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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
August 13, 2002
9:30 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 August 13,
 3 2002, at 9:30 o'clock a.m., at the Wyndham Buttes
 4 Resort, Kachina Ballroom, 2000 Westcourt Way, Tempe,
 5 Arizona, in 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

LOU JONES, IRC Staff

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DR. FLORENCE ADAMS, NDC, Consultant

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DOUG JOHNSON, NDC, Consultant

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LISA A. NANCE, RPR, CCR, Court Reporter

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SPEAKERS FROM THE PUBLIC:

- BLAINE BRIMLEY, President, United Neighbors Association
- BEV HARVEY, Newsletter Editor, United Neighbors Association
- JOSEPH C. DONALDSON, Mayor, Flagstaff
- DAVID CANTELME, Counsel, Flagstaff
- DANIEL ORTEGA, JR., Attorney, Hopi Tribe.
- MICHAEL POPS, South Mountain Impact Coalition
- PATRICE KRAUS, City of Chandler
- DANA TRANBERG, Inter-Governmental Relations Assistant, Glendale
- AMBER WAKEMAN, Government Relations, Tempe
- RUDOLFO PEREZ, MALDEF

SCHEDULED SPEAKERS:

- MR. DOUG JOHNSON
- MS. LISA HAUSER

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Public Session
Tempe, Arizona
August 13, 2002
9:30 o'clock a.m.

P R O C E E D I N G S

CHAIRMAN LYNN: Good morning, ladies and gentlemen.

The Commission will come to order. For the record, roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: Here.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Here.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: Mr. Huntwork is excused. His arrival time is expected at approximately 10:00 a.m.

The Chairman is present along with Commission staff, legal staff, and consultant staff.

If you look at the agenda, public comment is not only for at the beginning of the hearing but also utilized throughout the day and tomorrow. I'd like to give people the option of presenting first or waiting until we have the consultant's presentation on material

1 that we'll be considering today and tomorrow and then
2 speak after that presentation. You certainly may speak
3 either before or after, or both, if you choose to. But
4 I think it would be most useful for the Commission to
5 hear comments once the material has been presented. You
6 may very well get gainful information we might be
7 considering that may not have been self-evident by
8 looking at the website.

9 Your choice. If you would like to speak,
10 fill out a speaker slip and pass it along to Commission
11 staff and we'll get it into the que as quickly as
12 possible.

13 I'd like to ask the indulgence of my
14 fellow Commissioners.

15 Why we're here, first of all, we're here
16 today because the Department of Justice, while approving
17 25 of our 30 Legislative districts, rejected five of
18 those districts. And it is incumbent upon us to submit
19 an entire map that can be approved by the Department of
20 Justice to them for their consideration and
21 preclearance.

22 The second reason we're here today is
23 because at some point there were errors in data supplied
24 by our EDS data supplier. And those errors were
25 discovered. And those errors had some possible bearing

1 on the analysis of competitiveness that was done at an
2 early stage in this process.

3 Those numbers have been corrected, and our
4 consideration of competitiveness is now on the basis of
5 correct and complete numbers.

6 Thirdly, we are here to minimize
7 population variation in the Legislative map as we had
8 done in the Congressional map. If you remember, the
9 Congressional map was essentially population balanced
10 down to the last individual. It is incumbent upon us to
11 attempt to get as small a variation of population in the
12 Legislative map as we can. To the extent we cannot
13 achieve a zero variance, we need to be sure we
14 understand what the reasoning was for any deviation
15 whatsoever. That will be part of our deliberation today
16 and tomorrow.

17 Now, many have asked why we are doing this
18 now instead of waiting for the results 2002 election
19 before we continue. Let me make several comments
20 relative to that. First, we do need to submit, resubmit
21 the Legislative map to the Department of Justice. And
22 they have indicated to us that they are not particularly
23 interested in taking the 2002 election results into
24 account as they review our map for preclearance. What
25 that suggests is that waiting does not give us any

1 particular information that we might use in determining
2 the final decision. As you all may know, a single
3 election result does not necessarily predict what might
4 happen in the future. And it's only with the use of
5 several years use of data that we get a pattern
6 developing in the districts. We also have a trial that
7 is pending in state court in March 2003. And, quite
8 honestly, it would be better for all of us if we had
9 precleared maps that we were discussing rather than maps
10 that were still in flux. And I think that is another
11 reason why our schedule is what it is.

12 Finally, I want to talk a little bit about
13 competitiveness, because that is certainly a key issue
14 in this process and one that has been debated quite
15 generously in many quarters.

16 There is no finite definition of
17 competitive. And that's part of the problem.
18 Competitive often is knowing it when you see it, not
19 necessarily defining it. The Commission has used
20 numerous tools to attempt to assess competitiveness in
21 districts. And many of those have both attributes and
22 limitations. First and foremost, party registration is
23 the least sophisticated of those tools. As all of you
24 know, there is a slightly greater than five percent
25 differential statewide between Republicans and Democrats

1 with registered Republicans having an advantage. But
2 after you establish the districts required under the
3 Voting Rights Act with minority voters having --
4 represent -- allowed representation of their own
5 choosing, the five percent expands to 16 to 20 percent
6 differential with Republicans in a large majority. With
7 a 16 percent bulge, it is very difficult, if not
8 impossible, to draw large numbers of competitive
9 districts without doing some very bizarre line drawing
10 that would violate the other five tenets of the law.

11 Judge It is used by most people who study
12 this sort of thing as a more sophisticated methodology
13 of dealing with the competitive issue. Judge It is a
14 formula that takes into account all sorts of variables,
15 not the least of which is incumbency and past records in
16 the district, how particular races have been run and
17 won.

18 Dr. McDonald, who has been doing our Judge
19 It testing, indicates that his absolute comfort level is
20 a variation of seven percent. However, many advocate
21 that Judge It is just as accurate at the 10 percent
22 level, or even beyond, in terms of variation.

23 We have been using a fairly strict
24 definition. But just as an example, if you were to use
25 a 10 percent variance on Judge It, we have, in our

1 current map that we are considering, nine competitive
 2 districts. If you go to 11, we add two more. So it's a
 3 matter of degrees. And there is no bright line that
 4 says this district is or isn't competitive at any
 5 number.

6 There is also a key element that has
 7 lately come into very clear focus with respect to the
 8 state election process, and that is the role of third
 9 party, or other registrants, in this process. Many of
 10 the districts that have been drawn have in excess of 20
 11 percent other registration, a combination of
 12 Libertarian, Green party, registered independents and
 13 other minority parties included. When that measure of
 14 third party registration exceeds the spread between
 15 Republicans and Democrats, it is clearly a factor. And
 16 most people believe that it is a factor in making
 17 elections more competitive, not just between Republicans
 18 and Democrats. In fact, Mr. Pederson, the head of
 19 Democratic Party, is quoted on the issue saying, on the
 20 issue of open primaries and challenge from the
 21 Libertarian party, that the third-party registration
 22 makes significant differences in those elections and can
 23 cause swings in either direction.

24 Now, we use also what we have been
 25 referring to as AQD. AQD is not as sophisticated as

1 Judge It. It is a limited number of races. It clearly
2 is not as accurate because it doesn't have as many
3 variables as Judge It does. But it is a measure that is
4 more sophisticated than party registration and less
5 sophisticated than Judge It.

6 We also have taken input from both
7 political parties when they have been willing to give
8 it. And we certainly have had a lot of input from the
9 public with respect to what they believe competitiveness
10 is all about.

11 So how would we address competitiveness as
12 a Commission? First of all, please remember that this
13 Commission is charged with the responsibility in the
14 Constitution of satisfying six sometimes conflicting
15 criteria. And we have paid attention to all six. The
16 process mandates that the establishment of the five
17 criteria, other than competitiveness, shall be to the
18 extent practicable. When we get down to the mandate on
19 competitiveness, it says, quote, "Competitiveness should
20 be favored where to do so would create no significant
21 detriment to the other goals," unquote.

22 The IRC has taken the position that
23 assessing significant detriment to that goal of
24 competitiveness can best be done when the other
25 criteria has been infused into a map so that you know

1 when you are causing significant detriment and you know
2 what that detriment is. The IRC has been aware of its
3 duty under the Constitution to deal with the
4 competitiveness criterion since the beginning of this
5 process and, in fact, began evaluating competitiveness
6 on August 17th, 2001. That's a year ago. Approximately
7 51 tests have been run to evaluate increasing
8 competitiveness in the maps that we have considered.
9 And adjustments have been made for competitiveness that
10 have been both accepted and rejected by the Commission.
11 Adjustments that have been proposed, where they have
12 been rejected, have been rejected on the basis of our
13 determination of significant detriment. Each and every
14 member of this Commission has made that judgment for
15 themselves and every Commissioner has voted against
16 increasing competitiveness when other criteria have been
17 damaged. It's on the record. We've all done it.
18 That's our job.

19 Our goal remains to conduct a fair and
20 principled redistricting pursuant to the guidelines of
21 Proposition 106 that we have been mandated to follow.
22 Ladies and gentlemen, I believe we have done this very
23 well so far.

24 We are about to move toward the conclusion
25 of that process. I thank you for the indulgence and

1 time to make an opening statement.

2 Are there any other statements by Members
3 of the Commission at this time?

4 If not, the time and place is now here to
5 hear from the public. In order to hear from the public,
6 we ask that you fill out a speaker card. I have several
7 in front of me. If you would like to defer your
8 comments until after the presentation by counsel and/or
9 by consultants, please indicate so when I call your
10 name. Otherwise, it is your time and you have the
11 floor.

12 The first speaker slip I have is from Dana
13 Tranberg who is the Inter-Governmental Relations
14 Assistant for the City of Glendale.

15 MS. TRANBERG: I'd prefer to defer my
16 comments.

17 CHAIRMAN LYNN: The next speaker slip,
18 Blaine Brimley and Bev Harvey representing the United
19 Neighbors Association.

20 MR. BRIMLEY: I'd like to speak now.

21 CHAIRMAN LYNN: Mr. Brimley?

22 MR. BRIMLEY: I'll step up here.

23 I'm Blaine Brimley, head of our
24 neighborhood association, United Neighbors Association,
25 representing around 2,000 people.

1 We've been in existence 12, 13 years. We
2 have a monthly newsletter except for the months in the
3 summertime, and we have monthly meetings. And we have
4 found out recently that our neighborhood, our square
5 mile, which represents between Northern Avenue and
6 Glendale Avenue and 35th Avenue and 43rd Avenue is right
7 at the apex of three districts, as you have it now. And
8 so we find our square mile, the integrity of our square
9 mile, is divided in three districts. So we're appealing
10 that it might be reconsidered so that we might be in one
11 or at the most two districts and not in some remote
12 district, like it is now.

13 We realize that you have quite a job, and
14 you'll probably find out you have a hard time pleasing
15 any of the people any of the time; but we think we have
16 an issue here that is worth your consideration to see if
17 we could make the neighborhood organizations, maintain
18 the integrity of the neighborhood organizations as far
19 as our ability to work together on projects, and so
20 forth.

21 I'd like -- we have a map here, which I
22 think is being passed out, and sample of our newsletter,
23 and it shows where our district is -- our neighborhood
24 organization, our square mile, is really cut up into
25 pieces. We hope that might be considered to adjust

1 that, to make the neighborhood organization -- keep the
2 integrity of the organization.

3 I'd like to turn the time to my vice
4 president for a few remarks, Bev Harvey.

5 MS. HARVEY: I'm Bev Harvey, newspaper
6 editor and head of the petition drive.

7 We're passing out petition signatures. As
8 you know, yes, it's very hot. Seems like everybody was
9 either coming or going out of town. It was very
10 difficult to get people to pass out petitions during the
11 hottest time of the summer, find people to do it. We
12 did manage to get a number of people. The petition went
13 from one person to the other who would pass it around.
14 We have over a hundred signatures.

15 I think what is significant is when people
16 saw the proposed map, which I've just found out is no
17 longer the proposed map, they were very disturbed and
18 upset. They felt that our neighborhood had been put in
19 a very difficult political position because of being
20 split up. Now, I've just had a chance to look at the A,
21 B, and C maps, the current maps, which I did not know of
22 before I came. Last time I was online, they were not
23 there. I was not aware they were being worked on.

24 Quickly looking at the maps, I think our
25 neighborhood is most concerned about being in District

1 12. We feel those are areas that are -- that deal a lot
2 with sprawl and expansion. We are an area that is
3 revitalizing. We are near the northwest part of town,
4 used to be a suburb. We are now part of the central
5 city. And we feel that District 12 would be the most
6 difficult to communicate with, because our interests
7 would be very diverse from probably the predominant
8 population in that district in that their concerns is
9 the far West Valley.

10 I've just had a moment, I hadn't even
11 finished looking at the maps. But map A and C seems to
12 put our neighborhood still in 12. And that seems to be
13 the real kicker that people are concerned about. We --
14 it seems like we're going to be split, according to the
15 maps I'm looking at, no matter what. But we feel being
16 in 12 is the most inappropriate placement for part of
17 our district. So look at the map, the map B, at least
18 as I read it, if I read it correctly, at least gets us
19 out of 12, even though we are still split up.

20 I do want to point out on the newspaper,
21 back of the newsletter, is why we were passing out a
22 newsletter.

23 We have a regional identity. We work very
24 hard to create relationships with adjacent neighbors
25 working together on issues that impact us. So it does

1 concern us if we are going to be split off into 12,
2 because I think we would be -- a significant part of our
3 neighborhood would be too far removed from the more
4 city, central city oriented districts, 14 and 15.

5 (Commissioner Huntwork arrives.)

6 MS. HARVEY: Do you have any other
7 questions about the petition?

8 Again, by splitting our neighborhood -- we
9 were very strong supporters of Proposition 106. We were
10 kind of astounded to find that we were not benefiting at
11 all from what was going on because of the fact that our
12 neighborhoods do tend to work together as a unified
13 front on issues that impact us, and there are many that
14 do.

15 Are there any questions that you would
16 like to ask about any of this?

17 CHAIRMAN LYNN: Any questions for
18 Ms. Hardy?

19 I'm sure as we get through the
20 presentation and deliberations, there may be questions.
21 I don't know what your schedule is today. If you stay
22 with us a bit, there may be other questions as we get
23 into it.

24 MS. HARVEY: Thank you.

25 CHAIRMAN LYNN: The next speaker slip I

1 have is from Mayor Joseph Donaldson, Mayor of the City
2 of Flagstaff, and also David Cantelme.

3 Would you rather speak now or after?

4 COMMISSIONER HUNTWORK: Mr. Chairman, I
5 apologize for being late. I had an emergency I could
6 not avoid. And I will ask perhaps to review comments --

7 CHAIRMAN LYNN: Actually, it's not a
8 problem. You've missed two speakers. And Ms. Harvey
9 was speaking about that particular neighborhood. We
10 have that information for you. And we're happy to see
11 you. Thank you for getting over here. Hope everything
12 is under control where you left it.

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

15 I'm Joe Donaldson, Mayor of the City of
16 Flagstaff.

17 Thank you for giving me the opportunity on
18 behalf of the City of Flagstaff and thank you for
19 ordering the tests of the Flagstaff Preferred Plan.

20 I'll keep my remarks brief and ask
21 Mr. Cantelme to address the remarks of NDC on behalf of
22 the plan.

23 I've had the opportunity to discuss the
24 Flagstaff Preferred Plan with a number of governments,
25 tribal governments and governments in Northern Arizona.

1 The Flagstaff Plan is supported by the Navajo Nation,
2 Hopi Nation, White Mountain Apache Tribe, San Carlos,
3 Coconino County, and Flagstaff Chamber of Commerce.
4 Tribal governments and local governments all find the
5 Flagstaff Preferred Plan meets all federal requirements,
6 particularly those with the Voting Rights Act, doing a
7 good or better job of meeting the criteria set forth in
8 Proposition 106. Mr. Cantelme will speak in more depth
9 on these points.

10 Let me let you know the Flagstaff
11 Preferred Plan respects the integrity of tribal areas,
12 significantly increases the Native American voting
13 strength within its proposed District 2. The Flagstaff
14 Preferred Plan does the best job of all for creating
15 within proposed District 2 a Legislative District where
16 Native American voters can be assured of sending their
17 chosen representatives to the Legislature to work on
18 their behalf.

19 At the time the Flagstaff Preferred
20 Plan -- at the same time, the Flagstaff Preferred Plan
21 places Yavapai County in a single district, maintains
22 completely the integrity of Greenlee County, and
23 respects the integrity of non-Reservation portions of
24 Coconino, Gila, and Navajo Counties. The Flagstaff plan
25 threw out no change in the 30 Legislative Districts

1 proposed in the Commission's 2002 plan. It eventually
2 adjusts district lines in Northeastern Arizona with the
3 primary purpose of creating a better Legislative
4 District for Native American Districts and uniting
5 Flagstaff in non-Reservation Coconino County with the
6 non-Reservation portion of Gila County and most of the
7 non-Reservation portion of Navajo County to make, if you
8 will, a rim county, or mountain district.

9 When all is considered, this plan does the
10 best job to further the goals identified by voters in
11 Proposition 106.

12 Thank you for the opportunity to speak and
13 all the professional courtesies you extended to us so
14 far.

15 Let me introduce Mr. David Cantelme.

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

17 And thank you, Mr. Chairman, and Members
18 of the Commission.

19 I want to echo the comments Mayor
20 Donaldson had made. We're very grateful for all the
21 courtesies you extended to us. We very much appreciate
22 your assistance in making our presentations just as
23 smooth and comfortable as they possibly can be.

24 What I'd like to focus on, if I may, is
25 essentially the following major points. First, we

1 recognize that the Commission, as a result of it's
2 meetings in June, had made some changes in its own 2002
3 plan with the idea of achieving or fine-tuning the other
4 criterias, such as competitiveness and the other
5 criteria set forth in Proposition 106, and the federal
6 criteria. Most of those changes are at the margins,
7 along the boundary lines, to make an adjustment here and
8 there within Maricopa County and within Pima County.

9 We applaud those efforts, support them,
10 and we can incorporate them into our plan. To the
11 extent that hasn't happened yet, they can be folded
12 right into our plan.

13 As we said from the inception, we make
14 very little change in Maricopa County with the exception
15 of District 4 and the same with Pima County. Changes
16 you have ordered would fold right in to what we've
17 already done.

18 The next point, and I think this is
19 probably the most critical point of difference between
20 the Flagstaff Preferred Plan and the Commission plan, is
21 treatment of Native American voting interests in
22 Northeastern Arizona. Specifically, we have striven and
23 we have accomplished a union in one district of the
24 Navajo Reservation and San Carlos and White Mountain
25 Apache Tribes. In plan A -- plan B we also include the

1 Hopi. Plan A we exclude it. As we said from the
2 outset, there are historical issues here that need to be
3 worked out between those two nations. But the main
4 point is that we increase Native American voting
5 strength in District 2, our proposed District 2, from 61
6 percent -- excuse me, from 62 percent to 71 percent.
7 And that's set forth in the NDC test. That change can
8 be extremely significant. While it's only nine
9 percentage points, those are nine percentage points at
10 the margin. And when you have, as we have in this
11 election in front of us, a situation in which you have
12 an incumbent, a non-Reservation incumbent, and you have
13 multiple reservation candidates, you have a tremendous
14 opportunity for the Native American vote to be split
15 among multiple candidates and for the non-Reservation
16 candidate to be elected.

17 Nobody knows what will happen on September
18 10th. Voters will decide that themselves. I will say I
19 think it's well backed up and fair to say that the
20 non-Reservation incumbent has got a very good shot at
21 returning to the Legislature, the effect of which will
22 be a retrogression in the Native American representation
23 at the Legislature. And that is a significant
24 development. That may indeed be, the courts will
25 determine, and DOJ will determine, yet that may be a

1 fatal flaw in the Commission's plan despite all the
2 laborious effort made by the Commission.

3 We commend that effort. We recognize what
4 a hard job you've had, how big a burden it's been, and
5 how you've striven so diligently to perform public
6 duties. We commend and acknowledge what you did in that
7 test. Nonetheless, the test ultimately will be who goes
8 down from Northern Arizona to the Legislature.

9 In fact, if you have a retrogression, as I
10 said, nobody can say for sure, but there are certainly
11 strong odds there will be, that is something that will
12 be a subject dealt with later in the courts. Maybe DOJ
13 will not pay any attention to that, we don't know. But
14 it may also be that something that glaring may be
15 something that must be taken into consideration.

16 I won't dwell on the next point, because
17 it's been made and pretty obvious, that is the changes
18 we've tried to make in the Commission's plan. We really
19 began with that as a starting point, the baseline. I've
20 been primarily in Northern and Northeastern Arizona.
21 It's a fact in rural counties, if you start at the north
22 like a clock face, make adjustments here, you do have to
23 work around because of the relatively smaller
24 populations. But we stop, if you will, using the clock
25 analogy again as you get around to about 6:00 o'clock.

1 Because we don't make any changes of any significance in
2 the river counties or river districts. Those,
3 essentially, one very nonsignificant change, I believe
4 it's a nonpopulation small deviation between La Paz and
5 Yuma County. Essentially those river districts are
6 unchanged.

7 Now, if we look at the other criteria,
8 they are set forth in the proposition, moving beyond
9 voting rights. And again, I can't stress enough, and I
10 think the history of redistricting in Arizona is such
11 that voting rights is always the hugest focus of the
12 courts, as well it should be. That's the policy
13 commanded by Congress.

14 But moving beyond that, compactness. I
15 think the results of the test, we achieve the same
16 degree of compactness with the exception of the plan
17 that splits the Hopi out from Navajo. There, if that is
18 your policy goal, you can't avoid it. It's impossible
19 not to.

20 Competitiveness. Now, it is true that in
21 two of the districts you have a very marginal increase
22 in the deviation between the party strengths. According
23 to the results that NDC has found in District 1 under
24 Judge It, you go from 10.8 to 12.4, and in District 2,
25 from 28 to 30.6. Once you are at 28, I will submit it

1 doesn't make any difference if you go to 30 or 50.
2 There's only so many times you can whip the horse before
3 it's dead. The point is it's not really competitive,
4 and it doesn't make it any worse.

5 But in District 5, there is a big
6 difference, because under our two plans, A and B, you go
7 from a 1.2 or a 0.6. And I would submit, and NDC folks
8 can correct me if I'm wrong, because they have a better
9 command of statistics, I'd submit that's probably the
10 most competitive district under any proposal. 0.6,
11 that's less than one point deviation.

12 We all know one of the major issues in the
13 state court lawsuit is competitiveness. That is where
14 the battle had been. That's where Judge Fields made
15 some rulings that had been significant but I think were
16 somewhat swamped when we went over to the federal
17 courthouse. Now we're going to return to the state
18 courthouse. That issue will come into focus again.

19 When you have a plan that really creates a
20 much more competitive district, that is a significant
21 strength in terms of persuading the court system as to
22 which is the more competitive of the plans.

23 Moving on to other issues, population
24 deviation. We recognize and commend the Commission's
25 desire to reduce deviations below the federal standard.

1 But we know under equal protection it's
2 well-established, and I don't see the federal court ever
3 changing, the Supreme Court has never showed, Gufford
4 vs. Cremmens (phonetic), the five percent up and five
5 percent down.

6 Now, I've heard the argument that if you
7 can do better, you should do better. But if you read
8 the original case law in this area, if you have
9 legitimate interests in terms of the other criteria,
10 which are neutral criteria on the face, certainly other
11 criteria built in the proposition are indeed neutral
12 criteria. If you have deviations attributable to
13 satisfy those goals, you satisfy equal protection. It's
14 just not that big of an issue.

15 Lastly, to come back to the point I
16 started with, we recognize that the plan has been
17 evolving. The Commission is doing it's best to refine.
18 Where shortcomings are pointed out, we try to address
19 those shortcomings. And we recognize that there are a
20 lot of gears in this machine, so you turn one gear, it
21 kind of sparks another one over there.

22 It's a very tough job. We recognize that.

23 To the extent you have been tweaking
24 districts you originally drew within Pima, Maricopa, we
25 can adopt those as well. It really doesn't affect the

1 primary thrust of our plan which is to make as a goal in
2 Northeastern Arizona the creation in District 2 of a
3 truly Native American district that, if the creek rises,
4 whatever happens, is going to send down to Phoenix two
5 reservation Representatives and one reservation Senator.
6 I think that is the goal of voting rights, addresses
7 historical wrongs in this state.

8 I know the Commission has tried to achieve
9 it and know the Commission recognizes that. And I know
10 at the same time you have to deal with other issues. We
11 respect that.

12 What we submit is that our plan achieves
13 that. And if you adopt it, we believe you will have a
14 plan that will satisfy every interest that has appeared
15 in the state court lawsuit and will achieve true
16 settlement and resolution of these issues, a plan we can
17 all recommend to the voters, and the voters can cast
18 their votes in 2004.

19 Thank you again for your courtesy and
20 indulgence.

21 CHAIRMAN LYNN: Thank you, Mr. Cantelme.

22 Questions or comments for Mr. Cantelme?

23 COMMISSIONER MINKOFF: Yes. I do have a
24 question. And it's about the issue of population
25 deviation which has -- as I look at both your A and B

1 maps, kind of jumped out at me. And I understand the
2 point you've made in terms of the 10 percent federal
3 standard.

4 When you developed this map, did you
5 determine that this was the best you could do in terms
6 of population deviation or was this just a point you
7 stopped and do you believe that you can achieve the
8 goals that you are trying to achieve with less of a
9 population deviation?

10 MR. CANTELME: Thank you, Madam Vice
11 Chairman.

12 This is the point where we stopped. I
13 think our plan, like any plan, can be fine-tuned. One
14 of the reasons we have a significant, relatively
15 significant deviation in population, we wanted to leave
16 open a path by which you could have Hopi in and Hopi out
17 without having then to come back and redraw the whole
18 map if you choose one option or the other. Once an
19 option is chosen, that would clear the way, I think, to
20 fine-tune. Even if you don't choose an option, still --
21 ultimately you'll have to. You don't have the luxury of
22 not. You have to make a decision. We have the luxury
23 of going Hopi in or Hopi out.

24 My point is yes, you can definitely
25 fine-tune it. Now, I'm not the expert on that. I'm not

1 a demographer. I believe as any plan can be tweaked at
2 the margins, ours can also.

3 COMMISSIONER MINKOFF: Let me ask a
4 follow-up question. As I recall, your plans both have
5 population deviations around 9. something percent.

