 Flagstaff Preferred Plan from the DOJ plan.

3 I believe -- now this is just voting age.
4 If you take actual population, minority-majority
5 district under both plans, ours is slightly, probably
6 not insignificantly, higher.

7 Now beyond or behind the chart I've given
8 you with the demographics are the narrative changes from
9 the DOJ 4 plan to the Flagstaff Preferred Plan. I've
10 gone through those with you before. I don't see any
11 point unless the Commission has questions in going over
12 it again.

13 Essentially, to sum up, what the plan does
14 is it, in our opinion, respects communities of interest
15 in the northern parts of the state, specifically
16 unifying all of Yavapai County, unifying non-Reservation
17 Coconino County sections, non-Reservation Gila,
18 non-Reservation Apache. That district, contrary to
19 press reports, it will not be dominated by Coconino
20 County, will take population from Coconino and Gila,
21 Navajo Counties. Whatever delegation would represent
22 that area would have to pay attention to all geographic
23 segments of the district and all population segments of
24 the district, because Gila and Navajo Counties together
25 could offset whatever you have in Coconino.

1 That, ladies and gentlemen, that concludes
2 my presentation.

3 CHAIRMAN LYNN: Comments or questions for
4 Mr. Cantelme?

5 COMMISSIONER MINKOFF: Mr. Cantelme,
6 looking at the list of districts you changed, just again
7 I'll use 1A, that's one you focused on. Several are
8 significantly underpopulated, 3, 4, 25, and then 6 and
9 30 are somewhat overpopulated. One of the things we
10 were working on last meeting was trying to equalize
11 population to the extent possible, especially District 4
12 on the map pushes right up to the edge of what federal
13 courts would allow.

14 If you make an attempt to equalize
15 population in districts, would it seriously impact
16 things like community of interest, Voting Rights Act
17 considerations, et cetera? Because the deviations are
18 really pretty substantial.

19 MR. CANTELME: Thank you, Madam Vice
20 Chairman.

21 My thought off the top of my head is we
22 can tweak those to get those down. I'm not a computer
23 expert. Don't want to misrepresent that to the
24 Commission. I could have Mr. Sissons do that in order
25 to make changes to that particular goal.

1 CHAIRMAN LYNN: Other comments or
2 questions?

3 Mr. Cantelme, thank you very much.

4 Now that Mr. Johnson has that in a visual,
5 electronic form, it can be made a better part of the
6 record because it now conforms to our other maps.

7 CHAIRMAN LYNN: Next speaker, B. Paul
8 Barnes, president of the Neighborhood Coalition of
9 Greater Phoenix.

10 Mr. Barnes.

11 MR. BARNES: Thank you, Mr. Chairman. I
12 just received word a couple hours ago the Commission is
13 considering the possibility of switching the Arcadia
14 district from District 11 to District 15. If that
15 information is incorrect, I can sit down.

16 That's too bad.

17 Let me explain a little bit more
18 specifically why I'm here. I am a citizen. I am not a
19 city official. I have lived in the Arcadia district for
20 a period of 28 years. The greater Arcadia area is
21 represented by a group called the Arcadia Camelback
22 Mountain Homeowners Association. I have been an
23 eight-year director of that organization, three years as
24 it's past president. I am currently a director. And I
25 serve as their chair of zoning and planning as far as

1 that area is concerned.

2 It consists of four square miles. And we
3 represent 2,600 households. We are in the Scottsdale
4 School District, the southern part of the Scottsdale
5 School District. We are newly configured District 6, as
6 far as the city council districts are concerned. And
7 there's a chance that that district will probably go
8 into effect sometime shortly after the first of the
9 year.

10 That area of District 6 would consist of
11 the Arcadia area, the Arizona Biltmore area, the area
12 along North Central known as the North Central
13 Homeowners Association, and also Ahwatukee. Now
14 Ahwatukee is by a stretch of the imagination
15 contiguous. It's necessary to achieve that particular
16 configuration and Ahwatukee into the district so it
17 would not dilute minority population votes in District 6
18 and District 7, which are the district that Ahwatukee
19 section might have been put into.

20 The point is that keeping Arcadia in
21 District 11 would be totally consistent with the
22 community of interest concept. Moving it into District
23 15, the more central part of Phoenix, would be just the
24 opposite. We have no real fields or interest, no
25 commonalty with that part of Phoenix. And right now the

1 Scottsdale School District, the Arcadia portion,
2 southern portion, could be described as an area in
3 peril. The schools in that part of the district are
4 old. Many of them are 25, 30 years old. The northern
5 part of the Scottsdale School District, the newer area,
6 is rapidly increasing in population and they're
7 attempting to build new schools.

8 We had a failed bond issue last year that
9 would have spent a lot of money up north to build new
10 schools and refurbish some schools in the Arcadia area.
11 The movement in Scottsdale School District is to close
12 down some schools in the greater Arcadia area and
13 southern part of the district.

14 We badly need a current political base to
15 help us with the struggle that will be ahead. Putting
16 us in a separate area and splitting us off from the
17 political base of Scottsdale School District could
18 potentially be devastating.

19 Our area is one generally of large lots.
20 Many of them are an acre or more, which again is
21 consistent with the balance of the district we're
22 currently in, talking about the district up in North
23 Central, the Biltmore area. There's no such like
24 interest with the central part of Phoenix.

25 My Neighborhood Coalition of Greater

1 Phoenix gets me involved with all the neighborhood
2 associations in each of the eight city council districts
3 of Phoenix. And so I'm speaking from that experience.
4 I've headed up that group for a period now of 10 years.

5 We have made a lot of contributions to the
6 state, made a lot of contributions to the area. I guess
7 I would ask: Please don't kick us in the teeth by
8 moving us over into an area that is just going to be
9 totally foreign to us moving forward.

10 Unfortunately, because of the short
11 notice, I could not bring with me the cadre of
12 neighborhood people you might imagine I would otherwise
13 bring. Because when we have issues like this, it's not
14 uncommon for us to have 75 to 200 people on board. I
15 was just able to get here myself and had to cancel a
16 zoning hearing.

17 In addition, Councilman Greg Stanton is a
18 councilmember in the current District 6 and will be a
19 councilmember in the newly configured District 6. He
20 also opposes the possibility of such a change of moving
21 the Arcadia area into this other district. He opposes
22 it on the basis -- frankly, the same basis I do. It
23 simply tears Arcadia out and puts it in an area where we
24 feel it doesn't belong. It is totally out of sync with
25 it's community of interest. And Councilman Stanton has

1 authorized me to make the statement to the Commission.
2 And furthermore, he will have a letter forthcoming to
3 the Commission, as soon as he can author that.

4 He couldn't be here, again, because of the
5 short notice. If any of the Commission members wish to
6 call Councilmember Stanton by phone to try to reach his
7 office, he would encourage that.

8 I would be happy to answer any questions
9 that any Members of the Commission might have.

10 CHAIRMAN LYNN: Thank you, Mr. Barnes.

11 For the record, would you just briefly
12 give us the, as you understand it, the perimeter of the
13 Arcadia neighborhood, that is to say northern, western,
14 eastern, southern boundaries.

15 MR. BARNES: Let me talk about the
16 homeowners association and then Arcadia. Arcadia is
17 larger than the homeowners association. Homeowners
18 association, Arcadia Camelback Mountain Homeowners
19 Association, a four-mile area, east side of 44th Street.
20 It runs north on 44th Street past the Stanford
21 alignment. It comes up on the southern slope of
22 Camelback Mountain over to 64th Street. I'm talking now
23 about the west side of 64th Street. East side of 64th
24 Street, cuts over into the boundary of Scottsdale. Then
25 runs south all the way down to the canal on Indian

1 School Road.

2 Now, that is the Arcadia Camelback
3 Mountain homeowner's area. Arcadia historically also
4 runs up just short of Scottsdale Road. This was an old
5 citrus area. They considered themselves part of
6 Arcadia, too. And it also runs south of Indian School
7 Road up to Osborn. And it runs down Indian School Road
8 to the city limits of Scottsdale.

9 The area I described south of Indian
10 School is known as the Arcadia Osborn Neighborhood
11 Association. The area I described going up east on
12 Indian School is Arcadia Ingleside Neighborhood
13 Association. We all work very closely together, have
14 for a number of years. We have very similar problems in
15 terms of the schools, in terms of land use, in terms of
16 avoiding commercial encroachment.

17 And then we also have worked with these
18 other areas I mentioned, the North Central area, that's
19 a citrus area much like ours, large lots, same types of
20 problems; and to a lesser extent with the homeowner
21 association in the Arizona Biltmore area.

22 So we're very much a community of
23 interest. We've been happy that way. We've supported
24 our people at the state, work not only on city issues
25 but down at the state.

1 Our particular Senator, as I'm sure you
2 know, I'm old District 26, was Senator Tom Smith and
3 Representative May and Representative Hatsmiller. But
4 we've worked closely with people in old District 25,
5 too, Senator Kaminsky and their representatives. We'd
6 like to keep intact. We feel, frankly, it's in the best
7 interests of the state that happen. And we'd like to
8 keep it that way.

9 CHAIRMAN LYNN: Thank you, Mr. Barnes.
10 Mr. Hall.

11 COMMISSIONER HALL: Mr. Barnes, thank you
12 for coming. Can I ask you just one question?

13 MR. BARNES: Yes.

14 COMMISSIONER HALL: As you know, our
15 charge as a Commission is to draw the boundaries
16 pursuant to the Arizona Constitution as set forth under
17 the language passed by the voters of Proposition 106.
18 And one of the charges in that language is "Competitive
19 districts should be favored where to do so would create
20 no significant detriment to other goals."

21 My question to you is -- just so you know,
22 what you see before you is a test the Commission is
23 currently considering. The consideration of the test,
24 this is not part of the interim plan being utilized for
25 2002 elections. The intent of this test was for us to

1 consider all opportunities where the Commission could
2 create competitive districts and not cause significant
3 detriment to other goals. My question to you is, in
4 your opinion, since this district is not, quote unquote,
5 competitive, as it's in the gray on the screen under
6 this test, does it cause significant detriment to other
7 goals, and if so, specifically, which goals?

8 MR. BARNES: Well, one I mentioned,
9 certainly, it totally tears asunder, which in my
10 opinion, and the opinion of others, including Councilman
11 Stanton, the goal of maintaining a community of
12 interest.

13 Our area is -- I'd even question you are
14 not tending to elude some of the minority
15 representation. The Arcadia area is almost totally
16 devoid of minority representation. I would think that
17 if your efforts to put it into a more Central Phoenix
18 category it would certainly be contrary to that. In
19 fact, I mentioned Ahwatukee is maintained in the city
20 council district 6 just because of that.

21 The Arcadia area, Ahwatukee area, Biltmore
22 area, North Central area, which goes up to make a big
23 part of District 11, and also it's basically the center
24 of District 6, has -- it has really very little minority
25 representation.

1 I think taking this population base out,
2 which not only in terms of numbers, but in terms of
3 voting, the voting efficacy of Arcadia is very high,
4 extremely high. And I'd think it would tend to
5 frustrate that minority goal as well.

6 I just think that the disadvantages would
7 far outweigh any advantage to strike some balance that
8 might exist today if it were structured that way as far
9 as the competitive voting is concerned. And the
10 implications, adverse implications, to me, would not be
11 worth the gamble. I see -- I just don't think positives
12 versus negatives make sense.

13 CHAIRMAN LYNN: Mr. Huntwork.

14 COMMISSIONER HUNTWORK: Mr. Barnes, do you
15 know the outlines of the southern Scottsdale School
16 District you referred to?

17 MR. BARNES: I guess that would depend a
18 lot on who you talked to. I would say -- I would
19 consider it's north-south Scottsdale, whatever you would
20 say the boundary of that is. If you would say Shea,
21 everything north is north, then Scottsdale School
22 District would be everything south of that, and it would
23 be coming up west to encompass Arcadia. Arcadia High
24 School, which is just on the south side of Indian School
25 and 48th Street, is in the Scottsdale School District.

1 Schools along Osborn that are a little bit east of the
2 Arcadia High School are in the Scottsdale School
3 District.

4 So it's not a political definition. It's
5 a geographic definition by boundaries as loosely
6 described. Frankly, it's kind of a moving target. That
7 south part of the district might have been considerably
8 further south of Shea than now people consider.

9 COMMISSIONER HUNTWORK: I'm still trying
10 to understand. With Arcadia in District 11, you are
11 saying it is united with the Scottsdale School District.

12 MR. BARNES: We, by having Arcadia stay in
13 the Scottsdale School District, we have the people that
14 will be representing us on the state. And while this is
15 a school issue, we use, obviously, state legislators to
16 assist us in school issues.

17 COMMISSIONER HUNTWORK: I understand how
18 that works. What I'm trying to understand is how
19 Arcadia is different in District 11 than it would be in
20 District 15.

21 MR. BARNES: Totally different school
22 district in District 15. Split us. We'd not be in the
23 same school district, politically we wouldn't be.

24 COMMISSIONER HUNTWORK: District 11 as it
25 currently stands goes over to 7th Avenue, 7th Street,

1 and so on. That's not Scottsdale School District.

2 MR. BARNES: No. We keep the same area
3 together now that we had. Don't split us off.

4 COMMISSIONER HUNTWORK: I see.

5 MR. BARNES: That's the difference. Don't
6 pick up any advantage in representation from Scottsdale
7 over here, don't lose it. Moving over to 15, we lose.

8 CHAIRMAN LYNN: Mr. Elder?

9 COMMISSIONER ELDER: Mr. Chairman,
10 mentioned two other Arcadia school districts, four-mile,
11 2,600 -- three people per household?

12 MR. BARNES: Usually use the figure,
13 getting a lot of younger families, usually talk in that
14 being representative somewhere of 10,000 people. We
15 have --

16 COMMISSIONER ELDER: In the original
17 Arcadia district? And other two, are they approximately
18 equal so it's 20,000 or 30,000?

19 MR. BARNES: No. They are --
20 populationwise, the Arcadia Ingleside area is a smaller
21 area. They'd represent a couple hundred households.
22 Arcadia, Scottsdale area, 500 households. Lots in that
23 area tend to be more like half acres. But that's
24 basically in terms of population what you are looking
25 at.

1 COMMISSIONER ELDER: Total Arcadia, 12, 13
2 thousand, probably, in that range?

3 MR. BARNES: Possibly. Don't have the
4 Census. That's my best guess.

5 COMMISSIONER MINKOFF: Mr. Barnes, I want
6 to clear something up. There seems to be confusion or
7 concern about the school district, the Arcadia area in
8 the Scottsdale School District.

9 MR. BARNES: Correct.

10 COMMISSIONER MINKOFF: Obviously it's not
11 united with the rest of Scottsdale. Scottsdale School
12 District, incidentally, is an enormous school district
13 that spans over many of the districts we've drawn.

14 MR. BARNES: Right.

15 COMMISSIONER MINKOFF: As you move north
16 from Arcadia across the mountain into Paradise Valley up
17 to Doubletree, isn't that also Scottsdale School
18 District?

19 MR. BARNES: I believe a good portion.

20 COMMISSIONER MINKOFF: What amazes me is
21 we have Paradise Valley School District but Paradise
22 Valley is not part of Paradise Valley School District.
23 All of that is Scottsdale School District, the whole
24 eastern portion of District 11 in which Arcadia is
25 located on the map?

1 MR. BARNES: Right.

2 COMMISSIONER MINKOFF: Thank you.

3 CHAIRMAN LYNN: Further comments or
4 questions.

5 Mr. Barnes, thank you very much.

6 MR. BARNES: Thank you.

7 Councilman Stanton is happy to provide the
8 Commission with a letter.

9 CHAIRMAN LYNN: Thank you. Appreciate
10 that.

11 The test, looking at the final decision of
12 whether to accept the test may be later today. There
13 again, it may not come until August. Appreciate your
14 input.

15 MR. BARNES: Thank you.

16 CHAIRMAN LYNN: Third, at this point, the
17 last speaker slip I have this session, Dana Tranberg,
18 inter-governmental relations assistant representing the
19 city of Glendale.

20 Ms. Tranberg.

21 MS. TRANBERG: Dana Tranberg, here for the
22 City of Glendale. The Mayor and counsel were unable to
23 come as they had prior meetings on the city's concerns.

24 On behalf of the city, I'd like to make a
25 few comments.

1 We believe the latest issue of maps was
2 released May 24. If that's incorrect, please correct
3 me.

4 As the Mayor stated and Ms. Martinez
5 stated in the 2001 meeting, the Glendale communities,
6 far west Glendale are far more rural, Old Town has
7 strong ties with the Hispanic community, and central and
8 north Glendale have strong ties to the metropolitan
9 area.

10 We appreciate your work on improving the
11 Congressional Districts that were in the City of
12 Glendale, went from three districts to two districts and
13 believe they better represent communities of interest.

14 We'd also like to thank you for work on
15 State District 9 which better aligns the northern area
16 of Glendale with the northern area of Peoria.

17 Concern lies particularly in the fact
18 Glendale now is divided into six state Legislative
19 districts. Previously we had been divided in five.
20 Glendale now lies in 4, 9, 10, 12, 13, and 14. These
21 six districts continue to divide Glendale's communities
22 of interest, particularly the Old Town Glendale
23 community of interest is encompassed in approximately
24 three districts. We're the only municipality in the
25 state with six Legislative Districts. The only city

1 that has more districts is the City of Phoenix, which is
2 significantly larger than the City of Glendale.

3 City of Mesa, for comparison, has four,
4 and City of Scottsdale has three.

5 We'd like to see the Commission make every
6 effort to unify communities of interest in Glendale. We
7 believe it's in the best interests of our residents.

8 With that, I'll conclude my comments. I
9 know you have a lot of work to get done today.

10 I'll answer any questions.

11 CHAIRMAN LYNN: Thank you, Ms. Tranberg.

12 Mr. Hall.

13 COMMISSIONER HALL: It could be argued
14 that means Glendale has six times the influence. What
15 is your response to that theory?

16 MS. TRANBERG: Mr. Chairman, Mr. Hall,
17 given the fact with five districts, none have a majority
18 of Glendale, it dilutes Glendale's, the majority being
19 Phoenix or other communities. There isn't necessarily a
20 district or particular legislator focused on Glendale
21 issues.

22 CHAIRMAN LYNN: Ms. Minkoff.

23 COMMISSIONER MINKOFF: Thank you.

24 Ms. Tranberg, you said District 9 works
25 well for Glendale. I have a two-part question. Number

1 one, can you tell me what is the approximate population
2 city Glendale and tell me which of the six districts you
3 mentioned are districts you believe Glendale has
4 substantial influence in and in which are the interests
5 of Glendale marginal?

6 MS. TRANBERG: Mr. Chairman,
7 Commissioners, the population of Glendale is
8 approximately 222,000, which is approximately 58 square
9 miles.

10 The area we're particularly concerned with
11 is the Old Town area of Glendale, basically Northern
12 Avenue down to Camelback from 43rd to 67th. That area
13 is a significantly large Hispanic population, and that
14 area currently is divided into three districts, 14, 13,
15 and District 12. We do appreciate District 12 does also
16 unify the far west area of Glendale, which is mostly
17 more rural in nature. But our primary concerns are that
18 central area.

19 COMMISSIONER MINKOFF: Thank you.

20 CHAIRMAN LYNN: Other comments or
21 questions for Ms. Tranberg?

22 Thank you very much.

23 MS. TRANBERG: Thank you.

24 CHAIRMAN LYNN: At this point we have
25 perhaps one other speaker. Let me make sure we get that

1 slip up here so we can take care of that at this time
2 before we move on to Mr. Johnson's report.

3 Well, sir, you've challenged me to read
4 your signature.

5 Michael --

6 MR. POPS: Pops.

7 CHAIRMAN LYNN: -- Pops.

8 MR. POPS: Like Sugar Pops.

9 CHAIRMAN LYNN: Easier than I thought it
10 would be.

11 Approach the microphone and we'll be happy
12 to hear your comments.

13 MR. POPS: Good afternoon.

14 Since we all don't have better sense than
15 to stay out of the heat and come out on a 113 degree
16 day, I'm here as a South Phoenix representative and
17 representative of the South Mountain Impact Coalition,
18 which I was down at the State Capitol earlier with
19 Representative Leah Landrum about this and talked with
20 several Commissioners over a district including new
21 District 16 which encompasses old 22 and 23.