6 CHAIRMAN LYNN: 9.8.

7 COMMISSIONER MINKOFF: 9.8 -- just below
8 the 10 percent standard. The tests that we've been
9 looking at are slightly below or slightly above four
10 percent, which is a significant difference. And so my
11 question is when you say that this is the point at which
12 you stopped and more work could be done, do you think
13 that -- and maybe it's not a fair question, but do you
14 think that the Flagstaff plan, population deviation,
15 could be reduced to something close to what we're
16 looking at or with the changes you've made does that
17 become an impossibility? We're talking about you
18 cutting it more than in half.

19 MR. CANTELME: I cannot say that to get to
20 the four percent you wouldn't affect some of the other
21 criteria, for example maintaining city and county
22 integrity, or as we've done, non-Reservation county
23 integrity. Certainly you can get down to four percent.
24 The question is how do you get down to other criteria
25 still keep Hopi in Hopi out?

1 We can pursue it. It's a very valid
2 question. We'll ask our expert to do that. I don't
3 know. I haven't spoken to him. I know you're working
4 overnight. I don't know if he's available to do it
5 overnight.

6 We can do a written submission and ask the
7 question whether it can or cannot be done.

8 COMMISSIONER HUNTWORK: I'd like to ask
9 Mr. Cantelme or Mayor Donaldson a couple questions about
10 written remarks on the Flagstaff plan which have drawn
11 support of the Hopi Nation, White Mountain Apache
12 Nation, San Carlos Apache Tribe, and others. The Hopis,
13 do you know if they support the Hopi in plan or is it
14 only the Hopi out plan they support, at least in
15 comparison to our proposals?

16 MR. CANTELME: Mr. Chairman, Mr. Huntwork,
17 I don't know that precise question. I would venture to
18 say it's only the Hopi out. If I may turn to Mayor
19 Donaldson, or even, if I may, to Mr. Ortega here
20 representing the Hopi Tribe.

21 CHAIRMAN LYNN: Thank you, Mayor
22 Donaldson. We have a representative of the Hopi Tribe
23 that may be speaking next. We can get the answer then.

24 COMMISSIONER HUNTWORK: Let me ask another
25 question. What manner or evidence do you have of

1 support of the White Mountain and San Carlos Apache
2 Tribes? We had other indications of support of various
3 things that were ambiguous, some in writing. What
4 specific evidence of support do you have to offer to us?

5 MAYOR DONALDSON: Thank you very much for
6 the question.

7 I met with all the Indian Nations, and I
8 met with the White Mountain Apache and San Carlos
9 Apache. The meeting last week with the White Mountain
10 Apache, was with Chairman Massey, all of his staff,
11 executive staff, and we presented the proposal of the
12 Flagstaff map. Every member of the group, to the one,
13 supported the plan. And they were going to forward --
14 they were going to submit a resolution to the Council
15 here in support of the Flagstaff plan. Chairman Massey
16 made it extremely clear to me that they support the
17 Navajo Nation proposal being included with one
18 Legislative District.

19 As I met with the San Carlos Apache, the
20 same day, I met with the executive assistant there. It
21 was Lee. I don't remember her last name. She was aware
22 of support for the Flagstaff Preferred Plan. When
23 meeting with the Council, Wednesday or Thursday, they'd
24 be submitting a resolution in support of the Flagstaff
25 Preferred Plan.

1 Both made it clear to me they wanted to be
2 joined with the Navajo Nation.

3 COMMISSIONER HUNTWORK: Thank you.

4 CHAIRMAN LYNN: Other comments or
5 questions for Mr. Cantelme or Mayor Donaldson?

6 Ms. Minkoff or -- Ms. Minkoff.

7 COMMISSIONER MINKOFF: Just a very quick
8 follow-up. We haven't seen any resolution from either
9 the White Mountain or San Carlos Tribes. Do you have
10 any idea whether that will be coming today or tomorrow
11 or will that be after we adjourn?

12 MAYOR DONALDSON: Thank you for the
13 question.

14 Mr. Chairman, Vice Chairman Minkoff, as
15 soon as I finish speaking here, I'll immediately go to
16 the phone and track that down. They were very
17 supportive and adamant that that would be forthcoming.

18 CHAIRMAN LYNN: Thank you both very much.

19 Our next speaker is Monica Nuvamsa, Staff
20 Assistant, Office of the Chairman of the Hopi Tribe.

21 Welcome back, Ms. Nuvamsa.

22 MS. NUVAMSA: Good morning.

23 Thank you, Chairman Lynn, Members of the
24 Commission. I'm Monica Nuvamsa, Staff Assistant to
25 Chairman Wayne Taylor of the Hopi Tribe.

1 I wanted to extend the Chairman's
2 apologies for not being here today. He's currently
3 attending mediation on the 1934 line case with the
4 Navajo Nation.

5 I'd like to read his statement into the
6 record for you, if you would indulge me.

7 The Commission, as part of their mission
8 to draw Legislative District lines, has held numerous
9 hearings and has taken community input throughout
10 Arizona. The Hopi Tribe has recently testified before
11 the Commission to educate them about the historic,
12 cultural, and political issues that are at the heart of
13 the Hopi Tribe's objection to being placed within a
14 Legislative District dominated by the Navajo Nation.

15 One of Commission's priorities was
16 identification of communities of interest. The Hopi
17 Tribe has provided the Commission statements and factual
18 background regarding their particular community of
19 interest and the compelling factors that require the
20 Hopi Tribe and Navajo Nation be placed in different
21 Congressional and Legislative Districts.

22 The Congressional District map embraced
23 the Hopi's concerns, but the Legislative district maps
24 ignore them because of the emphasis placed on
25 maintaining a high level Native American voting age

1 population in a Legislative District which is
2 predominantly Navajo.

3 The Commission's concentration on Native
4 American percentages disregarded the Hopi's right to
5 choose their candidates of choice and to fair and
6 effective representation.

7 The numbers ignore the reality. The Hopi
8 Tribe cannot be fairly represented within a Navajo
9 dominated Legislative District. The Navajo Tribe
10 outnumbers the Hopi ten to one within the new district
11 boundaries of a population of 100,000 Navajo to 10,000
12 Hopi.

13 It is an established fact that the Hopi
14 Tribe has a long-standing historical conflict with the
15 Navajo Nation and should not be included in the same
16 Legislative District. We have previously provided you
17 with information about this conflict. The conflict has
18 been evident even in these proceedings when you consider
19 the Navajo Nation's opposition to the Hopi's position to
20 be placed in a separate district. They haven't shown
21 any respect for the Hopi tribes desires.

22 The present Legislative Redistricting Plan
23 does not give a member of the Hopi Tribe an opportunity
24 to be elected to the State Legislature even when acting
25 in concert with other non-Navajo voters. In addition,

1 the Hopi Tribe's opportunity to elect someone of their
2 own choosing is literally nonexistent within the Navajo
3 dominated Legislative District. The Hopi Tribe's
4 recommendation includes, most recently, a new map known
5 as of the Flagstaff Preferred Plan A which takes Hopi
6 out of Navajo, has been designed with the input of the
7 Hopi Tribe. We believe that this plan protects the Hopi
8 Tribe's community of interest by placing the Hopi in a
9 Legislative District separate from the Navajo Nation and
10 protects the Native American voting age population
11 percentage in one district.

12 The proposal would move the Hopi Tribe out
13 of Legislative District 2 and into new District 5 as we
14 proposed we'd join the City of Flagstaff in this
15 district. The District 2 would include Navajo Nation,
16 San Carlos Apache Tribe, White Mountain Apache tribe,
17 Hualapai tribe, Havasupai tribe, and Kaibab Piute Tribe.
18 Inclusion of these tribes in District 2 would increase
19 the population percentage to over 70 percent which is
20 greater than the District 2 the Commission designed. We
21 believe this would protect all Native Americans' choice
22 to choose their choice and establish district lines in
23 other parts of the state.

24 We are hopeful that the Redistricting
25 Commission will take what we believe to be an excellent

1 proposal under serious consideration for the 2004
2 Legislative District maps.

3 Once again, I thank you all for your
4 diligence in this very important process and for your
5 service to the people of our state.

6 Thank you.

7 CHAIRMAN LYNN: Thank you, Ms. Nuvamsa.

8 Questions or comments for Ms. Nuvamsa?

9 Thank you.

10 The next speaker slip I have is for Paul
11 Barnes, Director and Chairman of Planning and Zoning,
12 Arcadia Camelback Neighborhood.

13 Is that accurate?

14 MR. BARNES: Yes.

15 CHAIRMAN LYNN: Mr. Barnes, again, your
16 option is to speak now or wait until after the
17 presentation.

18 MR. BARNES: If I may, I'll speak very
19 briefly now.

20 Chairman Lynn, and dedicated members of
21 the Independent Redistricting Commission, I want to
22 speak with two hats, first, as Chairman Lynn mentioned,
23 regarding Arcadia Camelback Mountain Homeowners'
24 Association. We appeared before you in June expressing
25 deep concerns over the possibility of seriously

1 adversely affecting our community of interest. And we
2 thank you profusely for listening to our concerns. I
3 realize that these things are somewhat redundant because
4 I did send each of you, I believe, a written notice to
5 that effect, as did Representative Hatsmiller,
6 Representative May, and District 6 Councilman Rick
7 Stanton. Nonetheless, I did want to come here just very
8 briefly this morning to again extend our thanks because
9 it is extremely, extremely important to us.

10 I want to speak just very briefly with my
11 other hat, as president of the Neighborhood Coalition of
12 Greater Phoenix. And in that capacity, we work with
13 neighborhoods throughout the City of Phoenix in each of
14 its eight city council districts.

15 I have known Beverly Harvey for many
16 years. The problems that some of the particular inner
17 city neighborhoods in Phoenix are facing are severe.
18 And it is essential, to the extent practical, to keep
19 those neighborhoods intact, to keep those with their
20 neighborhood of interest. So while she can certainly
21 speak for herself, I would fully support the remarks she
22 just made and any she might subsequently make after
23 she's had an opportunity to review the material in more
24 detail. Those would be favor the population B map
25 certainly in respect to Districts 10, 14, and 13. As to

1 details of that position, I'd defer to Beverly Harvey.

2 Thank you.

3 CHAIRMAN LYNN: Next slip is from Jim
4 Hartdegen from the City of Casa Grande.

5 MR. HARTDEGEN: Defer.

6 CHAIRMAN LYNN: Next slip I have is from
7 Mr. Leonard Gorman from the Navajo Nation.

8 Mr. Gorman, welcome back.

9 MR. GORMAN: Good morning, Mr. Chair,
10 Members of the Commission.

11 It's been awhile since we saw each other.
12 I believe the last time was in Tucson. I hope you all
13 are having a wonderful summer. It's very much cooler in
14 Northeastern Arizona. You're very welcome to have your
15 next meeting there.

16 I'd like to provide information as far as
17 an update for the Navajo Nation is concerned.

18 We've been able to make presentations to
19 this Commission very often, and we're very thankful for
20 those opportunities and have submitted plans back last
21 year in June and have committed to provide as much input
22 as possible to its development.

23 I'd first like to give thanks to the City
24 of Flagstaff for offering additional information and
25 specifically providing two specific plans as those plans

1 impact the Navajo Nation in the northeastern part of
2 Arizona. We had the opportunity to meet with Mayor
3 Donaldson in the past, a couple weeks ago, and he shared
4 some information with us. The Navajo Nation made a
5 decision on which plan it supports.

6 Before I go any further, I'd like to
7 introduce again the Navajo Nation. The Navajo Nation is
8 not only a member of the United States but also a member
9 of the State of Arizona and participates in the free
10 election process of the State of Arizona, and federal
11 election process, and also the Navajo Nation. It has a
12 council governing body, the Navajo Nation, a
13 three-branch government. And the particular committee
14 that has a responsibility to communicate with outside
15 agencies, local governments, federal governments, state
16 governments, is the Inter-Governmental Relations
17 Committee of the Navajo Nation Council which has primary
18 responsibility to oversee the redistricting activities
19 of the states of Arizona, New Mexico, and Utah as Navajo
20 Nation lands are extended into those states.

21 Back in June, on June 25, 2001, the Navajo
22 Nation, I believe, hosted the Redistricting Commission's
23 meeting, the Navajo Nation at Window Rock. At that time
24 the Navajo Nation submitted a plan for the Congressional
25 District and also for the Legislative District and

1 submitted specific information. Also at that time,
2 around September 2001, particularly around September 11,
3 2001, the San Carlos Apache Tribe supported the Navajo
4 Nation's plans for the Legislative and Congressional
5 Districts, specifically the Legislative plan. The
6 Legislative plan that is being put forward, one of the
7 plans being put forward by the City of Flagstaff, is
8 very similar to the plan that the Navajo Nation
9 submitted and that was also supported by the San Carlos
10 Apache Tribe on September 11, 2001. That map included
11 primarily the areas the City of Flagstaff is including,
12 including the Hopi Tribe, but there were some
13 deviations. For example, the western part of the
14 Hualapai tribe was not included in the Navajo Nation's
15 Plan at that time and also the western part of Page
16 area, the Kaibab area, I think, was not included in the
17 initial Navajo Nation's Plan. It included the Holbrook
18 area, at that time, and went down along the Navajo
19 County line, Navajo County-Apache County line to the
20 south and included the San Carlos Apache and also White
21 Mountain Apache tribes, which is why the San Carlos
22 Apache Tribe had supported the Nation's plan at that
23 time.

24 For the Flagstaff Plan, as I stated
25 earlier, the Navajo Nation addressed this issue just

1 recently by resolution. As I said, the
2 inter-governmental relations community has primary
3 responsibility to address these inter-governmental
4 matters.

5 On August 7th, Mayor Donaldson had an
6 opportunity to meet with one of our law offices out on
7 the Navajo Nation, the Office of Legislative Counsel,
8 which provides legal services to the Council, Navajo
9 Nation Council, and presented two plans, plan A and plan
10 B, as I understand, that has been submitted back in July
11 2002 by the City of Flagstaff. And on August 8, 2002,
12 the Inter-Governmental Relations Committee reviewed both
13 plans and supported the plan B. You have the
14 resolution, for the record, IGRAU-P149-01, presented to
15 you, and supports the plan B submitted by the City of
16 Flagstaff.

17 There's only one exception the Navajo
18 Nation makes on that plan, and that is the Greenlee
19 County area. And that's the south tip of the map. In
20 Greenlee County, the Navajo Nation recommends there
21 should be some adjustments made so that Greenlee County
22 could be perhaps not in proposed District 2.

23 I believe there's 8,500 population for
24 2000 in that area. So the suggestion is that the, based
25 on the Navajo Nation resolution, that Greenlee County be

1 placed mainly in District 25. So I believe the
2 population figure and deviation would be closer to what
3 the Navajo Nation had been submitted in June 25, 2001.
4 I believe at that time it was a 9.1 deviation the Navajo
5 Nation submitted.

6 So inclusion, the Navajo Nation has made a
7 number of presentations and has welcomed the
8 Commission's decision on the current plan, District 2
9 plan, but also now supports the City of Flagstaff in its
10 effort so that there would be a higher percentage of
11 Native American population in this district. And the
12 Navajo Nation has always, and has committed to insuring
13 that its concerns and its positions are heard assuring
14 that there is a higher population of Native Americans in
15 the district. That has been its main emphasis.

16 Certainly there have been, as the Hopi
17 Tribe stated, differences on matters. The Navajo Nation
18 believes there is a tremendous difference of culture of
19 the people in that area. As the Navajo people submitted
20 at Show Low, a tremendous number of policy issues both
21 tribes face are very similar. Both tribes deserve
22 better education services. Both tribes deserve better
23 transportation services. Irregardless of this
24 difference, our people travel highways. They never say
25 that we cannot travel this highway because it's in a

1 certain area. They never do that. Both tribes have
2 similar needs. They deserve better highways, better
3 school districts, better social service programs. That
4 has been the Navajo Nation's emphasis, that all tribes
5 would benefit from this effort.

6 So with that, we have the Navajo Nation's
7 position and have supplied the San Carlos Apache
8 resolution last year. If need be, we can also supply
9 that again, the position that was stated by the Navajo
10 Nation back in June 25th, 2001, Mr. Chair.

11 CHAIRMAN LYNN: Okay, Mr. Gorman.

12 Comments or questions?

13 Mr. Huntwork.

14 COMMISSIONER HUNTWORK: Mr. Chairman, I
15 looked at this resolution from the inter-governmental
16 relations committee from the Navajo Nation, and I would
17 like to ask, first, specifically, Flagstaff Plan B,
18 which I believe is the Hopi in plan, and I would like to
19 ask if the committee has a position on the Flagstaff
20 Plan A.

21 MR. GORMAN: Mr. Chair, Members of the
22 Commission, Mr. Huntwork, the Navajo Nation supports the
23 plan B, again, simply because the Navajo Nation believes
24 the tribes have similar needs, either at the state level
25 or at the federal level, similar policy needs, similar

1 funding needs, so that the Navajo Nation believes that
2 the plan B is more beneficial across the board than plan
3 A.

4 CHAIRMAN LYNN: Ms. Minkoff.

5 COMMISSIONER MINKOFF: Let me ask a
6 follow-up question to Mr. Huntwork's question.

7 One of the things you know we are involved
8 in right now is attempting to equalize population as
9 much as possible among the various districts. The
10 population deviation in plan B is significantly higher,
11 especially in District 2 and I believe District 5, than
12 in plan A. If plan B were unable to be adopted because
13 of the size of population deviation, does the Navajo
14 Nation have any position at all between Flagstaff plan A
15 and some version of population balance in A, B, C, which
16 are all identical in terms of Northeastern Arizona?

17 In other words, if we could not adopt plan
18 B because of the population deviation and the
19 alternatives were plan A, where there's a higher Native
20 American percentage, but Hopi is out of the district,
21 versus some version of population A, B, or C, Hopi in
22 with Navajo with a lower Native American population,
23 does the Navajo Nation have a position on which of those
24 they would prefer?

25 MR. GORMAN: Mr. Chair, Members of the

1 Commission, Ms. Minkoff, like I stated, one of the
2 recommendations that the Navajo Nation has is to look at
3 the feasibility of taking out Greenlee County, the
4 southern tip of the proposal that has been submitted to
5 plan B. That's one area where the adjustment should be
6 made. There is about 8,500 people in that area. The
7 other suggestion that we have that would probably be
8 reviewed and the Navajo Nation would review that is as
9 you see on the southern end of the Navajo Nation,
10 there's a strip. I believe that's a strip along the
11 Interstate 40. There could be adjustments also in that
12 area.

13 So in concert, the Navajo Nation does
14 support this because it is very, very similar to the
15 proposal that has been submitted back on June 25th,
16 2001, Mr. Chairman.

17 CHAIRMAN LYNN: Thank you, Mr. Gorman.

18 Other questions for Mr. Gorman?

19 Mr. Gorman, thank you very much.

20 I have one last speaker slip in my
21 possession for this session for call to the public.
22 That's from Daniel Ortega. He's an attorney
23 representing the Hopi Tribe.

24 Mr. Ortega.

25 MR. ORTEGA: Daniel R. Ortega, Jr. here

1 representing the Hopi Tribe.

2 I just want to reiterate the Hopi Tribe's
3 desire to support plan A that has been offered by
4 Flagstaff and comment just briefly on a comment that
5 Mr. Gorman made, and that is similarity of issues and
6 common interests that the Navajo has with the Hopi Tribe
7 as it relates to public services, education, et cetera.

8 First of all, and foremost, the conflict
9 between the Hopi Tribe and Navajo Nation is one of land.
10 There are several parts of this world in which conflicts
11 of this nature exist, and in particular it exists here
12 in Arizona between the Hopis and the Navajo. The reason
13 why the chairman is not here today is because he's
14 dealing with that issue.

15 So the Navajo tribe continues to emphasize
16 the issue surrounding the needs of Native American
17 tribes but never mentioned the ongoing historical
18 conflict regarding land.

19 The second thing that they concede is
20 there are cultural differences between these tribes.
21 And most important, and under these circumstances, the
22 Hopi Tribe sees the Navajo tribes efforts to keep them
23 in the district is just simply another way of continuing
24 to want to destroy their identity.

25 So the Hopi Tribe emphatically, given the

1 land issues, given the cultural issues, not denying the
2 issues surrounding social services and education,
3 believes that they should be made separate.

4 Hopi believes if we're in with Navajo
5 tribe on education, roads, et cetera, et cetera,
6 politically they're favored, where roads will go, where
7 educational monies will go, et cetera, et cetera. The
8 conflict continues, and they want to emphasize that, as
9 it has in the past.

10 CHAIRMAN LYNN: Thank you, Mr. Ortega.
11 Comments or questions?

12 Mr. Elder.

13 COMMISSIONER ELDER: Yes. Mr. Ortega,
14 we've been comparing Flagstaff plan A and plan B this
15 morning. Where would you feel the Hopi Chairman, or
16 whoever would speak to the case, sees the 2002 plan in
17 relation to either A or B?

18 MR. ORTEGA: I'm having a hard time
19 hearing. Speaking into the microphone, it's kind of
20 hissing.

21 COMMISSIONER ELDER: I wanted to ask the
22 question how the Hopi Nation plan stands in relation to
23 the 2002 plan in place now in relation to A and B now
24 rather than comparing just A or B.

25 MR. ORTEGA: The plan in place now places

1 the Hopi Tribe within the same district as the Navajo
2 Tribe. So clearly, we're opposed to that and have been
3 opposed to it. We're opposed to any plan that places us
4 within the same district as the Navajo Nation for the
5 reasons just stated. We believe, though, that the
6 Flagstaff Preferred Plan A is a much, much better plan
7 simply because it -- it increases the Native American
8 numbers, which this Commission has strived to keep up
9 there because of DOJ concerns and Voting Rights Act
10 concerns. Flagstaff increases numbers up to over 70
11 percent, even if it takes out the Hopi and places it in
12 a district where Flagstaff is at.

13 So if you take what you've already done
14 and compare it to what Flagstaff has done, this is a
15 better plan for Native Americans, if that is what your
16 emphasis was before. I clearly understand, I'm not
17 going to pretend, what we're dealing with is the Eastern
18 Arizona Counties as an obstacle to having a district
19 representing Native American Districts which the Navajo
20 Nation has been suggesting in litigation over the last
21 few months.

22 The Navajo Nation has including the Hopi,
23 which that is the only part we disagree with them, is
24 the tribes should be together, Apache Tribes, San Carlos
25 and White Mountain, Navajo, all the ones mentioned

1 before.

2 I think the Commission quite simply has to
3 look at the plan from Flagstaff, say it's a much better
4 plan for the Native American community.

5 I'll also say if you listen to what
6 Mr. Cantelme said earlier, I do believe, Chairman Lynn,
7 and Members of the Commission, DOJ will be looking at
8 this plan from the standpoint of what happens in this
9 election and, in particular, will be looking at what you
10 did with the Native American District that you
11 presently -- that is presently in place.

12 I believe when all is said and done after
13 this election, you will be looking at this preferred
14 plan A that has been proposed by Flagstaff again. Okay?

15 CHAIRMAN LYNN: Thank you, Mr. Ortega.

16 Are there other members of the public who
17 wish to be heard at this time?

18 If not, we'll close the public comment
19 session for this portion of the agenda and we'll revisit
20 public comment at some point later on in the proceeding.

21 Have you filled out a speaker slip, sir?

22 MR. POPS: Yes, I did. I don't know if it
23 was brought up, forward.

24 CHAIRMAN LYNN: Bear with us. Give us a
25 second to get that slip up here, and we'll get you to

1 the podium.

2 It's Michael Pop?

3 MR. POPS: Pops, P O P S.

4 CHAIRMAN LYNN: Mr. Pops representing the
5 South Mountain Impact Coalition.

6 If you would, please.

7 MR. POPS: Yes.

8 Good morning, Commissioner, ladies. Once
9 again, I'm here addressing concerns of fairness,
10 inclusion. Yet I'm sitting in the audience listening to
11 disputed things of concern that is a historical right of
12 the Voters Rights Act, be it the Indian Nation or South
13 Phoenix residents.

14 Disparity issues among minorities in the
15 state are deplorable.

16 I stand before you with a handful of news
17 stories about African Americans, that's newspapers from
18 around country, as well as the Washington Post, and
19 other leading newspapers. As concerns redistricting and
20 fairness all the way across the country, there seems to
21 be a pattern of minorities being left out in the
22 process. But yet the Department of Justice has
23 addressed these concerns, especially for the African
24 American percentage in this state.

25 As a president of a community group, we

1 have gotten the consensus from the working class
2 community, the grass-roots community, in the last couple
3 months since I was last before you all. And the answer
4 to the plan was an emphatic no due to the way District,
5 historical 22 and 23, has been redistricted, it is
6 confusing. It is not allowing enough concerns. And
7 most of all, the most that was expressed at our
8 Coalition meetings was that it was wrong for it to be
9 focused on the Mexican community, for all of the
10 concerns of the outcome of this election, but yet no
11 concerns being given to the African American community
12 which should have been allowed to represent ourselves by
13 right and by law.

14 It is wrong for anybody to sit up and deny
15 that one major concern, and that is to vote.

16 Our community is lacking in a lot of
17 things, and resources is the main topic. And education
18 is the other issue.

19 As an advocate for special ed kids, the
20 parent advocate in Roosevelt School District, and
21 assisting parents in Phoenix Elementary, you always know
22 your decision will be monumental to the outcome of
23 historical districts. Patton neighborhood, which
24 demographics was just in the Sunday's paper about Ben
25 Miranda and Leah Landrum running in those communities.

1 Historically great African American voting blocks,
2 historically 7 and 8, you all now call 14 and 15, shows
3 great one concern of the African American community by
4 you always count us plus or minus five percent of the 13
5 percent that is being reported. So that means the
6 African American community has grown in some portions,
7 but where you all have extended the boundaries are not
8 included.

9 District 14 goes as far north as Avondale,
10 I believe, now, and as far east as Guadalupe. Well,
11 what I see wrong with that plan is the education of you
12 always process to the voting public which as it
13 transcends down to, as previous speakers mentioned,
14 school districts, highways, the voting initiatives that
15 will be coming up on the ballot, city council races, so
16 forth and so on, that has a mass of the voters to be
17 involved in.

18 So I say to you all, bring education of
19 this process to the forefront. Bring fairness to the
20 forefront. And then let the process at the ballot box
21 speak for itself. If not, I have to go on record to say
22 Arizona will be no better off than Florida.

23 Gerrymandering is being hollered from the
24 top of the rafters from our community. We're not
25 satisfied with it. I can speak in my capacity as

1 president and chairperson of our organization that
2 cannot be represented here this morning in a better
3 capacity, because we have to work. I've been -- I
4 brought that issue up before. These meetings are
5 conducted where the African American community and the
6 Mexican community cannot be here due to their obligation
7 of seeking, yet the political landscape is seeking in
8 return that power of the vote.