22 From the beginning of this redistricting
23 issue, in the capacity as consultant I work as, I've
24 been observing that redistricting issues is a main issue
25 among minorities and the lower percentage throughout the

1 country. But here affecting Arizona, where we are only
2 three percent of the population.

3 We're looking at the factor of fairness,
4 representation on the Commission, representation of
5 fairness for the voting act, and all of the concerns.

6 I was hoping some of my colleagues would
7 be here to share concerns. Since I'm President of the
8 South Mountain Impact Coalition, I think I can convey
9 the concerns pretty well.

10 That is my major concern, to see if this
11 is going to impact up to 2010. From what I've been
12 informed of, this is what we're going to be faced with.

13 I want to see the new areas, old areas,
14 especially old 22. Seniors, a lot of people are dying
15 off and demographics are changing severely. Want to
16 make sure there's fairness to Latinos there, too.

17 All South Phoenix, I've been here through
18 the years, strong historical black districts are even
19 changing, which is Julian, and the Park South area, the
20 Brainwood and Brents, 19th Avenue, Southern and
21 Broadway, other pockets between Central and 7th Street,
22 Central and 7th Avenue. So those are my areas of
23 concern.

24 I just wish you guys would explore it and
25 make sure it be fair all the way around. That's what I

1 came out to speak to you about.

2 CHAIRMAN LYNN: Mr. Pops, I want to be
3 sure I understand your concern.

4 Would you, if you could, if you could
5 direct your attention to District 16 on the map. If
6 there is any part of that district that you don't
7 recognize in terms of boundaries, we'll be happy to zero
8 in on it and give you an opportunity to --

9 MR. POPS: Okay. Like you are bringing in
10 the Buckeye Road area, south of Buckeye Road to the
11 mountain, which would be Dobbin Road, Buckeye Road, that
12 would be the old 22, and then south, across the river
13 bottom, across the freeway, would be merging into 23.
14 Those, historically, two major pockets of African
15 Americans and Latinos in between. Now demographics
16 reversed. Used to be 73 percent African Americans, 38
17 percent Latino; now 38 percent African American, 77
18 percent Latino.

19 Nevertheless, in conclusion, a factor, a
20 lot of minorities felt ignored. I'm expressing that
21 concern. I monitored. You guys are trying to be fair,
22 what I seen.

23 CHAIRMAN LYNN: We're still trying to be
24 fair.

25 I'd like you to direct your attention to

1 District 16 as currently configured, the light blue
2 district, as you see.

3 MR. POPS: Yes.

4 CHAIRMAN LYNN: Is there something about
5 that district you'd specifically have us change?

6 MR. POPS: No.

7 It's dissemination of information and to
8 be involved and included in the forum. If we don't push
9 the news media to let us know, we don't know. That's
10 part of the problem, lack of information. Can't get
11 people to participate, especially working class people
12 cannot come to these type meetings this time of day.
13 I'm self-employed, own two businesses. I'm the boss. I
14 can come when I want to. Everybody doesn't have that
15 opportunity to do that.

16 I wanted to express my concern. I have to
17 go run pick up my son from summer school.

18 CHAIRMAN LYNN: If I could ask one other
19 brief question, there's nothing other than 16 you object
20 to. Do you support that district as currently drawn?

21 MR. POPS: As for right now, I think I
22 can. I'm not married to it, but I think I can support
23 it. I'd know more so after we meet, which I think you
24 know about. After I finish meeting with the rest of the
25 community, we can expound better.

1 CHAIRMAN LYNN: Thank you, Mr. Pops.
2 Appreciate you being here.

3 MR. POPS: Thank you.

4 CHAIRMAN LYNN: Other members of the
5 public that wish to be heard at this time? If not,
6 we'll close public comment for this portion of the
7 meeting and certainly take additional public comment
8 later on in our session.

9 I wonder if we could then turn to a report
10 from NDC. And there are a couple things NDC will be
11 reporting on, not the least of which will be the results
12 of the instruction given to NDC at our last meeting.
13 There may be other items NDC wishes to cover prior to
14 that report. I'll leave it up to you how you want to
15 take the items.

16 If you like, following the agenda, a
17 report on competitiveness on Congressional Districts
18 with respect to new data that has -- new data bases that
19 have been compiled. Don't know whether you are prepared
20 to give that or not.

21 MR. JOHNSON: Mr. Chairman, I haven't been
22 working on cleaning up data bases, don't know the status
23 of that.

24 CHAIRMAN LYNN: Well, then let's skip it
25 for the moment. We'll get back to it.

1 MR. JOHNSON: That may be a reference to
2 when Dr. McDonald spoke last week. I believe he handed
3 out Judge It results for that.

4 CHAIRMAN LYNN: We'll get consultation on
5 that and move to Item IV.

6 MS. HAUSER: We have it.

7 CHAIRMAN LYNN: We do have it. We could
8 at least pass that out.

9 MS. HAUSER: Yes.

10 CHAIRMAN LYNN: Good.

11 Move to Item IV, report on recommendations
12 and instructions from the Commission at last meeting.

13 Mr. Johnson.

14 MR. JOHNSON: Mr. Chairman, at the last
15 meeting, instruction I'm reporting on now was to balance
16 population deviations between 26, 28, and 30.

17 We looked last week at just balancing
18 between 26 and 28. Then the idea was try balance a
19 little more both to reduce deviation in the three
20 districts and hopefully get even more competitive
21 districts as well.

22 I'm here with two plans to show you,
23 Tucson 2 and Tucson 3. There's a standard spread sheet
24 with Dr. McDonald's Judge It analysis for each plan in
25 front of you, copies at the back table for the public,

1 as well.

2 I have two reports, actually four reports,
3 two on each plan.

4 The reason for two plans is that I
5 wanted -- I faced two real questions as I did this. One
6 was balancing deviation as much as possible. All three
7 districts are within one person, all balanced between
8 the three. That leaves 0.64 percent underpopulated once
9 we balance between the three.

10 First what I'll show you, in reference to
11 Tucson 2, is focused on getting that population and
12 making the minimum change possible to what we've seen
13 last week. The second map takes compactness goals more
14 into consideration. Moves more people, going an
15 additional step beyond just getting deviations just
16 right, as has been common, trying to take other criteria
17 into account while doing that.

18 First let me show you Tucson 2. And what
19 you are seeing here on the screen, the colors are the
20 plans, in this case Tucson 2, and the red line is the
21 2002 plan, so you can see where the changes take place.

22 In this case, first, District 26 comes
23 down essentially to the border of Flowing Wells. Let me
24 get the roads on there so you can see which roads.
25 Roughly to Romero and Roger Road. Stairsteps up back to

1 the river. And what you can see, this does balance the
2 population between the three districts. The tradeoff is
3 over between 28 and 30 where this area south of the
4 river is picked up, actually between two river beds is
5 picked up, by 28.

6 This does leave -- this one doesn't really
7 address compactness issue as much. It does leave 28
8 with somewhat of finger coming across here. 28 has
9 somewhat of a finger underneath the river but does
10 address the deviation question.

11 It also does make all three districts
12 slightly more competitive. District 26, you can see
13 Judge It is 0.4 more competitive, goes from 7.6, 7.2;
14 AQD goes from 11.18 to 10.58, about a half point
15 improvement; registration is also about a half point
16 improvement, 14.7 to 14.1 in District 6.

17 Changes in 28 also make it more
18 competitive by close to the flip side, .4 in the Judge
19 It spread, .7 for registration -- .6 registration, .7 in
20 AQD.

21 District 30, in this plan, or in this
22 test, is essentially unchanged. Judge It score stays
23 the same, AQD spread gets eight hundredths of a point
24 closer, registration is 0.13 closer.

25 That's test 2.

1 Let me show you Test 3.

2 CHAIRMAN LYNN: Just for Mr. Elder's
3 benefit, I know his eyes are better than mine, he
4 doesn't have a computer here, for his benefit, could you
5 just outline the boundaries of the -- of that change, if
6 you would, Mr. Johnson?

7 MR. JOHNSON: Certainly.

8 CHAIRMAN LYNN: The western portion until
9 it gets back up to the river.

10 MR. JOHNSON: Let me get the other streets
11 and fill in the blanks.

12 What we end up to is Stone Avenue is the
13 eastern edge, comes down to Wetmore. This is, the
14 stairstep, Nevins, Nevins Drive.

15 CHAIRMAN LYNN: Limberlost alignment, over
16 to Roger, and finally down to Prince.

17 MR. JOHNSON: Yes. Then going along the
18 preexisting border of 28 and 27.

19 CHAIRMAN LYNN: Thank you.

20 MR. JOHNSON: If I flip over to the other
21 map, as I mentioned, it makes improvements in terms of
22 competitive points.

23 Switch over to what I call Tucson 3, and
24 you can see this one, again, both addressing the
25 deviation issue while trying to keep in mind more

1 compactness criteria as well and other criteria always a
2 factor when drawing tests.

3 This one eliminated the finger that came
4 across the south edge of the area. Drew the district
5 all way to Stone Avenue. This jog, you see the district
6 line where Stone Avenue jogs over. Picking up areas
7 between the river and Prince Road going east to Stone
8 Avenue.

9 This does trigger more of a change in
10 other areas.

11 Can you see this? Area 28 extends past
12 the red line, picked up areas before and additional
13 territory discussed at the last hearing we were going
14 over, using the river as the north border all along
15 there. And let me get the streets.

16 And actually the eastern border is where
17 it looks like a small portion of the river, go down just
18 to the east of Avenida Ricardo Small, east of areas,
19 Camino Seco, picking up one neighborhood north of
20 Speedway, and -- a little bit north of Speedway just
21 east of Camino Seco in an attempt to make the area more
22 compact in that change. Also affected, picked up more
23 population.

24 District 26 needed to lose population to
25 compensate for that. Made that tradeoff.

1 Let me change colors so it shows better.

2 COMMISSIONER MINKOFF: Excuse me, District
3 26, 30, so close in color, can you change one, please?

4 MR. JOHNSON: Yes. There we go.

5 The border between 26, 30 becomes the
6 forest line there. And 30 has come across -- we used to
7 have this bump between the two districts that was --
8 where balancing population previously.

9 30 picked up that area, smoothed up that
10 area, and come across to Swan, I believe that is. Let
11 me confirm that. Yes.

12 COMMISSIONER ELDER: Could you scroll to
13 the left a little bit so we see where you are working?

14 MR. JOHNSON: Sure. Let me zoom out a
15 bit, too.

16 You can see the big blank area is the
17 forest that remains in 26 and 28, just comes westward a
18 little bit. Still a little bit of a jagged edge. May
19 be able to smooth that out a bit when do statewide
20 deviations.

21 Other than that, largely following the
22 Swan Road break.

23 COMMISSIONER ELDER: Could you zoom in
24 there right at that area?

25 MR. JOHNSON: Sure.

1 COMMISSIONER ELDER: May have helped Andi
2 but killed me as far as seeing streets, or anything, in
3 the red. What is the bottom one?

4 MR. JOHNSON: Sunrise.

5 There we go. There's an art to choosing
6 colors, one I've not mastered.

7 Sunrise, middle area, forming the southern
8 border.

9 Essentially population as shown in the
10 2002 map, population becomes that on the other side.

11 Streets up in Catalina Foothills are not
12 very straight or square. Makes it -- this is a result
13 of going to zero deviations.

14 COMMISSIONER ELDER: Down to the right a
15 bit, see what is up in the upper left.

16 MR. JOHNSON: Sure.

17 COMMISSIONER ELDER: Knowing the area,
18 demographics are not much different in this area and the
19 area we're seeing here and the gray in-held area below.
20 Is the population significantly different there? I
21 mean, could we take and trade the upper left-hand green
22 for lower right-hand gray? The reason I'm saying that,
23 these square miles in here were developed -- about
24 square miles of state land trust something, developed by
25 the homeowners association. Each of the two areas are

1 very cohesive. Schools are central, whole thing. Seems
2 as though to take the area north of Sunrise and east of
3 Swan, include with District 30; and then take the area
4 to the west of Swan, which is a totally different --
5 area east of Swan, north of Skyline, Country Club.
6 That's distinct, Skyline, with a wall, guard.

7 Move to 26. Numbers again?

8 MR. JOHNSON: Demographics, the area north
9 is a little more Republican than the area looking at
10 just north of Sunrise. Both lean Republican. The only
11 reason for the tradeoff, populations are significantly
12 different. There's a few hundred in here, maybe 1,000,
13 and a couple thousand in here. So this is -- again, I
14 only had about hour to spend playing with numbers
15 between the two districts. This is as close as I could
16 get with essentially one percent deviation. It could
17 well be an area to consider with slightly larger
18 deviation in order to use deviation in that
19 neighborhood. Trying to trade off populations, this is
20 how they ended up.

21 CHAIRMAN LYNN: Other comments, questions,
22 on Tucson plans 2 and 3?

23 Mr. Johnson.

24 Mr. Huntwork.

25 COMMISSIONER HUNTWORK: We're balancing

1 population in this area because of where we went to down
2 below, between 26 and 28. Had you not gone so far, you
3 wouldn't have to do this balance?

4 MR. JOHNSON: The main difference in
5 Tucson 2 and Tucson 3 is an attempt make the north
6 Tucson area more compact.

7 COMMISSIONER HUNTWORK: Could have done it
8 drawing a line somewhere of Stone, a block east or west?
9 There is a major street, what is that, Oracle?

10 MR. JOHNSON: Oracle.

11 COMMISSIONER HUNTWORK: Why not Oracle,
12 straight line, or Stone or --

13 MR. JOHNSON: Well, in part, it didn't
14 workout as cleanly in other areas. Also, trying to come
15 fairly close to the north-south border of 27, 28 to give
16 a more compact feel to 28 and eliminate --

17 If I had drawn the line --

18 COMMISSIONER HUNTWORK: Wherever you draw
19 it, it's making 28 more compact than it was.

20 MR. JOHNSON: Yes.

21 COMMISSIONER HUNTWORK: If you had stopped
22 short of that, then you'd not have to make adjustment on
23 the east side of 28, either. Is that -- as big an
24 adjustment on east side of 28.

25 MR. JOHNSON: Still, as in Tucson 2, some

1 change over there.

2 You are correct. If I stopped the line
3 north-south further to the west on 26, 28, I would not
4 have picked up as much between 28 and 30.

5 COMMISSIONER HUNTWORK: Is the only reason
6 you did that is you wanted to get the north-south line
7 closer to 27?

8 MR. JOHNSON: Looking where to use a major
9 road to border it. You are right, there are major roads
10 in the area. Couldn't get populations to balance as
11 smoothly as I would have needed, would have jags across
12 a major road. Block here or there. Did not make a
13 smooth line like Stone does.

14 COMMISSIONER HUNTWORK: You don't mean if
15 you used Oracle, probably could have eliminated the
16 northern change between 26, 30, made a smaller change
17 between 28, 30. I don't see why that would be a
18 problem. I don't understand.

19 MR. JOHNSON: In order to not make any
20 change between 26, 30, back at the Tucson 2 plan. I can
21 bring that up. That had just enough people to balance
22 populations.

23 Let me change the color here.

24 This plan, see where the border is for 26,
25 30, unchanged 2002 plan, down in the neck area here, we

1 end up with this stairstep.

2 COMMISSIONER HUNTWORK: I understand that.
3 Completely. If you had not went all the way over to
4 Stone, instead gone to Oracle --

5 Is Oracle 77?

6 COMMISSIONER ELDER: Yes.

7 MR. JOHNSON: Yes.

8 COMMISSIONER HUNTWORK: Obviously smaller
9 changes in other areas, rippled population.

10 If all you had to do was ripple population
11 in 28, 26 and some 28 and 30, never had to do anything
12 26 and 30.

13 MR. JOHNSON: If I go further than this
14 line, 26, coming to the east, have to give up some 26 in
15 Catalina Foothills. Because this area east of Oracle,
16 even there, is very low population. Couldn't trade this
17 area for this area. I would need to -- either come well
18 over west or balance somewhere else. That attempt to
19 balance the north-south line is the primary reason for
20 ending up at Stone.

21 COMMISSIONER HUNTWORK: What about the
22 area Oracle and Stone south of there? How many people
23 are in that area?

24 MR. JOHNSON: Let me bring it up.

25 There are 660 in this Census block here,

1 895 here, with about 80 down below and 12 up here.
2 Looking between Oracle and Stone, 1,500, 1,600 people.

3 COMMISSIONER ELDER: Drag down, see
4 what -- nine or three, not sure, to the right of 77.

5 MR. JOHNSON: Three there.

6 COMMISSIONER ELDER: Anything north of
7 there? Tucson Mall?

8 MR. JOHNSON: Zero, zero. I believe
9 there's a two at the very north of that. Yeah.

10 This area here all zeros except one area
11 of two at the very top.

12 COMMISSIONER ELDER: And next half section
13 on the north and to the west of 77, 300, about 800 in
14 that?

15 MR. JOHNSON: 366 here and 16 here.

16 As you can see, the challenge, two, three
17 blocks of 20 people, and a block of five, six hundred.
18 And they don't line up with major roads very nicely.

19 COMMISSIONER ELDER: What we have in this
20 part of town is a number of apartment units sprinkled
21 among commercial retail property. A very mixed area in
22 terms of its use. Along major thoroughfares, get
23 residences next to commercial businesses all the way
24 along thoroughfares as you go east-west, to some extent
25 north-south.

1 Ms. Minkoff.

2 COMMISSIONER MINKOFF: Doug, can you, on
3 Test 2, go back and show the three districts
4 intersecting so we can see the changes?

5 CHAIRMAN LYNN: As Mr. Johnson is doing
6 that, as a housekeeping matter, I have two more speaker
7 slips which I intend to take as soon as we get through
8 Mr. Johnson's report.

9 So for Representative Landrum-Taylor and
10 Mr. May, we'll get to you as soon as we can.

11 MR. JOHNSON: Is this the large view
12 you're looking for?

13 COMMISSIONER MINKOFF: Yes. I'm confused.
14 I thought I heard you say something earlier that said
15 you didn't move anybody between 30 and 26 in this plan.
16 It looks, in fact, like you haven't. I don't understand
17 how you equalized population. The interim map has
18 District 26 underpopulated by almost 7,000; 28
19 overpopulated by 3,000; 26, 763. Equalize population,
20 all would be underpopulated by 1,600 some people. So
21 how did you get 30 underpopulated by 1,600 people
22 without moving about 2,300 people out of the district?
23 Is that all the area there, just between 30 and 28?

24 MR. JOHNSON: That's correct. Instead of
25 trading people directly, 26 and 30, moved a lot from 28

1 to 26.

2 COMMISSIONER MINKOFF: Okay, moved a lot
3 of people from 28 to 30, I presume, on this test.

4 MR. JOHNSON: Reverse.

5 COMMISSIONER MINKOFF: Added 1,600 from
6 District 30 to 28. At the western end you have moved
7 lots of people. Many thousands, correct?

8 MR. JOHNSON: Yes.

9 COMMISSIONER MINKOFF: Thanks. I needed
10 help understanding how that worked.

11 CHAIRMAN LYNN: Mr. Elder, you had your
12 hand up.

13 COMMISSIONER ELDER: Not long.

14 CHAIRMAN LYNN: Both microphones work.
15 You don't have to share. Happy you are sharing.

16 COMMISSIONER ELDER: Working together very
17 nicely. Play nice.

18 I guess the area I was wanting to go,
19 Mr. Chairman, was my feeling that Map 3, or Tucson Test
20 3, benefits us in many ways from the standpoint of being
21 more compact, in general, communities of interest work
22 better. It's more definable where you campaign or vote.
23 The glue between Swan and Craycroft, excuse me, there's
24 a road there, communities on either side interface, not
25 a barrier of any sort.

1 The first test where went around the north
2 side, connected the area of Savino Canyon to the west,
3 works better this way, from schools, transportation,
4 from recreation, from social constructs of this area.