9 I have to close by saying we have to make
10 the process fair.

11 Thank you.

12 CHAIRMAN LYNN: Thank you, Mr. Pops.
13 Ms. Minkoff.

14 COMMISSIONER MINKOFF: Mr. Pops, just one
15 quick question, because we really want to be sensitive
16 to your concerns. And I need your help to understand
17 it.

18 When we drew the current map, we looked at
19 District 16, which has the largest concentration of
20 African American voters of any of the district, and that
21 particular district approximates the same percentage of
22 African American voters as currently exists in
23 Legislative District 23, the one that was used in --

24 MR. POPS: Right.

25 COMMISSIONER MINKOFF: -- in the year

1 2000. We thought that we were responsive to the needs
2 of the African American community. And now we're
3 hearing that we weren't. So where I need help is
4 understanding what you would like to see? Is the
5 concentration too high in District 16, about 13 percent,
6 which historically, because of the incredible
7 cohesiveness and participation of the African American
8 community, has been enough to elect a Representative of
9 their choosing? Do we have too many? Would you rather
10 have two districts with seven or eight percent? Do we
11 have too few? I'm having trouble trying to figure
12 out --

13 MR. POPS: I understand. That's what is
14 confusing to the not-educated populous, what is raising
15 the concern of what you guys are trying to accomplish
16 that is what is confusing, your question right there.
17 People don't understand the percentage of demographics
18 that has changed over last the 20 years. For the person
19 that helps create the issue, look at Census data and
20 Census tracts.

21 I live in South Phoenix, so I see the
22 change. But what was the most alarming thing in
23 Sunday's article, I have it in my briefcase out in the
24 car, is that it was projecting our voting power in
25 District 7 and 8, which is south of the river bottom,

1 which is historically District 23, 160 something
2 thousand. So in any type of given race in District 7
3 and 8, proportionately, yes, we can put anybody in
4 office we want to. But in the last 20 years, that
5 population has migrated into the northern areas of the
6 city and the northwest areas of the city. So let's get
7 the boundaries as far north as Camelback and as far west
8 as Avondale. You have strong political pockets that
9 have moved in those areas of Phoenix which are not
10 identified.

11 And I can take any of you Commissioners
12 any 30 different ways south of the river bottom, and I
13 am willing to bet you all you have not connected with
14 those communities that have been transplanted by low
15 income housing, which is through HUD. You have not
16 looked at the relocation of people that have been
17 dislocated by urban redevelopment, and also people just
18 plain and simple moving to a better neighborhood because
19 of the depiction of crime, and so on, and so forth.

20 With those factors in mind, most of all,
21 the older population is dying off. We have a whole new
22 surge of homeowners, parents, and everything, which
23 happen to be Mexican nationals. So be it. At the same
24 token, District 23, Historical District 23, is now
25 changing. The higher income, predominantly, probably

1 going to be Republican, lives from Dobbins Road over,
2 45,000 new homes. Have you all included them? Probably
3 not. That demographics will be Anglo versus
4 historically used to be African American. That will
5 decrease one and increase on another.

6 That's some of the main concerns we've
7 addressed before you all last.

8 I was hoping I would get a call from
9 Representative Landrum before I leave. That's why I was
10 glad to be called.

11 I have another meeting with Phoenix
12 Elementary. I must get over there before noon.

13 I'm glad I came, because my little group I
14 have to speak to is concerned about this.

15 And I must close in saying how can we
16 teach our kids about democracy and fairness if it's not
17 fair for the whole game?

18 My concern for an advocate as an avid
19 voter, I'd like to see the process being fair. In the
20 last three years -- I'll give you a quick percentage. I
21 have three nursing homes in South Phoenix. 90 percent
22 of that elderly population that is capable of voting is
23 the gray panthers, but nobody is concerned about that,
24 because they take seniors for granted. But as an
25 independent voter, I would say I would not only be

1 concerned about that but the people moving into that
2 area, be it Hispanic, Bosnia, Somalian, whatever.
3 That's what we are seeing in school parameters. As
4 those people become citizens, taxpayers, voters, they
5 have an inherent right in the Constitution to be
6 educated as well. That would be my answer to that
7 question.

8 CHAIRMAN LYNN: Thank you, Mr. Pops. Any
9 other comments or questions?

10 Please rest assured if Representative
11 Landrum Taylor gets here, she'll have the opportunity to
12 address us, if she's able to arrive.

13 There is a question or comment from
14 Ms. Leoni.

15 MS. LEONI: Thank you, Mr. Chairman.

16 Have you had an opportunity to draw
17 boundaries of district you think would be more inclusive
18 of the African American community?

19 MR. POPS: Yes. We attempted at one time.
20 What was demonstrated, you all left out a significant
21 boundary, El Mirage, Surprise, and Glendale. You left
22 out a great segment of the African American community
23 around Luke Air Force Base. That would be included
24 within.

25 MS. LEONI: Do you have a picture of the

1 boundaries?

2 MR. POPS: I have a big map on the wall at
3 home.

4 MS. LEONI: If you could get it to us for
5 us to take a look at it.

6 MR. POPS: I'll try to take a Polaroid
7 digital shot and e-mail it to you.

8 CHAIRMAN LYNN: We realize it's difficult
9 for some individuals to be with us at various times of
10 the day because of other obligations. As you may know,
11 when the Commission does come in session, our sessions
12 are almost all day long, into the evening, and continue
13 for the following day and perhaps the following evening.
14 We have numerous opportunities for public comment
15 throughout the meeting which then allows people who may
16 not normally allow be with us at 9:30 morning be with us
17 at 6:30 or later in the evening and make public comment.
18 To the extent any of your neighbors, colleagues,
19 associates, if they wish join us this evening when that
20 opportunity is presented to them, they could certainly
21 be heard.

22 MR. POPS: I appreciate that.

23 I received a letter from the law firm
24 about the meeting in a timely fashion. I appreciate
25 that. As I faxed it to numerous community leaders and

1 whatnot, their calendar wasn't allowing them to be here.
2 I was hoping Councilman Johnson's office would be here,
3 somebody from the Mayor's office, as well as the
4 different county supervisors I faxed and e-mailed it to.

5 But knowing that Maricopa County is going
6 to be a major focus, as well as Coconino County, and
7 Greenlee County, and others, I just would like to bring
8 to the Commission's attention that historically, as the
9 agricultural changes, your population changes. Which
10 mainly African American were your migrant workers, and
11 whatnot.

12 You had that trend change. Big camps,
13 farm camps, and that, now are mainly Hispanic. We have
14 to recognize the Native American, Hispanic community,
15 which they are voting population. As I said, I
16 represent a majority of their kids in school cases, and
17 mediations, and whatnot.

18 I don't see the representation fairly
19 being distributed, be it in urban or in rural. So
20 that's my main concern.

21 CHAIRMAN LYNN: Thank you, Mr. Pops, very
22 much.

23 Without objection, we'll take a 15-minute
24 break, and then we will hear from the consultants.

25 (Recess taken.)

1 CHAIRMAN LYNN: The Commission will come
2 to order.

3 For the record, all five Commissioners are
4 present along with legal counsel, NDC representation,
5 and we will have IRC staff.

6 Next on the agenda, I would like to
7 combine items III and IV. They are both presentations
8 by NDC.

9 Mr. Johnson, since we've already had some
10 comment with respect to the Flagstaff proposal, you may
11 just want to summarize that report rather than go into
12 detail. I know we have a copy, and it should be made a
13 part of the record, included by reference.

14 And then with respect to the population
15 balancing, we'll take questions as they come up so we
16 can move through both reports as expeditiously as is
17 practicable.

18 MR. JOHNSON: Thank you, Mr. Chairman.

19 On Flagstaff -- let me hit the big
20 features of this. An overview was presented by the City
21 of Flagstaff and their counsel earlier, and they are --
22 for the most part agree, for the most part, the Maricopa
23 area and Tucson area are, essentially, the 2002 plan.
24 And then they made their changes in the rural areas,
25 primarily in Districts 1, 2, 3, 4, 5, and 25. So as the

1 counsel for the city described, it is largely a clock
2 face shift. The only couple of exceptions that I point
3 out are in the Tucson area where Marana, the Flagstaff
4 proposal, unites the city, whereas the various
5 Commission plans divide it along the freeway, and
6 unincorporated place or designated place of Summit moved
7 in the plan, in the Flagstaff proposal, from District 30
8 in the Commission's map to District 25. As I mentioned
9 earlier, also in La Paz, there's a small change where
10 Salome and Wendon move from District 24 to District 3.

11 So you've seen the Flagstaff proposal,
12 have a good sense of most of the districts and how
13 they've drawn them.

14 I would note, as I mentioned earlier, they
15 do divide up District 5, as drawn by the Commission,
16 Navajo County -- the non-Reservation portion of Navajo
17 County goes into District 5, non-Reservation portion of
18 Apache County stays in District 2, as does all of
19 Greenlee County, and then the reservation portions of
20 Graham and Gila County go in District 2, non-Reservation
21 portions go Gila in 5 and Graham in 25.

22 As noted in the report that you all have
23 received, the -- there are some small, one-census-block
24 splits of Apache County and other places that are aren't
25 really explained. Probably a fairly good guess is those

1 are just drawing errors. The one I did want to raise as
2 a question is the City of Winslow is split. Five people
3 are taken out of it and put into a different district.
4 If representatives of Flagstaff can address that, I
5 don't know the reason for that.

6 Other than that, the other -- they covered
7 most of the facts of the district descriptions in their
8 presentation.

9 District 4 I would note, though, is
10 another one that changes. In the Commission's map it
11 includes the southern portion of Yavapai County and then
12 the majority of the district comes from the West Valley
13 including out to Winkelman and then the Surprise and
14 Peoria areas. While there are differences between
15 Southern Yavapai and the West Valley areas, those all
16 have been described as high growth. It's part of the
17 reason why the Commission united them in putting them
18 together in District 4.

19 The Flagstaff proposal, as part of it's
20 general rotation, as was described earlier, unifies
21 Yavapai County. And District 4 goes south to pick up
22 the needed population down to Ajo. So Ajo comes out of
23 the border district and goes into the West Valley
24 District.

25 In terms of running through -- very

1 quickly, running through city splits, I mentioned
2 Winslow. Show Low is also technically split, although
3 there's no population in the small piece taken out of
4 it.

5 County splits, they described the splits
6 of Gila and Graham counties into their reservation,
7 non-Reservation portions. And reservation splits, they
8 are very close to the Commission's plan in not dividing
9 any of the main part of reservations with a single
10 technical exception to that where one block is the White
11 Mountain Reservation. Again, it's a zero population
12 block.

13 Other communities, talked about Ajo and
14 the border district. And the presentation of the
15 Flagstaff proposal puts, as they note, Graham with
16 Cochise County.

17 There was testimony, although less
18 testimony than in putting them with the EACO district or
19 District 5, there was testimony for putting Graham and
20 Greenlee with Cochise. I'm not aware of, in a quick
21 scan, did not find any testimony supporting splitting
22 Graham from Greenlee. It was always discussed as those
23 two being unified. Even if it was in opposition of
24 putting them together with EACO, they were always
25 expected to be together.

1 Skipping through this, on major points, I
2 think they referred to all of them.

3 The one kind of wording change I would
4 disagree with the presentation earlier, they cited that
5 NDC's review had found increased Navajo voting strength.
6 It's differing over wording. What we found, increased
7 Native American voting age percentage. NDC's review did
8 not review voting strength. That's more of
9 Dr. Handley's field. I wanted to point out that
10 clarification.

11 And then as was discussed on deviation,
12 Flagstaff proposals, both have 9.82 percent deviation.
13 And we discussed that. So just adding a few points here
14 to fill in from the earlier discussion.

15 Are there any questions?

16 CHAIRMAN LYNN: Comments or questions for
17 Mr. Johnson on the Flagstaff report?

18 Mr. Hall.

19 COMMISSIONER HALL: No.

20 CHAIRMAN LYNN: If not, let's move to your
21 report on population balancing.

22 MR. JOHNSON: Okay.

23 COMMISSIONER HALL: Is that basically tab
24 seven we'll be looking at?

25 MR. JOHNSON: I don't know your binders,

1 Power Point population balancing tests A-C.

2 COMMISSIONER HALL: Okay.

3 MR. JOHNSON: This Power Point was posted
4 to the web, I believe, on Friday. It has been available
5 for public review as well as available for the
6 Commissioners.

7 I'll go through and introduce the main
8 slides. If they are questions on specific district
9 slides, I'm happy to answer them. In interests of time,
10 I might avoid going through all 90 district-by-district
11 slides.

12 The reason for this Power Point and the
13 test have you before you is the instructions from last
14 meeting, the June 25th meeting.

15 Essentially, the IRC instructed NDC to
16 look at ways of reducing the population deviation in the
17 June 25 plan. What is before you in tests A through C
18 is a couple of different alternatives to doing that.
19 Test A looks at bringing to one person deviation all the
20 districts except 1, 2, 3, 5, and 25. Those districts,
21 when I went in to do test A, the Commission has already
22 reviewed in detail back in November the specific
23 deviations for each one and the reasons for each one, so
24 there's no reason to repeat that specific work. And
25 also including those districts in this test and changing

1 them in this test would not have helped to reduce the
2 deviations of the other districts. So those districts
3 remain as they were in the June 25 plan.

4 District 4 --

5 But all the other districts, other than
6 the ones I mention there, are brought to essentially
7 zero deviation. Some of them are off by one person, but
8 that is it.

9 Then in tests B and C, we kind of reach a
10 middle ground, trying to present the Commission
11 different ways of reducing deviation without perhaps
12 going all way to perfect balance because of all the
13 other criteria.

14 So you have before you test A, which is
15 essentially full balance, and B and C which are moving
16 away from A and back towards June 25 lines. The
17 starting point is obviously the June 25 plan.

18 This slide, the regional imbalances slide,
19 reflects the population imbalances in various regions in
20 the state. These resulted from the 2002 plans that were
21 made due to, primarily, the move of Gold Canyon into the
22 East Valley districts. These were obviously made for
23 voting rights reasons and in response to DOJ's
24 objections. And what that result was that East Valley
25 Districts 17 through 22 are a total between them of

1 17,500 people over.

2 The North and West Valley, Districts 4
3 plus 6 through 12, in the June 25 plan, are also
4 overpopulated by almost 7,000 people.

5 And then the flip side of these changes
6 made in the 2002 plan is that South Phoenix, Districts
7 13 through 16, the border, 23 and 25, and Pinal, and
8 then the Tucson areas, are all underpopulated.

9 So the challenge that faces test A in an
10 attempt to get to full balance is to move all that
11 population from the East Valley and North and West
12 Valley down into South Phoenix and all the way around
13 into Tucson, or bring those districts into zero
14 population.

15 As you've seen in the map before you, in
16 test A that requires some large changes to at least a
17 few districts. This slide I prepared of comparative
18 total deviations is, November 9 adopted plan, 3.79
19 percent deviation. When we made adjustments in response
20 to the DOJ objection and the federal court put in place
21 the 2002 plan, 9.03 percent. Republican Party
22 representatives presented a plan with 3.89 percent
23 deviation. They presented it and said the only goal was
24 to reduce the deviation, not trying to impact any other
25 criteria.

1 Obviously mentioned the Flagstaff plans
2 are listed there. June 25, A and B have total
3 deviations of 3.79 percent. Some deviations in A,
4 quarter percent, third of percent deviations. So
5 individual districts vary. Total deviations between the
6 two plans is the same.

7 And then test C, as you've seen from the
8 slides, that is an attempt to reduce the deviation, per
9 the instruction from the IRC, without, however,
10 impacting on quite as large scale the other criteria.

11 Essentially what NDC did in C is balance
12 the deviations within the East Valley but not try to get
13 all the population out of the East Valley. Didn't try
14 balance population in Tucson out of Tucson, but didn't
15 try to move it into Tucson.

16 CHAIRMAN LYNN: Mr. Johnson, I think it's
17 probably better, if trying to expedite the presentation,
18 let's take questions as we go through it, get us from
19 one point to the next.

20 Ms. Minkoff.

21 COMMISSIONER MINKOFF: I need some help to
22 understand the population deviation figures that you are
23 using. I presume you take total population between the
24 most overpopulated and most underpopulated district, add
25 them together, and take that as a percentage of an ideal

1 district, correct?

2 MR. JOHNSON: It's close to that. We're
3 actually doing the deviations district by district, so
4 each one is individually calculated. And then the
5 percentage of the most overpopulated district is added
6 to the percentage of the most underpopulated district.

7 COMMISSIONER MINKOFF: Then let me ask a
8 hypothetical. If you have a map of 30 districts and a
9 four percent deviation on the ideal population we're
10 using is roughly 6,800 people, more or less, if, in that
11 map, you had 15 districts that were underpopulated by
12 3,400 people, 15 districts overpopulated by 3,400
13 people, you have a four percent deviation. If instead
14 you had 28 districts that were right on the money, one
15 that was underpopulated by 3,400 and one overpopulated
16 by 3,400, would you still have the same deviation?

17 MR. JOHNSON: You would still have the
18 same total deviation, yes.

19 COMMISSIONER MINKOFF: Are there any other
20 figures --

21 You can come up with that number really
22 only looking at two districts, and it doesn't really say
23 anything about the equality of population throughout the
24 entire map.

25 MR. JOHNSON: That's very true. And that

1 is illustrated by A and B having the same percentages
2 yet individual districts -- and B do have deviations.

3 What going to zero population does,
4 essentially it's the conservative approach to this
5 issue. As was mentioned earlier, the courts have often
6 allowed, generally allowed a 10 percent total deviation
7 to achieve a certain goal or various goals. What this
8 approach has allowed us to do, here is zero deviation,
9 district by district, here are potential deviations that
10 the Commission or -- changes the Commission wants to
11 implement, and to cite that specific change to the
12 resulting deviation.

13 You are right, it doesn't impact the total
14 deviation number, but it does give us
15 district-by-district deviation of each deviation except
16 we found a way we're within 10 percent. Takes a
17 conservative approach.

18 CHAIRMAN LYNN: Ms. Hauser.

19 MS. HAUSER: It's more than just a
20 conservative approach. It's also sort of a baseline to
21 be used in making your determinations district by
22 district as to whether or not you feel a deviation is
23 necessary, in terms of the continual balancing of the
24 proposition goals. And only if you know where zero
25 takes you can you really make that determination. And

1 that -- really the 3.79 is all derived from District 2
2 and then surrounding districts that make up the changes
3 necessary to deal with District 2. But everything else
4 in A is basically at 0. So you can decide how and when
5 you will move from there.

6 CHAIRMAN LYNN: Mr. Hall?

7 COMMISSIONER HALL: But wouldn't you agree
8 that even though you go back to zero to find the
9 baseline, there are a variety of ways one could achieve
10 zero? So obviously going to zero required some level of
11 assumptions to choose which populations to move where.
12 So the point being well, we can determine where zero is
13 at, we made decisions with respect to our June 25th map
14 with respect to boundaries based on the criteria set
15 forth in the Constitution. We can go back and say here
16 it would be at zero balance population deviation.
17 Assumptions have to go if you go back there.

18 The point being I think our purpose here,
19 and I'm open to correction, we need to evaluate
20 individually the districts. And this Commission has to
21 make decisions as to what changes we deem to be
22 appropriate pursuant to the criteria in the Constitution
23 in an effort to achieve the best population balancing
24 possible and simultaneously preserving the goals we've
25 worked so hard to achieve.

1 MR. JOHNSON: Commissioner, if I may, I
2 would agree completely with that and say while it does
3 complicate the work for this week, that is the whole
4 reason why you have three tests in front of you rather
5 than NDC making the decision, coming back with one and
6 saying this is the best.

7 CHAIRMAN LYNN: Proceed, Mr. Johnson.

8 MR. JOHNSON: Just on the splits, there's
9 not a lot of difference between the three tests and the
10 June 25th plan. And actually, that was one thing I
11 wanted to point out. Too, public comment, there was
12 comment about June 25th being off the table. As you are
13 aware, the Commission did not vote down the June 25th
14 plan, said take a look at possible modification to it.
15 We really still have the four plans still active.

16 So the 2002 plan added a split of Pinal
17 County. That's where Gold Ranch was added to District
18 22. District 19. And that split remains in each of
19 these alternatives, actually. Also, it added some city
20 splits relative to the November 9th adopted plan in
21 Apache Junction, Avondale, and Glendale.

22 And the June 25th plan, when I went back
23 and ran the detailed computer reports, I found,
24 particular to what I was talking about on the Flagstaff
25 plan, a one-block zero-pop deviation in Cave Creek, same

1 one block, zero population of the Colorado River
2 Reservation of the June plan. Both of those are fixed
3 in A, B, and C.

4 In A, also, while looking at ways to
5 reduce deviation and stay within or follow the other
6 criteria and decisions the Commission has made, I did
7 find the opportunity to reduce deviation and reduce the
8 city split of Glendale. So in A and B, the number of
9 splits of Glendale is reduced from six in the 2002 plan
10 to five.

11 Again, B and C are both essentially in
12 between A and the June 25th plan. So C goes further
13 back and is closer to the June 25 plan, and there's part
14 of that going back to the June 25 plan which includes
15 the six split, also. A and B reduces the number of
16 splits from six to five.

17 And the tribal reservation splits, again,
18 we haven't split the main body of any reservation in any
19 of these plans. The only difference between these is
20 fixing that one-block split of the Colorado River.

21 CHAIRMAN LYNN: Mr. Johnson, a question on
22 city splits on Glendale. We heard testimony from a
23 specific neighborhood south of Northern, north of
24 Glendale in the West Valley. In the B scenario, is not
25 that specific neighborhood reduced from a three-way

1 split to a two-way split?

2 MR. JOHNSON: I haven't looked at it on
3 the map to identify precisely where it is. It is
4 possible. I need to pull up Maptitude.

5 I can now, if we like.

6 CHAIRMAN LYNN: We'll get to it.

7 It seemed to me, based on testimony
8 earlier, one of the things earlier, they were concerned
9 about being split. If they had to be split, a two-way
10 was better than a three-way. That does two things,
11 reduces -- if I'm correct in that, I'm looking at my
12 map, I don't have the Glendale boundary, I think it's
13 within the Glendale boundary, which means it would
14 reduce the split.

15 MR. JOHNSON: When I get to Maptitude, I
16 can pull it up.

17 I wanted to thank you, the group, for
18 showing precisely where it was. It's a lot easier when
19 a group brings maps.

20 On changes made from the June 25th plan,
21 north of rural areas, the five districts I mentioned
22 earlier, number one, the Commission has already reviewed
23 the deviations of each one of those and the reasons for
24 it and specifically voted on each of those. And, B,
25 changing that did not help improve the balance anywhere

1 else.

2 The note on District 4, District 4,
3 doesn't mention, of course, Yavapai County and West
4 Valley. The Yavapai County portion, have not changed
5 the border between 4 and 1 in Yavapai. It was
6 specifically reviewed by the Commission in November how
7 it might be changed to reduce the change between the
8 two, and the Commission voted because of community
9 borders, other definitions, not to move that line. That
10 line is not moved.

11 District 4, down in the West Valley, does
12 move in the various tests and in the Winkelman area. So
13 it's kind of bridging these two areas, one of which I
14 didn't change and one of which I did in these tests.

15 Again, as I described before, the goals
16 really, particular in A, are to move all that extra
17 population out of the East Valley in North Phoenix into
18 South Phoenix and down into Tucson in order to bring all
19 districts into balance.

20 As I mentioned, as I made changes, I tried
21 to minimize impact on previous instructions, Department
22 of Justice objection, and the various goals and bench
23 marks set forth by the Constitution and other decisions
24 the Commission has made so far.

25 For example, Commissioner Hall mentioned

1 there are various ways to get these districts to zero.
2 That's very true. And there are various ways to get
3 population out of the East Valley and into Phoenix.

4 As you've seen in the slides and maps you
5 have, I moved the population in the East Valley through
6 District 17. This is example of trying to minimize the
7 impact on various guidelines. The other ways to get it
8 out, only other border, 16, was District 16 reviewed by
9 the Department of Justice and a key focus of the
10 Commission, because it's Hispanic and African American,
11 and Pinal County, a topic of the Department of Justice
12 letter and which the Commission spent some time on.

13 You are right, it's a good point, there
14 are various ways to balance it. That's one
15 demonstration of how I tried to minimize the impact in
16 following the guidelines.

17 In the following slides, there's a slide
18 for each district that changed. And as noted here, the
19 red circles indicate areas removed. Green circles
20 indicate areas added. Population balanced A test
21 overlaid the black line, showed the June 25th plan.
22 It's sequential. Plan B overlays plan A lines, change B
23 and C. See changes test to test, put all the lines, it
24 rapidly got very confusing.

25 I was going to go through each slide, but

1 I think in the interests of time it may make sense if
2 there are specific slides you are interested in looking
3 at.

4 CHAIRMAN LYNN: Mr. Hall.

5 COMMISSIONER HALL: Mr. Chairman, you read
6 my mind, Doug, let me just say I think you did an
7 outstanding job. Your point is well-taken. Population
8 to the west -- there's a bottleneck to slide through.
9 So certainly the options are somewhat limited in that
10 respect.

11 We appreciate the fact we've had the
12 opportunity to have this binder in front of us now for
13 some time to review. And it's very clear and very
14 precise and concise and detailed. And with the basis,
15 Mr. Chairman -- I guess, Mr. Chairman, we've had
16 opportunity to review test A, which took us to the
17 quote, unquote, zero population state. I'm wondering if
18 it wouldn't be more prudent to consider tests B and C in
19 detail and then maybe have a discussion relative to that
20 keeping in mind the baseline level of test A as we
21 consider the proposed changes for improving population
22 deviation.

23 CHAIRMAN LYNN: Ms. Hauser first then
24 Ms. Minkoff.

25 MS. HAUSER: Members of the Commission, I

1 would just want to point out that the changes to B and
2 C, the changes reflected in B and C are relative to
3 population balance A, not relative to the June 25th map.

4 COMMISSIONER HALL: I understand that.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: Mr. Chairman, one
7 of my concerns as I ran through the various tests was
8 the overpopulation in eastern Maricopa County which you
9 have corrected in tests A and B and then somewhat
10 uncorrected in test C. And it seems that District 17
11 was the focal point of what you had to do in order to
12 equalize them. You had to put population into 17, then
13 you had to put population out of 17, which put it into
14 the District 7, 8, and a lot of changes there.

15 I'm not ready to move on to B or C yet,
16 because I want to understand that. I would like, if you
17 could, Doug, to go into some detail. I don't know
18 whether you just need a slide of District 17 up there or
19 if -- you don't have any regional maps in this
20 presentation, do you. But I would like to get your help
21 in how you moved population out of Eastern Maricopa
22 County, what it did to District 17, boundaries of Tempe,
23 what went out, what went in, et cetera.

24 Could we have explanation on that, please.

25 CHAIRMAN LYNN: In doing that, it may be

1 useful to not just look at a single district but let's
2 look at the East Valley as an area. A lot of population
3 was moved from the area to achieve the balanced
4 deviation. If we look at it and focus on the changes,
5 that will help expedite.

6 MR. JOHNSON: It may be clear in the
7 description if I switch to the maps and show you the big
8 picture of the area instead of each slide individually.

9 The one thing the slides do give, and the
10 slides have been posted to the web all weekend as well,
11 are change-by-change indications, exactly where that
12 change was and the number of people in the change. That
13 has been up on the web for the public.

14 Let me bring up plan A for you here and
15 zoom in on this area.

16 You'll see this slide is presenting the
17 same way that the Power Point does with District A is
18 the colored-in districts and then the June 25 lines are
19 overlaid in black.

20 So, as noted, Districts 17 through 22 are
21 the ones that had the most overpopulation in this plan
22 after the 2002 lines are drawn. In addition, the North
23 Phoenix, these are also overpopulated. And South
24 Phoenix and Tucson needed the population.

25 The process I went through in getting this

1 out is the border between 21 and 22 is the city border
2 between Chandler and Gilbert. And the border between 22
3 and 19 is both unincorporated areas and within the City
4 of Mesa. So if I move population that way, I was not
5 splitting an additional city, whereas if I tried to go
6 from 22 to 21, it would result in additional city
7 splits.

8 So you can see -- I'll zoom in a little
9 more -- the progress as this happened. The
10 overpopulation in 22 first went into 19. You can see
11 the small orange areas there where that happened. So
12 that was only a couple thousand people where 22 was
13 overpopulated. 19 now had to pass along its
14 overpopulation, plus the overpopulation from 22, to try
15 to get all this population out of the East Valley. So a
16 larger area of June 25th 19 moves into 18. Then this is
17 kind of a cascading effect. 18 has to lose population
18 from all three of those. So District 21 picks up a
19 larger chunk of Mesa. And then the three areas where
20 this really glaringly shows up on the maps as all these
21 people have to be moved is the area of District 20 picks
22 up, comes over from the Dobson Road line over to Alma
23 School and then 22 gives up the overpopulation from all
24 five of these districts. So all 17,000 people are
25 picked up by 17. Then 17, because it was almost

1 balanced previously, just passes those people along to
2 8. And 8 moves down giving up all this area of Central
3 and Northern Scottsdale that previously was in 8 and now
4 is moved into 7.

5 These areas -- so that is describing
6 essentially how it came out of the East Valley.

7 Somewhere the Flagstaff representative was
8 talking about a clockwise approach. Came through here
9 and up into this area. By zooming in and out, so some
10 of that came down and added population into 13, 15, and
11 16. And then the population that Tucson needed to get
12 is first passed to District 25, the Border District,
13 which picks up the Town of Wickenburg and then these
14 areas to the west of it and then passes that into Tucson
15 through the Sierra Vista, southeast area, Fort Huachuca
16 City area. And then it's spread between these three
17 districts.

18 In the big picture, and again the details
19 are on the slide and the web, as is this map, that is
20 how the population spins. And it also helps illustrate
21 why adding in 5 or 3 and 24 really doesn't help us in
22 this effort. We're really moving population from the
23 East Valley all the way around through 8, 7, 6, 4, and
24 then down into Tucson.

25 And that is the key difference when we get

1 to plan C. The Border District is also a district with
2 some Voting Rights Act issues related to it and its own
3 community issues. So C attempts to keep 25 as it was
4 adopted June 25th which isolates the underpopulated
5 districts in Tucson and the overpopulated districts up
6 here. So I just balance in those areas.

7 One other piece of note I shouldn't skip
8 over, it does involve a district the Department of
9 Justice raised concern about, is in A -- test A, to get
10 total balance, District 23 needed to lose about 1,000
11 people. So that is the -- that is this blue area in
12 here.

13 Let me put the city lines on this, too.

14 COMMISSIONER ELDER: City lines are red,
15 Doug?

16 MR. JOHNSON: Are the orange.

17 So in this area, Casa Grande, Eloy, those
18 places don't change. Where change takes place is the
19 Town of Standfield and a small area along the border of
20 District 25 here. That area represents the population
21 necessary to balance 23. So I take that out and move it
22 into 25.

23 Obviously 23 was a key concern and key
24 focus of the 2002 plan drawing and Department of Justice
25 review. So in proposal C, and I believe in proposal B,

1 that area is moved back into 23 and 23 is left slightly
2 overpopulated.

3 Does that cover, kind of, the pinwheel of
4 the regional effects?

5 CHAIRMAN LYNN: Ms. Minkoff and then
6 Mr. Huntwork.

7 COMMISSIONER MINKOFF: Yeah. I have a
8 couple of questions.

9 Number one, because Districts 23 and 25
10 were both districts that were -- concern other than
11 Department of Justice, I would like to know what impact
12 these population changes have made in those districts
13 from a Voting Rights Act standpoint. I've got the
14 current statistics in front of me, but you can probably
15 find the old ones more quickly than I can.

16 MR. JOHNSON: For District 23, under the
17 June 25 plan, the Hispanic voting age population is
18 30.63. And under population balance A, it goes down
19 about -- just over one-tenth of a point to 30.49
20 percent. So it's not a large change, but it is a
21 change. I would also note, and this wasn't a topic of
22 the Department of Justice letter, but in total
23 population figures, the June 25 District 23 is just
24 barely over 25 percent total minority and plan A is just
25 over 40 percent.

1 COMMISSIONER MINKOFF: What about 25?

2 MR. JOHNSON: 25, in the June 25th plan
3 and in the 2002 plan, 39.15. And in this plan it's
4 38.01. It actually slightly gains in that plan.
5 Finishes balancing in Sierra Vista, and the Southeast,
6 it loses.

7 COMMISSIONER MINKOFF: My other question
8 goes back to District 17, if you can zoom in on that.

9 MR. JOHNSON: Sure.

10 COMMISSIONER MINKOFF: Could you show us
11 the boundaries for the City of Tempe and show us how
12 that conforms to it?

13 MR. JOHNSON: So the white hatching
14 highlights the city.

15 You can kind of see the two sets of lines.
16 It's not completely clear. But previous 17 stopped at
17 the black line here and continued up into Scottsdale, to
18 that line here. Test A's District 17 includes more of
19 Tempe by moving south and less of Scottsdale by giving
20 up the area to the north there.

21 COMMISSIONER MINKOFF: Does it include --
22 it looks to me like it includes all of Tempe. Am I
23 missing something?

24 MR. JOHNSON: It is almost all. The white
25 area here at the bottom inside the bold line is also a

1 part of the City of Tempe that is not included.

2 COMMISSIONER MINKOFF: I see.

3 MR. JOHNSON: But it is considerably more
4 than the City of Tempe.

5 CHAIRMAN LYNN: Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Doug, could you --
7 as you did the pinwheel round, you took the population
8 up through Scottsdale and across North Phoenix. Why
9 didn't you take it through 9, 10, 11, and 12? The
10 macroscopic change really would have been much smaller
11 had you done it that way.

12 MR. JOHNSON: The main reason is that
13 District 7 already included a slice of the City of
14 Scottsdale, kind of the area just right in here. And
15 there had been discussion City of Scottsdale was fine
16 with that because they realized they needed to be part
17 of the city and the split piece they wanted to be with
18 Cave Creek. So given that that was already a city split
19 where 7 comes over and picks up more of Scottsdale, it
20 does not add any city splits to our map. Moving 11 --
21 actually this border between 11 and 8 is the city
22 boundary of Scottsdale. So that would have added a
23 split. That was the one thought as I did this. The
24 other was 15 and 11 had been reviewed in detail last
25 meeting and the vote had gone to restore that. But that

1 was secondary to the city split issue, but it's
2 certainly an option that could be considered.

3 COMMISSIONER HUNTWORK: I just want to
4 follow up on that, because Scottsdale is already split.
5 So how does putting it into 11 create -- it is a city
6 that is split. What do you mean by a "city split"?

7 MR. JOHNSON: Chandler is also already
8 split. It would not have increased the total number of
9 cities that are split, correct. However, it would have
10 increased the number of splits of the city.

11 COMMISSIONER HUNTWORK: Number of
12 districts it's split into.

13 MR. JOHNSON: Yes.

14 COMMISSIONER HUNTWORK: What I think when
15 I look at that is you have, however, instead of taking
16 off a piece of the periphery of Scottsdale, you've taken
17 out the heart of Scottsdale, not the downtown area but a
18 huge growth area which is critically important and will
19 become increasingly important to the City of Scottsdale
20 in the future. And I think you've done more damage to
21 our Scottsdale AUR by splitting it that way than a
22 smaller population shift, smaller geographical shift
23 somewhere down below would have done.

24 So if I were going to move population
25 through Tempe, and I -- and I think we should, it's

1 where I come from on that point, I don't think we should
2 do that split. I think that's really devastating to
3 Scottsdale.

4 CHAIRMAN LYNN: Further comments on this
5 point?

6 Mr. Elder.

7 COMMISSIONER ELDER: Mr. Chairman, thank
8 you.

9 Doug, did you do the same thing for us
10 that you did on the 17, the hatching over the Scottsdale
11 city area?

12 MR. JOHNSON: So you can see where it's in
13 District 17, the northern portion of the city, District
14 8, central and down towards downtown, and far southern
15 part of the city is still in 17.

16 CHAIRMAN LYNN: Mr. Hall.

17 COMMISSIONER HALL: Mr. Chairman, I concur
18 with Mr. Huntwork's comments. And again, at the risk of
19 being redundant, this is test A, which is the baseline
20 from which I think we're making decisions relative to
21 population deviation. And having reviewed test A, I can
22 see what assumptions were made and what occurred. And
23 from that baseline, I think we then can look at tests B
24 and C that may be less dramatic and still accomplish
25 what we need to do.

1 So, for example, Mr. Huntwork, if you look
2 at test C on District 7 and 8, it appears to me that the
3 concern that you have referenced has been addressed.
4 And I wonder if you agree with that.

5 COMMISSIONER HUNTWORK: I agree. But I
6 think it's been addressed by not moving the population.
7 You've left it bottled up in the East Valley.

8 MR. JOHNSON: That's correct.

9 COMMISSIONER HUNTWORK: It may be the only
10 approach you tested for moving population out of the
11 East Valley. You didn't test moving it through 19 and
12 11?

13 MR. JOHNSON: Correct.

14 COMMISSIONER HALL: So the question for us
15 are the approaches in test B and C appropriate to
16 compliance with other important criteria we've
17 addressed.

18 I think if we boil our discussion to that
19 point, as we analyze those terms, is what -- I don't
20 think any of us here think we'll be to zero deviation.
21 So I guess it's what changes are most appropriate in
22 helping us to establish the goals established.

23 CHAIRMAN LYNN: Ms. Minkoff.

24 COMMISSIONER MINKOFF: Mr. Chairman, if
25 it's practical to do so, I think it might be worthwhile

1 to look at what Mr. Huntwork is proposing, because I
2 would like to see if there is another way to do it.
3 However, I'm not concerned with the split in north
4 Scottsdale between 7 and 8. I really think then what
5 you've got is District 8, which is primarily a lot of
6 the heart of Scottsdale, and District 7, which is new
7 development far north.

8 Our current lines, for example, take D C
9 Ranch, and the Trune, and Trune North communities, and
10 other areas like that, and split them off from Greyhawk,
11 and you know, some others that are very, very similar in
12 nature, where they are now united in District 7. So I'm
13 not sure I see that as a problem.

14 But I agree with Mr. Huntwork. I think
15 it's worth looking to see what it looks like to do it
16 another way and see which one makes more sense.

17 CHAIRMAN LYNN: Notwithstanding that
18 suggestion, which may be interesting to some and less
19 interesting to others, let me suggest we've had the
20 opportunity to have this material for several days, and
21 hopefully each of us has reviewed it, to the extent that
22 we may or may not be ready to move forward with one or
23 another of the possibilities. And I'll speak just for
24 myself, in looking at the three options, the essentially
25 full balance, or the A test, had problems beyond which I

1 would like to tinker, because there were too many of
2 them; and it caused difficulties throughout the map. I
3 think for me, I would be very happy to essentially focus
4 on map C and make perhaps individual augmentations to
5 map C either from map B or, in some cases, maybe very
6 specific augmentations from map A. And my
7 understanding, Mr. Johnson, is that within some
8 boundaries, that kind of mixing and matching is not only
9 acceptable but fairly easily done so that if, for
10 example, we were starting with a base map for discussion
11 purposes of any one of these three, that should we find
12 an alternative that we want to explore in one of the
13 other maps, it could relatively easily be analyzed and
14 shown so we could make an approach of starting with a
15 map which is most closely to where we think we want to
16 add up, wherever that might be, suggest changes that
17 might be different from that particular map, and we'd
18 still be able to deal with an integrated whole by the
19 end of this meeting, whether that is today or tomorrow
20 or whenever it might end, within that time frame; is
21 that accurate?

22 MR. JOHNSON: Certainly, Mr. Chairman.

23 I drew the three alternatives to show
24 different configurations of different districts. It was
25 certainly not our intention nor are we saying we expect

1 a vote on either A, B, and C. There are obviously some
2 changes that won't be interchangeable. For the most
3 part changes can be intermatched, which I'm prepared to
4 address so you can ask questions which can interchange.

5 CHAIRMAN LYNN: I'd like to suggest that
6 methodology using one of the maps as a baseline and
7 moving away from it with districts as there are better
8 alternatives.

9 COMMISSIONER MINKOFF: Mr. Chairman, I
10 think the challenge is deciding which map to use as the
11 baseline. I agree with the approach; however, the map
12 I'd like to use as baseline is map B. Map C puts
13 overpopulation back into the East Valley. Each of the
14 districts are overpopulated by 3,500 people. In map B
15 there are much closer to 171,000. And so the problem
16 may be deciding which base map we use.

17 My concern about map C, I thought it undid
18 one of the major instructions we gave to Doug which was
19 to try to reduce the overpopulations in the East Valley
20 districts. He did that, and then he undid it in map C,
21 which I saw as a problem with that one.

22 COMMISSIONER HALL: Is it a motion?

23 COMMISSIONER MINKOFF: I'd like it as a
24 motion.

25 COMMISSIONER HALL: I'll second.

1 COMMISSIONER MINKOFF: I'll say we proceed
2 with map B as a basis from which changes be made.

3 CHAIRMAN LYNN: It's been moved and
4 seconded we use map B as a baseline from which we might
5 make other adjustments.

6 Discussion on the motion?

7 Mr. Huntwork.

8 COMMISSIONER HUNTWORK: Mr. Chairman, as
9 between -- as between B and C, I would prefer to use C.
10 The reason is what is on the screen right there. I do
11 not think that is an appropriate population shift. It's
12 one thing to keep the areas in north Scottsdale together
13 with each other. When we strip them away from
14 Scottsdale, I think it does more violence than problems
15 it can solve. With the rapidly growing areas that they
16 are, this already being 2002, and if don't hurry up it
17 will be 2004 before we're done with this, and population
18 deviations that were hypothetical when we started
19 talking about them are going to be real and tangible. I
20 don't think that that is an acceptable solution. So I
21 would personally prefer plan C.

22 COMMISSIONER HALL: Mr. Huntwork, I concur
23 with you and Mr. Lynn, because as I look at it, it seems
24 to me C has preserved most of what we've done.

25 I guess I'm suggesting we start somewhere.

1 So I -- C is a derivative of B. I don't care if we go
2 through all the districts by district in B or C. I just
3 want to go. So that's my preference.

4 CHAIRMAN LYNN: Well, it sounds to me,
5 having done this for about, oh, 20 months now, that we
6 have at least two votes for starting with C and
7 one-and-a-half votes for starting with B. And it
8 doesn't much matter to me either where we start. It
9 matters to me where we finish. So on the motion, is
10 there further discussion, which is to start with B?

11 MR. JOHNSON: Mr. Chairman, if I might --

12 CHAIRMAN LYNN: Mr. Johnson.

13 MR. JOHNSON: Slides have been posted to
14 the web. It might be quicker for me to run through the
15 B and C slides so that the public has a little more
16 sense of what the plans are.

17 COMMISSIONER HALL: And I think that is
18 the spirit of the motion, Mr. Johnson. If we start with
19 B, you'd go through B slides and then basically C is an
20 adjustment to B and A, also, I would correct. So I
21 think the one flows to the other. And then maybe we're
22 better prepared for that point.

23 I guess the intent -- what I'm wanting to
24 do, skip over A. We had opportunity to look at that,
25 know the baseline is there, have seen the impacts of A.

1 It's been on record for some time, so I concur in that,
2 Mr. Chairman.

3 CHAIRMAN LYNN: On the motion.

4 Further discussion?

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

7 (Vote taken.)

8 CHAIRMAN LYNN: Chair votes "no."

9 Motion fails two to three.

10 Is there a substitute motion?

11 COMMISSIONER HUNTWORK: I move we start
12 with C.

13 CHAIRMAN LYNN: Second?

14 COMMISSIONER ELDER: Second.

15 CHAIRMAN LYNN: Discussion on the motion.

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

18 (Vote taken.)

19 CHAIRMAN LYNN: Opposed, "No."

20 (Vote taken.)

21 CHAIRMAN LYNN: Chair votes "Aye."

22 Four to one.

23 Mr. Johnson, I ask, as he goes through the
24 map, if there are areas of concern, you bring them up
25 while at that section. If there are alternatives to

1 that that exist in map B or map A, I'd ask we discuss
2 them at that point so that we can have a very clear
3 understanding of the alternatives in each. And then
4 what we'll try to do is make a determination on each of
5 those as we move forward and then review it as an
6 integrated whole once we're done.

7 Ms. Minkoff.

8 COMMISSIONER MINKOFF: Question. When you
9 make -- when you say "make a determination," as we go
10 through the Power Point will we stop for motions and
11 move on?

12 CHAIRMAN LYNN: I'm trying to figure out
13 the most expeditious way to do it. My concern is once
14 we focus on an area, if we don't fully vet that area,
15 we'll have way too much information to go back and do
16 selective changes.

17 My suggestion, while on the area, if we
18 can determine which alternative we'd like to see
19 presented in a final map, we should choose it then have
20 an opportunity to look at the map as whole and still
21 make changes, if we find the integrated whole is not
22 what we expected.

23 Mr. Johnson.

24 MR. JOHNSON: The slides show, as I
25 mentioned, plan C is the colored districts and plan A is

1 overlaid on it. If there are questions, I can switch to
2 Maptitude and overlay A with B or any other plan you
3 want.

4 Let me jump through here. Those I
5 described.

6 So just going through the districts
7 numerically, you can see, and can't really -- you can
8 sort of read the writing, District 4, make sure I have
9 my bearings here, District 4 in plan B came all the way
10 to the freeway, as it does in plan C, then came down,
11 this is 35th, and down to Beardsley. The area between
12 35th and 51st moves, in this plan, from 4 to 6. This is
13 because, as we'll see in a minute, in plan C,
14 Wickenburg, west of Wickenburg, as looked at earlier,
15 has been returned to District 24 and District 4 in its
16 old state, that put additional population in District 4.
17 And this is balancing this out.

18 This does not bring District 4 to zero
19 population deviation. What plan C attempts to do is
20 take Northern Phoenix, Scottsdale, West Valley
21 districts, have balanced populations between them. As
22 noted, deviations are balanced in each area, West
23 Valley, East Valley, Tucson, but not -- we don't have
24 the regional shifts.

25 All districts in the East Valley have

1 identical deviations. All in Tucson that are not voting
2 rights have identical deviations. And all the districts
3 in Phoenix and West Valley have identical deviations.
4 District 5 is not changed. District 6 picks up
5 population.

6 Just looking at it from District 4 and
7 then to balance out the area, it also picks up a region
8 down from District 10 that is -- let me see -- an area
9 north of Thunderbird. And then it loses population that
10 goes into District 7 that is people west of 28th Street
11 and Cave Creek. Those are the two main roads, as you
12 see on the slide here.

13 I'm going fairly quickly through this. If
14 you have questions on any of the districts, just stop
15 me.

16 As we were discussing, District 17
17 returned to its original shape and configuration, which
18 allowed District 8 to return to its original shape. So
19 the area, I'll just use the mouse, the area of District
20 7 had picked up from Scottsdale, the north Scottsdale
21 area, now returns to 8 as it was in the June 25 plan.

22 You'll see small changes here where
23 District 7 and 11 trade populations to even out the
24 deviation between them.

25 COMMISSIONER MINKOFF: Doug, can you

1 explain the reason for the jog where 7 goes into 8? Is
2 that city limits?

3 MR. JOHNSON: This is Cave Creek or -- I
4 think that's actually the Carefree and Scottsdale border
5 following the Scottsdale city line.

6 COMMISSIONER MINKOFF: So it's city
7 unification?

8 MR. JOHNSON: Yes.

9 Then 8 has the flip side changes. This is
10 returning it to it's June 25th configuration. You can
11 see the large area it added back in. And the South
12 Scottsdale, it gave up to District 17.

13 District 9 only had small changes
14 balancing it out. It really didn't factor into many of
15 the shifts in the various plans primarily because,
16 number one, many of it's borders are city lines and,
17 number two, Districts 10 and 12 are some of our --
18 Dr. McDonald's competitive districts by the Judge It
19 methodology and other methodologies, so we wanted to
20 avoid significant changes in both of those. District 9
21 was obviously one of those.

22 There are some small changes in A, small
23 blocks moved to balance population precisely, and then
24 in B and C, and it's not on this slide because it's in
25 B, the City of Surprise was split three ways in the June

1 25th plan and in previous plans and about 200 people
2 from Surprise were in District 9.

3 Plan B and continuing with plan C, those
4 people are moved into District 4 so Surprise is only
5 split two ways, so it's a split they requested, so Old
6 Surprise and growth areas in different districts.

7 We eliminate the third split. Small
8 changes, 57th and Desert Cove, in order to keep
9 neighborhoods together and to balance deviations.

10 District 10 has a number of shifts in this
11 plan. As I mentioned with 6, north of Thunderbird Road
12 moves out of 10 into 6, a small change just mentioned.
13 District 10 picks up from 9, and then two areas around
14 59th Avenue and Dunlap move out of 10 and into 12. And
15 then it picks up this rather large area that is just
16 north of Northern from District 15.

17 11 is virtually unchanged in this plan.
18 It does have a small tradeoff. Overlapping red and
19 green lines, it's the green one that is correct there.
20 And then it picks up that small sliver and gives up this
21 chunk. The only reason for that is deviation and to
22 avoid 11 wrapping around the top of the Scottsdale area
23 there.

24 District 12, what this is is in test B --
25 COMMISSIONER HALL: Doug, let me

1 interrupt. Where is Judge It on C?

2 MR. JOHNSON: Where is it?

3 MS. HAUSER: It was e-mailed to you,
4 substitute in --

5 COMMISSIONER HALL: Oh, it got e-mailed?

6 MS. HAUSER: Do you have it?

7 MR. JOHNSON: I can give you it.

8 COMMISSIONER HALL: Is that it?

9 CHAIRMAN LYNN: Yes. Judge It on C.

10 COMMISSIONER HALL: No. But it's not.

11 MS. HAUSER: Would you like me to make you
12 a copy of that?

13 COMMISSIONER HALL: Thank you.

14 MR. JOHNSON: It's in the original batch
15 of materials. Everything that went out to the public
16 was complete.

17 COMMISSIONER HALL: That was my question.
18 Did change from Judge It?

19 MR. JOHNSON: June 25, it was 3.6, spread
20 between Dems and Republicans in Judge It. It did go up
21 slightly. A and B went up to 4.6 and 4.8. C, it comes
22 down to 4.2. So it's a smaller Judge It spread in C
23 than it is in A and B but still slightly larger than the
24 June 25th map.

25 On District 12, as I was noting, in plan

1 B, District 14 does not come over into Glendale. It
2 instead comes up north and just along the Glendale City
3 border.

4 Plan C is much closer to the June 25
5 lines.

6 Part of sticking close to the June 25
7 lines, District 14 comes into Glendale and District 12
8 gives up that area that it had had and moves east into
9 Phoenix areas.

10 I should switch to Maptitude at some point
11 and look at that neighborhood. I think this is the
12 area.

13 COMMISSIONER MINKOFF: That is the area we
14 had public comment on earlier this morning. And that
15 green circle, it seems to me, is the area they said is
16 in District 12, and especially that was a district
17 hoping to be taken out because they didn't feel they had
18 a lot in common with them.

19 Is that the 1,500 some down at the bottom
20 you mentioned moving in? What is that?

21 MR. JOHNSON: Yes. Let me switch you over
22 to Maptitude so I can give you it more precisely.

23 COMMISSIONER MINKOFF: The other question,
24 before you switch, is that all within the City of
25 Phoenix? That's not Glendale that far east, is it?

1 MR. JOHNSON: 43rd is the Glendale city
2 line and 43rd also the boundary of that homeowner
3 association.

4 COMMISSIONER MINKOFF: If put into 14 or
5 15, it wouldn't impact Glendale, correct? No impact on
6 Glendale?

7 MR. JOHNSON: Correct.

8 MR. JOHNSON: So the area the association
9 was describing today is Northern to Glendale and 35th to
10 43rd, which where -- there we go.

11 So you can see how in plan C it is divided
12 three ways. Let me bring up the other plans for
13 comparison. The June 25th plan, obviously, as
14 mentioned, is very close to plan C. And it's also split
15 three ways. You can see in the proposal, lines here
16 where the swell comes over, 15 comes up, 14 comes over.
17 And then let me go to --

18 COMMISSIONER HALL: Clarify it for me,
19 Doug, because I'm confused. I'm looking at the little
20 map on the back of their flier here. Just on this one
21 here I'm looking at one, two, three, four, five, six
22 neighborhood associations.

23 MR. JOHNSON: Yes.

24 COMMISSIONER HALL: I'm going to go out on
25 a limb here, but I'm going to think it's impossible to

1 draw a line anywhere in this vicinity without splitting
2 an association. Would that be a correct statement here?