5 I'm just wondering if you rotated areas,
6 where I do have concern, you've taken two very strong
7 neighborhoods up there to the north and we've taken part
8 of an area to the southeast of what I believe is
9 Harrison and Tanque Verde, at the lower end, an area
10 added on between Test 2 and 3 south of the river, I'm
11 just wondering if there's a way of taking less there out
12 of 30 so you don't have to take so much of 26 and float
13 it into 30 to balance the population. Take from Tanque
14 Verde Road -- Tanque Verde Road is right at the
15 1,000-person apartment project, in here is 700, 750,
16 don't know what those two numbers are -- looks like
17 probably 1,500 people in the area right here.

18 Mr. Johnson told us in prior comments up
19 in the area where you have Skyline, Bel Air, and the
20 Coronado Foothills Estate area, Coronado Foothills
21 Estate, this area here, green, above Sunrise, west of
22 Swan, Bel Air, East Swan, North Sunrise, if you didn't
23 take as much of that, could put that, might be added in,
24 facilitate what we're doing on the west. If you get rid
25 of, break up these two communities, making this whole,

1 or there isn't enough population area, zero buffer, this
2 helps so you don't have a three mile, three-quarter mile
3 wide tongue coming out from a compactness issue.

4 Neighborhoods on either side of that, not
5 really strong. You'll have an old neighborhood, and
6 then a mobile home park, and then another neighborhood
7 and school and business and mobile home park.
8 Continuity, cohesiveness, probably isn't as strong from
9 community of interest.

10 I think probably trying to give them
11 wholeness or a continuum across there is probably best
12 done by this plan if we resolve how to population
13 balance this population, or some combination.

14 All in all, plan 3 appears to be the
15 better plan for the area. I think the discussion, or
16 phase the discussing is moving, it should not change
17 demographics, competitive test, or minority voting
18 rights. But Mr. Johnson can probably give us a better
19 handle on that.

20 CHAIRMAN LYNN: Thank you, Mr. Elder.

21 Mr. Huntwork.

22 COMMISSIONER HUNTWORK: Combine ideas.
23 1,000, 1,500 people east of Oracle. We said making Swan
24 a straight north-south divider would involve about the
25 same number of people. And then just make up the

1 difference, equalize in the area Mr. Elder was pointing
2 to. Is that --

3 MR. JOHNSON: It's certainly something we
4 could try doing. I should note, as you've seen all the
5 tests throughout the whole process, it's very, very hard
6 to get a perfect deviation district as cleanly as this
7 does, Stone.

8 COMMISSIONER HUNTWORK: I'm not suggesting
9 perfect. 1,500 out of 26 over at Oracle Road, add to
10 28. Approximately the same number people out of 30 over
11 on the east side. Adjust the same people on the north.

12 MR. JOHNSON: Certainly worth trying.

13 COMMISSIONER HUNTWORK: Comes close,
14 straight lines.

15 MR. JOHNSON: Comes very close. The jags
16 probably end up roughly the same, slightly different
17 places than they due now. Demographics of the three
18 areas match up fairly well. The only area that would
19 raise significant concern for me in changing figures on
20 the test is competitiveness. The area between Oracle
21 and Stone is heavily Democratic. Taking out of 26,
22 putting in heavily Republican areas by Swan. It's
23 certainly something that may work from a numbers
24 standpoint.

25 CHAIRMAN LYNN: You may have a slightly

1 better exchange -- I think we're trying to accomplish
2 several things. Clearly it's the right direction. 26
3 is more competitive. If I remember your figures, 6.7 --

4 COMMISSIONER ELDER: 7.6 to 7.2 I think.

5 CHAIRMAN LYNN: Test 3 it's low.

6 MR. JOHNSON: Judge It spread, 6.7.

7 CHAIRMAN LYNN: 6.7 Test 3, an even better
8 spread, more advantageous spread than Test 2.

9 You may have a little better luck in terms
10 of an exchange between Republican, Democrat, if you
11 equalize to the east of District 28 rather than trying
12 to equalize north. North is clearly Republican, no
13 question about that. The more you move south, even to
14 the east side, the better the mix Republican, Democrat,
15 in the Central City. Maybe an exchange that helps you
16 without doing damage to the concept talking about,
17 trying to keep Central City relatively low and
18 straightening up the line between 26 and 30, which is
19 important because those neighborhoods are very much the
20 same. When you cut a piece of them out, you are cutting
21 a piece of neighborhood out.

22 If you take a major street, major division
23 between -- the western side of the street and Swan, for
24 example, is a normal divider in of and itself of
25 neighborhoods just because of its width, north and

1 south.

2 I think you are suggesting, what I'm
3 hearing, see what direction Test 3, what it does to
4 competitiveness. Take a look at some other adjustments
5 again with an idea we want to get as close to population
6 as feasible without doing damage to other goals as well.

7 Further discussion on Test 2 or 3 in
8 Tucson?

9 Mr. Johnson, do you have any additional
10 report?

11 MR. JOHNSON: The only thing I was going
12 to mention, the numbers in front of you, I hadn't
13 mentioned for the record, the figures in Tucson,
14 briefly, Judge It numbers mentioned 26 go to 6.7 in
15 District 26; 28 gets to the point where 26 was, 7.6; 30
16 increases slightly, 10.2 to 10.4 percent between the
17 two, Republican, Democrat.

18 AQD, District 26, one and two-thirds
19 points more competitive; and District 28, 2.1 more
20 competitive.

21 COMMISSIONER MINKOFF: Give us the
22 numbers.

23 MR. JOHNSON: Sure. They're on the spread
24 sheet. You have them in front of you on the spread
25 sheets.

1 COMMISSIONER MINKOFF: Oh.

2 MR. JOHNSON: 28, AQD goes to 9.6 to 40.37
3 split. Still 19 points, but it is down from 21.

4 On AQD, District 30, primarily because
5 picking up Republican areas from 26, a little less
6 competitive, four-tenths of a percent less competitive.

7 Again, Districts 26, one-and-two-thirds
8 points more competitive. District 28,
9 one-and-two-thirds points more competitive. 1.8 more
10 competitive spread registration. Essentially 2.0 in
11 registration in 28 and three-tenths a percent of a point
12 in 30.

13 CHAIRMAN LYNN: We do need to -- we're
14 coming up on a time we need to take a break. I'd ask
15 Lisa Nance to indulge us. There are two speakers I'd
16 like to take now in deference to their schedules, then
17 we can break, even take a longer break than we normally
18 take at that juncture, then get back to the discussion
19 overall.

20 Without objection, thank you, Mr. Johnson,
21 we'll hear from Representative Leah Landrum-Taylor
22 followed by Representative Steve May.

23 Representative Taylor, good to see you
24 again.

25 MS. LANDRUM-TAYLOR: Thank you, Mr. Chair,

1 members of the Redistricting Commission. Thank you for
2 allowing me to have the opportunity to give a bit of
3 public testimony here with regard to the redistricting
4 plans.

5 I'd like to preface, state my
6 understanding, need for clarification. After the
7 meeting today, will we be all done for 2004 or are we
8 going to have some time here, maybe a 30-day marination
9 time, to see, get more public input regarding these maps
10 and have an opportunity so it's not so rushed?

11 First, can I get an answer to that?

12 CHAIRMAN LYNN: I can't tell you what
13 we're going to do. I haven't discussed any of that with
14 any member of the Commission. I can only tell you, as
15 was stated earlier, our work today, wherever we wind up,
16 the next meeting will be in August of the Commission.
17 We don't have a time frame between now and then where
18 all the Commissioners are available for a meeting.

19 So from the position of the Chair, and
20 that position only, I was thinking if we made
21 substantial progress toward a draft solution for 2004
22 and beyond, what we might do at the end of the session,
23 today -- again, other Commissioners' opinions to the
24 contrary notwithstanding -- that we might vote that as a
25 draft map, put it out for at least 30-day comment, but

1 really comment until we meet again in August, and then
2 finalize a map for submission for Department of Justice
3 at that time.

4 We do have other tests that need to be run
5 which won't be run until we get a better handle on the
6 final district configuration. The population deviation
7 issue has to be undertaken subsequent to a draft or near
8 final map being adopted.

9 Those are sort of the sequential steps.

10 Again, I can't tell you where exactly
11 we'll wind up. That's one possibility.

12 MS. LANDRUM-TAYLOR: Thank you for that
13 clarification.

14 I think it's extremely beneficial to allow
15 more opportunity for the public to participate. The
16 reason I say that, I know when you initially started all
17 this, there was opportunity for the public to
18 participate. Information was out there. Schedules were
19 there. Individuals knew about the meetings. They were
20 posted in local newspapers, radio, everywhere where
21 people could find out what is going on. This has
22 unfortunately not been the case.

23 I've been getting a lot of complaints
24 saying we just didn't know about what was happening the
25 way we did last time with this. That can be something

1 where I think a little improvement can be made in this
2 instance.

3 I know, for instance, a final draft and
4 then at that point final stamp on the 2002 plan, just to
5 me there was not enough time or input with that as well.
6 That's why there's so many different concerns,
7 complaints about that, again, which have been brought to
8 my attention.

9 And also, too, I also have some same
10 concerns that have been addressed, the need to make sure
11 every group is having an opportunity to participate the
12 way that we did it last time.

13 I think it was a decent process as
14 handled. I'd like to us to continue on to make sure
15 truly it's a public, participatory process with it.

16 Having to say what community of interest,
17 focusing on the old issue of competitiveness, something
18 we need to stay on track with that and make sure our
19 state is as fair as can be in this instance.

20 Those are some concerns I wanted to
21 address and have, again, an opportunity for the public
22 to get this information out to them and let them know,
23 have a small series of meetings like last time before
24 the final stamp.

25 After 2004, I think we'll be back every

1 two years to do lines. Hope not, that after 2004, that
2 we should have somewhat of -- something in concrete to
3 follow.

4 It's important to us to make sure we get
5 everyone's input.

6 CHAIRMAN LYNN: Appreciate your comments.

7 With respect to the 2002 mapping, that
8 time frame was dictated by court deadlines dictated by
9 the court, a process dictated by the court in terms of
10 our trying get that done so candidates this time around
11 could have certainty, even though a late date, and
12 understand where running, where signatures and donations
13 needed to come.

14 Clearly we've moved beyond the broad,
15 general public input phase of this process. In many
16 cases, what we're dealing with are specific Department
17 of Justice objections to a map that was submitted. And
18 we are dealing with specific changes to the map
19 regarding one or more of the issues under consideration,
20 competitiveness being chief among them.

21 We are attempting to get to the place
22 where our deliberations and our work can be made known
23 generally and widely. That does not mean the
24 Commission, necessarily, would have another series of
25 meetings. However, what would mean all methods of

1 input, save those public meetings, is available to the
2 public during the period of time between now and August
3 where any individual can write, telephone, get on the
4 website. All those avenues are certainly open. Plus
5 any public comment we'd take in August, as we get to a
6 final determination before we resubmit to the Department
7 of Justice. But the phase we are in is well beyond the
8 series of meetings -- two series of meetings held last
9 year in terms of development of draft maps. I just want
10 to be clear about that.

11 MS. LANDRUM-TAYLOR: I understand.

12 After meetings, I think just, again, a
13 good opportunity for maybe not the final stamp on
14 things -- just a little confused if that is going on or
15 not, allow people to have a chance to look at it, advise
16 them of the time schedule, what Department of Justice
17 would be, and powers that be, are deeming what the time
18 frame is. Give people an opportunity to take a look at
19 what is being presented. We know nothing is in the
20 final stage right now but is there room still for any
21 type of a change, if that is something that is
22 necessary. I know in the instances I'm speaking of,
23 there are some changes necessary.

24 CHAIRMAN LYNN: Appreciate that.

25 Ms. Taylor, if you would, I don't want to

1 cut you off. Are you finished with your statement?

2 Questions, then, if you wouldn't mind.

3 Mr. Hall.

4 COMMISSIONER HALL: Thank you. Just a
5 point, additional point of follow-up. Before I ask, you
6 appreciate, the court approved maps the end of May. For
7 your information, those have been on the website over 30
8 days as of this point.

9 Regarding the specific district with which
10 I think you are concerned, we, to my knowledge, we've
11 received no input on the website or anything relative to
12 those maps. We'd certainly welcome that.

13 MS. LANDRUM-TAYLOR: Certainly.

14 COMMISSIONER HALL: Mr. Pops was here
15 earlier. Referencing District 16, we asked if he had
16 any changes. He -- he hadn't met all his constituents
17 or people he worked with. He didn't have any changes.

18 I'd like our consultant to zoom in on 16
19 which you see is the light blue on the map. If you have
20 any specific feedback, given your experience, position,
21 regarding necessary or potential issues you -- changes
22 or issues you may see with this particular district,
23 we'd welcome those at this time even before we're able
24 to meet again sometime in August.

25 You mentioned specific issues. In looking

1 at that map, we can go to whatever level detail you
2 prefer, are there specific issues you want to address?

3 MS. LANDRUM TAYLOR: There was a Coalition
4 we had initially. At the time District 23, I know
5 that's still the same map as far as what we'd like to
6 see within that district, how it relates to communities
7 of interest and competitiveness as well. That was
8 something that was submitted. We can resubmit that, if
9 you need that.

10 We're talking about what had been
11 submitted initially. Take a look at that plan again.
12 Many of the areas still -- actually came out pretty
13 good. There are some areas of concern as far as how the
14 district, for instance, little area between 19th Avenue
15 over on Southern -- goes from 19th to about 23rd, that
16 area. Here is -- 17, move over -- trying to see
17 Southern Avenue. I see Broadway, don't see Southern
18 clearly marked. Here we go.

19 Right in this area here, there may be a
20 little bit of concern as far as this area not being
21 included in the district. And it gave an opportunity
22 for African Americans to be able to win a seat in
23 another district, in old 22.

24 There have been some concerns brought by
25 some African American entities this may not be the best

1 plan, to have all that, all African American
2 concentration packed into one district of 16. That's
3 one of the concerns brought to our attention.

4 Again, I can make sure to resubmit the
5 initial maps that had been given, from the broad
6 coalition of individuals from the Laveen area, other
7 individuals we had as part of this to show exactly what
8 we would like to see in that instance.

9 As far as internet, I know a lot of my
10 constituents complained they just cannot get that access
11 to be able to punch it up; unfortunately, they may not
12 have it in their homes or access to it. That's why it
13 makes it difficult to look.

14 This is why we're having time to study the
15 issue, study the map, see if there's something that
16 truly can be workable so people have their
17 representation. It's very important so we can present
18 it even in paper form.

19 If smaller meetings of individuals
20 throughout District 16, like, come together, a broader
21 coalition, that would be something useful.

22 Again, I have to let you know, it's
23 sometimes very difficult to get that internet access.

24 So we'll work with that and make sure you
25 get that plan immediately, again. It's pretty much the

1 same plan as last time.

2 COMMISSIONER HALL: Thank you for the
3 input.

4 I'm sorry for being so dense. Let me see
5 if I understood what I thought I heard you say. Did you
6 say it's your preference instead of having a combined
7 African American population in one district, you are
8 thinking it would be better to divide the African
9 American population in two districts? Currently as the
10 district you see configured on the map, District 16, the
11 total African American percent, voting age percent, is
12 13.64. Now, from my line of thinking it would seem to
13 give the African American community a significant voice
14 of influence in that district. Am I understanding you
15 correctly to say you think it's better served having
16 that, that population divided in two districts?

17 MS. LANDRUM TAYLOR: I gave a brief
18 example. It still needs to be looked at, studied, have
19 the opportunity to input.

20 That has been one concern brought up by
21 different African American organizations, is this the
22 best for this district or is it not. That's what is
23 being looked at right now. We'll definitely have
24 decision made within a week to see is this something
25 acceptable or not. That's why.

1 COMMISSIONER HALL: We welcome the input.
2 Thank you.

3 MS. LANDRUM-TAYLOR: You'll definitely
4 know in a week is it okay, acceptable or not.

5 Still other -- again, we want to make sure
6 it's something based on communities of interest.

7 CHAIRMAN LYNN: Ms. Minkoff.

8 COMMISSIONER MINKOFF: Representative
9 Landrum-Taylor, good to see you again.

10 When we looked at District 16 and looked
11 at creating a district, it's obviously one of those the
12 Department of Justice has looked at very carefully and
13 will continue to look at very carefully in whatever new
14 map we send to them.

15 We looked at District 23, which has been
16 very successful over the years electing African
17 Americans to the Arizona State Legislature. We saw the
18 percent of African American persons in the district was
19 right around 13 percent. And what you see in District
20 16 is something not too far different from what
21 currently exists in District 23.

22 What we need to know from the community is
23 does that work from you? Do you want to maintain the
24 same percentage so you maintain the same potential for
25 success you've had in the past or prefer to take the

1 community and split it between two districts which may
2 enhance the ability -- electability or eliminate it
3 entirely. So we very much would like to hear from you
4 on the issue.

5 MS. LANDRUM-TAYLOR: Thank you. That
6 would be something extremely helpful to hear from the
7 population affected again, something worked on very
8 hard.

9 Wanted to make sure today was not the day
10 for final decision, at least we're hoping so.

11 CHAIRMAN LYNN: Thank you. Appreciate it.
12 Representative May, Steve May.

13 MR. BARNES: Just got a phone call.

14 CHAIRMAN LYNN: It's always the case that
15 will happen.

16 Here is Representative May, the only one
17 sensible enough to dress properly for the weather.

18 REPRESENTATIVE MAY: Thank you.

19 I got a call you were having a meeting and
20 about to destroy a significant interest in my district.
21 I'd like to address that.

22 Paul Barnes addressed the issue between 11
23 and 15. Paul has been in Arcadia as long I've been
24 alive. When rats invaded Arcadia, everybody called
25 Paul. Now they call about this, Paul is called on this.

1 Republican, pushing Republican Arcadia
2 into 15 so there's an additional seat. As someone that
3 serves the citizens, has for several years, and hopes to
4 do so in the future, it's a serious mistake hurting
5 citizens we're supposed to serve. What I'd like to ask
6 is that you consider the community of interest in that
7 particular district. Arcadia people really belong with
8 Arcadia north, north central Phoenix, Scottsdale, as
9 opposed to throwing to west central Phoenix, where many
10 never go. Moreover, it's actually a different media
11 market, what you propose doing with District 15.

12 There are local sections, for example, of
13 the Arizona Republic. Arcadia gets a different section
14 than central Phoenix, west central, gets the same
15 section as Paradise Valley, north Scottsdale. The
16 Tribune, Arcadia, parts of Biltmore, Scottsdale.

17 There's a lot of significant differences
18 when you consider the community interest perspective.
19 It's a serious issue for us.

20 I realize the competitiveness issue may be
21 an advantage to my party to sacrifice the Arcadia area
22 to 15, but I don't think it serves well.

23 CHAIRMAN LYNN: Comments or questions for
24 Representative May?

25 Mr. Hall.

1 COMMISSIONER HALL: Representative May,
2 thank you for your comments.

3 Now, questions about what you had to say.
4 As you'll notice on districts 14 and 15, given your
5 experience in general area, there also is a proposed
6 test on there regarding those two districts. You'll
7 notice the dark maroon lines represent tests configured
8 from the 2002 interim map. The red in there is a
9 proposed test between 14, 15. I'd be interested in
10 hearing your opinion regarding that test.

11 REPRESENTATIVE MAY: The question,
12 Mr. Hall, would be of 14, 15, the balance?

13 COMMISSIONER HALL: Colors show the
14 proposed test. Red, dark maroon lines, are how the
15 lines exist as currently configured under the 2002 map.

16 REPRESENTATIVE MAY: Is the question what
17 I'd amend or prefer?

18 COMMISSIONER HALL: I wondered if you have
19 any comment whatsoever on that test.

20 REPRESENTATIVE MAY: One, divided a
21 neighborhood, as it is, with -- taken, I guess, kept
22 Arcadia intact, part of divided 2002 maps.