3 I assume this is not all inclusive.

4 COMMISSIONER MINKOFF: They are only
5 talking about number six on that map.

6 COMMISSIONER HALL: I understand that.
7 But is eight less important?

8 COMMISSIONER MINKOFF: Well, we haven't
9 heard from eight.

10 COMMISSIONER HALL: The theory is if we
11 hear, we -- my point is -- my point is, Andi, there are
12 a number of associations here in this particular area,
13 and one is going to be split at some point, right?

14 COMMISSIONER MINKOFF: I don't think so.

15 COMMISSIONER HALL: You don't think seven
16 will be split or 10?

17 COMMISSIONER MINKOFF: No. He asked to
18 take that area in District 12 between Orangewood and
19 Northern and between 43rd Avenue and that little jaggedy
20 boundary, whatever it is, and just put it into either of
21 the two adjacent districts or both of those adjacent
22 districts. That doesn't do anything to any other
23 neighborhood association, just unifies that particular
24 neighborhood association.

25 COMMISSIONER HALL: What you are saying is

1 there would be no other neighborhood association split
2 by another configuration.

3 COMMISSIONER MINKOFF: Well, I'm not going
4 to talk about the entire map all around the state.

5 Looking at this area, it doesn't seem like
6 they are. Seems like virtually all the other boundaries
7 are on section lines, which is basically what you are
8 seeing here, section lines. So it seems to me, looking
9 at the -- that that is the only one that --

10 There might be a small split over by the
11 Black Canyon Freeway is the only one.

12 CHAIRMAN LYNN: Mr. Johnson, in looking at
13 District 12, District 12 in map C is underpopulated
14 slightly, but only very slightly. So one of the
15 questions would be if we took -- if we decided to take
16 the area bounded by 43rd Avenue on the west, Northern on
17 the north down to Orangewood, and move it into either of
18 the other two districts, what is the operation deviation
19 impact on either of those other two districts?

20 MR. JOHNSON: Going from their flier, it
21 is a heavily populated area. They mentioned 2,200. If
22 looking to reduce from being split three ways to two
23 ways, moving 12 out, that would be a change of 2,200
24 people. They could, actually, be --

25 COMMISSIONER MINKOFF: 22 or 15?

1 MR. JOHNSON: 2,246 people in District 12,
2 there. This is not whole association area, only the
3 District 12 third of it.

4 CHAIRMAN LYNN: Several issues: The
5 association being split three ways. Second thing is a
6 preference to which district they'd wind up in. So the
7 two issues, they may be connected, but there are really
8 two different questions. Their indication was they had
9 more of an affinity, they felt, to the two districts
10 south and east rather than the district to the west. So
11 the question is if we were to make a change, what would
12 the impact be on either of the other two districts. And
13 to keep the association more whole, that change ought to
14 be reunifying some of that district, if not all of it,
15 probably with, what, 14 or 15? Well, the neighborhood
16 goes all the way down to Glendale, does it not?

17 COMMISSIONER MINKOFF: Unify with 15, you
18 just take 15 straight across. See the brown, take it
19 straight across. Unify 14, go 14 north.

20 CHAIRMAN LYNN: We're talking about a lot
21 more population by doing that.

22 COMMISSIONER MINKOFF: Doug, I don't
23 understand. You are telling me 2,200. I'm looking at
24 the slide that you had for District 12, and that area in
25 the circle says 1,508.

1 MR. JOHNSON: Right. The confusion of the
2 numbers, the slide, the 1,500 number is this portion,
3 the square right here going from 14 to 12. The 2,200
4 number is that area plus the jagged edge area from 15 to
5 12. So it's kind of off the slide there.

6 COMMISSIONER MINKOFF: So there had been
7 an additional 700 some people --

8 MR. JOHNSON: It scrolled off the screen.
9 1,500 from 14 and 708 from 15. That's how the numbers
10 come out.

11 That area could be traded into 14 and 12
12 could pick up at least a portion of this Glendale area.
13 It's a little hard to pick up, similar to what was in
14 map B.

15 Let me put the map B lines over this,
16 actually.

17 As you see in map B, under C line here,
18 the border of 14 comes up to Northern and goes over and
19 comes down. Test B only splits the association two ways
20 as opposed to three ways.

21 Hopefully that puts their commentary into
22 context.

23 COMMISSIONER MINKOFF: Let's look at that
24 further. If you move those 2,200 people into District
25 14, could you, then, go over to that little area that

1 you have moved from 12 into 14 and move some of it back?
2 You've moved 6,300 people. So you could move a couple
3 thousand of that area back into 12, couldn't you, and
4 then you would minimize further population deviation?

5 The red circle.

6 MR. JOHNSON: Red circle, 6,300.

7 COMMISSIONER MINKOFF: Green circle, 2,200
8 people moved back to 14. Red circle is over 6,000
9 people. Couldn't we take 2,200, 6,000, those furthest
10 to the north, adjacent to 14, move approximately that
11 number into District 12 and then not have any impact on
12 population deviation?

13 MR. JOHNSON: Definitely.

14 CHAIRMAN LYNN: Then the only question
15 would be what impact it would have on other measurements
16 we're trying to keep track of.

17 COMMISSIONER MINKOFF: Could we ask to
18 take a look at that?

19 CHAIRMAN LYNN: Can you approximate for
20 us, Mr. Johnson, the amount of time it would take to
21 perform that test?

22 One of the concerns I have, one of the
23 issues was to get the material, ask for tests ahead of
24 time, so we could have of these in front of us.

25 What I'm concerned about, this is based on

1 testimony we heard just this morning, that I understand,
2 my concern would be on a go-forward basis, if we order a
3 number of tests today, we may not have them by tomorrow.
4 And that would be of some concern in terms of the
5 overall agenda.

6 This may be an exception.

7 MR. JOHNSON: I can actually give you a
8 general sense of it, because what you are describing is
9 very similar to test B versus test C.

10 What I can say is it would not change the
11 number of city, county, reservation splits, if only
12 moving the 2,223 here. It would not fully eliminate
13 intrusion of Glendale into 14, but as you described, it
14 would reduce it.

15 As far as compactness, District 12 is, in
16 test B, where it comes down all the way, kind of wraps
17 around 13, comes down all the way to Bethany Home, is a
18 .21 versus District 12. This is by the post B pop test.
19 Looks more compact, not wrapping all across, .22, only
20 off by a hundredth of a point. Since only a partial
21 change, somewhere in there.

22 CHAIRMAN LYNN: How about minority voting
23 strength?

24 MR. JOHNSON: In District 14, this was a
25 key concern for the 2002 plan where we worked very hard

1 to make sure that the Hispanic voting age percent in 13
2 and 14 was at least 55 percent, if we unify the
3 neighborhoods and communities, and we'd achieve that
4 goal. However, with the changes made to unite the
5 historical districts, that then took 14 up to a 58
6 percent. Indeed, in test C, District 14 is 58.11. So
7 it's certainly going to stay above 55.

8 I don't know, in this case, Hispanic
9 voting age, another piece of population balancing. I
10 can't give you the specific figure, certainly above 55
11 district 12 in B. And C is 27.34 percent Hispanic. B,
12 28.08 percent in B. So it would come out somewhere
13 between those two.

14 CHAIRMAN LYNN: Rather than belabor the
15 point, I wonder if we might want to order the test as
16 described by Ms. Minkoff and during one of the breaks or
17 over some period of time when we're not meeting you can
18 relatively easily put that together and show us what it
19 would look like.

20 Ms. Minkoff.

21 COMMISSIONER MINKOFF: Mr. Chairman, I
22 think that makes sense.

23 The request was take some of the red
24 circle and put it back in 12. I'd like to give Doug
25 leeway if he finds a better way, other fingers, 14 to

1 12 --

2 CHAIRMAN LYNN: The goal being to better
3 unify the neighborhood and, if possible, move it out of
4 12.

5 Is there a motion?

6 COMMISSIONER MINKOFF: So moved.

7 CHAIRMAN LYNN: Is there a second?

8 COMMISSIONER HUNTWORK: Second.

9 CHAIRMAN LYNN: Thank you, Mr. Huntwork.
10 Discussion on the motion?
11 Mr. Elder.

12 COMMISSIONER ELDER: Just a question for
13 Commissioner Huntwork and excuse me, Andi Minkoff. Are
14 neighborhood associations predicated on section lines?
15 Because this is the only place I've heard or seen it be.
16 And this appears just to be a publication graphic as to
17 what area they are in. Is this actually their
18 homeowners' association?

19 COMMISSIONER MINKOFF: I can't speak to
20 whether or not it is a homeowners' association. They
21 are not specifically predicated on section lines.
22 However, in some areas they may be. Because when this
23 part of the valley was developed, a lot of the land was
24 subdivided on major streets. And major streets are
25 section lines.

1 It's not surprising to me that that is the
2 way it would come out. Whether these are the exact
3 boundaries of all the various neighborhood associations,
4 I don't know. They said specifically theirs was 35th to
5 43rd and Northern to Glendale. I wasn't aware it was a
6 specific homeowner association. It's a cohesive area.

7 COMMISSIONER ELDER: Homeowner
8 associations don't live in the city --

9 COMMISSIONER MINKOFF: I live in the North
10 Central Phoenix Homeowner Association, have no idea
11 where those boundaries are.

12 CHAIRMAN LYNN: Mr. Hall.

13 COMMISSIONER HALL: To that point, most
14 probably don't.

15 I'm not so sure we can reconfigure lines
16 throughout Central Phoenix in effort to comply with
17 every neighborhood association. One would -- it begs
18 the question whether being in a separate legislative
19 district really has impact on effectiveness of an
20 association, what their primary role or function is.
21 That is the issue here. And I just -- I'm not sure I
22 buy the theory that by uniting this that somewhere
23 elsewhere we don't make a change or haven't already made
24 a change or split other associations. And -- so that's
25 my point is I think are trading apples and oranges

1 somewhere.

2 CHAIRMAN LYNN: Discussion on the motion?

3 Ms. Minkoff.

4 COMMISSIONER MINKOFF: Mr. Chairman, we
5 can only deal with issues of which we are personally
6 aware or which are brought to our attention. This has
7 been brought to our attention. Like the Westwood
8 Village neighborhood, they are very specific about what
9 they wanted. People came here, told us what they
10 wanted. And it does not impact any of the other things
11 we're trying to achieve. If it caused us to ripple
12 through five, six districts, I can understand there
13 being concern. It's easy to swap population between two
14 districts, does not impact any other priorities we're
15 trying to achieve. I think it makes sense to allow them
16 to have what they asked for.

17 CHAIRMAN LYNN: Mr. Elder.

18 COMMISSIONER ELDER: Mr. Chairman, I would
19 like to include a comment that if this strengthens one
20 of the other constitutional impacts, compactness,
21 increases any other factors we're dealing with, it
22 should be considered. If only considered for a
23 homeowner association on its own, I would object to
24 that.

25 CHAIRMAN LYNN: You know, we can continue

1 to discuss it. And if Mr. Johnson had begun the testing
2 when we started talking, we'd be done. We'll either
3 order the test or not.

4 Let's vote on that.

5 All in favor ordering the test, say "Aye."

6 COMMISSIONER HUNTWORK: "Aye."

7 COMMISSIONER MINKOFF: "Aye."

8 COMMISSIONER ELDER: "Aye."

9 COMMISSIONER HALL: "Aye."

10 CHAIRMAN LYNN: Motion carries.

11 Let's move on to either another portion of
12 this district or another district.

13 MR. JOHNSON: District 13 in plan C is
14 unchanged from plan B. Let me flip over to the map to
15 be sure of that here. It is different than in the June
16 25th plan, however. Those differences are in a couple
17 of areas.

18 The blue lines overlaid here are the June
19 25th -- yes, the June 25th plan. And the colors are
20 plan C. A couple of changes take place. The reason for
21 this extension here, which you may have noticed was not
22 in your plan A plans, this unites the City of Tolleson.
23 And this entire bump that stretches into 16, there's a
24 total of five people. There's the difference between
25 your test A and test C in here.

1 Other changes are small ones. And you can
2 see down here, I should note, in the 2002 plan we
3 slightly divided the Isaac School District in order to
4 keep precincts together, given the need to keep
5 precincts together to manage an efficient election. All
6 three of these tests unite Isaac School District in
7 District 14. That is this corner here that is added in.
8 That is fairly densely populated. So it's traded for
9 the small notch here not in the Isaac School District
10 that goes from 14 to 13.

11 The other change in Isaac School District
12 is a large area, large square of 10. While a large
13 geographic area, total pop is like two. We didn't unite
14 it solely to keep the precincts together. In A, B, and
15 C, Isaac School District is united. So those are the
16 changes there.

17 And then again, we're very close to June
18 25th lines. And 14 goes comes over to Glendale and 13
19 extends slightly over the west side.

20 District 13 is the same in both test B and
21 C.

22 District 14, we already looked at part of
23 the change up in the north. As was discussed, the area
24 in red was 2,000 people. The area in green is 6,000,
25 1,500 and 6,000. The other piece that is -- that brings

1 us up to the 6,000 figure is this area down here. It's
2 in Phoenix going right up to the Tempe city line.
3 Papago Golf Course is down there. And that area in
4 plans A and B move into 14.

5 That is really the key to allowing 14 to
6 completely come out of Glendale. So that is the
7 tradeoff there. Plan C leaves 14 in Glendale and leaves
8 that area in District 15 as it was in the June 25th
9 plan.

10 And the other change is additional
11 balancing off of the trade-offs and also moving to major
12 road borders in the north. That is between Orangewood
13 and Glendale.

14 District 15, virtually the mirror image.
15 Again, a small area going into 12 is part of that
16 homeowners' association. An area that goes to 10, area
17 that goes to 14, these are all moving back towards the
18 June 25 lines. And those three changes are traded off
19 for the area around the golf course.

20 District 16 is unchanged in C from B. It
21 does have the changes that I was noting down in the
22 border between 13 and 16. And then the two-person
23 change was 14, there.

24 District 17, again, as we've discussed,
25 now we're getting into the East Valley population

1 issues. This is just returning it to it's June 25th
2 configuration.

3 And again, we're walking back to the
4 June --

5 CHAIRMAN LYNN: Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Doug, in this
7 test, is the northern boundary of 17 the city boundary?

8 MR. JOHNSON: I can barely hear you.

9 COMMISSIONER HUNTWORK: In this map, is
10 the northern boundary of 17 the city line between
11 Scottsdale and Tempe?

12 MR. JOHNSON: No. There is a considerable
13 portion of Scottsdale in District 17. The northern
14 boundary of the district is -- part of it is Thomas Road
15 and -- pardon me while I bring up the streets -- after
16 Thomas Road it jogs up on Miller to Osborn.

17 So -- and the city border of Scottsdale,
18 you can -- it's down here -- I'll mispronounce this,
19 McKellips Street south, a small notch, and comes back
20 up.

21 COMMISSIONER HUNTWORK: How many
22 Scottsdale residents are in 17?

23 MR. JOHNSON: Let's see. One second while
24 I calculate that.

25 Almost 38,000 people.

1 I should note that Scottsdale is -- it's
2 total population is larger than one district, so it
3 is -- total population is 200,002. Changes in the East
4 Valley are close to the June 25th lines, small changes
5 just to balance the changes between the five districts.

6 One area that there has been questions
7 about that I wanted to mention, we're essentially
8 following major roads. And the only exception -- one of
9 the few exceptions is here where 22 bumps across
10 Broadway and goes to 19. The reason is 22 and 19 are
11 highest deviation districts in terms of overpopulated
12 districts. If I drew the line right along Broadway, it
13 would make 22 even a higher deviation. I added -- I
14 think it's about three Census blocks in to bring the
15 overall deviation down slightly.

16 District 20, the key to this district is
17 that once you take all that -- once 17 moves north, 20
18 returns to it's June 25th configuration in the City of
19 Tempe along Elliott Road and Guadalupe Road, so that
20 enables it to give up the area in Chandler, the
21 additional area in Chandler that it had picked up in
22 plans A and B, the area between Dobson and Alma School
23 Road. And then that change, moving area to 21 allows 21
24 to come out of additional Mesa areas it had picked up.

25 22 is a zoom-in -- 22 starts the whole

1 change of population moving. It has the smallest number
2 of actual people moving. You can see the three areas of
3 people moving.

4 CHAIRMAN LYNN: Mr. Hall.

5 COMMISSIONER HALL: While we are on the 20
6 range, we have representatives from Chandler here.
7 Mr. Chairman, I don't know what your feeling is, but if
8 they so desire, I would welcome their perspective on
9 this particular area.

10 CHAIRMAN LYNN: I think we ought to hear
11 that as we go, if that's available.

12 COMMISSIONER HALL: Is that all right with
13 you?

14 We'll just call you, Ms. Chandler, now.

15 CHAIRMAN LYNN: Please state your name and
16 affiliation for the record.

17 MS. KRAUS: For the record, I'm Patrice
18 Kraus and represent the City of Chandler.

19 Thank you, Mr. Chairman, Commissioners,
20 for the opportunity to talk about this change.

21 This is an issue that has been, from the
22 first meeting that I attended, we -- I think I stood up
23 and talked about it then. There has always been a
24 desire to unify Tempe, and that has always been at the
25 expense of the City of Chandler. And this -- the

1 changes in plan A and B will take a significant portion,
2 highly populated area, out of Chandler and move it -- or
3 out of District 21, and move it into District 20. And
4 we've always wanted that dividing line to be Dobson
5 Road. We had to make some compromises and move to Alma
6 School. And this would significantly move a large
7 portion of the City of Chandler to District 20. Then we
8 pick up quite a considerable amount of Mesa into our
9 Chandler District.

10 I hope that what the Commission is
11 attempting to do is keep the districts as close to what
12 they are in the 2002 maps so as people get elected, get
13 used to their representation, and then if we make
14 significant changes, people get represented this year by
15 one Representative, two years later by another -- so I
16 would hope, our recommendation would be to make the
17 least amount of changes possible and to keep the maps as
18 close to the 2002 and June 25th proposed map you have
19 now.

20 CHAIRMAN LYNN: To that point, now, we are
21 starting at this part of the process with map C as the
22 base map, test C as our base map.

23 MS. KRAUS: We like that.

24 CHAIRMAN LYNN: Thank you. I wanted to
25 get that on the record. Thank you.

1 Thank you.

2 Mr. Johnson.

3 MR. JOHNSON: 22 is the last of the East
4 Valley districts. This shows it a little more zoomed
5 in.

6 Again, the line between 22 and 19 is
7 essentially Broadway for most of the length there, these
8 three blocks. 146 people, I guess that is, are left in
9 22 because of the deviation impacts from that and just
10 trying to balance those three.

11 COMMISSIONER ELDER: Mr. Chairman, Doug,
12 what deviation do we have in the two districts there?

13 MR. JOHNSON: 19, 20, and 22 are all at
14 2.07 and 21 is at 2.09.

15 COMMISSIONER ELDER: Okay. I think my
16 comments here, and it happens several other places,
17 maybe now is as good a time as any to bring the point
18 up, that easterly-most jog above Broadway, to me it
19 doesn't make a whole lot of sense for the gain we're
20 looking at, makes it harder to campaign, harder for
21 people to know what district they are in. Start looking
22 at the geometry, we're looking at the edge. I think it
23 would be far superior to buy into that for compactness
24 and ease of the citizen to participate in and know the
25 process.

1 MR. JOHNSON: For informative purposes, if
2 we move to 19 and use Broadway, two point, it would move
3 it up two-hundredths of a point.

4 23, test B and C is identical to June 25th
5 which is identical to 2002 and slightly overpopulated.

6 District 24 is unchanged in all the tests.

7 District 25, which is another district
8 returned to its June 25th borders, also the same as 2002
9 plan borders.

10 This one is also what cuts off the
11 population from Tucson. So the area around Wickenburg
12 and to its west is returned to District 4, and the
13 Sierra Vista southeast and Huachuca City areas are
14 returned to District 25.

15 District 26, again, we're balancing the
16 underpopulations between 26, 28 --

17 CHAIRMAN LYNN: Mr. Johnson, before you go
18 down there, I apologize for interrupting you. We're
19 trying to do this in the most reasonable manner
20 possible. As you are going through these districts, and
21 we did take some comment when we were in Chandler about
22 that area, I want to offer the same opportunity, before
23 we move to the southern part of the state to
24 representatives of some other districts here, if they
25 wish to be heard now, because we're dealing with those

1 areas.

2 I know we have a representative from
3 Glendale. Is it also my understanding we have a
4 representative of Tempe as well. If either of you would
5 wish to be heard at this time, we'd be happy to take
6 your public input before we move to the southern part of
7 the state and discuss that part. We're happy to take
8 either one of you.

9 Dana, if you want to go first.

10 Dana Tranberg, Inter-Governmental
11 Relations Assistant for the City of Glendale.

12 MS. TRANBERG: Thank you, Mr. Chairman
13 Members of the Commission. I thank you for the
14 opportunity to give comment.

15 In hindsight, I wish we were speaking this
16 morning so when talking about neighborhood issues that
17 border up to Glendale, some of our concerns could be
18 taken out.

19 CHAIRMAN LYNN: Rest assured we'll be back
20 there before the meeting is over. So the comments are
21 not lost, believe me.

22 MS. TRANBERG: We logged on and saw the
23 three proposals. We were pleased with the fact A and B
24 reduced Glendale's split from six to five, as I spoke to
25 you in the last meeting of June of the preferred plan

1 for Glendale. Unfortunately, the current plan C has
2 District 14 jutting into Old Town Glendale with the high
3 Hispanic area of Glendale which we contend probably
4 doesn't have a lot in common with the rest of District
5 14. It is better unified with the rest of Glendale in
6 Old Town areas. So our request is perhaps in the
7 adjustments you are looking at for the neighborhood
8 groups, District 12 could be reduced back in, and
9 obviously additional adjustments would be required, the
10 6,000 residents of Glendale disenfranchised in 14 be
11 restored into one of the other five Glendale districts
12 you have to choose from.

13 Those are the primary areas of concern for
14 Glendale.

15 We appreciate you looking at this area
16 again.

17 I'll take questions.

18 CHAIRMAN LYNN: Comments or questions?

19 Mr. Elder?

20 COMMISSIONER ELDER: Not so much a
21 question but hearing. The Old Town section should be
22 brought back in with 14 or should not be with 14?

23 MS. TRANBERG: Should not be with 14.

24 There's a small area of 14 that juts into Old Town
25 Glendale which we would like to see removed.

1 CHAIRMAN LYNN: That's actually adjacent
2 to -- the same area we were talking about with the
3 neighborhood association?

4 MS. TRANBERG: Actually a little south and
5 west of the neighborhood association. The area is 43rd
6 Avenue, heads west. There's ends at 43rd Avenue.

7 COMMISSIONER MINKOFF: Are you talking
8 about the area south of Glendale Avenue and west of 43rd
9 Avenue?

10 MS. TRANBERG: Hopefully, if you zoom in,
11 I can give you more specifics.

12 43rd Avenue is the boundary of City of
13 Glendale. This is part of 14 that juts in. This is
14 part of Glendale, a highly Hispanic area we'd like to
15 see unified.

16 In reference, this is the neighborhood
17 association area we were discussing earlier.

18 COMMISSIONER HALL: Did I understand you
19 correctly, you said it's a highly Hispanic area?

20 MS. TRANBERG: Yes.

21 COMMISSIONER HALL: Would the assumption
22 be correct if we were to make a change on that, would it
23 not have an impact on the minority percentages of
24 District 14?

25 MR. JOHNSON: Yes, it would. I think what

1 we're talking about is moving that area from 14 to 12.
2 14, as I mentioned before, is currently at 58 plus
3 percent.

4 COMMISSIONER HALL: Right.

5 MR. JOHNSON: And 12 is 27, 30, something
6 like that. So it would be moving that. 14 would
7 certainly stay above 55. It did in A and B when tested.

8 CHAIRMAN LYNN: Ms. Minkoff.

9 COMMISSIONER MINKOFF: Doug, I'm looking.
10 The adjacent district there is also 13, which is a
11 heavily Hispanic district. If we only need 2,000 of
12 that area to put back in 12, the other 40,000 we can do
13 a swap between 14 and 13, probably minimal impact, both
14 districts with heavy Hispanic population.

15 MR. JOHNSON: In earlier maps, this area
16 has been unified in 13. And while it is a very Hispanic
17 area, the portion in District 14 currently is below 55
18 percent Hispanic. So putting it in 13 does bring down
19 the percentage of 13 whereas it brings up the percentage
20 of 12.

21 CHAIRMAN LYNN: The other problem with 13,
22 13 is one of more underpopulated districts. So if we
23 were to do something on balance between a percentage
24 minority voter shift and population shift, it might
25 increase the two numbers.

1 COMMISSIONER HALL: Might drop the
2 Hispanic numbers.

3 CHAIRMAN LYNN: Not significantly.

4 COMMISSIONER HALL: Maybe it's borderline.

5 MR. JOHNSON: I can give you the figures.

6 Test A did put the whole area you're discussing in 13.

7 The result was the voting age percentage of 13 went to

8 53.6 down from 55.25 or 55.07 in test C.

9 CHAIRMAN LYNN: Thank you.

10 Any more comments or questions for

11 Ms. Tranberg?

12 Dana, thank you very much.

13 And while we're in this area, let's hear

14 from Amber Wakeman that represents the City of Tempe.

15 Sorry we didn't do this when here the

16 first time.

17 MS. WAKEMAN: Thank you.

18 Just briefly, the City would like to be

19 kept as a unified area of interest. The City of Tempe

20 would be supportive of plan A that does that. We'd not

21 be supportive of any other changes already indicated on

22 the June 25th map.

23 That's it, unless you have any questions

24 for me.

25 CHAIRMAN LYNN: Comments or questions for

1 Ms. Wakeman?

2 COMMISSIONER HALL: My hearing isn't too
3 good. Did you say you support A, not B or C?

4 MS. WAKEMAN: We'd support A more than B
5 or C. It makes Tempe as whole as possible as a
6 community of interest, really takes in all of the City
7 of Tempe.

8 CHAIRMAN LYNN: Thank you, Ms. Wakeman.

9 Now about ready to do 25.

10 What I'd like to do, I don't know how much
11 there is to 25 and 30. It would be nice to do at once
12 and then take a break.

13 Is that doable from your standpoint?

14 THE REPORTER: Yes.

15 CHAIRMAN LYNN: Ms. Minkoff.

16 COMMISSIONER MINKOFF: Ms. Wakeman, I'd
17 like to go back. I didn't get to the map quickly
18 enough. I'm looking at District 17 in plan B. Looks
19 like there is almost no change between A and B.

20 MS. WAKEMAN: Correct. We'd be supportive
21 of plan B as well.

22 COMMISSIONER MINKOFF: Okay. Thank you.

23 CHAIRMAN LYNN: Mr. Johnson.

24 MR. JOHNSON: Just for those who didn't
25 pull up the map on their computers, the difference

1 between A and B in this area, the red line here is A,
2 comes up a little bit, picks up that notch, comes down a
3 bit and picks up the notch for perfect population
4 balancing. And B just moves them in straight lines.

5 On District 25, as I was mentioning, it
6 returns to its 2002 and June 25 borders.

7 District 26, these areas move around quite
8 a bit in A, B, and C, with small changes in the east of
9 them that to some degree are interchangeable. As you
10 can see in plan C, or test C, District 26 simply gives
11 up the -- kind of our T-shaped block that was discussed
12 at length in June and gives up a small corner here just
13 north of Broadway Road. It's a total change of 1,700
14 people. And the only reason for that is balancing
15 deviation between 27, 28, and 30.

16 27 is unchanged in all but plan A. Plan A
17 it picks up two blocks to get all but perfect balance.

18 District 28, again, there are other
19 versions in A and C. Plan C, it picks up the small
20 block from 26 of 900 people and then there is a trade
21 here. And the east end of 28 is one of the flexible
22 areas between the three tests. In this one, the border
23 is Whitestone and Broadway. In between those two is
24 District 30. And north and south of them is District
25 28.

1 Again, the main reason for selecting that
2 option, that configuration into C, is get the same
3 deviations between 26, 28, and 30.

4 29 is unchanged from the June 25th plan,
5 changed back in B. B is the same as 2002 and the June
6 25th configuration.

7 District 30, the last one here, we already
8 looked at the change between it and 26, 28. And this
9 shows a little more detail on the change in the Sierra
10 Vista area where it returns to its June 25th and 2002
11 lines.

12 CHAIRMAN LYNN: Mr. Johnson, if you could
13 go to Maptitude, and if you would zero in on what we
14 might call the fickle finger of 30, which is on the
15 border between District 30 and 26 and the northern
16 portion of Tucson.

17 MR. JOHNSON: What I'm showing here, the
18 colors are test C, and the blue line is the June 25th.

19 CHAIRMAN LYNN: Mr. Johnson, in our
20 discussions relative to this area of the map, my
21 suggestion to you was that we might consider squaring
22 off both -- squaring off the intrusion, if you will,
23 into the neighborhood west of Swan by going over to the
24 Alvernon alignment, which is the western boundary at
25 that point of District 30 continuing due south to

1 Skyline, I believe, and squaring that district off. And
2 the trade would be to move the area that currently is in
3 District 30 below Sunrise over into District 26. Did
4 you run that test?

5 MR. JOHNSON: Mr. Chairman, I did look at
6 it. And it is a fairly balanced trade.

7 What we're showing is bring this line down
8 to Skyline and over to Swan. That goes into 30 and this
9 area -- that square into 26, correct?

10 CHAIRMAN LYNN: Right. Two things,
11 unifies the neighborhood to the north, east of Alvernon
12 and west of Swan, and it unifies the neighborhood that
13 is south of Skyline all the way down to River Road into
14 District 26. Both of those are recognized areas that
15 even though in terms of demographics they are fairly
16 homogeneous, but in terms of communities of interest,
17 they are probably better aligned in that change. I
18 would certainly favor if that adjustment could be made
19 to this portion of the map.

20 MR. JOHNSON: The impact of that change is
21 that in test C, the deviation of both 26 and 30 is
22 essentially identical 0.68 percent underpopulated, in
23 test C. After that trade, 30, deviation has decreased
24 to negative .54 and 26 has gone up to negative .83. So
25 it's about two-tenths of a point change. Neither of

1 these are extreme districts, so it doesn't impact our
2 total deviation.

3 CHAIRMAN LYNN: I would certainly love to
4 have a motion to incorporate that as moving forward.

5 COMMISSIONER HALL: My question, Chairman,
6 is what does it due to the competitiveness of 26?

7 MR. JOHNSON: I don't have -- as I look at
8 these, I don't have Judge It scores for you, but
9 registration and AQD, the registration difference in 26,
10 under test C, is 12.97. And it changes by a 10th of a
11 point. It goes up to 13.07. And AQD goes from 9.51 to
12 9.60. So both of them are about a 10th of a point
13 difference.

14 CHAIRMAN LYNN: Minuscule. That would be
15 expected because both of those areas are quite
16 homogeneous in all those ways.

17 Mr. Elder.

18 COMMISSIONER ELDER: Mr. Chairman, I make
19 a motion we include this change in the test we'd be
20 running.

21 CHAIRMAN LYNN: Second?

22 COMMISSIONER HUNTWORK: Second.

23 CHAIRMAN LYNN: Discussion on the motion.

24 All in favor of the motion, signify by
25 saying "Aye."

1 COMMISSIONER HUNTWORK: "Aye."

2 COMMISSIONER MINKOFF: "Aye."

3 COMMISSIONER HALL: "Aye."

4 COMMISSIONER ELDER: "Aye."

5 CHAIRMAN LYNN: Chair votes "Aye."

6 Motion carries unanimously and is so
7 ordered.

8 At this point, are there any other changes
9 that you would like Doug to take a look at either that
10 you have already spoken with him about or based on this
11 run through of the districts?

12 CHAIRMAN LYNN: Mr. Huntwork?

13 COMMISSIONER HUNTWORK: Mr. Chairman, I
14 would like to talk for a minute about the alternative
15 way of running population through Phoenix out of the
16 East Valley. Rather than going up into the northern, 6,
17 7, 8, and around that way, running through 9, 10, and
18 11. The difficulty is that we've -- we worked very hard
19 on the borders of those districts. We have competitive
20 districts involved, particularly 10 and 12, and
21 important communities of interest that are
22 well-preserved in those issues as well. We saw last
23 time how hard it was to try to keep the competitive
24 nature of those districts and still balance it, the
25 communities of interest. So in retrospect, it seems to

1 me that the suggestion I was making earlier, to take a
2 look at those, is probably inappropriate. That looks to
3 me as something that also cannot be done without causing
4 more damage than probably we're trying to solve.

5 I wanted to take care of a loose end in my
6 mind there.

7 CHAIRMAN LYNN: Thank you, Mr. Huntwork.
8 I think those comments are right on point.

9 Might this be an appropriate time to break
10 for a -- not call it lunch, but a midday break. Let's
11 call it that way.

12 Mr. Johnson, given the two tests you are
13 looking at, can I have an approximate time for you to
14 work on those and come back with -- so we have some
15 sense of what they'd look like, but to solve those
16 problems?

17 MR. JOHNSON: I think -- an hour or so for
18 you to eat should be plenty of time for me --

19 CHAIRMAN LYNN: An hour for each?

20 MR. JOHNSON: Should be time for me to
21 grab a bite and complete the tests.

22 CHAIRMAN LYNN: Might we take a one-hour
23 break now and return to those areas after the break?

24 Without objection, we'll recess for one
25 hour.

1 It is 1:30 now. We'll reconvene at 2:30.

2 (Recess taken.)

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

5 All five Commissioners are present along
6 with legal counsel, NDC, and Commission staff.

7 Mr. Johnson, in addition to the two tests
8 you ran over the noon hour, I trust you were able to get
9 some nourishment as well?

10 MR. JOHNSON: Yes. Thank you,
11 Mr. Chairman.

12 I have the figures for the two tests. The
13 first in Tucson, I had given you the deviations, and 26
14 and 30, the minority voting strengths are very low. No
15 impact there. And on the compactness front, they're
16 very, very close to what they were before.

17 The other test was the neighborhood
18 associations area. And the test -- the test was to move
19 this portion that was in District 12, within the red
20 lines here, into District 14, and to look at different
21 ways of balancing that out. Really the one that had the
22 least ripple through all the different districts and
23 lease impact was the one that was discussed by the
24 Commission, simply reducing the area of Glendale that
25 was included in District 14. I'll get the figures for

1 you.

2 So this transfer involved 2,246 people
3 going into 14, who as a group were 12 and a half percent
4 Hispanic voting age. The area coming out of 15 -- I'm
5 sorry, out of 14, involved 2,307 people, so about 50
6 people more, just to stick with neighborhood lines. And
7 that population was 24 percent Hispanic voting age.

8 Once you -- so that was about a 10 percent
9 spread between those two areas. But once you blended
10 into District 14 as a whole, District 14 remains 57.94
11 Hispanic voting age and District 12 goes to 27.24
12 Hispanic voting age. So that would reduce the number of
13 splits of that neighborhood group's area to two here.
14 There is still a small portion of it in District 15.

15 One thing, as I was looking at this,
16 looking at Glendale and go all the way out of Glendale,
17 that question was raised because doing so would allow us
18 to unify the neighborhood association completely. So I
19 just quickly did that. And the green lines that you see
20 are the results of that. That's moving District 14, it
21 would move north, and District 15 would move north to
22 Butler. And that would allow us to come completely out
23 of Glendale. If the Commission were interested in
24 looking at that, I could give you more numbers on that.

25 CHAIRMAN LYNN: Why don't you go ahead and

1 give us what you have on that so we have everything on
2 the table.

3 MR. JOHNSON: The transfer is of 3,995
4 people that remain in District 14 from the City of
5 Glendale to almost 4,000 people. They are 31 percent
6 Hispanic, 27-and-a-quarter Hispanic voting age. The
7 line shown here, those green lines, this area goes into
8 12, which is also very similar to --

9 That area goes into 12, which is very
10 similar to tests A and B.

11 COMMISSIONER MINKOFF: Can you show me
12 what --

13 MR. JOHNSON: Let me make the lines
14 contrast a little more.

15 MR. JOHNSON: So the maroon lines would be
16 this kind of test, this test.

17 So the area, this orange area within the
18 maroon lines is what I'm talking about, is 4,000 people.
19 And they'd move into 12, to this blue area to the north.
20 4,000 people is obviously a larger number than we were
21 looking at in the first piece. That would allow us to
22 make that up. 14 would move up north and square off at
23 Butler and this area from 15 from the neighborhood
24 association area would go into 14 uniting that northern
25 to the Glendale section. To trade for that, 15 would

1 also go up to Butler and this jog here you see in the
2 line, that's actually where Butler jogs. But because
3 this is a larger area and they're picking up from 10
4 instead of 12, essentially we'd have to balance that off
5 and these two areas would go into 12 from 10.

6 CHAIRMAN LYNN: What does that alternative
7 do to the number of city splits of Glendale?

8 MR. JOHNSON: It reduces it from six to
9 five. So still -- I don't think any city wanted to be
10 in five, but it's definitely better, and that's what the
11 city asked for, achieves their request of earlier today.

12 The other impact of note is District 14
13 after all this is 57.59 percent Hispanic voting age.

14 COMMISSIONER HALL: What is 13, unchanged?

15 MR. JOHNSON: Which district?

16 COMMISSIONER HALL: 13.

17 MR. JOHNSON: 13 doesn't change in any of
18 these.

19 COMMISSIONER ELDER: 15?

20 MR. JOHNSON: Oh, 15?

21 15, Hispanic voting age is 34.76. And in
22 test C it had been 34.80, so it declined by
23 four-hundredths of a point.

24 CHAIRMAN LYNN: Comments or questions on
25 this test?

1 Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Well, this
3 obviously affects two of our competitive districts. I'm
4 wondering what effect it has on competitiveness of 10
5 and 12.

6 MR. JOHNSON: Let me get my notes.

7 Again, I just have registration and AQD.
8 I don't have the Judge It numbers for this. But
9 District 10, in test C, was a 10.16 percent Republican
10 advantage. And it now is 10.27, so a 10th of a point.
11 And on AQD, it was 7.54 spread, and it's now a 7.6
12 percent spread.

13 In District 12, we had a 5.05 percent
14 registration spread and now have a 4.35 registration
15 spread. And the AQD spread goes from 7.97 to 7.12.

16 CHAIRMAN LYNN: Mr. Hall.

17 COMMISSIONER HALL: Well, Mr. Chairman,
18 I'm not sure we know the detailed effect of some of
19 those changes that are being proposed.

20 My general concern without specific
21 knowledge is that we have had maps of April for some
22 time. And I've received feedback based on those maps.
23 And the mere fact that we're implementing what I
24 consider to be some significant changes based on one or
25 two pieces of input, I'm not saying it's inappropriate,

1 I'm just saying it's concerning to me because, for
2 example, in the section down there below 12 -- you know,
3 how many homeowners associations are there and do they
4 prefer to be in their current district? One could
5 presume they do because we haven't heard from them or
6 not. I don't know.

7 I just -- I'm struggling with my comfort
8 level, as we previously indicated, of some significant
9 wholesale changes as a knee-jerk reaction to one
10 presenter. I welcome some direction from my Maricopa
11 colleagues who may be more familiar with this area.

12 Seems to me we're redesigning three
13 districts based on a two-minute presentation by one
14 homeowner association.

15 CHAIRMAN LYNN: Ms. Minkoff, let me, if I
16 may, interject the second half of two tests, taking of
17 Butler test up to this alignment is something
18 Mr. Johnson and I discussed last week before any
19 testimony this morning. It seemed to me in reviewing
20 maps this week one of those changes might affect not
21 only the neighborhoods in that area because of what
22 appears to be the division in that area, but also the
23 issue of Glendale. So I mentioned that to Mr. Johnson
24 and -- not that that changes anything, Mr. Hall. I want
25 you to know that wasn't based on testimony. It was my

1 review of the map last week and one of the areas I
2 thought might need a little work.

3 Ms. Minkoff.

4 COMMISSIONER MINKOFF: Thank you,
5 Mr. Chairman.

6 Very early in the process after our last
7 meeting we began getting input from the City of Glendale
8 about their concern that they were split among six
9 different districts. And they even pointed at much
10 larger cities split at many fewer districts, said only
11 Phoenix and Tucson had more splits than Glendale. And
12 it's certainly not the third largest city in the state.
13 Part of this I think is in response to them.

14 There's a very small part of this shift
15 that is a result of a homeowners' association, and
16 that's that small blue area that kind of juts down
17 between 13 and 14. The rest of it is in response to a
18 request from the City of Glendale to try to minimize the
19 number of splits of that city. And that's entirely in
20 keeping with Proposition 106 that says we are to respect
21 the integrity of political boundaries.

22 It doesn't seem to me this does much
23 damage to competitiveness. 10 is slightly less
24 competitive. 12 is more competitive by a larger amount.
25 I think it makes 14 and 15 a little more compact.

1 Nobody would either say either one of these districts
2 win a compactness award, but it does help a little bit,
3 at the lower end. It puts Glendale where they would
4 like to be, that portion of it, in District 12. And I
5 think it has a lot to recommend it. I'm not disposed to
6 put this aside just because we haven't heard from all
7 the other neighborhood associations in the area. I look
8 at this more as responding to the concerns of the entire
9 City of Glendale. The neighborhood associations are a
10 very small portion of this change.

11 CHAIRMAN LYNN: Other comments?

12 Mr. Elder.

13 COMMISSIONER ELDER: Yes, Mr. Johnson, did
14 any of these benefit us from the deviation standpoint,
15 any of these changes, either the first step or second
16 step?

17 MR. JOHNSON: They don't impact the total
18 deviation.

19 COMMISSIONER ELDER: But these two
20 districts, does it?

21 MR. JOHNSON: District 14 started at 116
22 people over and then after the first step was 55 people
23 over. And the second step is 136 over. So the first
24 step helped slightly, but --

25 COMMISSIONER ELDER: Not consequential.

1 I think -- I don't know these
2 neighborhoods. Although my grandmother lived over at
3 Glendale and 43rd, that was back in the sixties, so I
4 don't know how it evolved. But in Tucson, we're kind of
5 the home of the -- I want to call it the gerrymandered
6 district. District 14 we called the dumbbell district,
7 the moose district, so articulated, noncompact, didn't
8 conform to any kind of communities of interest. I'm
9 just a little bit concerned in the districts getting
10 connected down and adding in areas of population that
11 seem to be separated by geography or distance. Is there
12 anything that we can --

13 COMMISSIONER MINKOFF: Glendale has very
14 unusual boundaries.

15 COMMISSIONER ELDER: I understand Glendale
16 has very -- I want to say articulated boundaries. And
17 we've heard from the city. I don't know that we've
18 heard that much from their constituents or citizens.

19 As an example, Santa Cruz split
20 fifty-fifty, want nine representatives, split in three
21 districts, or is three representatives stronger, for
22 one? There very well may be a nonissue there going from
23 five to six. But does it allow people to know where
24 they are, can they get to vote, can they campaign, do
25 they have similar interests? Is it compact and all the

1 other tenets we've looked at? Does this help us? From
2 a community's concern, I can't address it. I don't know
3 what is there. But the other factors, it's not sitting
4 very well.

5 CHAIRMAN LYNN: Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Really, Northern
7 Avenue is a significant East-West street and could be a
8 significant dividing line between neighborhoods. In
9 some places it is. I cannot tell you just off the top
10 of my head whether it would be in this location or not.
11 From the testimony that we actually have in front of us,
12 it certainly seems to be for the south, they indicated
13 that's the northern boundary of their neighborhood
14 association. It would be surprising indeed if somebody
15 on the other side did not guard that as the southern end
16 of their neighborhood association.

17 I think I'm just echoing what Commissioner
18 Hall said, I would want to be more methodical about this
19 and not just have a knee jerk reaction. I do think,
20 cutting the splits of Glendale down in and of itself is
21 a desirable thing to do. I'd also want to know what
22 other trade-offs are in terms of community of interest
23 that have equal priority in Proposition 106.

24 CHAIRMAN LYNN: If you can take anything
25 from the United Neighbors Association bulletin,

1 newsletter, clearly the areas to the north, which is
2 designated on their sheet as the Manzanita Block Watch
3 area with the Northern Groves Neighborhood in it, one
4 could assume that split at Butler which runs -- I think
5 it's roughly a half-mile designation between Northern
6 and Dunlap, would be doing to that neighborhood what the
7 other split did to the lower neighborhood. So to your
8 point Mr. Huntwork.

9 Mr. Elder.

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

12 Doug, if we were trying to keep the Old
13 Town whole as a contiguous area of interest and concern
14 and not consider the homeowners' association as an
15 element, let's say weight the Old Town concern heavier,
16 what would that have done to this map?

17 MR. JOHNSON: It would leave us either
18 starting at the point of C, the split of Old Town
19 between 13 and 14, or at the second part of this, split
20 Old Town between 13 and 12 and get Old Town completely
21 out of Glendale, going off the description of Old Town
22 being an area south of Glendale, unite it, start
23 lowering the Hispanic percentage in 13. If looking at
24 taking it out, the middle step would split Old Town
25 three ways between 12, 13, and 14.

1 COMMISSIONER ELDER: I suppose what I was
2 wondering there, and maybe the representative from
3 Glendale could give me information on from what
4 standpoint would it be preferable to have Old Town whole
5 than have six splits or more splits in Glendale, better
6 less splits and maybe split Old Town there?

7 MS. TRANBERG: Mr. Chairman, this
8 configuration, having it split into 12 and 13, makes
9 more sense. Adjoining areas are fairly consistent with
10 those. When you add 14 into Old Town, Old Town, the
11 districts we've been using for the last decade was split
12 into three different areas. I can tell you meeting with
13 Legislators from two of those districts, we're such a
14 small fragment, every time I spoke with them regarding
15 Glendale's concern, they'd respond: "98 percent of my
16 district is City of Phoenix. What does City of Phoenix
17 think about it?"

18 We feel those folks were not adequately
19 represented just due to the fact they were so dominated
20 by Phoenix. So a 12 and 13 split would be preferable.

21 COMMISSIONER ELDER: Five splits as
22 opposed to six is preferable.

23 Thank you.

24 CHAIRMAN LYNN: Further discussion?

25 MR. JOHNSON: Mr. Chairman, if I might,

1 just following up on the deviation question, I was
2 looking at the other districts. It's similarly small
3 changes except District 10 where plan C, District 10,
4 under by 590, or a third of one percent, and in the
5 second step, which is the only one that affects District
6 10, it's under by 1,500, or nine-tenths of a percent.
7 So that one district deviation does go up by about a
8 half point. I just wanted to be sure I mentioned that.

9 COMMISSIONER ELDER: One and a half to two
10 percent range?

11 MR. JOHNSON: Yeah. Goes up from a third
12 of a point to nine-tenths of a point.

13 CHAIRMAN LYNN: Still within the deviation
14 of the map?

15 MR. JOHNSON: Yes.

16 CHAIRMAN LYNN: Well within.

17 Further discussion on the option?

18 Do you have a preference at this time or
19 would you like to wait? Your choice. I'm talking to
20 the Commission now. Do you wish to incorporate either
21 of these changes into the map that we might consider?

22 Ms. Minkoff?

23 COMMISSIONER MINKOFF: Mr. Chairman, I
24 think I've made it fairly clear I think responding to
25 the concerns of the City of Glendale, to me, is a big

1 advantage of this map. I think being able to satisfy
2 the concerns of the neighborhood association without
3 damage to anybody else makes some sense, too. So I'm
4 certainly in favor of incorporating it. I don't know
5 what kind of process you want to proceed with here, or
6 if you want to deal with it now, or deal with everything
7 and incorporate them all at once. I don't have a
8 preference there. But I would like to see this change
9 or something very similar to it as part of the final
10 map.

11 CHAIRMAN LYNN: At this point,
12 anticipating there might be other changes to map C
13 before we do a total review, why don't we just at this
14 point, Mr. Johnson, identify these as tests whatever,
15 whatever letters or numbers you want to assign to them,
16 so we keep track of them, and then move onto the test
17 you ran in Tucson.

18 COMMISSIONER MINKOFF: Mr. Chairman, if
19 you are going to do that, so we remember what is what, I
20 prefer a descriptive title rather than a number. If you
21 call it Old Town Glendale, or something, something so
22 when you mention it again you know what I'm talking
23 about.

24 MR. JOHNSON: Sure. That's a very good
25 idea.

1 The first one, what I've been calling the
2 first step, where we just unite -- or the area from 12
3 into 14, or the United Neighbors, just call that the
4 United Neighbors Test. And then the step two, which
5 would get 14 out of Glendale, let's just call that the
6 Old Town Test.

7 CHAIRMAN LYNN: All right. United
8 Neighbors Test and the Old Town Test.

9 All right. Without objection, let's move
10 to the other tests that you ran over the noon hour or
11 lunch hour.

12 MR. JOHNSON: I'm showing now, the colored
13 districts show the modified after the test lines. And
14 the maroon line shows the test C lines. So as talking
15 about before, the area south of Sunrise --

16 COMMISSIONER ELDER: That's not a road,
17 like a quarter section line or something.

18 MR. JOHNSON: This is a neighborhood area
19 south of Sunrise going down to just below Flecha Caida
20 Barrio, moves off 26 straight off for the area north of
21 Skyline and Alvernon. Had been in 26 and now goes to
22 30.

23 The impact, in terms of deviation, is, as
24 I tried to describe before, 26 goes from a .68 negative
25 deviation to a .83 negative deviation, so about

1 one-and-a-half tenths of a point. And District 30 has
2 the reverse of that, goes from .68 to .54, both negative
3 deviations.

4 Other than that, we are no longer cutting
5 through the neighborhood north of Skyline where we had
6 been because of that T-shaped block that we talked about
7 back in June. And that's the major impact.

8 The total minority percentages in these
9 two districts are 18 percent and 30 and 13 percent in
10 26, so there's no significant impact.

11 CHAIRMAN LYNN: Comments or questions on
12 this test?

13 How would you like to describe this test?
14 The only test in Tucson, so call it the Tucson test?

15 MR. JOHNSON: Skyline Test. Fine and
16 dandy, the Skyline Test.

17 COMMISSIONER ELDER: Mr. Chairman, do you
18 wish comments at this time or --

19 CHAIRMAN LYNN: We had comments later. If
20 you want to include this. No sense if it's not going to
21 be included. So we'll get to those as we go forward.

22 Perhaps at this point one of the things we
23 might want to do, we have additional reports on, in
24 general, on competitiveness and on minority voting, I
25 believe, that need to be entered into the record. And

1 we might want to move to those at this point, get
2 everything on the record, and then start talking about
3 what a final map might look like using the components
4 that we've been discussing and others that we might
5 continue to discuss.

6 So, Mr. Johnson, is there anything more
7 from you at this moment?

8 MR. JOHNSON: Tests, no.

9 CHAIRMAN LYNN: Without objection, why
10 don't we move to item V on the agenda, which is
11 presentation by legal counsel, discussion, possible
12 decision concerning reports from consultants.

13 Ms. Hauser?

14 MS. HAUSER: Mr. Chairman, we have the
15 final report from Dr. McDonald that summarizes his
16 testimony before the Commission in June.

17 CHAIRMAN LYNN: Ms. Hauser, is your
18 microphone on?

19 MS. HAUSER: It is. I'm trying not to
20 talk directly into it so I don't sound like Commissioner
21 Elder did.

22 All right. Is that better?

23 Anyway, it summarizes his testimony from
24 June and explains in more detail the constraints on
25 competitiveness, how various definitions of

1 competitiveness work with some emphasis on a discussion
2 of the range and the degree of certainty that he deals
3 with, whether it's at the 95 percent or hundred percent
4 range.

5 Basically, it's just kind of an overview.

6 We also have a report from Dr. Handley
7 that summarizes her testimony with respect to the
8 Commission's efforts to comply with the DOJ objections.

9 And I'll just distribute those now. But I
10 would like to have them entered into the record
11 formally.

12 CHAIRMAN LYNN: Without objection, they'll
13 be entered into and made part of the record.

14 Have those been previously circulated or
15 are they being circulated now?

16 MR. RIVERA: Now.

17 CHAIRMAN LYNN: Then I would suggest that
18 to the extent that we have some time this evening for
19 bedtime reading, that these be a part of your list and
20 we can discuss them, if you wish, tomorrow or whenever
21 we have the opportunity to do so.

22 Thank you, Ms. Hauser.

23 Are you prepared at this point to move
24 forward with a proposed map to be considered for final
25 adoption? I didn't say adopt a final map but I said a

1 map that would be considered for final adoption which,
2 as I look at what we have done so far, appears most
3 likely to be test map C with changes. And those changes
4 could, for the most part, come from either the tests we
5 ordered today, tests that were a part of the population
6 deviation testing found currently in options A or B. We
7 understand there's some limitations to the ability to
8 take specific changes from A or B and drop them into C,
9 but in the main, those changes could be made without a
10 lot of ripple effect unless otherwise indicated by
11 Mr. Johnson.