23 My comment would be taking what you will,
24 what currently is in 11, pushing 15, I guess you call it
25 the test, what is community of interest, my folks on

1 Camelback Mountain and folks at McDowell and I-17.

2 CHAIRMAN LYNN: I understand your comments
3 for the northern part. The southern part intersects
4 with blue, 14. What you see there is the line which is
5 above the -- runs parallel with the I-10 freeway above
6 it is a trade looked at between Districts 15 and 14.
7 That area has been traded for the area to the east. His
8 comment, his question of you is -- we understand
9 comments on the northern part of the district. I wonder
10 if you can answer the question on this part of the
11 district.

12 REPRESENTATIVE MAY: I used to live south
13 of I-10, an area called Story. That area, really, in my
14 opinion, should be part of 15. Because if you live --
15 for example, I-10 divides the Story Historic District.
16 There are A lot of issues with that whole division
17 itself. South of Story Historic District, south
18 additional -- upcoming historic neighborhoods probably
19 stood, which by a community of interest standard would
20 be included 15.

21 I'd argue the 14 line goes too far north
22 from the perspective of community of interest.

23 CHAIRMAN LYNN: Are you referring to
24 District 14 goes too far south, the blue border?

25 REPRESENTATIVE MAY: Yes.

1 CHAIRMAN LYNN: Go further south.

2 REPRESENTATIVE MAY: I would, having lived
3 there a couple years, and knowing the community there,
4 I'd move it south.

5 CHAIRMAN LYNN: Other comments or
6 questions for Representative May?

7 If not, we thank you very much for coming.

8 Are there other members of the public that
9 wish to be heard?

10 REPRESENTATIVE MAY: I should ask
11 constituents to be e-mailing, calling, after today, is
12 that their opportunity?

13 CHAIRMAN LYNN: Clearly we're relatively
14 certain we'll not have a final map to submit to
15 Department of Justice until we do additional testing on
16 population deviation. That testing will take us into
17 the August time frame. Any other comments your
18 constituents or others wish to share with the Commission
19 can be e-mailed, or snail mail, for that matter, to the
20 Commission until August and certainly will be noted and
21 distributed to the Commission.

22 REPRESENTATIVE MAY: Thank you very much.

23 CHAIRMAN LYNN: Thank you.

24 If no other members of the public wish to
25 address us at this time, we'll take a 15-minute break,

1 without objection.

2 (Recess taken.)

3 CHAIRMAN LYNN: The Commission will take
4 their seats.

5 The Commission will come to order.

6 For the record, all five Commissioners are
7 present along with legal staff, NDC, and NDC legal
8 staff.

9 Mr. Johnson, any further reports or
10 information from NDC?

11 MR. JOHNSON: I don't have any,
12 Commissioner.

13 CHAIRMAN LYNN: Ladies and gentlemen, as I
14 survey it, we have several options that are before us
15 under consideration with respect to decisions that have
16 to be made before we can move to adoption or
17 consideration of a draft map. Again, per explanation
18 earlier, at this point, it's only my own point of view
19 whether or not a draft map, per se, is the direction to
20 go, seems in terms of timing it would be a reasonable
21 outcome to have a map that certainly could be viewed and
22 looked at by a variety of groups and individuals for a
23 period of time to be considered in August when we can
24 again convene. Of course, that would give NDC an
25 opportunity to move forward with the population

1 adjustment exercise, as well.

2 I think what we need to do, if we work
3 backwards, Mr. Johnson has the current tests loaded.
4 Why don't we start with Tucson, see if we can't give
5 specific direction there on the Tests 2 and 3 and then
6 move to Phoenix and talk about the additional Phoenix
7 testing, and then any other area of the map you wish to
8 move on, see if we can't coalesce around some ideas.

9 What is your pleasure with the Tucson map?

10 Mr. Elder.

11 COMMISSIONER ELDER: Mr. Chairman, I would
12 like to take a look at a couple things. One, I need
13 some information. Is the maroon line the 2002 court
14 approved plan or --

15 MR. JOHNSON: Yes.

16 COMMISSIONER ELDER: We're looking at, I
17 believe, Test 3 right now.

18 Test 3, I would --

19 Want to do it by motion?

20 I would move we accept Test 3 as our --
21 not adopted plan -- as the recommended plan for review
22 of population deviation.

23 Is that the way you want the motion
24 worded?

25 CHAIRMAN LYNN: Well, and you want that as

1 is or is that with some modification?

2 COMMISSIONER ELDER: I want to make some
3 modification. Seemed like we needed a motion on the
4 floor or either that or move we accept Test 3 with
5 modification.

6 CHAIRMAN LYNN: Let's do this, Mr. Elder.
7 I think the original idea is probably easier to follow.
8 Let's have a motion for acceptance of one of the two
9 Tucson maps. Then by amendment we can direct specific
10 changes and include those by amendment in the final
11 vote.

12 COMMISSIONER ELDER: I move we accept Test
13 3 as our preliminary plan for testing.

14 CHAIRMAN LYNN: Is there a second?

15 COMMISSIONER HALL: Second.

16 CHAIRMAN LYNN: Thank you.

17 Discussion on the motion?

18 Now this would be the opportunity to
19 perhaps make some adjustments should those be
20 appropriate.

21 COMMISSIONER ELDER: Mr. Chairman, in
22 relation to this plan, the attempt to get us down to
23 almost balanced population between three districts
24 appears to have generated some anomalies in communities
25 of interest I'd like to see if we could modify.

1 I think changes on the west boundary at
2 Stone Avenue are appropriate and don't need to be
3 considered any further in that there's a half-mile area
4 there of zero population. To get across that back and
5 forth doesn't seem to make sense for compactness,
6 community of interest, or anything there. Where I do
7 have concern is the area to the north central along Swan
8 Road and Alvernon Way. We're dividing up some fairly
9 strong communities and homeowners associations.

10 Is the pointer still available?

11 CHAIRMAN LYNN: The pointer is still there
12 with Mr. Johnson.

13 COMMISSIONER ELDER: I said in prior
14 discussion, these areas right here, Alvernon Way is a
15 road right along the west side of this subdivision. And
16 for many, many years, that was the limit of -- I believe
17 whose properties was to the west, Coronado Foothills.
18 It's been developed somewhat. The community has pretty
19 much set itself aside, this section right here, has both
20 a strong homeowners association. If they need support
21 for activities, they are very cohesive.

22 I'd like to see if we can get this
23 population here whole. I don't have a strong feeling.
24 My sense is we take the population here, in the Coronado
25 Foothills Estate area, and bring them back into 26 and

1 take population in this area, which is the Skyline, Bel
2 Air Homeowners Association, and take what was in 26 and
3 put it into 30. It may give us some imbalance.

4 I don't think the imbalance in population
5 deviation is going to be significant. I think it does
6 more harm or would be more beneficial to keep these
7 communities together. If too far out, go down to the
8 Harrison and Speedway intersection, roughly on the east
9 side. If the population of those two subdivisions was
10 too far out of balance, then I would look at putting
11 population from District 28, which is the light-colored
12 area, and maybe start with south of Speedway, put that
13 back into 30 to bring population balance back into 30
14 and keep working our way around until we got as good
15 balance as we could, say, as Tanque Verde Road. I think
16 that would still benefit the competitiveness.

17 The northern, or north central, is apples
18 apples, no change to demographics there.

19 Here, if we took Republicans out of 30 and
20 brought into 28, 10th of a percentage, going the right
21 direction, won't make competitiveness.

22 Fairly neutral, the changes I'm speaking
23 to.

24 I think if we give Mr. Johnson latitude
25 with some population deviation in areas, not make all

1 three districts exactly the same, it will benefit the
2 southern region.

3 CHAIRMAN LYNN: Let me see if I understand
4 the discussion. I take that, that may turn into an
5 amendment. I want to be clear, particularly with
6 Mr. Johnson, that he understands it.

7 The western alignment of proposed District
8 26 around the Stone corridor and then down south should
9 be left as is. We're trying to square up the division
10 between District 26 and 30 using essentially Swan as the
11 divider. And the squaring up would be done by trading
12 some population north and west of the Swan-Skyline
13 intersection for the population that is between Sunrise
14 and Skyline to the east of Swan, to the extent that that
15 evens out. Should that not even out, we go east to
16 Speedway and Harrison and a little south for population
17 to move into the district to even up.

18 That's the way I understood your --

19 COMMISSIONER ELDER: Yes. What I was
20 looking for in context was that right now Mr. Johnson
21 has gone in, I have all three districts within two
22 people of each other. If it turns out 300 difference,
23 it's not a big deal, in my mind, in relation to the
24 effect the division has right now.

25 I'd like to add into the amendment, as we

1 get to it, that we allow for a minor deviation in
2 population. We're not talking two percent. We're
3 talking four percent, talking 10 percent.

4 CHAIRMAN LYNN: Are you offering that as
5 an amendment?

6 COMMISSIONER ELDER: If Lisa Nance can
7 read back the amendment, I'm not sure she can --

8 I'll not make her attempt. I'll make an
9 amendment.

10 I'd like to propose an amendment that we
11 use Sunrise -- excuse me, we use Swan Road as the
12 north-south divider between District 26 and District 30
13 north of Sunrise and that if that produces excessive
14 population deviation, that we then go to the area at
15 roughly Harrison and Speedway and we look at the trades
16 to bring the population up or down in 30 by adding or
17 subtracting population, at that point.

18 CHAIRMAN LYNN: Is there a second?

19 COMMISSIONER MINKOFF: Made a motion,
20 second?

21 CHAIRMAN LYNN: Not the main motion. The
22 adjustment, like all adjustments, are to have equal
23 weight.

24 Is there a second to the amendment?

25 COMMISSIONER HALL: Second.

1 CHAIRMAN LYNN: Discussion on the
2 amendment.

3 Question, first, then Mr. Huntwork.
4 Ms. Minkoff.

5 COMMISSIONER MINKOFF: I'm trying to
6 understand what you are proposing. Looking at 14, gray
7 areas up above, Swan straight across, gray area of Swan,
8 move 30 further north going into 26?

9 COMMISSIONER ELDER: That is correct.

10 CHAIRMAN LYNN: The microphone is working.
11 Congratulations.

12 Mr. Huntwork.

13 COMMISSIONER HUNTWORK: In light of
14 earlier discussion, I'd like to ask why not consider
15 Oracle as the dividing line for 26, 28? That really
16 would allow us to balance population within a few
17 hundred people. Fix population into 28, really can't --
18 there's restricted ability to equalize population
19 between 26 and 30. Started out with equal population
20 and --

21 COMMISSIONER ELDER: Mr. Huntwork, my
22 intent was, by the third portion, or part of that
23 amendment, is we'd then be able to affect 28 to add or
24 subtract from 30, in lower -- at the Harrison Road.

25 COMMISSIONER HUNTWORK: Haven't added

1 anything into 28, wondering if you had objection to
2 freeing up the exact western boundary of 28.

3 COMMISSIONER ELDER: Knowing that area
4 there, the problem is we have the racetrack, Tucson
5 Mall, businesses -- I think Doug brought up earlier --

6 COMMISSIONER HUNTWORK: 1,000, 1,500
7 people between Oracle and Stone.

8 CHAIRMAN LYNN: In the Census tract we
9 looked at earlier.

10 COMMISSIONER ELDER: Oh, including south
11 of Roger Road there.

12 COMMISSIONER HUNTWORK: Right.

13 COMMISSIONER ELDER: Probably from a
14 neighborhood, schools, and that type of thing there,
15 Oracle Road is a good boundary. Maybe we open it up to
16 that to give us the plus and minus in 28. Because
17 cohesiveness of neighborhoods to the east is -- of
18 Oracle Road probably do go toward Stone, First Avenue,
19 and the school district, that direction. Areas west of
20 Oracle probably gravitate more to Flowing Wells School
21 District. And there's a good buffer all way along
22 Oracle of commercial, I don't know, to communities on
23 the east and west that really are that well-formed where
24 I think they gravitate each separate way.

25 Yes. Oracle is fine.

1 CHAIRMAN LYNN: Question here. I'll ask
2 for a second if you want to incorporate that change in
3 the motion.

4 The concern is, one, what we're trying to
5 achieve. I want to be clear, the current alignment on
6 the west side of this district, District 26, moves well
7 into the area of competitiveness. The concern would be
8 most of the voters you'd move out of the district move
9 the line from Stone west to Oracle is more heavily
10 Democratic than would be the case, adjustments on the
11 east side.

12 COMMISSIONER ELDER: That is correct.

13 CHAIRMAN LYNN: Clearly. I just want to
14 be clear about that on the record. But if you still
15 want to do it, I'll ask if everyone is amenable to the
16 amendment.

17 COMMISSIONER ELDER: Well, Mr. Chairman,
18 again, I think my preference is the east side shift
19 because it doesn't change the balance in 28.

20 CHAIRMAN LYNN: Then you're not willing to
21 accommodate the change in line on the west side but
22 rather are looking at the population deviation to be
23 balanced on the east?

24 COMMISSIONER ELDER: Can we take them as
25 separate?

1 CHAIRMAN LYNN: Absolutely.

2 COMMISSIONER ELDER: I think the way it is
3 worded now best fits what I want to discuss in that area
4 with Mr. Huntwork's idea there as an option.

5 Before, when we were giving Doug the
6 direction of, you know, trying to keep this barrier, the
7 first road off the map goes across the river, and bridge
8 across Tanque Verde, try to keep as whole as possible.
9 Also went through the exercise, had green, red, green,
10 blue, gain Republican here, balance to get competitive
11 here. If we take a Democratic, probably majority over
12 here out, we've not gained anything in competitiveness
13 on the east. My sense is I think this, that change on
14 east will not change what we did last week. The change
15 on the west may. I don't know if I use my personal
16 standpoint where I weight different things, communities
17 of interest, to geography, to the way things function,
18 to minorities. And those are not in my order of
19 heirarchy.

20 I think that the changes that we're making
21 here are beneficial. It may be different Commissioners
22 perception on how to rank things, that's what is the
23 suggestion.

24 CHAIRMAN LYNN: The suggestion by
25 Mr. Huntwork is not included at this time. It could be

1 separately.

2 Discussion on the amendment?

3 Ms. Minkoff.

4 COMMISSIONER MINKOFF: I have further
5 questions. Perhaps one or both can help me. That's in
6 terms of switch proposing up north, do you know, or
7 Doug, weigh in here as well, whether that is going to
8 put population more out of balance or if it's a
9 relatively even trade? If not an even trade, which part
10 has the larger population.

11 MR. JOHNSON: If I may, Mr. Chairman,
12 Commissioner, it will put it out of balance. The area
13 west of Swan Road, talking about moving back in 26
14 larger population than the area east of Swan Road. I
15 don't know until --

16 COMMISSIONER MINKOFF: Significant or a
17 couple hundred people?

18 MR. JOHNSON: It's, I think, in the
19 hundreds.

20 CHAIRMAN LYNN: Option to balance.

21 COMMISSIONER ELDER: The intent, quickly
22 adding numbers, it may be something in the range of 800
23 to 500. If it's 200 out, let's nothing to the effort of
24 trying to divide other areas. We've seen the work. If
25 it turns out it's a thousand, yeah, we have to make a

1 change. I don't want to leave that kind of deviation
2 out.

3 CHAIRMAN LYNN: Discussion on the
4 amendment?

5 Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Well, that was --
7 I want to underscore what the Commissioner, underscore
8 what was just said. I don't think we can allow
9 significant population deviations in order to achieve
10 competitiveness. Equal population is one neutral
11 criteria we cannot significantly impair in order to
12 achieve competitiveness. I think a few hundred is not
13 significant. 1,000 people I think is significant. I
14 need to know how big that deviation is before I can
15 really stop at this point of the discussion.

16 CHAIRMAN LYNN: Here again, we're not --
17 if we order that test, there's a couple options. We can
18 take a break and Mr. Johnson, do you have an estimate
19 how long it would take you to conduct such a test to
20 give us an idea what the new district would look like,
21 population involved?

22 MR. JOHNSON: I'm not sure, betting on the
23 side --

24 COMMISSIONER ELDER: Scissors, rock,
25 paper.

1 MR. JOHNSON: I could give you a close
2 estimate in probably 45 minutes, 30 minutes. I wouldn't
3 have analyzed it down, can I -- can get it to one, a
4 good estimate.

5 CHAIRMAN LYNN: On the amendment, further
6 discussion?

7 Mr. Hall.

8 COMMISSIONER HALL: I think it's clear on
9 the test if able to achieve excellent results, perfect
10 population balance, I'm confident it won't be an issue
11 of population deviation. I speak in favor of the
12 amendment, have important goals, maintained communities
13 of interest. Districts are more compact. We've favored
14 competitiveness. This is a clear example of where we've
15 fully complied with all the criteria of Proposition 106.

16 CHAIRMAN LYNN: Further discussion on the
17 amendment, amendment only?

18 All in favor of the amendment?

19 Mr. Huntwork?

20 COMMISSIONER HUNTWORK: May I ask a
21 question? Is this amendment, in effect, subject to
22 ascertaining there's not significant population
23 deviation?

24 CHAIRMAN LYNN: I think we're ordering a
25 test.

1 COMMISSIONER ELDER: 45-minute test.

2 CHAIRMAN LYNN: 45-minute test. Then we
3 should have a pretty good idea what the population might
4 be. If it presents a problem, we can revisit.

5 COMMISSIONER HUNTWORK: Fine.

6 CHAIRMAN LYNN: All in favor of the
7 amendment, signify "Aye."

8 COMMISSIONER ELDER: "Aye."

9 COMMISSIONER MINKOFF: "Aye."

10 COMMISSIONER HALL: "Aye."

11 COMMISSIONER HUNTWORK: "Aye."

12 CHAIRMAN LYNN: Chair votes "Aye."

13 Motion carries unanimously.

14 The motion as amended, a motion to accept
15 Tucson with the amendment that we just voted on and ask
16 Mr. Johnson to go ahead with that test as amended and
17 give us an opportunity to review the figures, at least
18 in a preliminary sense, results of the changes we are
19 ordering.

20 Is there further discussion on the motion?

21 If not, all those in favor of the motion,
22 as amended, signify "Aye."

23 COMMISSIONER ELDER: "Aye."

24 COMMISSIONER MINKOFF: "Aye."

25 COMMISSIONER HALL: "Aye."

1 COMMISSIONER HUNTWORK: "Aye."

2 CHAIRMAN LYNN: Chair votes "Aye."

3 It is so ordered.

4 Go to the Phoenix area.

5 I don't believe the subject is cleared up,
6 direct every test outstanding. I don't want to leave
7 anything unattended. I want to make sure we give you
8 complete instruction when we decide to break.

9 Is there a motion with respect to tests
10 involving 11 and 15?

11 Mr. Hall?

12 COMMISSIONER HALL: Mr. Chairman, I think
13 whenever we make a decision, vote on a particular
14 motion, we have an opportunity to reflect and have the
15 opportunity to either -- I had the opportunity to fly
16 through the smoke and land here this morning. In so
17 doing, I took an aerial view of the valley. And it was
18 rather interesting to do so reflecting on the fact we'd
19 be meeting, trying to draw imaginary lines where I know
20 they exist. I'd like to reiterate, flying over certain
21 mountain ranges, I'm convinced the vote last week
22 regarding a test of District 6 was the correct vote.
23 Having said that, I also sat and listened to testimony
24 today throughout various tests and have, frankly, been
25 impressed with the collective wisdom of this Commission

1 of our previous drawing of lines. I think it was
2 attested to this morning with respect to public
3 testimony we heard.

4 I think, in my opinion, and I'm not
5 necessarily making a motion, just getting discussion
6 started, I like Districts 14, 15, and 11 as they
7 previously existed. I throw that out there to hear
8 additional comment on that from my fellow Commissioners.

9 CHAIRMAN LYNN: Ms. Minkoff.

10 COMMISSIONER MINKOFF: Mr. Chairman, I
11 just want to speak about changes to 14, 15. I think
12 these are two separate changes. I think each one is
13 independent of the other one. I think we ought to
14 discuss them individually.

15 I'm in favor of that change. It looks
16 really weird, because it creates a very long foot on the
17 district. But we've heard from the people in the
18 Historic Districts that Districts 14 and 15 in the
19 interim map don't work. As I think about it, and I
20 drive through that area all the time as I go downtown,
21 it really doesn't work. A significant number of
22 Historic Districts are south of the dividing line that
23 currently separates 14 and 15.