12 So, is there a -- is there a -- well, let
13 me --

14 Ms. Hauser, before I go that direction, if
15 there's more to your report, let's do that.

16 MS. HAUSER: I'm sorry, Mr. Chairman. I
17 neglected at that point to include a couple of the
18 reports that are coming through NDC. One of them is the
19 final report on the data base issue. And the other is a
20 comparison of the districts in which the other party
21 registration, which includes people registered not just
22 in other parties but people who have registered with no
23 party preference at all, where that percentage exceeds
24 the spread between the Republican and Democrats. And
25 the chart lists only those districts in which the other

1 party registration exceeds the spread between the two
2 major parties. So we'll be distributing that in just
3 one minute.

4 CHAIRMAN LYNN: Okay. And for the record,
5 both of those reports, both the statistical deviation
6 report -- the data base report, rather, final data base
7 report, and comparison of registration versus two-party
8 registration will also be made part of the record.

9 Ms. Hauser, anything further?

10 MS. HAUSER: No.

11 COMMISSIONER MINKOFF: The item involving
12 the registration spread, comparison of one registration
13 versus two-party registration was handed out earlier in
14 the day, and something was handed out with it. I don't
15 know who it was or what it is.

16 CHAIRMAN LYNN: Mr. Johnson was about to
17 explain it.

18 MR. JOHNSON: Both of these documents,
19 comparison of other spread versus two-party spread and a
20 document entitled 1998 two-party races, there are copies
21 in your computer.

22 Ms. Hauser described the other
23 registration versus two-party spread sheet to you,
24 compares the various plans under that measure, which
25 was, as I recall, most prominently brought up by

1 Mr. Fleisher but also other.

2 MS. HAUSER: Also by Dr. Handley.

3 MR. JOHNSON: 1998 races, I'm not sure
4 where the first discussion of that came from.

5 MR. RIVERA: For the record, not
6 Mr. Fleisher, also Dr. McDonald mentioned that in his
7 report. We should note that.

8 CHAIRMAN LYNN: Thank you.

9 MS. LEONI: Gentlemen.

10 CHAIRMAN LYNN: Ms. Leoni.

11 MS. LEONI: Also, in the course of many
12 months of discussion there have been presentations to
13 you analyzing competitiveness based on other statewide
14 races that we were using and the Commission was using,
15 AQD. So the second tool given to you is analysis under
16 those races as well.

17 And you have one covering four statewide
18 races and one covering three, because there had also
19 been some discussion that the Attorney General's race in
20 1998 was somewhat aberrational, an analysis of what that
21 race included, an analysis of what it excluded. What we
22 were hoping to present to you is an analysis of the
23 various multiple measures that had been discussed or
24 presented to you in the course of these proceedings.

25 MR. JOHNSON: Add to that, three races,

1 Governor's race, Secretary of State race, and 1998
2 Corporate Commissioner race. And the fourth, as
3 Ms. Leoni mentioned, is the Attorney General race.

4 Separate pages for each, the November
5 plan, 2002 plan, June 25 plan, A, B and C, and Flagstaff
6 A and B. Those are other measures of competitiveness,
7 and we wanted you to have them before you.

8 CHAIRMAN LYNN: And those will be
9 incorporated and made a part of the record.

10 So we are finished with reports?

11 If so, then how would the Commissioners
12 like to proceed in terms of moving toward the adoption
13 of a final map?

14 Mr. Huntwork.

15 COMMISSIONER HUNTWORK: Mr. Chairman, I
16 feel we selected the right map to look at with plan C.
17 And in my own mind, at least, I've identified very few
18 areas of concern from test C. Test map C is fairly
19 close except for the specific items we discussed as we
20 went through it and, of course, the Flagstaff proposals
21 that I think we need to discuss. And then go through
22 them one way or the other.

23 I suggest we start with plan C and
24 determine whether there are other variations that people
25 would like to consider and proceed from there.

1 CHAIRMAN LYNN: Is that a motion,
2 Mr. Huntwork?

3 COMMISSIONER HUNTWORK: I would make a
4 motion, yes. Make that a motion.

5 CHAIRMAN LYNN: Thank you. Is there a
6 second?

7 COMMISSIONER ELDER: Second.

8 CHAIRMAN LYNN: Discussion on the motion.
9 Ms. Minkoff.

10 COMMISSIONER MINKOFF: I would just like
11 to have some understanding of what this means. If we
12 pass this, what does it mean?

13 COMMISSIONER HUNTWORK: Well, it means
14 that we will go back -- in my mind, it means we'll go
15 back and look at -- make decisions about the additional
16 tests that we just looked at, which were variations of
17 plan C. I think we also will open the floor to talk
18 about any other issues or variations that anybody else
19 considers important. Only speaking of myself, when I
20 said it was close, I think it's the closest starting
21 point we have.

22 CHAIRMAN LYNN: And certainly I concur
23 with that assessment.

24 What we would do, if this motion were to
25 be agreed to, is we would have a base map to be in

1 discussion. The base map would then be augmented in any
2 way the Commission saw fit relative to either imposing
3 population adjustment -- adjustments from other tests,
4 such as A or B, in the event those could be attached to
5 the C map without negative effect. We still have to
6 decide on the application of Flagstaff proposals. And
7 we would also be able to decide on any of the tests
8 we've ordered today.

9 Any of those, by motion of the Commission,
10 could be incorporated within that base map. And once
11 that is completed, then it would be our obligation to
12 make a significant record with respect to any deviation
13 of population that exists in that map that we are
14 approaching agreement on. Once that record is made, we
15 could then adopt the map with the caveat that small
16 population traps, any of the areas that -- as we've done
17 with former maps when adopted, need to be cleaned up
18 before the maps would then ultimately be submitted, that
19 those are very, very minor adjustments that would not
20 affect the major issues we've dealt with.

21 That is where we'd go from here if this
22 motion moves forward.

23 COMMISSIONER ELDER: Making a record?

24 CHAIRMAN LYNN: In terms of making a
25 record on population, we need to go district by

1 district, through all 30. Changes to the base map, that
2 could be only at the Commission's discretion, which
3 would be proposed and voted on.

4 Further discussion on the motion? If not,
5 all those in favor of the motion, signify by saying
6 "Aye."

7 COMMISSIONER HUNTWORK: "Aye."

8 COMMISSIONER MINKOFF: "Aye."

9 COMMISSIONER HALL: "Aye."

10 COMMISSIONER ELDER: "Aye."

11 CHAIRMAN LYNN: Opposed say "No."

12 Motion carries unanimously.

13 All right, lady and gentlemen, we are in
14 the process of using test C as a base map. We are now
15 prepared to entertain additional changes, based on any
16 of the above discussion that we've had, with respect to
17 either changing the way in which population is adjusted,
18 the issues with the two tests that were run over the
19 noon hour, and with respect to the proposal by Flagstaff
20 on either of it's options with respect to incorporation
21 in the map, what is your pleasure.

22 (Recess taken.)

23 CHAIRMAN LYNN: The Commission will come
24 to order. All five Commissioners are present along with
25 NDC and IRC staff.

1 What is the Commission's pleasure with
2 respect to adjusting the base map for any of the reasons
3 stated previously?

4 Mr. Huntwork?

5 COMMISSIONER HUNTWORK: Mr. Chairman, I
6 think that we really need to talk about the Flagstaff
7 proposal. This is a very important matter that has
8 large ramifications through our map, and I think we need
9 to put it on the table and talk about it. It has
10 received less attention from us, I think, in recent
11 days, though each of us has been thinking about it. But
12 I think we need to share our thoughts and views on it.
13 I think we need to get that on the table. So I suggest
14 we talk about it.

15 CHAIRMAN LYNN: Without objection, let's
16 discuss the Flagstaff issue.

17 Ms. Minkoff.

18 COMMISSIONER MINKOFF: Before we discuss
19 it, the representatives from Flagstaff are here. It
20 might be appropriate to ask them if they have anything
21 to add to what they told us earlier this morning. We
22 raised some issues they were going to look at.

23 CHAIRMAN LYNN: I would ask Mayor
24 Donaldson that all of the arguments that you have made,
25 have previously made, and have -- as your mapping

1 process has progressed are part of the record. Those do
2 not need to be revisited. We're quite clear on what
3 they are. If there is anything new, anything you wish
4 to add at this point, we'd be happy to hear from you.

5 MAYOR DONALDSON: Thank you,
6 Mr. Chairman. We don't have anything additional to add.
7 Tomorrow we will. Our mapmaker is in the process of
8 working on the maps. As you indicated they need to be
9 looked at. Also, as far as the support that goes for
10 it, I just talked to Chairman Massey on the telephone
11 and Mr. Gorman is making arrangements to fly a
12 representative of Chairman Massey -- Chairman Massey is
13 in San Carlos right now and going through forest
14 management, and he and the Chairman from San Carlos are
15 at the same meeting. Judging from what the Chairman
16 told me, they'll be sending representatives tomorrow to
17 indicate support for the Flagstaff proposal.

18 CHAIRMAN LYNN: Thank you, Mayor
19 Donaldson.

20 Is there any further discussion on the
21 Flagstaff proposal?

22 Mr. Elder.

23 COMMISSIONER ELDER: Mr. Johnson, do you
24 have the Flagstaff maps? And will you give us -- I know
25 you had written us a two- or three-pager on compactness

1 and different methodology you used. Would you mind
2 going over your assessment of the Flagstaff proposals?

3 MR. JOHNSON: Certainly.

4 Just to show you graphically on the map,
5 so this is -- the colors are again the test B I made
6 over lunch. The black are Flagstaff, Hopi with Navajo
7 Nation in District 2, District 1, Gila, Navajo County,
8 Flagstaff, and up to the Grand Canyon. The only
9 difference from plan B we're looking at and plan A, plan
10 A has an arm that stretches and takes in the Hopi and a
11 small portion removes the Navajo portion from the Hopi
12 back to District 2. 4, it unites Yavapai County,
13 follows the county border everywhere, also unites the
14 Coconino portion of Sedona with Yavapai County.

15 Well, this is the other portion of
16 District 4. This is the West Valley area, Peoria,
17 Surprise, Buckeye.

18 And then in the C map you can see below,
19 it goes north, includes Southern Yavapai County; in the
20 Navajo proposal goes south to Gila Bend following the
21 border of the Tohono O'odham Reservation and county
22 lines.

23 Oh, and then 25, which is where -- it
24 starts at Tohono O'odham and goes around and includes
25 the non-Reservation portion of Graham County.

1 What I mentioned earlier about the Tucson
2 and Maricopa County areas, the changes you're looking at
3 here are essentially going back to the 2002 lines. The
4 exception -- the only difference is the 2002 plan,
5 Flagstaff A, B is Marana. They essentially unite the
6 city. Two zero population blocks not included, they go
7 across the freeway and are included in the Western
8 Marana area.

9 In Maricopa, you see slight differences,
10 because this isn't the 2002 underneath it. You can see
11 it follows fairly closely to plan C and actually follows
12 almost exactly the 2002 plan.

13 The other area to note differences, it's
14 really District 3, the Flagstaff proposal stops at the
15 Coconino County line and Kaibab reservation line, puts
16 those areas and Page into District 2 while the Mohave
17 County portion, the Arizona strip, and then Mohave
18 County are united in District 3.

19 The other change from the 2002 plan is
20 down here. Because District 3 -- I'm assuming this is
21 why, because District 3 lost population up north, Wendon
22 and Salome move from District 24 to District 3 to
23 balance.

24 The other changes to note, this area here
25 is zero population, the area of Parker. They are

1 following 2002 line there whereas in our June revisions,
2 we added that area into District 24 which has the
3 populated portion of Parker.

4 That at a quick glance is the Flagstaff
5 proposal.

6 CHAIRMAN LYNN: Additional comments or
7 questions?

8 Ms. Minkoff.

9 COMMISSIONER MINKOFF: Mr. Chairman, I
10 really don't know how we should proceed at this point.
11 While there are things in the Flagstaff proposal I think
12 merit looking at, there are two things in it to me
13 causing serious concern. And unless and until we can
14 get some input about solving problems, I don't think I
15 can consider it.

16 The two issues to me is population
17 deviation well in excess of the numbers we're currently
18 looking at and my concern for, specifically, District 25
19 and implications for Voting Rights Act of any changes to
20 that district or any other voting rights districts that
21 may be brought into play in order to equalize
22 population.

23 So I'm not sure there is enough there to
24 consider at this point, because we don't have answers in
25 order to deal with those questions.

1 CHAIRMAN LYNN: Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Mr. Chairman,
3 fellow Commissioners, I voted a few weeks ago. I voted
4 against considering the Flagstaff plan. Now that all of
5 this work has been done and we see in more detail where
6 it's headed, I want to reiterate my opposition to the
7 Flagstaff plan for the same reasons I expressed several
8 weeks ago but far more importantly for the same reasons
9 I expressed last year when we got the original
10 Legislative plan.

11 In order to try to say this in a way that
12 is as fair to everybody as possible, let me start out by
13 saying thank you to Flagstaff by going to this length to
14 explain the idea, impact it, and let us see exactly what
15 it begins to look like in full detail. I do want to
16 also say, though, that Flagstaff was not reticent in
17 expressing their ideas last year. There was no -- their
18 was no failure of communication.

19 The position of the Flagstaff city and
20 regional government, the position of many of the
21 business leaders, Flagstaff leaders, NAU, and Flagstaff
22 City Council, these matters were fully on record when we
23 considered this matter in the first instance. The Mayor
24 was here in person and made very articulate very clear
25 presentations about exactly what his concerns were. And

1 those are the people that he represented.

2 I was very sympathetic to those views. In
3 my opinion, this was the hardest decision that I felt we
4 had to make, not only because of the impact on Flagstaff
5 but also because of the position that was expressed very
6 clearly by the Navajo Nation in wanting to increase the
7 percentage of voting age Native Americans in that
8 District 2, a very difficult decision for me because of
9 the clearly articulate position of the Hopis who did not
10 want to be included. And they made that clear from the
11 very beginning.

12 This Commission voted on a couple of
13 occasions regarding the inclusion of the Hopis with the
14 Navajos and each time voted three to two. I was one of
15 the two. I was in favor of separating the Hopis. But,
16 Mr. Chairman and fellow Commissioners, we made this
17 decision last year.

18 This plan that is in front of us is not
19 significantly different from where we were headed with
20 plan 4H when we explicitly and with all of the same
21 information in front of us voted not to continue with
22 it. We had another alternative plan which came down
23 through, I guess, the western half of Navajo County and
24 united Southern Apache and Southern Navajo with Greenlee
25 and Cochise as well. We had made other alternatives. I

1 looked at them carefully. There may be a perception by
2 Flagstaff and others that we did not, but we in fact
3 did. I know I spent more -- personally, I spent as much
4 or more time looking at this issue and trying to find
5 some way around the problem than anything else that
6 we -- any other decision that we made.

7 In my mind, I think that what made the
8 decision inevitable, despite all those other factors,
9 was the federal Voting Rights Act. This is not
10 something we have any authority in my mind to waive or
11 deviate from. It is not something that even a sovereign
12 people like the Navajo Nation or Apache Nations have the
13 right to deviate from. The State of Arizona does not,
14 no subdivision in the United States of America has
15 authority to disregard the Federal Voting Rights Act.

16 In my judgment, I find that as a matter of
17 fact, that inevitably that the two Apache tribes have
18 influence in District 5, which is -- would be wasted if
19 they were included in District 2. I find that as a
20 matter of fact. I think it is -- at least in my mind,
21 it is incontrovertible. And because that is a matter of
22 federal law, I feel that I have no choice, I have no
23 alternative to consider the proposals suggested by
24 Flagstaff, either plan A or plan B, in spite of whatever
25 other advantages, arguable or not, you think there might

1 be to those plans.

2 I also would like to add that as much
3 testimony and weight as has been brought here today in
4 support of this alternative, there was, certainly, an
5 equal amount of support in favor of the EACO district
6 which was one of the most clearly and unanimously
7 supported communities of interest that we had an
8 opportunity look at. And I think the impact on EACO is
9 certainly a point that would have to be weighed against
10 the other advantages that have been discussed here.

11 At least in my mind this is not a
12 balancing act. I cannot in good conscious put 70 plus
13 voting age population Native Americans into that
14 district and feel, in my own mind, that I have complied
15 with the tenet of the Federal Voting Act. One thing is
16 the US Department of Justice passed that district and
17 obviously agrees with that assessment that we have
18 provided adequate opportunity at the current level. To
19 pack an additional percent on that, without any voting
20 rights reason to do so, and an obvious loss of influence
21 in another district, I think would be a completely
22 unjustifiable action.

23 CHAIRMAN LYNN: Mr. Hall?

24 COMMISSIONER HALL: I want to thank
25 Mr. Huntwork with his articulate review of the history.

1 I agree wholeheartedly.

2 I don't think there's any other portion of
3 the map we've spent more time on than this particular
4 portion. I think it's important, in spite of -- or in
5 addition to the community of interest issues, which can
6 be debated to some extent -- you go to Yavapai County
7 and half say they want to split it to Mingus Mountain
8 and the other half say they want to be unified. Go to
9 Flagstaff, a lot of Democratic participants wanted to be
10 apart from the Navajo Nation, and others wanted this
11 configuration. With regard to Mr. Massey, I think it
12 depends on what month. This Commission has two, three
13 inconsistent versions where they stand on it. It's
14 interesting to note in the most recent fire catastrophe
15 of our neighborhood, Mr. Massey is standing side by side
16 leaders of Show Low, the County of Navajo, Navajo County
17 Sheriff, all of these as a community of interest were
18 involved in a very, very real catastrophe. And it's
19 noteworthy no one to the north was even in the process.
20 So it's indisputable that the EACO district is
21 undoubtedly the most unanimous AUR you have.

22 For me, this decision is similar to what
23 Mr. Huntwork said. This boils down to a matter of law.
24 As a matter of law, the district proposed on the board
25 is illegal. It violates the Constitution. The reason

1 it violates the Constitution is because -- I want to
2 quote exactly what they said in the case. In Bush vs.
3 Vera, it says, "A state that very substantially
4 increases the minority population percentage in a
5 district that already provides minority voters with an
6 effective opportunity to elect their preferred candidate
7 will likely create a district that violates the Shaw
8 doctrine or Section Two packing prohibition."

9 I think it's important for us to
10 understand this is clearly the case. The Department of
11 Justice said 62 percent voting age population for Native
12 American is sufficient for them to elect a candidate of
13 choice. They precleared that percentage pursuant to the
14 2002 plan. Here we're saying we'll draw a district
15 substantially on the basis of race only and bump it 10
16 percent. For what reason? For the purpose of just
17 increasing the numbers, I guess, because there's some
18 that feel there needs to be an absolute guarantee. And
19 that's not what the law requires.

20 So I feel like this is something that we
21 addressed last year, as Mr. Huntwork indicated. And I
22 think our judgment was sound in that respect. And I
23 think the Department of Justice has confirmed that our
24 judgment was sound. I think all our experts have
25 confirmed that fact. I think it provides, the current

1 configuration of these districts provides adequate,
2 appropriate opportunity for the Native Americans to
3 voice their -- to cast their vote and have their vote
4 heard.

5 I think the influence issue with respect
6 to the Apache Tribes is also a very valid concern.

7 So, Mr. Chairman, I would vote against the
8 acceptance of this test as part of our base map test C.

9 CHAIRMAN LYNN: Thank you, Mr. Hall.

10 Is there further discussion on the motion?

11 Let me add, from the point of view of the
12 Chair, not only has this been an issue that has consumed
13 a significant amount of the Commission's time, it is a
14 difficult issue from the standpoint that, first, as
15 Mr. Huntwork mentioned earlier, Mayor Donaldson has been
16 not just a worthy advocate of the changes in the
17 Northern Arizona area, I don't know that anyone has
18 spent more time or energy on a particular point of view
19 to bring it to the attention of the Commission and to
20 work -- try to work with the Commission in terms of
21 getting a different result. The difficulty is that
22 these are interlocking pieces. And when you make a
23 significant change, such as the change proposed in
24 either Flagstaff A or B, the effect on other parts of
25 the state become issues. And there are at least five

1 districts that are significantly altered if you adopt
2 either one of these changes.

3 The other thing that I think is important
4 is that when we held meetings in Flagstaff, clearly in
5 my mind there was a difference between -- a difference
6 among people who testified in Flagstaff as to where
7 Flagstaff needed to be placed with respect to other
8 areas of Northern Arizona. And we have clear and
9 conflicting testimony as to where Flagstaff would best
10 be put in a larger community of interest.

11 There were many who felt that the
12 association with the Navajo Nation was a positive step
13 and it was something that was along the lines of the
14 commercial and cultural parts of that section of the
15 state. I think both Mr. Huntwork's comments,
16 particularly with respect to the voting rights issues
17 and Mr. Hall's comments with respect to potential
18 constitutional problems that might arise should we adopt
19 such a district lead me, as well, to a difficult but
20 seemingly inevitable conclusion that we are not able to
21 include these tests in a map that we would submit to the
22 Department of Justice.

23 For that reason, I'm disposed, as the two
24 gentlemen who spoke before me, to not support inclusion
25 of either test A or B in our map as we go forward.

1 If there is no other comment from the
2 Commission, I think it would be not only important, but
3 I think it would be appropriate, to settle the matter on
4 the record so that additional expense and time and
5 effort that might be undertaken, either by the City of
6 Flagstaff, or by the Navajo Nation, or the White
7 Mountain or San Carlos Apache tribes, that they
8 understand where we are, in a certain sense, so that
9 they might begin to move beyond the point of feeling
10 that one more piece of evidence might make a difference.
11 I know that's a difficult decision, but I certainly, for
12 that reason, as is part of my responsibility, would
13 entertain a motion to formally reject Flagstaff A and B
14 for inclusion in our map.

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: Mr. Chairman, I
17 would make that motion.

18 CHAIRMAN LYNN: Is there a second?

19 COMMISSIONER HALL: Second.

20 CHAIRMAN LYNN: Thank you.

21 Discussion on the motion?

22 Mr. Huntwork.

23 COMMISSIONER HUNTWORK: Well, as I said
24 before, it certainly brings me no joy to make this
25 motion. It is, again, the most difficult decision that

1 we've had to make. It was before. It is now, in my
2 opinion.

3 If I sounded angry before, I apologize.
4 Because when I have to make difficult decision, that's a
5 reaction I always make. Nevertheless, it's the same
6 decision, same feeling. Nothing has changed.

7 CHAIRMAN LYNN: Further discussion on the
8 motion?

9 Ms. Minkoff.

10 COMMISSIONER MINKOFF: Mr. Chairman, I'm
11 going to vote against the motion. And the reason I'm
12 going to vote against it is because of some discussion
13 that went beforehand. Did we want to save the City of
14 Flagstaff time, expense, trouble, et cetera, of going
15 through further collecting of data.

16 I told you that I had very, very strong
17 reservations about this plan. I'm not sure they would
18 have been able to satisfy my concerns. Ultimately, I
19 sincerely doubt that they could have. However, I think
20 that the decision as to whether or not they should
21 proceed with further gathering of data should be theirs
22 and not ours. I think that were we to leave this on the
23 table, they would understand that the odds are very
24 strongly against them. But once again, I believe that
25 should be their decision and not ours. And if they were

1 willing, understanding the unlikelihood of this being
2 adopted, to put further time and effort into it in an
3 effort to convince it it was the right way to go, I
4 would be willing to listen. Although I'm not sure I
5 would support it ultimately, I'm unwilling to take the
6 option away from them at this point.

7 CHAIRMAN LYNN: Further discussion on the
8 motion?

9 COMMISSIONER HALL: I think additional
10 information will not change the facts that were stated
11 which made us vote the same way then as we are voting
12 now. And the fact that, Ms. Minkoff, your vote may
13 change is certainly not inconsistent with the prevalent
14 inconsistencies.

15 CHAIRMAN LYNN: Further discussion on the
16 motion?

17 Mr. Huntwork.

18 COMMISSIONER HUNTWORK: Well, I think to
19 respond directly to Commissioner Minkoff's point, I
20 think that if we -- it depends on what the people were
21 thinking in their own minds. If it's population
22 balance, which Commissioner Minkoff indicated is her
23 primary concern, I would be interested in further
24 information. But the problem is in my mind the reason
25 I'm voting for it is different from that.

1 I respect Commissioner Minkoff's point
2 based on why she would be voting. I'm voting for it
3 because of the issue in my mind concerning packing and
4 the fact that we have districts in Maricopa County where
5 we are going to be putting forward 55 percent Hispanic
6 voting age population as sufficient. We're trying to
7 keep -- we were trying to not raise that number beyond
8 what it needs to be in order to satisfy voting act
9 requirements.

10 We have -- we have larger issues
11 throughout the state, including ability to create
12 competitive districts. And they are impacted by this.
13 We could find there's reasons for different percentages.
14 I would say I've not found that at all.

15 I find that voting percentages in District
16 2, in the way of voting percentages, are more than
17 adequate to support the numbers we have right now. So,
18 truly, if there were more information in Flagstaff,
19 voter turnout in Maricopa County, or some significant
20 distinguishing factor in District 2 and, say, District
21 13, 14, I really feel we have all -- we have the
22 information. We have all the information there is to
23 have about those subjects, based on the reports of our
24 own consultants and months of -- years of hard research
25 that we've done on the subject. So because that's the

1 reason I'm making my decision, I think it's time.

2 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

3 Ms. Minkoff.

4 COMMISSIONER MINKOFF: Mr. Chairman, the
5 main issue that seems really to have some teeth to it is
6 the issue of compliance with the Voting Rights Act, and
7 specifically a claim that a district is packed or a Shaw
8 claim.

9 We have a baseline in the current Navajo
10 majority-minority district that is somewhat similar to
11 the Hopi out plan that Flagstaff is proposing. I would
12 find it extremely difficult from a voting rights
13 standpoint to support a Hopi in version of this plan.
14 But the Hopi out plan which has the Native American
15 population in this district around 71 percent is very
16 close to the baseline. And even though it may be larger
17 than a district that we have already had approved by the
18 Department of Justice, it's my interpretation, my
19 understanding, I should say, of the Voting Rights Act,
20 that would not be a violation of the law because it is
21 not above the baseline that currently exists. So that's
22 why I'm willing to continue to consider it, even though,
23 as I said, it would be a very hard sell for me to adopt
24 this.

25 I just believe in leaving people an

1 opportunity show us whether or not it can be done. I
2 doubt that it can, but I would like to allow them an
3 opportunity to do that.