24 If we want to be sensitive -- if we want
25 to be sensitive to the Historic District AUR, then we

1 need to make that change.

2 You heard from Representative May earlier
3 this morning or this afternoon after explained what we
4 were asking about that our interim plan really doesn't
5 recognize the Historic Districts. The change has no
6 other impact on 14 and 15 in terms of demographics, in
7 terms of Voting Rights Act implications. The only
8 downside to it is it does create a narrow section of
9 District 14 going out to the east. That is the
10 disadvantage. But weighed against the greater advantage
11 of uniting an AUR, from whom we heard significant
12 testimony, I think this particular change makes sense.

13 If you like, I'd be happy to put that in
14 the form of a motion.

15 CHAIRMAN LYNN: I'd be happy to have a
16 motion on either of these. They are indeed separate.
17 And we should deal with them separately.

18 So the record is clear, we're dealing with
19 a specific, individual change, whether we accept it or
20 not, and move forward.

21 I'd be more than happy to take that from
22 you.

23 COMMISSIONER MINKOFF: I'd like to move we
24 incorporate the changes between Districts 14 and 15 that
25 unify as much as possible the Historic District AUR in

1 District 15 and incorporate that on the map for further
2 testing.

3 CHAIRMAN LYNN: Is there a second?

4 COMMISSIONER HUNTWORK: Second.

5 CHAIRMAN LYNN: Thank you.

6 Discussion on the motion?

7 Mr. Huntwork.

8 COMMISSIONER HUNTWORK: Well, I think
9 that -- I think this is a good change that we have the
10 opportunity to address for a number of reasons. I do
11 think it's important as we make changes and work through
12 these final sets of changes that we reflect on what has
13 happened. We went through practically a year working
14 with material and came to well-advised decisions for all
15 the right reasons. And only a couple of things
16 happened. They are very significant, but they are what
17 I think we need to deal with.

18 Number one, we had -- we had some
19 incorrect data. And we definitely needed to correct
20 data bases and see whether they made significant
21 differences to the conclusions we'd come to,
22 particularly with respect to competitiveness. Now that
23 we've seen the results of that information, it really
24 pretty much verified the decisions that we made
25 originally. Districts we thought were competitive

1 pretty much remained competitive, might have even been a
2 little more competitive, certainly were not
3 significantly hurt by these changes.

4 The second thing that is very significant
5 is, of course, the Justice Department disapproved some
6 of our districts. And we were obliged to increase
7 minority voting strength in three of five districts in
8 the State of Arizona.

9 In the interim plan we did that, and it
10 left us with some other issues that we, I think, needed
11 to go back and look at, how did those changes affect
12 communities of interest, how did they affect population
13 balance throughout the state, and to some extent, in
14 these districts that were left over, how did they affect
15 compactness of the districts, what were originally some
16 reasonably compact districts ended up all being very
17 oddly shaped.

18 Before we're done, I think we need to at
19 least address those points. Just getting down to it
20 here. This is one of the districts affected by the
21 Justice Department disapproval. It's an area that we
22 must, have no choice but to address. We can't address
23 it without affecting the rest of the map and without
24 throwing open everything else we did to complete review
25 and looking at it fresh, seems to be what some people,

1 at least in my opinion, have misinterpreted this
2 proceeding as being about.

3 With those limitations, and for those
4 reasons, I think I enthusiastically support correcting
5 this district, lines between these two districts
6 directly affected by Department of Justice action.

7 CHAIRMAN LYNN: Further discussion on the
8 motion?

9 COMMISSIONER ELDER: Mr. Chairman, I'd
10 like to ask a question of my Phoenix compatriots.
11 Testimony we had this morning concerning Arcadia, is the
12 interface between 14 and 15 in play in the discussions
13 of Arcadia or is Arcadia totally within 15?

14 COMMISSIONER MINKOFF: It Isn't involved
15 in this at all. Arcadia is primarily the gray north of
16 the existing dividing line between 15 and 11. It's a
17 totally separate issue.

18 COMMISSIONER ELDER: What I'm seeing here,
19 my perspective is the configuration of 14 being modified
20 would not affect anything beneficial to the Historic
21 Districts and, call it, the east central valley. And,
22 therefore, I think we're probably there. It's a good
23 solution.

24 MR. JOHNSON: Mr. Chairman, if I might ask
25 one question. We had the initial proposal from the

1 Historic Districts, the rectangular area for a neck,
2 then initial modification for that, Westwood, to try for
3 a small neck in 15. I wanted to clarify both of those
4 are historical district tests.

5 COMMISSIONER MINKOFF: As you have it on
6 the map.

7 CHAIRMAN LYNN: I took it that the motion
8 incorporated all of those changes.

9 MR. JOHNSON: Okay. Thank you.

10 CHAIRMAN LYNN: Further discussion on the
11 motion?

12 If not, I need, at least for the record,
13 to indicate I understand and appreciate the concept of
14 historic neighborhoods. My experience is historic
15 neighborhoods may be very different in Phoenix than
16 Tucson. Historic neighborhoods tend to feel very
17 closely aligned to themselves, that is to say to each
18 neighborhood. But it's less the case that they align in
19 a coalesced fashion. I've never been a particular fan
20 of this AUR. That doesn't mean anything. It is an AUR.
21 Substantial testimony supports it, and there's been
22 additional testimony as late as last meeting to support
23 it. I think in this instance I'm not happy with the
24 alignment of 14, a less regular shape, fairly extensive
25 arm going to the east. I understand it really doesn't

1 change in a significantly negative way the kind of
2 things we're trying to achieve in 13, 14. For those
3 reasons, just on the record, I would support the motion;
4 but I guess for reasons other than those stated, and I
5 guess I want it on the record, the fact I'm not
6 convinced that every historic neighborhood needs to be
7 together for any particular reason. I don't think that
8 is something that is high on my priority list. But I
9 certainly am willing to defer to my colleagues from
10 Phoenix who thought that situation politically
11 otherwise, political in the best sense of the word, not
12 the worst sense, in terms of how neighborhoods operate
13 together, how they coalesce on issues, better than I.
14 I'm happy to support it. It's not a hilt I want to die
15 on.

16 Ms. Minkoff.

17 COMMISSIONER MINKOFF: To clarify a couple
18 points. I don't know it's unique to Phoenix. These
19 Historic Districts really do work together. Many cases,
20 in Story, Willo neighborhood, whatever, most just
21 driving through know they're in one of the inner city
22 Historic Districts and are really not aware of the
23 boundaries between districts. They have an Association
24 of Historic Districts that is extremely active. Because
25 some Historic Districts are actually quite small,

1 Mr. Huntwork lives in the middle of one, a few blocks
2 square, Alvarado, one of oldest, most beautiful Historic
3 Districts in the city, they work together because many
4 are too small to do anything on their own.

5 CHAIRMAN LYNN: Further discussion on the
6 motion?

7 Mr. Huntwork?

8 COMMISSIONER HUNTWORK: I wanted to say,
9 it's truly not a political issue in the sense Republican
10 versus Democrat. It's sort of everybody, regardless of
11 political party, wants to preserve their neighborhood
12 and make it as nice as possible and preserve what is
13 unique about it. In the midst of a city as big as
14 Phoenix, and a metropolitan area, and as big as the
15 valley, these historic neighborhoods are a really small
16 component in the sense they very strongly have to work
17 together in order to have any meaningful voice at all.
18 I think that's what it's all about.

19 CHAIRMAN LYNN: Discussion on the motion?
20 If not, all in favor of the motion signify
21 "Aye."

22 COMMISSIONER ELDER: "Aye."

23 COMMISSIONER MINKOFF: "Aye."

24 COMMISSIONER HALL: "Aye."

25 COMMISSIONER HUNTWORK: "Aye."

1 CHAIRMAN LYNN: Chair votes "Aye."

2 Motion carries unanimously.

3 Is there an affirmative motion on 11 and
4 15, now understanding District 15, for our purposes, is
5 configured the way that is essentially shown in terms of
6 the trade with 14? We've voted on that.

7 Mr. Huntwork.

8 COMMISSIONER HUNTWORK: Mr. Chairman, I
9 would like to make the motion we proceed with the
10 realignment between 11 and 15 as depicted here. I'll
11 explain the reasons, if anybody seconds it.

12 CHAIRMAN LYNN: No problem.

13 I want to be sure everybody is clear. In
14 this instance, Mr. Johnson, correct me if wrong, the
15 motion configuring 11 and 15 is with respect to color
16 rather than other lines on the map. Mr. Huntwork's
17 motion, the result of the motion would be, again, an
18 interesting -- well, doesn't quite match, but District
19 11, the yellow, pale yellow district, would be
20 configured as is shown here in yellow. And that would
21 leave District 15 as configured in the darker tan or
22 taupe.

23 MR. JOHNSON: Right.

24 CHAIRMAN LYNN: Is that your
25 understanding?

1 MR. JOHNSON: Yes.

2 CHAIRMAN LYNN: Is there a second to
3 Mr. Huntwork's motion?

4 COMMISSIONER ELDER: Second.

5 CHAIRMAN LYNN: Moved and seconded.

6 Discussion on the motion?

7 Mr. Huntwork?

8 COMMISSIONER HUNTWORK: I have three
9 reasons I want to support this motion. Firstly, again,
10 District 15 was one impacted by the Justice Department
11 action leaving it as a very spread-out and noncompact
12 district. This allows us to make District 15 more
13 compact without really making District 11 less compact.

14 Secondly, in the middle of District 11, as
15 originally proposed, there were some geographical
16 features. The Arcadia neighborhood north of Camelback
17 Road really bumps into Camelback Mountain. This
18 alignment, to some extent, at least, is closer to
19 recognizing that natural boundary line in the district.
20 It doesn't match it perfectly, but it does pick up in
21 the motion those geological features and creates a
22 north-south dividing line through District 11. And the
23 third reason is competitiveness. This makes District 15
24 a competitive district.

25 What it does with the negative is it does

1 have a somewhat negative impact on communities of
2 interest. I think that there are lots of folks in what
3 would be District 15 in this configuration that would
4 argue strenuously they do have a community of interest
5 with Arcadia. I do, however, recognize most people in
6 Arcadia would feel their community of interest was more
7 with the more affluent areas that were previously --
8 were identified by some of the speakers here today.

9 So, thank you.

10 CHAIRMAN LYNN: Mr. Hall.

11 COMMISSIONER HALL: Mr. Chairman, I think
12 I generally stated what I think my opinion was on this
13 particular test earlier. I just think I'm trying to be
14 consistent, my thought on those issues, for the same
15 reason I voted against a proposed test and change of
16 District 6 to make it more competitive, because of the
17 impact and significant detriment on communities of
18 interest.

19 As we heard this morning and for reasons
20 with which I agree, this change has significant impact
21 and significant detriment on communities of interest
22 also. I think it is significant. I recommend we leave
23 15, 11, as they were.

24 CHAIRMAN LYNN: Mr. Elder, Ms. Minkoff.

25 COMMISSIONER ELDER: As they were, the

1 maroon line.

2 COMMISSIONER MINKOFF: Had a change.

3 COMMISSIONER ELDER: He said, correct,

4 maroon line.

5 COMMISSIONER HALL: Maroon line between

6 11, 15.

7 COMMISSIONER ELDER: That may lead me.

8 I seconded primarily because I wanted
9 discussion on this district. We heard public testimony
10 from Glendale.

11 Mr. Johnson, could you turn Glendale on?

12 COMMISSIONER MINKOFF: It's not here.

13 COMMISSIONER ELDER: I want to see where
14 it is in relation to the western boundary.

15 MR. JOHNSON: The purple line, this purple
16 line. It doesn't affect this.

17 COMMISSIONER ELDER: Looking to see if any
18 interface, which would open a whole other can of worms,
19 potential for taking part of the northwest corner of 14,
20 trading for the southeast corner, give more
21 representation to the Town of Glendale. I would like to
22 have looked at that. It does not look like that's
23 possible.

24 No further comments on this one.

25 Thank you.

1 CHAIRMAN LYNN: Ms. Minkoff.

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

4 I expected this motion would be proposed
5 today. As I was thinking about it before coming here I
6 decided, prior to coming here, that I would support the
7 motion, because I felt that it was consistent with my
8 strong emphasis on competitive districts. I was also
9 going to suggest in order to be consistent my four
10 fellow Commissioners to vote against it.

11 COMMISSIONER HALL: I am.

12 COMMISSIONER MINKOFF: It does seriously
13 damage a community of interest on which we've had
14 significant testimony, not just testimony this morning
15 but earlier testimony from representatives of the
16 Arcadia neighborhood telling us the type district they
17 wanted to be in. I was prepared to vote for it until I
18 came today. Quite honestly, public testimony earlier
19 today changed my mind. We have put together Moon
20 Valley, Paradise Valley, and Carefree. We heard loud
21 and clear from Arcadia they don't want to be in 15. I
22 do favor District 15. I originally made the motion to
23 follow that. We need to listen to what people are
24 telling us. For that reason, I'll vote against it.

25 CHAIRMAN LYNN: Further discussion on the

1 motion?

2 Mr. Huntwork.

3 COMMISSIONER HUNTWORK: Just on issues of
4 consistency, the way I analyze them, so they are clear
5 in the record, several criteria are in play in this
6 which compete against each other, and they do not all
7 add up to the same thing. Compactness and geological
8 features support this change. I'm acknowledging
9 community of interest, standing alone, seems to oppose
10 it. I do feel that it is important that -- you did hear
11 clear testimony today about how some people in Arcadia
12 feel about this. It's very likely to be the general
13 feeling in Arcadia. But this is the kind of change that
14 almost goes against public input rather than take what a
15 handful of people say.

16 Previous to this, I think it's important
17 to understand, that Arcadia had said they wanted to stay
18 together. I think there was only one real spokesperson
19 for Arcadia, I can recall. He made the same comment a
20 number of times, had to do with keeping Arcadia
21 together, rather than, as I recall, placing it with any
22 other particular community. And the change proposed
23 does keep Arcadia together. It does not take arbitrary
24 population out of the middle of something else and move
25 it. It east keeps that neighborhood together.

1 Thank you.

2 CHAIRMAN LYNN: Further discussion on the
3 motion?

4 Mr. Hall.

5 COMMISSIONER HALL: Mr. Chairman, as we
6 talk about different competing criteria within the body
7 of the Constitution, I am constantly reminding myself of
8 the fact our excellent consultants, NDC, throughout the
9 process, annotated and prioritized the importance of
10 these different criteria in the public's eyes based upon
11 thousands of hours of public testimony. You'll recall
12 both written and verbal input from the people of the
13 state, Arizona's minds and eyes, communities of interest
14 was number one. Therefore, that's why I feel like --
15 that's why I voted the way I would on 6. That's why I
16 feel I'm opposed to this motion.

17 I think the wishes we heard, together with
18 public testimony, will be additionally forthcoming in
19 abundance via e-mail and other sources. My sense is
20 District 11 and 15 are more consistent with communities
21 of interest as originally portrayed.

22 CHAIRMAN LYNN: Further discussion on the
23 motion?

24 Mr. Elder.

25 COMMISSIONER ELDER: Mr. Chairman, I have

1 a question for Mr. Johnson. The motion we have, colored
2 boundaries as opposed to maroon boundary, what are the
3 competitive numbers on 15 and 11?

4 MR. JOHNSON: Under this test, in District
5 11, AQD spread 16.44, that favors Republican. 15, 4.61
6 in favor of Democrats. In terms of Judge It, it's
7 District 11 is exactly 10 percent Republican advantage
8 and District 15 is a 2.8 percent Democratic advantage.

9 COMMISSIONER ELDER: And what were the
10 numbers on the original DOJ, court-approved?

11 15, 11, I see up there in maroon.

12 MR. JOHNSON: District 11, there is 11.4
13 Judge It spread; and District 15, 7.4 percent Judge It
14 spread. AQD and registration, District 11 has 18.6
15 percent AQD spread and 22.3 percent registration spread
16 among active voters. And 15 is 12.7 percent AQD spread
17 and 9.05 percent Democratic registration advantage among
18 active voters.

19 COMMISSIONER ELDER: Thank you.

20 CHAIRMAN LYNN: Further discussion on the
21 motion?

22 Mr. Hall.

23 COMMISSIONER HALL: To emphasize a point,
24 11 -- 15, under the current '02 plan, 7.4 Judge It, just
25 four-tenths out of competitive, certainly within what we

1 voted before, that's on a continuum. In my opinion, the
2 districts are competitive.

3 CHAIRMAN LYNN: Further discussion on the
4 motion?

5 If not, all favor of the motion, signify
6 by saying "Aye."

7 COMMISSIONER HUNTWORK: "Aye."

8 COMMISSIONER HALL: "Aye."

9 CHAIRMAN LYNN: Opposed, "No."

10 COMMISSIONER MINKOFF: "No."

11 COMMISSIONER HALL: "No."

12 CHAIRMAN LYNN: Chair votes "No."

13 Motion fails.

14 Is there --

15 I think we should have an affirmative
16 motion with respect to 11, 15, since that was to do
17 something else that did not pass.

18 COMMISSIONER HALL: Mr. Chairman, I make a
19 motion we proceed with our map utilizing Districts 11
20 and 15 as they are currently configured under the 2002
21 court-approved plan.

22 CHAIRMAN LYNN: With the previous
23 adjustment between 15 and 14?

24 COMMISSIONER HALL: Correct. I was
25 speaking to the northern boundary. Thank you.

1 CHAIRMAN LYNN: Second?

2 COMMISSIONER MINKOFF: Second.

3 CHAIRMAN LYNN: Discussion?

4 All favor of the motion, signify "Aye."

5 COMMISSIONER ELDER: "Aye."

6 COMMISSIONER MINKOFF: "Aye."

7 COMMISSIONER HALL: "Aye."

8 COMMISSIONER HUNTWORK: "Aye."

9 CHAIRMAN LYNN: Chair votes "Aye."

10 Motion carries and is so ordered.

11 Are there other, Mr. Johnson, are there

12 other tests outstanding for which we have not given you

13 direction with respect to any of the proposed changes to

14 districts from the interim map?

15 MR. JOHNSON: The only other change,

16 changes in La Paz, Parker and Quartzsite. The

17 Commission voted to continue a test. I don't know if

18 that is, in your view, still stands or --

19 CHAIRMAN LYNN: I think we're looking for

20 both population and --

21 Did you do any further testing or any

22 consultants do further testing on that?

23 MR. JOHNSON: It's still the configured

24 exact same way as when you voted last week.

25 CHAIRMAN LYNN: Mr. Hall.

1 COMMISSIONER HALL: I'd say, if we need a
2 motion --

3 CHAIRMAN LYNN: I'm not sure.

4 Do you feel you need -- are you clear on
5 the direction on where to go in La Paz, Yuma County, at
6 this point?

7 MR. JOHNSON: Yes.

8 CHAIRMAN LYNN: I think we made that
9 change to use the irregular border on the southern
10 portion of that district.

11 MR. JOHNSON: Correct.

12 CHAIRMAN LYNN: It would seem to me it
13 might be an appropriate time, even early for dinner.
14 Maybe take a longer break insofar as Mr. Johnson might
15 be able to further the test in Tucson and come back to
16 us with a result we can then incorporate.

17 I get the sense we're fairly close to a
18 determination statewide as to map we'd like to put out,
19 at least in draft form, over this next month plus period
20 of time.

21 Mr. Huntwork?

22 COMMISSIONER HUNTWORK: Mr. Chairman, just
23 looking at information Mr. Johnson had on the border
24 earlier, it looked to me we could do this in five
25 minutes, not 45 minutes. Specific population numbers in

1 each of those areas, one could simply add up, in a
2 relatively small number of precincts, if not mistaken,
3 10 precincts in terms of area, or thereabouts.

4 CHAIRMAN LYNN: Considering the
5 instruction to Mr. Johnson, no change in the western
6 boundary, interface 26, 28, basically squaring up the
7 border on Swan in the north, adjusting for population
8 east --

9 Mr. Huntwork may be correct. I'm
10 wondering if we took a 15-minute break if you might show
11 us what population adjustments might look like by adding
12 up those numbers.

13 MR. JOHNSON: The key to tests, if it goes
14 slowly, I'm not sure it can be done, when giving time
15 estimates. Blocks move slightly, 10 minutes.

16 CHAIRMAN LYNN: It's not parimutuel
17 wagering. We'll take a brief break, see how far you
18 get. We'll come back in 15 minutes, get that answer.
19 We're close to a determination on that test. That would
20 give us an integrated whole with which we could discuss
21 moving forward.

22 MR. JOHNSON: Makes sense. As long as you
23 are aware something could go wrong and I'll tell you I
24 have to look more.

25 CHAIRMAN LYNN: If we're not aware now, we

1 should be, something could go wrong.

2 COMMISSIONER HUNTWORK: We'll see.

3 CHAIRMAN LYNN: We're clearly aware of
4 that.

5 Let's at least test that theory and take a
6 15-minute break. And we'll reconvene sooner, if you are
7 finished.

8 Stand in recess.

9 (Recess taken.)

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

12 For the record, all five Commissioners are
13 present along with counsel, NDC, and NDC counsel.

14 Mr. Johnson, illuminate.

15 MR. JOHNSON: Mr. Chairman, I tested
16 moving the area west of Swan into District 26 and the
17 area east of Swan into District 30. The one
18 complication encountered is the block checkered on the
19 screen there actually extends across Swan. This is an
20 area, further north edge to development, the East Swan
21 area, Oakmont, West Swan, it's the area north of
22 Coronado. That spot, it's not possible to divide right
23 on Swan. I left this area in District 30 because the
24 majority of the area seems to be in 30. Obviously I
25 can't tell what the population is in that. The result

1 of that is the population in District 26 goes down
2 slightly.

3 We did have 0.64 underpopulation before
4 this test. This takes us to 0.85 in District 26.
5 District 30, we also had 0.64 percent underpopulation.
6 This takes us to a 0.43 underpopulation, as we move a
7 small number of people net from 26 to 30.

8 CHAIRMAN LYNN: Mr. Huntwork.

9 COMMISSIONER HUNTWORK: How many people in
10 that indivisible district are affected if you put it in
11 26 instead 30?

12 MR. JOHNSON: 322, actually balance
13 deviations more between the two, 0.8 in 26 and 0.6 in
14 30.

15 CHAIRMAN LYNN: Doug, would you highlight
16 the entire district so that --

17 MR. JOHNSON: The difficulty is the
18 portion of that district that is east of Swan.

19 COMMISSIONER HUNTWORK: It appears to me,
20 if all were consolidated in 26, it's more compact, more
21 compact than the finger into 26.

22 COMMISSIONER MINKOFF: Then 30.

23 COMMISSIONER HUNTWORK: No. All the gray
24 line.

25 CHAIRMAN LYNN: To the extent any

1 population portion Census block comes south as a finger,
2 what you are doing is splitting that neighborhood in a
3 way it shouldn't be split. The only way to assure,
4 unless by further investigation, is to get a split,
5 understand there are no folks living there and it's not
6 developable. The only way to guard against that is to
7 take the district east to be sure the district stays
8 intact. Swan is the dividing line. There's no question
9 there.

10 COMMISSIONER MINKOFF: Is there something
11 there or --

12 CHAIRMAN LYNN: Might be. Essentially at
13 the north or entrance to Skyline Country Club.

14 Mr. Elder.

15 COMMISSIONER ELDER: Mr. Chairman, the
16 finger that goes from the entry at the bottom end is the
17 swimming pool, recreation area for a townhome. All that
18 area along the west, or road east Swan Road, both sides
19 of the road are high density townhouses, one row of
20 townhouses the other district, the other row of
21 townhouses, recreation center. Same thing along
22 Oakmont. Oakmont, balance that side, four- to
23 eight-acre type parcels inside the Country Club.

24 The area, if we go to the west, there's
25 one road and it's double loaded with eight acre,

1 probably, residence sites there. And the area to the
2 north is national forest.

3 My sense is we'd be better served in
4 keeping it with the east. It's still well under one
5 percent deviation. And I think communities of interest
6 and the way they function together is probably more
7 appropriate this way.

8 CHAIRMAN LYNN: Mr. Hall.

9 COMMISSIONER HALL: Mr. Chairman, I make a
10 motion we adopt these changes, the southern portion
11 changes, into our developing map.

12 CHAIRMAN LYNN: Is there a second?

13 COMMISSIONER HUNTWORK: Second.

14 CHAIRMAN LYNN: Thank you.

15 Discussion on the motion?

16 COMMISSIONER MINKOFF: I have a question.
17 Does that include putting that Census block in District
18 30?

19 COMMISSIONER ELDER: Yes.

20 COMMISSIONER HALL: You are saying like he
21 has it now?

22 COMMISSIONER MINKOFF: Right now,
23 crosshatched.

24 COMMISSIONER HALL: Like that.

25 COMMISSIONER MINKOFF: Yes.

1 COMMISSIONER HALL: As he tested it.

2 COMMISSIONER MINKOFF: Fine.

3 CHAIRMAN LYNN: Discussion on the motion?

4 MR. JOHNSON: Mr. Chair, if I make one
5 note. I did look at the other area down to the south by
6 Speedway to see if that would bring the two districts
7 closer together. And actually making those changes
8 would have put the districts more out of balance. So I
9 didn't make --

10 COMMISSIONER ELDER: Irrespective, add to
11 or subtracted to?

12 MR. JOHNSON: Moving the area south of
13 Speedway into 30. Could be moving more 30 to 28 to
14 balance a bit.

15 CHAIRMAN LYNN: Balance 28 as configured.

16 MR. JOHNSON: 0.64 underpopulated.

17 CHAIRMAN LYNN: Under.

18 All right. Discussion on the motion?

19 All in favor, signify "Aye."

20 COMMISSIONER ELDER: "Aye."

21 COMMISSIONER MINKOFF: "Aye."

22 COMMISSIONER HALL: "Aye."

23 COMMISSIONER HUNTWORK: "Aye."

24 CHAIRMAN LYNN: Chair votes "Aye."

25 Motion carries unanimously.

1 It is so ordered.

2 Are there -- let me do this a couple ways.

3 First of all, we're, I believed, at, I
4 believe, a summary position on a map that could be put
5 out in draft form, that is to say by either accepting or
6 rejecting a number of tests that have been run and
7 discussed, we've come to a position, we've dealt with
8 the area of Quartzsite, Maricopa County, Pima County,
9 and the balance of the map would be as is represented in
10 the interim map, 2002 map, or court-approved map,
11 whichever your appellation, preference is, but that
12 particular map.

13 Is there any other instruction to NDC that
14 we would like to put on the record before our next
15 meeting?

16 Mr. Elder.

17 COMMISSIONER ELDER: Mr. Chairman, I think
18 I want to go through this map as we've got it configured
19 now to see where we're at.

20 One of the other issues I think we need to
21 take a look at, we've had three, four different days of
22 testimony from Mayor Donaldson and attorneys, et al.,
23 concerning the Flagstaff plan. Today we received a
24 digital data base. I don't really have any numbers to
25 assess it or evaluate it. What I'd like to propose,

1 whether a motion for Mr. Johnson to take a look at the
2 plan and report back to us in our August meeting, or
3 whether it's just a recommendation, if we do it that
4 way, fine. I'd like to at least take a look at it, see
5 what the impacts and effect are and how it may fit in.

6 CHAIRMAN LYNN: I'll take that as a
7 motion. I think it's worth putting on the record.

8 Is there a second to the motion?

9 COMMISSIONER MINKOFF: A motion just to
10 deal with the Flagstaff plan?

11 CHAIRMAN LYNN: As I understood it,
12 dealing with Flagstaff's Preferred Plan A, B 2 we
13 received today in electronic form.

14 COMMISSIONER MINKOFF: What he's asking --

15 CHAIRMAN LYNN: Asking Mr. Johnson, as I
16 understand, Mr. Elder, correct me if wrong, to analyze
17 those two proposals with respect to various impacts
18 those changes might have on existing districts and what
19 implications those changes represent.

20 COMMISSIONER ELDER: I guess further, I'd
21 like it somewhat in the same format as the other data
22 bases, here's how it compares, not trying to do an
23 apples oranges type thing.

24 COMMISSIONER MINKOFF: I'll second that.

25 CHAIRMAN LYNN: Thank you.

1 Discussion on the motion?

2 Mr. Huntwork.

3 COMMISSIONER HUNTWORK: Mr. Chairman, that
4 test, proposal, while interesting, is not significantly
5 different from proposals we looked at and considered
6 last summer and fall.

7 My own feeling about where we are and what
8 we're doing at this point, I don't feel that we are
9 taking a de novo look at a situation. We've had some
10 specific issues we needed to address, including impact
11 of the Justice Department action, including the impact,
12 if any, of the data that was determined to be incorrect.
13 We have looked at that. None of it really had any
14 significant impact. In my view, decisions we made in
15 Districts 1, 2, 5, and surrounding districts, we made
16 numerous other important detailed, meticulous decisions
17 about communities of interest throughout the region and
18 throughout the state, many of which are impacted by this
19 as it works its way down around the southern part of the
20 state and back into Western Maricopa County. I'm not in
21 favor of reconsidering all of those decisions.
22 Therefore, I speak against the motion.

23 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

24 Ms. Minkoff.

25 COMMISSIONER MINKOFF: Mr. Chairman, when

1 we created District 2, as you recall, it was at the end
2 of the process. It's current configuration is nothing
3 that really appeared in this way in any of the other
4 drafts. Mayor Donaldson was at our meetings the week
5 that we adopted the map that we sent to the Department
6 of Justice -- actually, not when actually adopted, but
7 when we adopted it in concept prior to adjustments. He
8 was not happy. Many of us were not happy with this
9 district. We said at the time, "This is the only way we
10 can see to make the rest of the map work. If you can
11 show us another way, please do so." Mayor Donaldson
12 came back to the first of what I'll call the latest
13 series of meetings we've been having since the court
14 approved our interim plan and asked us to please do
15 something different with Flagstaff, this district
16 doesn't work. We said the same thing, "We tried. We
17 don't know now to do it. If you propose something to
18 us, we'll take a look at it." They came back with an
19 initial proposal. And questions were raised about
20 voting rights districts that might have been
21 compromised. They recognized that. They came back
22 again and today they came back again.

23 I think we have an obligation to at least
24 take a look at this. Otherwise, what we should have
25 said the first time they stood up is we don't want to

1 make any changes. Don't bother us.

2 I don't know if their plan works better
3 than our current plan or not. I'm not sure it does. I
4 am sure we owe them a careful look at the plan.

5 I'm much more concerned about getting it
6 right than doing it quick. I believe we have an
7 obligation to at least look at the plan, see if it
8 works. If it doesn't work, we already have District 2
9 approved by the Department of Justice and can move on
10 with that district. If there's a way we can accommodate
11 the Native American majority in that district and also
12 accommodate the City of Flagstaff, I think we ought to
13 take a look at it.

14 CHAIRMAN LYNN: Further discussion on the
15 motion?

16 Mr. Huntwork?

17 COMMISSIONER HUNTWORK: I apologize. I
18 just want to say for a record we did take a look at it.
19 The essential issues raised by this proposal are no
20 different than the ones looked at last fall.
21 Essentially involves moving two Apache tribes out of
22 District 5 into a district with the Navajos, raises the
23 whole question of what to do with EACO, and what the
24 appropriate balance of Native American population is in
25 a district. It raises the question of causing the

1 Apache tribes to lose influence which they obviously do
2 have in highly competitive District 5 as it currently
3 stands.

4 Your testimony makes no sense at all in
5 terms of how Apache tribes have no influence in District
6 5, one of the most competitive districts in the state.
7 One obviously will be swayed by the -- how much turnout
8 there is and how voters vote on those two reservations.
9 Those are all issues we did look at very closely for
10 differences between this plan and that plan 4H with the
11 various developments and permutations of it which don't
12 affect any of those policy decisions we made last fall.
13 Therefore, for the record, we did look at these issues
14 very carefully.

15 CHAIRMAN LYNN: Thank you, Mr. Huntwork.
16 Mr. Elder.

17 COMMISSIONER ELDER: Yes, Mr. Chairman.

18 I think my intent is I think we do owe it
19 a look. If I was to go through my memory bank as to
20 what the AURs were that would be affected, I don't think
21 they come out on top of that. If we take a look at the
22 edges, I don't think -- take a look, the mantra can't
23 get there through here, Camp Verde along with the river,
24 doesn't make for a very good district to campaign in as
25 well as doesn't make a very good district as far as how

1 the social aspects are of it, if you call it the rim
2 district. So I think there's a lot of negatives. But I
3 also believe that we probably need to take a look at it.

4 So I guess in my comment about having
5 Mr. Johnson put it in the same format we had, we looked
6 at things of how many counties, how many cities,
7 jurisdictions are split, AURs are split. If we could
8 have that type of just general review is what I'd be
9 looking for.

10 CHAIRMAN LYNN: Thank you.

11 Further discussion on the motion?

12 Mr. Hall.

13 COMMISSIONER HALL: Mr. Chairman, I agree
14 we've analyzed this in intimate detail. For me, as we
15 discussed 6, 11, 15, the issue here is communities of
16 interest. Right now we have the largest fire raging in
17 the history of the State of Arizona and probably the
18 history of the Western United States. I think nobody
19 appearing in reference to a community of interest issue
20 there, Chairman Massey, Mayor of Pinetop, Mayor of Show
21 Low, all the representatives are there in this district
22 currently configured as a community to battle the
23 complete devastation of the area. It is a prime example
24 it's a tight community of interest.

25 The Commission wisely considered all the

1 options previously. I don't question the wisdom of what
2 we did previously and support that wisdom as I did in
3 Maricopa.

4 I, too, speak against the motion.

5 CHAIRMAN LYNN: Further discussion on the
6 motion?

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

9 COMMISSIONER ELDER: "Aye."

10 COMMISSIONER MINKOFF: "Aye."

11 CHAIRMAN LYNN: Opposed say "No."

12 COMMISSIONER HUNTWORK: "No."

13 COMMISSIONER HALL: "No."

14 CHAIRMAN LYNN: Well, the privilege of the
15 Chair is to explain my vote as I give it. I am in
16 agreement with my colleagues on my right that we have
17 looked at many and, if not all, most of these issues.
18 However, this particular map is different in certain
19 aspects than some of the maps we looked at. It's
20 generally the same, but it is different in some aspects.
21 For that reason, I see no particular downside in at
22 least doing the, pardon the expression, fly by that the
23 motion speaks to. I think that we will undoubtedly wind
24 up in the same place.

25 I'll vote in favor of the motion to order

1 the look, because I think that's appropriate. I'm doing
2 so with the clear understanding I agree with
3 Mr. Huntwork we're not attempting to do anything de
4 novo. I didn't go to Catholic school. I still know
5 what that means. Or law school, for that matter. I do
6 know what that means. I think the outcome, ultimately,
7 may be the same. I certainly would like to look at it.

8 (Motion carries.)

9 CHAIRMAN LYNN: Are there other specific
10 instructions we need to issue to NDC before we move to a
11 final decision on a draft map?

12 If not, what is your pleasure with respect
13 to the map that we have configured, even though cobbled
14 together with looking at various tests various places,
15 what we have essentially, if you look at areas,
16 certainly, we have the interim map with a number of
17 changes. There's a change in Tucson that involves 26,
18 28, and 30. We have a number of changes in the Phoenix
19 area that involve a number of districts. But principal
20 among them, 14, 15, and we have a slight change in 3 and
21 24 on the west.

22 What is your pleasure with respect to that
23 map?

24 Mr. Hall?

25 COMMISSIONER HALL: Mr. Chairman, I just

1 may be, may be hung up on semantics. This is not our
2 draft map. This is our amended interim map. We are
3 well past the draft map. I only make that distinction
4 for my benefit. At least, I think clearly the draft map
5 was treated differently pursuant to our instructions as
6 we are obligated to treat this map here. Just for my
7 benefit, so other than that, I just wanted to make that
8 clarification.

9 CHAIRMAN LYNN: Appreciate that
10 clarification. We often use words interchangeably that
11 aren't interchangeable. Not a draft in the sense of
12 this process, but we do have the opportunity, because of
13 scheduling, to put this map forward as our work in
14 progress toward a final map that will be submitted to
15 the Department of Justice.

16 Perhaps we ought to just condition it this
17 way: This is our work to date and to order that on the
18 website, to order it available to the public, to devise
19 an appropriate means of citizen feedback, include an
20 appropriate citizen form that could also be put on the
21 website, made available to people through the IRC office
22 on request during this period and a time we'll again
23 have a quorum so any input that the public would like to
24 present on any aspect of this work in progress could be
25 made available to us.

1 Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Mr. Chairman, I
3 think public comment is always welcome and appreciated.
4 I do want to make a distinction between the type of
5 public comment we'd in effect receive at this stage and
6 the process we went through before in holding public
7 hearings and building up a huge record of communities of
8 record in Arizona and what they were and what it all
9 meant. I do think that we're past that stage.

10 I think, too, we have not made significant
11 changes to the map from the decisions that we made
12 previously except to the extent that we had districts
13 that were affected by the action taken by the Justice
14 Department and then ripple effects on competitiveness,
15 because that, by the loss of mathematics, made it that
16 much more difficult to create competitive districts,
17 that fewer Democrats available to work with. Of course,
18 we had to look at -- pardon me if I'm repeating
19 myself -- the data that was flawed to make sure in
20 making final decisions it was based on correct data. So
21 we undoubtedly will receive public comment. We should
22 look at it. But what I'm trying to focus on, in my own
23 mind, is how do we get this done. What is the most
24 efficient way to get it done, present it to the Justice
25 Department, and bring closure to this process.

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1 Whatever anyone might be thinking, I think
2 that is what is truly in the best interests of the
3 people of Arizona, at this point in time.

4 And so I would like to really, myself, I'd
5 like to adopt what we have as our not final map, we have
6 to do population adjustment, final map subject to
7 proposal by NDC of neutral population adoptions. I
8 realize the Flagstaff test just approved somewhere is in
9 limbo, which is one of the things I had in my mind as I
10 was speaking against that test.

11 CHAIRMAN LYNN: I understand that and
12 appreciate that.

13 Since we have in fact ordered that test it
14 would probably be, unless a majority of the Commission
15 wishes to move that direction, would probably be
16 advisable not to call this the final map any more than
17 we might call it a draft map. Certainly we can post
18 what I'm calling, for lack of a better term, work to
19 date, in a form to be reviewed.

20 I can't agree any more. I feel where
21 we're in a different place, the draft map presubmission
22 30-day review, clear changes, some adjustment to what
23 Department of Justice objected to, some do further work
24 with respect to competitiveness where possible, some
25 correct other issues which specifically come to light

1 where we could make changes, not do harm to other things
2 created. Clearly we've done that and made an extensive
3 record on that.

4 All I'm asking for at this point,
5 semantics aside, is some finality to the work to this
6 point and ability to get it to a form for others to view
7 it and give us the benefit of whatever wisdom they'd
8 like to give us.

9 Mr. Hall.

10 COMMISSIONER HALL: Mr. Chairman, I'd like
11 to point out also for the record there have been those
12 that have expressed a desire to have an opportunity to
13 comment on the work that we were going to do and have
14 done on the 2002 interim plan. I'd just point out that
15 plan was adopted late in May. I'd also point out we're
16 here 30 plus days since that time. Some of those that
17 seem to be so intimately providing input have been
18 conspicuously absent.

19 We welcome -- we could diddle around until
20 whenever. We've done significant work here. I concur
21 100 percent with Mr. Huntwork we have an obligation to
22 the people of the State of Arizona to complete our work
23 in most the expeditious fashion. I'm 100 percent in
24 agreement we move forward, instruct our attorneys and
25 our consultants to move as rapidly as possible, clean it

1 up, assure population deviations are appropriate, and
2 prepare it for resubmission to DOJ.

3 CHAIRMAN LYNN: Looking for a motion
4 somewhere.

5 Mr. Huntwork then Mr. Elder.

6 COMMISSIONER HUNTWORK: Mr. Chairman, I
7 move that we instruct NDC to proceed with, insofar as
8 possible, with the finalization of the 2002 interim map
9 with the changes that we have recently authorized,
10 including a complete proposal for the Commission with
11 respect to population deviation in accordance with
12 instructions we previously authorized, on whatever map
13 we put forward, and to do so as expeditiously as
14 possible, at the same time completing work on the
15 Flagstaff proposal as expeditiously as possible, and
16 present all that information as expeditiously as
17 possible to the Commission in a format which would allow
18 us to act upon it, if we so choose, through a telephonic
19 meeting, if we determine that that is appropriate at the
20 time.

21 CHAIRMAN LYNN: Is there a second?

22 COMMISSIONER HALL: I second that.

23 CHAIRMAN LYNN: Thank you.

24 Discussion on the motion?

25 Mr. Elder.

1 COMMISSIONER ELDER: I guess my attention
2 span is not good enough anymore. Direction is to give
3 Mr. Johnson -- have Mr. Johnson proceed expeditiously to
4 develop the map we would then put on our website?

5 COMMISSIONER HUNTWORK: No. My motion had
6 nothing to do with what we put on the website. We can
7 come back to that in a separate motion, as far as I'm
8 concerned.

9 CHAIRMAN LYNN: As I understand the
10 motion, what it essentially does, we know as a
11 Commission we can't meet in person until August. My
12 sense of the motion directs Mr. Johnson to complete the
13 following work as expeditiously as possible: First, to
14 configure the interim map with all changes we've
15 approved; secondly, to test the Flagstaff proposal and
16 provide information about that test in a form that we
17 can digest, whether we meet in person or whether we meet
18 telephonically; and, finally, to adjust or suggest
19 adjustments to population in a form we can simply review
20 individually and perhaps act on telephonically for a
21 final adoption; to do those things in the most
22 expeditious manner possible; and to then essentially, at
23 the call of the Chair, if those -- if those things are
24 ready for our review sooner than August, we'd try to get
25 some form of meeting together to act on it.

1 The motion is silent on what happens in
2 the interim with respect to the publishing, making
3 available the work of the Commission. That can be done
4 in a subsequent motion.

5 Does that summarize accurately your
6 motion, Mr. Huntwork?

7 COMMISSIONER HUNTWORK: Very well.

8 CHAIRMAN LYNN: The second is consistent?

9 COMMISSIONER HALL: Yes.

10 COMMISSIONER ELDER: Call the question.

11 CHAIRMAN LYNN: Ms. Minkoff.

12 COMMISSIONER MINKOFF: Mr. Chairman, I
13 stated earlier that when the motion was made I expected,
14 given what transpired beforehand, I was going to vote
15 against the motion. I asked for the opportunity to
16 explain my negative vote.

17 Fellow Commissioners, I ask your
18 indulgence. There's a lot I need to say. There's a lot
19 that concerns me, a lot now, never done before.

20 CHAIRMAN LYNN: Ms. Minkoff, I don't want
21 to interrupt you. I'll give you all the time you need
22 to make comments.

23 I get the sense before we vote on this
24 motion, there may be -- there may need to be
25 considerations of a legal nature we ought to take into

1 account, because there are some legal concerns relative
2 to this motion.

3 I'll give you all the time you need to
4 make your statement on the record. But I wonder if we
5 might table this motion in favor of a brief Executive
6 Session to make sure there are no problems legally with
7 the way we're about to proceed.

8 COMMISSIONER MINKOFF: Sure.

9 COMMISSIONER HUNTWORK: I'd yield to a
10 motion for Executive Session.

11 CHAIRMAN LYNN: Motion to table the motion
12 in favor of Executive Session?

13 COMMISSIONER ELDER: So moved.

14 CHAIRMAN LYNN: Is there a motion?

15 COMMISSIONER HUNTWORK: Second.

16 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

17 Pursuant to A.R.S. 38-431.03(A)(3) and
18 A.R.S. 38-431.03(A)(4), there's a motion to table the
19 motion on the floor in order to have a brief Executive
20 Session.

21 All those in favor of the motion on the
22 table, signify "Aye."

23 COMMISSIONER ELDER: "Aye."

24 COMMISSIONER MINKOFF: "Aye."

25 COMMISSIONER HUNTWORK: "Aye."

1 CHAIRMAN LYNN: Opposed, "No."
2 COMMISSIONER HALL: "No."
3 CHAIRMAN LYNN: Chair votes "Aye."
4 Specifically on the motion to go into
5 Executive Session, a motion?
6 COMMISSIONER HUNTWORK: So moved.
7 CHAIRMAN LYNN: Second?
8 COMMISSIONER ELDER: Second.
9 CHAIRMAN LYNN: All in favor, signify
10 "Aye."
11 COMMISSIONER ELDER: "Aye."
12 COMMISSIONER MINKOFF: "Aye."
13 COMMISSIONER HUNTWORK: "Aye."
14 CHAIRMAN LYNN: Opposed, "No"?
15 COMMISSIONER HALL: "No."
16 CHAIRMAN LYNN: Chair votes "Aye."
17 Motion carries.
18 I don't expect it to be a lengthy session,
19 15, 20 minutes. I don't know what else. That's what
20 I'm guessing.
21 (Whereupon, the Commission recessed Open
22 Public Session to go into Executive Session from
23 approximately 4:51 p.m. until 5:38 p.m. at which time
24 Open Public Session resumed.)
25 CHAIRMAN LYNN: The Commission will come

1 to order.

2 For the record, all five Commission
3 members are present along with legal counsel, our
4 consultant, and the Commission staff.

5 When we went into Executive Session, there
6 was a motion on the floor that was tabled. We need to
7 have a motion to untable that motion from the table.

8 COMMISSIONER HUNTWORK: So moved.

9 CHAIRMAN LYNN: Second?

10 COMMISSIONER HALL: Second.

11 CHAIRMAN LYNN: All in favor, signify

12 "Aye."

13 COMMISSIONER ELDER: "Aye."

14 COMMISSIONER MINKOFF: "Aye."

15 COMMISSIONER HALL: "Aye."

16 COMMISSIONER HUNTWORK: "Aye."

17 CHAIRMAN LYNN: Chair votes "Aye."

18 Unanimous.

19 (Motion carries.)

20 COMMISSIONER HUNTWORK: The motion on the
21 floor, my motion, I'd like to amend slightly in one
22 respect. My amendment is that in addition to all moved
23 previously, I would like to insure that the current map,
24 which we've ordered for processing of, be posted on the
25 website as soon as possible for public comment and that

1 any action that we might take occur no sooner than 30
2 days from the date on which that map is posted.

3 CHAIRMAN LYNN: Is that amendment
4 acceptable to the second?

5 COMMISSIONER HALL: Who is the second?

6 CHAIRMAN LYNN: I recall it being
7 Mr. Hall. That would be a guess on my part.

8 COMMISSIONER HALL: In the event it is, I
9 accept it.

10 COMMISSIONER ELDER: Fine.

11 CHAIRMAN LYNN: Note universal acceptance.
12 Without objection, we'll accept that into
13 the motion.

14 At that point, Ms. Minkoff had the floor.

15 I apologize for interrupting, but
16 Ms. Minkoff.

17 COMMISSIONER MINKOFF: Thank you,
18 Mr. Chairman, my fellow Commissioners. I ask you to
19 bear with me, because I have a lot to say. It may take
20 a few minutes.

21 For the first time, I've written out some
22 remarks. I want to make sure I didn't forget anything.

23 There has been a lot that has happened
24 that has caused me concern. I want to take the
25 opportunity to express some of it to you.

1 The Commission is about to vote on a
2 Legislative District map that, after population
3 equalization and perhaps a few other technical
4 adjustments, may finally be adopted and forwarded to the
5 United States Department of Justice for preclearance
6 under Section 5 of the Voting Rights Act.

7 As I said earlier, I intend to vote
8 against the proposed Legislative District map. Thank
9 you for giving me the opportunity to explain my negative
10 vote.

11 When Proposition 106 was passed by the
12 voters in the 2000 General Election, I really believed
13 it would result in a significant change in the makeup in
14 Arizona's Legislative and Congressional Districts. I
15 believed the people of Arizona were sending a message
16 that not only were they unhappy with districts drawn by
17 and for incumbent legislators, but they wanted districts
18 in which their votes mattered and in which they had a
19 say in who would represent them in the Legislature. In
20 short, they wanted a choice. I believe that it was our
21 mandate to draw districts that gave them that choice. I
22 do not believe the plan before us is responsive to that
23 mandate.

24 The official title of Proposition 106
25 reads, I'm quoting, "Proposing an amendment to the

1 Constitution of Arizona; amending Article IV, Part 2,
2 Section 1, Constitution of Arizona relating to
3 gerrymandering and improving voter participation in
4 elections by creating an Independent Commission of
5 balanced appointments to oversee the mapping of fair and
6 competitive Congressional and Legislative Districts."

7 The arguments in the Publicity Pamphlet in
8 favor of the initiative and the newspaper articles, and
9 mail-ins, and other items in support, all mentioned the
10 importance of competitiveness in drawing new districts.
11 The amendment itself states, "To the extent practicable,
12 competitive districts shall be favored where to do so
13 would create no significant detriment to other goals."

14 I believe that the decision by the
15 Commission to preclude further testing and the
16 possibility of creating Competitive District Number 6 in
17 Maricopa County was not only a serious error but
18 violated our mandate under the Arizona Constitution.

19 Initially, there was a three-two vote in
20 favor of testing Competitive 6. Then, suddenly, after a
21 break, there was an unexplained reversal of the vote and
22 a four-one vote against any further testing or
23 consideration of the proposed competitive district, an
24 action that may very well have caused those observing
25 our process to look at the trend of events with doubt

1 and confusion.

2 In earlier discussions, several arguments
3 in support of not testing Competitive 6 were put forth,
4 which I think were misguided. Let me explain why that
5 decision and the reasons expressed for it by my fellow
6 Commissioners prevent me from voting to approve this
7 final map that will be adopted, I believe, which are
8 representative of a pattern that prevailed throughout
9 the development of the map.

10 First of all, I want you to know, I
11 mention you all in this. Don't think I'm picking on
12 anyone.

13 Commissioner Elder expressed concern a
14 number of districts were modified in order to create a
15 district I refer to as Competitive 6.

16 Let me briefly summarize how we got to
17 this point. The first step in the mapping process
18 created a grid. After the initial round of public
19 hearings, substantial line changes were authorized to
20 produce our first-round map. This was necessary and
21 entirely appropriate. After a second round of public
22 hearings, the draft map again changed significantly.
23 All of us were in Prescott and as a result of the
24 meeting, I think, certainly realized why significant
25 changes were needed. However, now, at the most

1 important point of the process, when we have the
2 opportunity to create the competitive map people thought
3 they were getting with Proposition 106, there's
4 unexplainable reluctance to do anything but tinker with
5 the map. It appears that future changes to increase
6 competitiveness can only be done by creating changes
7 along the margins of districts previously developed. I
8 don't accept that approach.

9 Proposition 106 favors competitiveness
10 when there is no significant detriment to other
11 criteria, not if there isn't a need to move too many
12 lines. Much more substantial changes than those needed
13 by this proposal have been made at other points in the
14 process. District line changes should not have been a
15 reason to deny consideration of Competitive 6.

16 Another concern about the proposed change
17 I'm calling the case of the invisible mountain. There's
18 a mountainous area Commissioner Hall saw as flying in
19 today just west of 7th Street between Dunlap and
20 Thunderbird. Commissioners thought that it was an
21 impossible barrier to the proposed district because of
22 the way it cut the northern and southern districts off
23 from each other.

24 Let me direct your attention to the map
25 from October, November submitted to the Department of

1 Justice as well as the map approved, the last map,
2 submitted to the three-judge panel of the federal court
3 approved for use in this year's election.

4 I ask my fellow Commissioners to take a
5 look at District 10 in both those maps. District 10 is
6 an east-west district running primarily between Dunlap
7 and Thunderbird Roads. The mountain does not just
8 protrude into the district, it essentially cuts it in
9 two, separating the area between 7th and 20th Streets
10 completely from the rest of the district. And yet, no
11 mention was made of this invisible mountain during the
12 creation of District 10. The mountain became visible
13 and an issue for some Commissioners when inside a
14 potential competitive district.

15 I'd like to ask my fellow Commissioners
16 why what was proposed in Competitive 6 was unacceptable
17 but what we did in Interim 10 was okay.

18 I believe with 170,000 residents in a
19 Legislative District, they are much less concerned about
20 a mountain's edges in districts than they are about
21 responsive legislators.

22 The issue of compactness was also
23 mentioned. Given its importance, I'm mystified why
24 those people who felt we were proposing noncompact
25 districts did not ask for tests to measure it.

1 Mr. Johnson mentioned there were about 39
2 measures of compactness, but there are two,
3 Polsby-Popper and Roeick, which are generally recognized
4 as giving worthwhile and measurable results. Moreover,
5 they are very easy to run.

6 Since I did not have access to those
7 tests, I ran a rather unscientific but, I believe,
8 revealing test of my own. I used Mapquest on the
9 internet, which I'm sure many of you are familiar with,
10 and used the driving distance time from the southeast to
11 northwest corners of Districts 6 and 7 under the current
12 interim map and under proposed Competitive 6. In each
13 case, the route developed by Mapquest was very direct
14 and, I believe, was the route that would be taken by
15 someone familiar with the area.

16 Under the interim map used for this year's
17 election, the distance in District 6 between 17th Street
18 and Thunderbird to the southeast corner, I-17 and the
19 Maricopa County line, is 36.85 miles. The driving time
20 estimated by Mapquest was 50 minutes.

21 I was unable to use the same measure on
22 Interim 7 as there were no roads in the northwest
23 corner, but it is of similar size and shape to District
24 6. When they are built, I anticipate the same driving
25 time.

1 Under the Competitive 6 proposal, the
2 distance in District 6 from 20th Street and Camelback to
3 27th Avenue and Union Hills is 14.53 miles and the
4 driving time is estimated at 29 minutes.

5 The distance in proposed District 7,
6 Scottsdale Road and Cactus to I-17 and the Maricopa
7 County line is 43.78 miles and the estimated driving
8 time, 59 minutes.

9 Creating a new competitive district adds
10 less than seven miles distance and about 9 minutes
11 travel time to traverse District 7. Is this
12 significantly detrimental to sacrifice competitiveness?

13 "Significant" was discussed a lot. It's
14 been discussed in deliberations and Prop 106, but it has
15 never been determined how to define it. Or perhaps
16 we're treating it as the US Supreme Court defines
17 pornography: We can't define it, but we know it when we
18 see it.

19 Competitive 6 was also described as a
20 political gerrymander. Commissioner Huntwork passed out
21 material to illustrate his point. This is the material.
22 We all received it at our last meeting.

23 I'd like to look at the definition of
24 gerrymander contained in the handout to see if it
25 applies to Competitive 6.

1 Gerrymander one: A district that, number
2 one, protects the incumbent. That doesn't apply as the
3 Arizona Constitution prohibits us from identifying or
4 considering incumbents' place of residence.

5 Gerrymander two: Assures unattended
6 elections. That doesn't apply as the creation of a
7 competitive district would be exactly the opposite.

8 Gerrymander three: Gives one political
9 party, Democrat, Republican, a lopsided advantage, which
10 can hardly be said if we create a competitive district.

11 Gerrymander four: Is not fair to voters.
12 It seems to me a district that fails the first three
13 must fail four.

14 In the same material passed out by
15 Commissioner Huntwork, it states 15 of Arizona's Senate
16 races went uncontested in the 1998 Arizona elections.
17 Supposedly, the reason is competition. Under the
18 interim map in use which was approved, there are 18
19 Senate seats which will be decided in the primary,
20 hardly an improvement.

21 Chairman Lynn said previously that reasons
22 for choosing to enter or refrain from public service are
23 many and varied and beyond our knowing. I submit that
24 spending one's time, effort, and money to run in an
25 election in which one has a very slim chance of

1 prevailing may be a strong reason for choosing other
2 avenues for public service.

3 Moon Valley is contained in Interim 6,
4 Competitive 6. It is a mature area with established
5 infrastructure. It has a lot in common with the
6 southern part of Competitive 6. In a car or bus, you
7 can get past that mountain in less than five minutes.
8 Yet, my Fellow Commissioners feel Moon Valley fits
9 better with New River and Anthem, which are new,
10 developing areas with many miles of open desert removed
11 from Moon Valley. There was no testimony from Moon
12 Valley regarding which way they prefer Moon Valley.
13 They have established schools without a need for
14 additional schools, such as an area like Anthem which
15 has needs for new funding. Moon Valley needs repair and
16 maintenance of its infrastructure. Anthem's
17 infrastructure is still being designed. Moon Valley's
18 concerns are best shared with those areas to the south
19 that were included in Competitive 6. And I believe the
20 New River, Anthem community fits very well with areas in
21 District 7. New River would be very similar to some of
22 the older areas of Cave Creek. Anthem would correspond
23 to Desert Ridge, Greyhawk, some large, planned
24 communities in District 7 which face like issues in
25 their communities. It's a very good match. It's true

1 the community of Moon Valley and Anthem are both areas
2 that tend to be Republican and are needed to create
3 another noncompetitive Republican district.

4 Voting studies show that people of similar
5 economic, ethnic, religious, and educational backgrounds
6 tend to vote the same way. Therefore, if homogeneous
7 districts are drawn, they'll never be competitive.
8 Political research also demonstrates that competition
9 moderates extremism in the political process and creates
10 office holders who are more responsive to their
11 constituents.

12 Mention was also made we're to consider
13 future growth patterns of districts so they're not
14 severely malapportioned in 2010. Commissioner Huntwork
15 cited a court case that stated that future growth could
16 be considered. It's nice to have growth patterns that
17 suggest a district will be over or underpopulated in
18 2010. To the extent one can moderate that, we'll have
19 performed a valuable service. However, the criteria
20 that are now a part of the Arizona Constitution,
21 including the mandate to favor competitive districts,
22 obviously have higher legal standing.

23 Incidentally, one of the fastest growing
24 populations is the Hispanic population, but we certainly
25 and correctly gave no thought to redrawing districts

1 that were drawn to accomodate the Voting Rights Act and
2 to reflect the Hispanic AURs, two of the requirements of
3 Prop 106, to accommodate future growth of the Hispanic
4 community.

5 Lest we feel too proud of the minimal
6 changes in Pima County for a Competitive District 26,
7 I'd point out this map is not to be used until the 2004
8 elections. Growth patterns in Pima County tend to show
9 District 26, which include Oracle Road and the
10 Saddlebrooke areas, will not long be competitive.
11 Barring a political scandal in which two incumbents'
12 seats are lost, such as in the 2000 election, I
13 sincerely doubt a Democrat will be voted a legislator in
14 26.

15 Commissioner Hall made much of the 16
16 percent Republican registration advantage once the
17 districts drawn for the Voting Rights Act are removed
18 from consideration. However, there's a similar
19 concentration of Republican voters in eastern Maricopa
20 County. If Mr. Johnson were to show us his registration
21 graphic, there would not be a lot of yellow or green in
22 that area. It's as unrealistic to expect
23 competitiveness in those five East Valley districts as
24 it is in the Voting Rights Act districts.

25 With those five districts removed from the

1 calculation, the registration advantage narrows and
2 makes competitive districts look more achievable.

3 The only judicial ruling so far which may
4 inform us in the approach to our task is a ruling on a
5 pretrial motion in which Judge Fields states,
6 "Competitiveness is equal in importance to other neutral
7 criteria." Clearly that hasn't been the Commission's
8 approach to date. I suggest it is not too late to
9 change our focus.

10 Early in this process, Dr. Heslop
11 described our work as principled redistricting. One of
12 the principles to which I adhere is respect for the
13 intent of the Arizonans who voted to add Prop 106 to the
14 Arizona Constitution. I cannot support this map because
15 I believe it violates that principle.

16 I thank you all for your patience. I
17 realize this is a very lengthy presentation.

18 In conclusion, I believe the Commission
19 can go one of two directions. For a change, we don't
20 have to rush. These districts won't be used until 2004.
21 We don't appear in court until January. If my arguments
22 have been at all persuasive, delay adoption of the map.
23 Order more tests. Come back in August with a real
24 effort to create more competitive districts, even if it
25 involves moving some district lines. Or you can move

1 forward with the map we have before us and we can look
2 to the Arizona courts to determine which is the right
3 approach.

4 Gentlemen, the choice is yours.

5 And thank you for your attention.

6 CHAIRMAN LYNN: Thank you, Ms. Minkoff.

7 Further discussion on the motion?

8 Mr. Huntwork.

9 COMMISSIONER HUNTWORK: Mr. Chairman, I
10 did not prepare remarks for tonight. We have an
11 extensive record which has been put together with blood,
12 sweat, and tears for a year and a half as to how we did
13 this. And one -- and ones concluding argument does not
14 undermine or weaken the record that we have. I think a
15 couple things are important to mention, though.

16 One is that I think that the standard that
17 we have all applied, and I certainly know the standard
18 that I've employed with respect to competitiveness, and
19 the standard I've heard my fellow Commissioners apply,
20 has always been completely consistent with the statement
21 made by the judge in the trial court. I do not know the
22 context in which that statement was made or what
23 arguments were before the judge, but we have always
24 insisted upon two things: Number one, the plain wording
25 of proposition 106 states exactly what the standard is,

1 and, secondly, the advice of our counsel that, in
2 effect, competitiveness was another criteria but, as
3 stated clearly in Proposition 106, cannot be applied to
4 do significant detriment to other goals. Where it can
5 be applied without doing significant detriment, it is
6 equal in importance to the goals. That was the standard
7 I understood, the standard I applied.

8 Another thing I think that is critically
9 important is that we didn't just discover this. We
10 applied that standard in creating the original
11 districts.

12 Some of the remarks that Commissioner
13 Minkoff has made seem to me to suggest that we were
14 doing something different or applying a different
15 standard this time. That was certainly not my
16 understanding or expectation.

17 I think that competitiveness is
18 sufficiently important, that we did go the second mile
19 and even the third mile to consider all possibilities
20 that were out there.

21 I hate to say it, but one of the things
22 that happened since we first considered competitiveness,
23 did our best to create competitive districts that
24 fulfilled other criteria of Proposition 106,
25 particularly in the central Maricopa area, was that the

1 Justice of Department informed us that we had gone too
2 far. We had actually gone too far the other direction.
3 We had not put enough Hispanic minority Democrats into
4 the minority districts. We were forced to put more into
5 those districts which had the effect of making it more
6 difficult, not less difficult, only one way to do math,
7 no Republican way, no Democrat way to do math, more
8 difficult to make competitive Republican -- change
9 Republican districts to competitive districts in
10 Maricopa County.

11 I want to point out that it made it
12 easier, or at least it made it necessary, if focusing on
13 creating competitive districts, to take a look at some
14 of the districts noncompetitive Democrat and think about
15 making those competitive districts. We had the golden
16 opportunity to do that here by making District 15
17 competitive. It did involve a test with respect to a
18 community of interest. Ms. Minkoff, like the majority
19 of the Commission, voted against that change on the
20 ground it would do significant detriment to communities
21 of interest. Having taken that vote, although I voted
22 the other way, I certainly cannot disagree with the
23 standards that were applied or with the judgments that
24 were made by my fellow Commissioners. That is our
25 responsibility as Commissioners is to make those

1 judgments. Each of us weighed those criteria with
2 respect to District 15, as we did with respect to
3 proposed District 6, as we did with respect to existing
4 District 10, and as we've done to the best of our
5 abilities throughout this process.

6 Thank you.

7 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

8 Further discussion on the motion?

9 Mr. Hall?

10 COMMISSIONER HALL: Well, I'm just a
11 little confused. Ms. Minkoff, perhaps you can help me.
12 Are you suggesting in the event this Commission would
13 have voted to approve test District 6, you would be in
14 favor of this map?

15 COMMISSIONER MINKOFF: No. I'm not sure I
16 would have. I think I would have also like to have seen
17 something more in Tucson.

18 COMMISSIONER HALL: Now competitive 26?

19 COMMISSIONER MINKOFF: We disagree whether
20 that district is truly competitive.

21 COMMISSIONER HALL: The standard in this
22 process, Judge It, even Mr. Hegarty agrees is the most
23 sophisticated, accurate form of measuring
24 competitiveness. Pursuant to that analysis it's
25 competitive. More, you mean, for example --

1 COMMISSIONER MINKOFF: I mean April 1st of
2 the year 2000, figures we're using, that's a snapshot,
3 all we can use.

4 COMMISSIONER HALL: Right.

5 COMMISSIONER MINKOFF: According to that,
6 District 26 is just under the seven percent mark.
7 However, this is a map for 2004. And --

8 COMMISSIONER HALL: Well --

9 COMMISSIONER MINKOFF: I believe we cannot
10 consider District 26 truly competitive. For equal
11 protection, those things, that is a snapshot.

12 COMMISSIONER HALL: We heard you argue,
13 shouldn't argue growth, now --

14 COMMISSIONER MINKOFF: Don't consider
15 growth in terms of population of a district.

16 COMMISSIONER HALL: I'm just trying to
17 understand. What --

18 You are saying it isn't correct to assume,
19 then, if we -- this Commission made a determination to
20 have a Competitive 6 in the map, you still feel like
21 there are other areas that should have been improved
22 that were not considered?

23 I'm confused. After having plowed the
24 field extensively, I'd respectfully submit there aren't
25 other areas.

1 COMMISSIONER MINKOFF: I think what I was
2 saying, one of the main objections to competitive
3 District 6 was there were a number of districts whose
4 boundaries had to be changed in order to create the
5 district. 4 was involved, 9 was involved, 10 was
6 involved, 6, 7, I think to some extent 12 was involved.

7 COMMISSIONER HALL: Right.

8 COMMISSIONER MINKOFF: I believe those
9 were the six districts. There was argument it was too
10 disruptive of all districts, therefore, we should not do
11 it. That's an approach I disagree with.

12 I believe that if all you are going to do
13 is work around the edges, shift population between two
14 districts, it will never work. But if we do the kind of
15 things we did in District 6, that we could have done --

16 COMMISSIONER HALL: Again, that may well
17 have been an argument. My argument, just to be clear,
18 in my mind, has been consistent throughout: Did it
19 cause significant detriment to communities of interest?
20 I asked four, five people I worked with, "Is Moon Valley
21 the same as?" "Absolutely not. That, everybody knows
22 that's a different part of the world."

23 I was convinced by fellow Commissioners
24 there would be sufficient damage to communities of
25 interest, as I was convinced in District 11 and 15,

1 which was the converse situation. But what I'm trying
2 to say is whether boundaries change, and whatnot, I
3 agree that is less significant than whether there's
4 significant detriment to goals, which I believe there
5 was.

6 I guess what I'm understanding, if that
7 would pass, you'd be happy? All I get out of you,
8 there's one district you're unhappy about, by virtue of
9 your comments.

10 In my opinion, I think that you have
11 attempted to undermine a process that has been arduous,
12 and filled with integrity, and based on principle from a
13 long, long time ago. And I guess I just take exception
14 to the whole concept: You know what, there wasn't one
15 district passed, therefore, this process has not been
16 independent and fair. And I just want to go on record
17 as saying that I respectfully disagree with the whole
18 characterization.

19 While I respect your opinion and you are
20 welcome to your opinion, I, for one, am of the opinion
21 nothing just happened or there wasn't unexplained
22 changes. I think all of us listened to one another for
23 an understanding, and with the principles that are on
24 the table. And based on that understanding we make
25 judgments to the best of our ability to insure we

1 complied with the law. I'm sure we have, to the best
2 extent possible.

3 Also, if pulled, the east valley spread
4 could be reduced some, an issue fundamental with the
5 grid by redistricting.

6 CHAIRMAN LYNN: Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Mr. Chairman, I
8 just wanted to clarify one last point. I think the
9 reason why it's important to know how many districts are
10 affected is because we worked so hard to create
11 districts that reflected communities of interest in the
12 first place. And we've looked at where the edges were
13 in order to put them as close as we possibly could to
14 the right place. So as we do change a whole series of
15 districts in order to try to accommodate, find one
16 district that is competitive, it's significant not only
17 to look at the way in which that particular district
18 violates the criteria of Proposition 106, also look at
19 ripple effect on the districts. I just think that's
20 important to explain that argument as it really is not
21 in such a simplistic way as which characterized.

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

24 What I'd like to do is continue comment on
25 the motion, discussion on the motion, rather than

1 debating any particular point made earlier. And we can
2 have an opportunity to do that on the record after the
3 vote is taken.

4 Ms. Minkoff.

5 COMMISSIONER MINKOFF: I wanted to respond
6 to comments. If you prefer, I wouldn't until after the
7 vote is taken.

8 CHAIRMAN LYNN: I'm not sure the comments
9 are on whether to pass the motion or not. Philosophical
10 or not, I'm looking to comments on the motion.

11 COMMISSIONER MINKOFF: They may be related
12 to the motion.

13 The comment made my remarks were trying to
14 undermine all the Commission has done over the last 18
15 months, nothing could be further from the truth. The
16 point is we're now about to take a vote to put a
17 district map, Legislative District map, out for public
18 comment that with minimal changes, population
19 equalization, other things, we're probably pretty close
20 to a map to be submitted to the Department of Justice.
21 We haven't taken that vote yet. Therefore, rather than
22 trying to undermine the Commission, I'm trying to ask
23 the Commission to vote against this motion, because I
24 believe that it's the wrong approach.

25 People can look at the same set of facts

1 and come to different conclusions. I think that's what
2 has happened. I've been consistent in my approach to
3 this task from the very beginning. If you look at my
4 application to serve on this Commission, and my personal
5 statement, I talked about the importance of competitive
6 districts and the importance of giving people a choice.
7 I have repeated that mantra every single time I've had
8 an opportunity to do so. So I think in that respect you
9 can all know where I've stood on this issue from day
10 one.

11 I am not saying I didn't get what I want
12 in District 6 so I'm not voting for the map. If you
13 listen to my remarks, I said our approach to District 6
14 was an example of something that has prevailed in the
15 development of this entire map. I went into detail on
16 District 6 because that was the most recent issue to be
17 dealt with. I don't have Mr. Huntwork's photographic
18 memory.

19 I'm still amazed you came up with forage.

20 I don't remember specifics of other
21 situations. I do remember time and time again whenever
22 a possibility of creating a competitive district came
23 up, there was always a reason not to do it. Usually I
24 was the minority vote on that. I was consistent then.
25 I'm consistent now.

1 Unless I change minds, which I doubt I
2 have, I'll be the minority vote again. I call things
3 the way I see them. I'm consistent to my principles and
4 consistent to my position taken throughout these 18
5 months.

6 I would hope some of you agree with me and
7 vote against this motion. If you do not, I respect your
8 opinion as I hope you respect mine.

9 CHAIRMAN LYNN: Mr. Huntwork.

10 COMMISSIONER HUNTWORK: Mr. Chairman, I
11 agree, Andi, you have been consistent, applied your
12 judgment honestly. I agree with that. I feel the other
13 Commissioners have as well. And that's what we're here
14 to do. That's why the Commission was set up the way it
15 was, why picked for different reasons by different
16 people, and so on.

17 We do have a group process which has
18 produced results. I don't agree with every aspect. I
19 do respect the process and result. I respect your
20 participation any many contributions made to the result.
21 Honestly, District 10 is a result of your handiwork. We
22 found a competitive district I felt did have integrity,
23 was reasonably compact, contained communities that did
24 have a lot to do with each other because of your
25 persistence and your insight. So I don't agree it's all

1 been for nothing, if you feel that way about it.

2 CHAIRMAN LYNN: Further discussion on the
3 motion?

4 Mr. Hall.

5 COMMISSIONER HALL: I guess, Mr. Chairman,
6 with your indulgence, Andi, hypothetically speaking, if
7 you were given the All Mighty pen, what would you do
8 different with the map in order for something you'd
9 approve?

10 COMMISSIONER MINKOFF: How much time?

11 COMMISSIONER HALL: Light, we tested every
12 possibility in intimate detail. It should be a brief
13 analysis.

14 COMMISSIONER MINKOFF: I think sometimes
15 you have to think out of the box, or out of district
16 lines. Maybe that's the problem.

17 We keep looking at the map saying how can
18 we move this line? How can we move this line? What I
19 would do is drive Doug crazy. I'd have him put the
20 registration graphic up on the screen, take a look at
21 that, without district lines even present, and see where
22 there were areas where there was a mix of Republican and
23 Democratic voters, and I'd draw a circle around those
24 areas, then come back to the map and look at now those
25 mixes of Democratic, Republican voters impacted other

1 criteria. Destroy districts that help comply with the
2 Voting Rights Act, if they do, that takes precedence.
3 We all know it does. Do they possibly divide up
4 communities of interest? I don't know they do.

5 When you were asking people if Moon Valley
6 deals well with the area around Camelback and Central,
7 et cetera, you know, did you ask if they had a lot in
8 common New River? They don't. They are a unique
9 community. I submit they have more in common with the
10 southern area than north, although they are themselves
11 and they are unique.

12 That's what I would do.

13 I think that, you know, it's difficult to
14 say this far along in the process, but I think that we
15 began looking at competitiveness with the idea that all
16 we're going to do is tinker around the edges. I
17 remember bringing it up in a meeting. That is the
18 answer I was given. I was very unhappy with the answer.
19 And I realized at this point that is probably what we'd
20 end up with. That is approach is wrong.

21 First of all, we were told this is a
22 pretty competitive map. Then we got Judge It back and
23 some other things. All we had at that time was AQD, and
24 it looked more competitive. Then I looked at it and
25 realized how few competitive districts there really

1 were.

2 No, not just tinker around the edges.
3 Look at red, yellow, green, see where it is, and see
4 areas of the state where we really can create
5 competitive districts. If it requires completely new
6 districts, let's do it, as long as we can comply with
7 other criteria.

8 It seems to me one of the criteria we
9 wanted to comply with was not doing significant harm to
10 communities of interest or contiguity or equal
11 population, whatever, not doing significant harm to
12 districts already drawn. That's a mistake we made.

13 COMMISSIONER HALL: It's noted, Andi, I
14 have yet to have a specific answer what you'd do. It's
15 noteworthy of the fact what you described is precisely
16 what Doug has been doing.

17 Let me point out on the comment of
18 tinkering around edges, what we have to tinker around
19 are voting rights districts, nine of them. Doug put
20 them up. We've all seen it, a concentration voters that
21 are sacrosanct, were an effort for all of us.
22 Incidentally, all the maps submitted by other parties,
23 the Democratic party, were less competitive than our
24 map.

25 It is not there, Andi, with the exception

1 of one district. It's not there. That's the fact of
2 the matter. And that's precisely what we've been doing
3 forever.

4 All I hear is District 6. I'm saying it
5 isn't there.

6 You know, I'll respectfully disagree and
7 I'll come over for salad someday or something.

8 COMMISSIONER MINKOFF: How about dessert.

9 CHAIRMAN LYNN: Further discussion on the
10 motion.

11 COMMISSIONER HUNTWORK: Firstly, we
12 couldn't start considering voter registration.
13 Proposition 106 prohibited us from starting there.
14 That's something we had to come back to by express terms
15 of Proposition 106. I want to say that's what we just
16 did. I think we came back to it.

17 CHAIRMAN LYNN: Further discussion on the
18 motion?

19 I need to say two quick things. I think
20 I'll be very quick about saying it.

21 First of all, I think the important thing
22 that I learned through this process is that people of
23 good character and goodwill can disagree and disagree
24 appropriately. I do think there were some things said
25 in Ms. Minkoff's statement not only would I take issue

1 with but I think put a significant dent in the
2 relationship that I certainly have with Ms. Minkoff
3 because the inference in a number of things said are not
4 only wrong, they are -- they are really detrimental to
5 the credibility of anything we've done, which I think is
6 an unjust characterization of the way this Commission
7 has operated.

8 The most important thing I want to say is
9 when you talk about changing lines, it's as if those
10 lines appeared magically, have no basis for not being
11 changed.

12 The fundamental argument that is going to
13 be the subject of a lawsuit, it seems to me, is when and
14 how competitiveness is taken into account. There may be
15 a difference of opinion, and the judge may side some
16 other way; quite honestly, I feel very comfortable with
17 the way we approached it, which is this: In order to
18 determine whether or not you created a significant
19 detriment to one of the other goals, you at least have
20 to understand what the other goals look like on a map.
21 And what we did is we went out and significantly spent
22 time creating a record that looked at the other goals.
23 Now, had we done it in reverse order, had we made a map
24 that first looked at competitiveness as our primary
25 responsibility then tried to factor in communities of

1 interest, we certainly would not necessarily have
2 arrived at the same location with the map looking the
3 way it does. But I would submit to you that it would
4 have been a violation of the Constitution to have done
5 it that way.

6 In order to consider competitiveness
7 first, you'd have to do exactly what Mr. Huntwork said,
8 look at registration, and other things, which we were
9 precluded from doing in the first phase of mapping.

10 The fact of the matter is to the extent we
11 have made a record of significant detriment to voting
12 rights districts, to communities of interest,
13 compactness, to contiguity, to respect for community
14 lines, city boundaries, county boundaries, and so on, is
15 the extent we accepted, rejected changes which would
16 have made the map more competitive.

17 With all due respect to every single
18 member of this Commission and everyone who has appeared
19 before this Commission, every single map that was
20 presented had a point of view behind it, whether that
21 map stated it as a point of view or not. Every map the
22 Republicans would have submitted, had they submitted
23 maps, would have had a point of view. Every map the
24 Democratic Party submitted had a point of view. There's
25 no question maps representing other interests were

1 presented with a point of view. The only map that
2 didn't have a point of view going in, I believe, is the
3 map we created didn't have a point of view other than
4 attempting to balance six sometimes very contradictory
5 goals of Proposition 106. The only way to do that
6 honestly and effectively is through a process. If you
7 buy the process, you buy the result. So by the time we
8 came to a map submitted to Department of Justice,
9 rejected on the basis of five districts needing further
10 attention, and our attempt to improve --

11 And everybody, Ms. Minkoff, not just you,
12 every single member of this Commission in their
13 application indicated that they favored, wanted to
14 create, and would support competitive districts. I know
15 that because I read all of your applications. I read
16 them before I interviewed for Chairman. And I did that
17 to get a sense of whether or not we might be able to
18 work together. In fact, I think, in the main, we've
19 worked together extraordinarily well.

20 I will tell you this: Having taken
21 exception with some of the things in that statement, and
22 quite honestly in a very personal way taken exception
23 with some of the inferences made, I believe that this
24 Commission can and should be proud of the process we
25 adopted, the way we went about our business, and the

1 result.

2 Quite honestly, I think those that have
3 been critical have been critical for a variety of
4 reasons. Honestly, those critiques don't hit home as
5 much as critiques coming from this side of the table.
6 Those I think were beyond the pale and it's unfortunate
7 they were made.

8 Further discussion on the motion?

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

11 COMMISSIONER ELDER: "Aye."

12 COMMISSIONER HALL: "Aye."

13 COMMISSIONER HUNTWORK: "Aye."

14 CHAIRMAN LYNN: Opposed "No"?

15 COMMISSIONER MINKOFF: "No."

16 CHAIRMAN LYNN: Chair votes "Aye."

17 Motion carries four-one.

18 Other instruction from the Commission to
19 the consultant or staff?

20 Anything from legal counsel?

21 MS. HAUSER: No.

22 CHAIRMAN LYNN: Commission staff?

23 MR. ECHEVESTE: No, sir.

24 CHAIRMAN LYNN: The other agenda item on
25 the agenda, future meetings.

1 I think if you will allow me, I will ask
2 your indulgence. When we get reports back from NDC
3 we've ordered to be done as expeditiously as possible,
4 I'll consult with staff, consult with you as to the
5 future meeting dates, and call an appropriate meeting at
6 the appropriate time when all the work is done.

7 Any further business to come before the
8 Commission?

9 If not, the Commission will stand
10 adjourned until the call of the Chair.

11 (Whereupon, the hearing adjourned at
12 approximately 6:20 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 159 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 28th day of June, 2002.

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