4 CHAIRMAN LYNN: Further discussion on the
5 motion?

6 Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Mr. Chairman, I
8 think the Voting Rights Act requires judgment, not
9 mechanical application of rules. And ultimately, I
10 don't think for us that the test is what can you get
11 away with but what do we think is right. We had
12 effectiveness tests conducted very specifically
13 addressing specific races in different parts of the
14 state affected by these tests conducted up in the area
15 that sits with our District 2. We had the best analysis
16 that we could get as a result of those tests. And I
17 think the answer is clear. I think that we have created
18 an effective district there.

19 And I think that if we were to take the
20 Apache tribes out of District 5, we would not only not
21 significantly affect the ability of Native Americans in
22 District 2, but we would deprive the Apaches of
23 influence which they unquestionably have in District 5.
24 So now that's my judgment.

25 And I'm attempting to apply the rules of

1 the Voting Rights Act but to make my own judgment of the
2 situation. So having done that and having come to that
3 conclusion, I'm not interested in playing games with
4 statistics. I want to make that decision on my own.

5 CHAIRMAN LYNN: Mr. Hall?

6 COMMISSIONER HALL: Mr. Chairman, I think
7 it's important to clarify the issue. My understanding
8 of bench mark or baseline, my recollection is that some
9 of the districts in Maricopa County had a bench mark of
10 the low to mid sixties. Is that correct? And we made a
11 determination that, independent, I might add, with the
12 written support of the leaders of the Hispanic
13 community, that those districts could be effective.
14 They were adamant they could be effective in the mid
15 fifties, nearly 10 percent lower than what the previous
16 bench mark was. I believe elections will prove that's
17 an accurate reality.

18 With respect to the Navajo Nation that is,
19 I believe, around 70, I think effectiveness studies have
20 shown and Department of Justice agrees 62 percent voting
21 age will make them effective.

22 I think also the fallacy, with all due
23 respect to the parties who have devised this bench mark
24 philosophy, the whole concept is as population in a
25 state begins to grow, if an attempt was made every 10

1 years to meet that bench mark, at some point in certain
2 areas you would have to be 80, 90, 95 percent. And as
3 growth will continue to occur in our state at a rapid
4 pace, exponentially more in the metropolitan areas, it
5 will be impossible in the rural areas to find in 10
6 years enough to meet what the bench mark would be in 10
7 years. Exponentially, in 10 years as the growth occurs.
8 So I think to Mr. Huntwork's point, we have to exercise
9 judgment and allow them to be -- still be effective in
10 the way they do elections and still exercise reason as
11 to the percentages that are appropriate to allow them to
12 be effective.

13 CHAIRMAN LYNN: Further discussion on the
14 motion?

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

17 COMMISSIONER HUNTWORK: "Aye."

18 COMMISSIONER HALL: "Aye."

19 COMMISSIONER ELDER: "Aye."

20 CHAIRMAN LYNN: Chair votes "Aye."

21 Those opposed?

22 COMMISSIONER MINKOFF: "Aye."

23 CHAIRMAN LYNN: Motion carries four to
24 one.

25 Are there other affirmative motions with

1 respect to augmentation of the C test base map?

2 Mr. Hall.

3 COMMISSIONER HALL: Mr. Chairman, I would
4 move that we would include the Skyline test with the
5 base map.

6 CHAIRMAN LYNN: Is there a second?

7 COMMISSIONER ELDER: Second.

8 CHAIRMAN LYNN: Thank you.

9 It's been moved and seconded that we
10 include the Skyline Test, that's the Tucson shift
11 between Districts 26 and 30, into the base map.

12 Discussion.

13 Mr. Huntwork.

14 COMMISSIONER HUNTWORK: Mr. Chairman,
15 based on information that was presented to us today, I
16 find that this change has no significant impact on
17 population deviations, or on competitiveness, but it
18 does do a better job of uniting communities and,
19 therefore, I would support this.

20 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

21 Mr. Elder?

22 COMMISSIONER ELDER: I agree with that. I
23 would state that the bringing of -- I guess the section
24 line up to Sunrise alignment unites Flecha Caida as a
25 defined community. They were there 10, 15 years before

1 other neighborhoods surrounding them were developed and
2 have a cohesiveness and definable boundary. That fits
3 well.

4 The areas to the north of Flecha Caida.
5 F L E C H A, Caida, C A I D A.

6 CHAIRMAN LYNN: Flecha Caida. It's fallen
7 arrow.

8 COMMISSIONER ELDER: And the area is the
9 Alvernon community to the west of Swan, east of
10 Alvernon. That line, I guess, is a precinct line but
11 does not affect to the community there. And again, it
12 was developed as a section line, I think, from some of
13 the old Hughes property or section of land, old Hughes
14 property. It was something where everybody grew up
15 together, houses were built about the same time, got to
16 know their neighborhoods and became a strong cohesive
17 community. With those, I'd support both of the changes
18 in and out.

19 CHAIRMAN LYNN: Further discussion on the
20 motion?

21 If not, all those in favor signify "Aye."

22 COMMISSIONER HUNTWORK: "Aye."

23 COMMISSIONER MINKOFF: "Aye."

24 COMMISSIONER HALL: "Aye."

25 COMMISSIONER ELDER: "Aye."

1 CHAIRMAN LYNN: Chair votes "Aye."

2 Motion carries unanimously and is so
3 ordered.

4 Other motions with respect to adjustment
5 of the base map?

6 Ms. Minkoff.

7 COMMISSIONER MINKOFF: I'd like to move we
8 incorporate the Old Town and --

9 What did we call the other one?

10 MR. JOHNSON: United Neighbors.

11 COMMISSIONER MINKOFF: -- United Neighbors
12 Test into the base map.

13 CHAIRMAN LYNN: Want to do them both or
14 take them separately?

15 COMMISSIONER MINKOFF: I'm not sure that
16 we can do --

17 Doug, you tell me. I don't think we can
18 do the Glendale test without the United Neighbors test.

19 MR. JOHNSON: Yes.

20 COMMISSIONER MINKOFF: Seems to me that
21 part of the shift is done by the United Neighbors test
22 and the rest is an attempt to unify Glendale. That's my
23 major concern, eliminate the Glendale split. Half of
24 the Glendale split is taken care of by the United
25 Neighbors Test.

1 MR. JOHNSON: You are correct. Old Town
2 is incorporated with the United Neighbors Test.
3 Probably do one motion, if you adopt --

4 CHAIRMAN LYNN: Wanted to be clear if they
5 were independent or interdependent.

6 COMMISSIONER MINKOFF: Actually, you can
7 do United Neighbors without Glendale. Can't do Old Town
8 without United Neighbors, but --

9 CHAIRMAN LYNN: Right. You are proposing
10 both.

11 Second?

12 COMMISSIONER ELDER: Second.

13 CHAIRMAN LYNN: Discussion on the motion?
14 Mr. Elder.

15 COMMISSIONER ELDER: One of the things I
16 have concern about is the effect on the Hispanic
17 community.

18 I see Mr. Perez back there has been
19 listening intently to all the comments made about the
20 Old Town area and Hispanics.

21 Is there anything you see about the shift
22 that would be something we should be considering in our
23 deliberations and the effect on the Hispanic community?

24 MR. PEREZ: Are you referring to test B?

25 COMMISSIONER ELDER: I'm sorry.

1 MR. PEREZ: Are you referring to test C?

2 COMMISSIONER ELDER: Test C. And the
3 motion on the table is to include that area of blue and
4 yellow in 14, take it out of 14 and move it in, as well
5 as taking 14 to the north, so that the Old Town
6 community of Glendale then resides in --

7 MR. PEREZ: 13?

8 COMMISSIONER ELDER: No, 12.

9 MR. JOHNSON: Let me walk through it.

10 District 12 would be essentially what is
11 in the A and B coming down and taking a portion of Old
12 Town that is the non 13 part of Old Town, essentially.
13 And District 14 would move completely out of Glendale to
14 make up the population. It would go up to Butler in
15 Phoenix. For 12, very similar to A and B.

16 MR. PEREZ: What would the numbers look
17 like, Hispanic voting numbers look like, in 14, if you
18 made those changes?

19 MR. JOHNSON: It finishes at 57.59
20 percent.

21 MR. PEREZ: Proposing Old Town Glendale,
22 the body of Glendale, and put it into 12.

23 CHAIRMAN LYNN: Yes.

24 Mr. Perez, I don't know you were here for
25 the entire conversation today. It may be an unfair

1 question to ask.

2 So you understand the genesis of the
3 motion, because of the test we're looking at right now,
4 we've increased the number of city splits in Glendale
5 from five to six. One certainly could argue five is
6 enough; six may be too many. And certainly the
7 representative of Glendale had indicated if we could
8 reduce it back to the number five, which was in the
9 original 2002 map, that that would be preferable. The
10 other comment made from the City of Glendale was that
11 this Old Town area needed to be unified with other parts
12 of Glendale. And this proposal does that.

13 MR. PEREZ: My concern would be for the
14 residents in the Old Town -- old part of Glendale and
15 whether or not they would prefer to be in 13 or 14 as
16 opposed to 12 and whether or not we would be
17 disenfranchising those folks who reside in -- what we
18 refer to as the old barrio of Glendale. That's my only
19 concern.

20 How many folks are we talking about in
21 that area?

22 CHAIRMAN LYNN: Mr. Johnson.

23 MR. JOHNSON: Let me make sure I get this
24 right.

25 The portion that was District 14 in

1 Glendale, you see the red line and following around
2 there, was 6,000 people.

3 COMMISSIONER ELDER: Percentage Hispanics
4 in that area?

5 MR. JOHNSON: About -- voting age, it was
6 about 20 percent Hispanic.

7 MR. PEREZ: That's all?

8 COMMISSIONER ELDER: Somewhere between
9 two, three thousand people were Hispanic in that area?

10 MR. JOHNSON: One thing, to clarify, the
11 Old Town Glendale includes a portion of what is now in
12 District 13 that's not changing.

13 MR. PEREZ: That's not changing.

14 Okay. We can support that.

15 MR. JOHNSON: This is only the eastern
16 part of Old Town plan C put in 14 and we're changing.

17 MR. PEREZ: That's fine.

18 CHAIRMAN LYNN: Thank you, Mr. Perez.

19 Mr. Hall.

20 COMMISSIONER HALL: Mr. Chairman, I know
21 I'm probably sounding redundant, and I apologize. I
22 live in a town that is about 3,000 people. We just
23 moved two of those towns.

24 I know it seems like a little square up
25 there, but I -- we haven't really had any feedback. And

1 I'm just concerned this late in the game of making --
2 with all respect to City of Glendale, I understand their
3 desire to make less splits. I support that. I just say
4 we're proposing moving two of my towns around,
5 numerically, and we -- I'm not sure we have, at this
6 stage of the game, sufficient input relative to what the
7 ramifications are of that. I'm not saying I oppose or
8 support it. I'm concerned. I'm doubly concerned we
9 have 2002 in place, elections will occur on maps similar
10 to the old configuration, and now two years later we'll
11 say something new with respect to these two, three
12 districts.

13 I'm not sure I understand the
14 ramifications. Maybe it's zero ramifications.

15 I'm uncomfortable. I don't know why. I'm
16 conceptually uncomfortable with what we're proposing.

17 CHAIRMAN LYNN: Mr. Huntwork and then
18 Ms. Minkoff.

19 COMMISSIONER HUNTWORK: Well, I'm looking
20 at --

21 It is important to minimize city splits
22 when we can, but I'm looking at this map and the
23 information provided to us by the homeowners'
24 association earlier. And it looks to me like doing
25 this, we split not just one but two other community

1 associations, maybe three. Northern Avenue appears on
2 the material distributed to be a major identifier for
3 self-identified communities in that area.

4 So I think where I'm coming out on this is
5 I would support, I think, the neighborhood shift, but I
6 don't think that I'd support the Old Town Glendale shift
7 as a whole.

8 You know, also, just in any event, before
9 we vote on it, I want to ask, I think we talked about --
10 Doug gave us the numbers for the neighborhood shift,
11 whatever we're calling it; but I don't think you gave us
12 the numbers on the Glendale shift, did you? What effect
13 does that have on not just population, balance of
14 population, what impact does it have on competitiveness?
15 And what effect does it have overall on the minority
16 populations? Did we get that? I thought --

17 Excuse me. I thought you only gave us the
18 United Neighbors. I know you gave us 14. Hispanic
19 voting age population in 14 as a result of the Glendale
20 shift. I don't think you gave us the rest of the
21 numbers.

22 MR. JOHNSON: On the competitiveness
23 front, if I didn't give it, my apologies. On the
24 District 10 and 12 are the ones that fall within the
25 McDonald seven percent spread, so they were my main

1 focus in looking at this. Let me prepare some numbers
2 for you.

3 The registration spread in District 10
4 goes from 10.16 in test C to 10.27 in the Old Town test,
5 the one where we go all the way. And then AQD goes from
6 7.54 to 7.6. So the margin spread of a tenth of a point
7 registration and 600ths of a point AQD.

8 District 12, 5.05 in test C to 4.35 in the
9 Old Town test. AQD, 7.97 to 7.12.

10 COMMISSIONER HUNTWORK: You did give those
11 before. I apologize. Must have had something else on
12 my mind.

13 CHAIRMAN LYNN: Ms. Minkoff.

14 COMMISSIONER MINKOFF: Mr. Chairman, we
15 just unanimously approved a switch in the Tucson area on
16 which there was no public testimony at all. We did it
17 because two of the Commissioners know Tucson very well
18 and felt changing the lines made some sense and it
19 seemed to make sense to the rest of us, so we approved
20 it. Here is a situation where we have had testimony.
21 We've had testimony from two different groups, one a
22 neighborhood association, the other the City of
23 Glendale, explaining very strong reasons why these
24 shifts work.

25 The City of Glendale certainly is input we

1 need to consider under requirements of Proposition 106
2 because it makes it very clear that political boundaries
3 are included among the criteria that we are supposed to
4 respect in the drawing of our maps. Neighborhood
5 associations are not. Communities of interest are. But
6 every single neighborhood association is not necessarily
7 a community of interest in and of itself.

8 We have had testimony in favor of changes.
9 We've not had any testimony against these changes. Just
10 based on what I know of the area and what I know of the
11 City of Glendale and the comments that were very, very
12 telling to me were comments the representative of the
13 City of Glendale made earlier, explained Glendale
14 representatives went to their representative and were
15 told "Most of my district isn't part of the City of
16 Glendale, so your concerns aren't that important to me."

17 I'm looking at that Old Town area that is
18 a part of District 14 in test C, and it looks to me that
19 that is exactly the type of response they are likely to
20 get. Whereas if we move them into District 12, they are
21 going to be a significant portion of that district and
22 the concerns of the City of Glendale would have to be
23 respected by any representative of that district.
24 That's an additional reason why I support this change.

25 CHAIRMAN LYNN: Thank you.

1 Further discussion on the motion?

2 Mr. Hall.

3 COMMISSIONER HALL: Well, what is
4 confusing me, Andi, I don't see unanimity over there
5 from the other two folks. I have unanimity here. So I
6 welcome your guidance.

7 CHAIRMAN LYNN: I think the other thing
8 that is confusing me, I'm disposed to vote in favor of
9 the motion at this point almost for the opposite reason
10 that Mr. Huntwork was talking about making the change.

11 I, too, feel some obligation to reduce a
12 city split from six to five, if I can. And the
13 neighborhood argument was less persuasive, in my
14 opinion, because we have probably for population and
15 other reasons treated neighborhoods in a different way
16 except when they have come forward and either in a
17 historic fashion or some other way gone beyond just a
18 neighborhood affiliation and indicated that there was
19 some other community underlying the geography that gave
20 us a reason to consider them differently. So I -- not
21 that I was ignoring the testimony of this morning, but
22 certainly only on the basis of the testimony this
23 morning, I wouldn't necessarily be interested in
24 correcting that issue when we have an equal population
25 issue that we're trying to deal with.

1 I am, however, looking for an answer to
2 reduce the Glendale splits, if that is possible. And I
3 would take this, absent a better solution, if this is
4 one way to do it. That's my rationale. I'd be
5 delighted to have a contrary opinion explained to me.

6 Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Well, I -- the
8 trouble is, to some extent, that I don't know this area
9 that well. What I do have in front of me is the
10 information handed out this morning by the neighborhood
11 associations which say that when we are moving the line
12 north above Northern there, we're splitting two
13 neighborhoods directly in half. That's of concern to
14 me. We do the initial shift and unite the neighborhood
15 without doing more damage. So at least in my mind that
16 gives us a fairly strong reason to stop there.

17 The other thing of concern to me,
18 demographically, I suspect, the area we're talking about
19 has a great deal in common with District 14 and probably
20 doesn't have as much in common with District 12. If you
21 forget about the extraction of Glendale, think about the
22 people who live in that area, my suspicion is we'd be
23 doing them a favor to put them in 14. It's very hard to
24 prove what you don't know, but looking at the map, kind
25 of plugging in what I do know about demographics in that

1 area, I strongly suspect that's a better fit.

2 You have the desire of District 12, which
3 is essentially way out in the West Valley, comes in for
4 reasons completely unrelated to this, does a pincher
5 move, practically pinching off the island. We have
6 voting rights reasons why we have to do that. I don't
7 think we have to exacerbate the situation by adding more
8 and more to the tip of the fingernail of the claw that
9 reaches into heart of a different neighborhood that has
10 so little in common.

11 CHAIRMAN LYNN: Ms. Minkoff.

12 COMMISSIONER MINKOFF: Mr. Chairman, I'd
13 like to point out the testimony we got from the
14 neighborhood association. We've given more than they
15 asked for. We united them. When they came in, they
16 said they were in three different districts and would
17 like to be only in two different districts. That's what
18 they asked for. We'd be doing no worse to the
19 neighborhood associations north of Northern putting them
20 in two districts and dividing on Butler.

21 I'd like to go back to the thing that
22 really persuades me on this, and that is the concern for
23 the City of Glendale, not just today but we've gotten
24 input from them ever since we approved in concept a
25 draft map on June 25th. They have told us they believe

1 six splits is too many and that they can work with five.
2 I believe that's very compelling testimony that I
3 respect a great deal.

4 CHAIRMAN LYNN: Thank you, Ms. Minkoff.

5 Further discussion on the motion?

6 If not, let's remind ourselves that we are
7 talking about both shifts, at this point.

8 All those in favor of the motion, signify
9 by saying "Aye."

10 COMMISSIONER MINKOFF: "Aye."

11 COMMISSIONER ELDER: "Aye."

12 CHAIRMAN LYNN: Chair votes "aye."

13 CHAIRMAN LYNN: Opposed say "No."

14 COMMISSIONER HUNTWORK: "No."

15 COMMISSIONER HALL: "No."

16 CHAIRMAN LYNN: Motion carries three to
17 two.

18 Are there other changes you'd like
19 incorporated in the base map at this time?

20 Mr. Elder.

21 COMMISSIONER ELDER: Yes, Mr. Chairman. I
22 believe it's in Districts 17 to 22. It's along Broadway
23 Road. And it's that one in-held area to the north of
24 Broadway. That one right there where your cursor is.

25 What are the effects of bringing that in

1 to -- I believe it's District 22 to the south and then
2 it goes back to the definability of your district, where
3 you vote, who's campaigning, and all the other --

4 Broadway is a major arterial, and I think
5 it makes it more compact, more contiguous in that area.

6 MR. JOHNSON: Commissioner, what we're
7 looking at is this small piece where District 22 comes
8 up above Broadway.

9 COMMISSIONER ELDER: That's correct.

10 CHAIRMAN LYNN: And restoring the border
11 to be Broadway straight across instead of that piece
12 coming north; is that correct?

13 COMMISSIONER ELDER: That is correct.

14 MR. JOHNSON: If we move that -- excuse
15 me.

16 The deviation in 17 would go from 2.07
17 to -- add 156 people there which would take 2 to 2.17,
18 higher than I mentioned before. And the deviation in 22
19 would drop from 2.17 to 1.98. So it's a 10th of a point
20 shift.

21 In this case that would take the District
22 21 deviation, it would be a small increase in total
23 deviation. We'd go from 4.15 -- let me make sure I do
24 this right -- to 4.23, an increase in total deviation
25 from eight-hundredths of a point if we make this change.

1 It is a change of 156 people. And this is the heart of
2 Mesa, or the heart of Eastern Mesa, at least, so there
3 aren't large minority populations in this area that
4 would be impacted by it. And competitiveness, 156
5 people won't make a significant difference.

6 COMMISSIONER ELDER: No voting rights, no
7 competitiveness. It's strictly a deviation issue, if
8 eight-hundredths is an issue.

9 Mr. Chairman, I move we take the area,
10 call it Broadway-Central, and remove it from 19 -- oh,
11 excuse me, remove it from 22, place it in 19.

12 CHAIRMAN LYNN: Is there a second?

13 COMMISSIONER MINKOFF: I'll second it for
14 discussion.

15 I have a question.

16 CHAIRMAN LYNN: Ms. Minkoff.

17 COMMISSIONER MINKOFF: Why was there a jog
18 in the first place? Just population deviation or any
19 other reasons for it?

20 MR. JOHNSON: When I was drawing the
21 districts, I was trying to balance the East Valley
22 districts' deviations, and there wasn't a more
23 neighborhoodly way to do it.

24 COMMISSIONER MINKOFF: So it was just for
25 population equalization?

1 MR. JOHNSON: Yes. Yes.

2 CHAIRMAN LYNN: Further discussion on the
3 motion?

4 If not, are you ready for the question?

5 All those in favor of the motion to make
6 the adjustment to the Broadway-Central portion of the
7 map between districts 19 and 22, signify by saying
8 "Aye."

9 COMMISSIONER HUNTWORK: "Aye."

10 COMMISSIONER MINKOFF: "Aye."

11 COMMISSIONER HALL: "Aye."

12 COMMISSIONER ELDER: "Aye."

13 CHAIRMAN LYNN: Chair votes "Aye."

14 Motion carries and is unanimously ordered.

15 Other adjustments to the base map?

16 If there are no other adjustments to the
17 base map at this time, might I suggest that we spend
18 some small portion of the remainder of the afternoon in
19 a couple of ways. And I don't want to cut off anybody's
20 ability to make additional adjustments, but I would like
21 to give Mr. Johnson maximum opportunity to incorporate
22 the changes that we've been talking about and to begin
23 tomorrow morning with an integrated base map from which
24 we can see the implications of the things that we've
25 done. We can take the time, specifically, to go

1 district by district and deal with population deviation
2 as it exists in that map and, if we are satisfied at
3 that point, move toward adoption of that map.

4 I think what would be prudent at this
5 point, if there are no other adjustments in the base
6 map, we deal with remainder of the agenda, if we can, so
7 tomorrow when we reconvene all we have in front of us is
8 the process I just outlined.

9 Is there anyone who would propose a
10 different course?

11 Mr. Huntwork?

12 COMMISSIONER HUNTWORK: Mr. Chairman, as
13 we've been talking about this, I know we've talked about
14 a more detailed process of looking at the population
15 deviations on a district-by-district basis. And there's
16 a sense in which I know we have to do that. But at the
17 same time, the reasons for any deviations at all are now
18 clearly identified. And I don't want to spend a whole
19 lot of time on it beyond what is absolutely necessary.
20 I can summarize in two minutes why I think we are where
21 we are and we've done the best we can. I'm almost at
22 the point in my own mind where, subject to final
23 tinkering of lines, I would be ready to adopt the map.

24 CHAIRMAN LYNN: I would suggest that
25 before we go down that road, specifically, we might want

1 to have an Executive Session to be sure there are no
2 legal ramifications in proceeding in that direction and
3 in that manner. But absent that, my understanding in
4 working with legal counsel and staff, and to move the
5 meeting forward, is that we might very well want to
6 expand the record with respect to specific deviations.
7 Because our previously adopted map was what it was with
8 really no specific record on population deviation until
9 we ordered that we try to balance population. And that
10 was a specific order that we gave to NDC and the reason
11 that we had tests A, B, and C come back to us. It is in
12 that context I think the record needs to be a little
13 more complete with respect to deviations. And I think
14 that's the concern.

15 COMMISSIONER HUNTWORK: Perhaps --
16 certainly I want to follow the best advance of my group
17 of counsel, but we have certain areas that are
18 overpopulated, basically created overpopulation in the
19 East Valley because we -- we have overpopulation of
20 districts in the East Valley because we had to do that
21 because of voting rights concerns. We spread that as
22 evenly throughout districts after looking at individual
23 lines.

24 At least I have come to the conclusion
25 that we cannot -- there is no good way to funnel that

1 out of the East Valley through Tempe without doing
2 damage to Tempe, Scottsdale, North Phoenix, and other
3 areas, or even worse, to very target three defined
4 districts, 9, 10, 11. We addressed those neighborhoods,
5 captured communities of interest, and districts. We've
6 done all that in meticulous detail. And those districts
7 within those groups we are talking about are very close
8 in population, some with slight underpopulation in
9 certain areas, some with slight overpopulation. For
10 macro considerations, between those, we've done a good
11 job balancing that population as well as possible using
12 the streets as dividing lines, and so on.

13 With all of that in mind, my question is
14 do we really need to get out the microscope and effect
15 that sort of record?

16 CHAIRMAN LYNN: Mr. Hall?

17 COMMISSIONER HALL: Mr. Chairman, I
18 concur. This binder has in intimate detail every
19 population change with the exception of those
20 adjustments we just made. It's of record. It's been on
21 the website forever. And I'm -- I'm not sure what,
22 other than what Lisa may be whispering in your ear, what
23 we may be missing.

24 CHAIRMAN LYNN: Well, in addition to the
25 other work we have to do, we also have to do a revised

1 competitiveness summary on the base map which can't been
2 done until tomorrow, as well.

3 But I would strongly suggest that if any
4 Members of the Commission doubt the need to embellish
5 the record with respect to deviation and population,
6 that we briefly convene in Executive Session and
7 understand why that is important. And for that purpose,
8 I certainly would entertain a motion for a brief
9 Executive Session on that point.

10 COMMISSIONER ELDER: Mr. Chairman, while
11 the microphone is free, it's my understanding of the
12 process that we will receive a map tomorrow, along with
13 the data base for competitiveness, deviation, and all of
14 the changes that we made so that we have a final plan
15 that we can look at and review. Based on the outcomes
16 of that, I -- at least my feeling, or my desire, is to
17 be able to revisit and/or say no, it didn't work in
18 this, this, and this area and, therefore, go back to
19 original plan C, A, or whatever it might be in those
20 areas.

21 Is that something we will still be able to
22 do tomorrow?

23 CHAIRMAN LYNN: I believe so. In fact, we
24 could do that up to the point at which we would adopt a
25 final map.

1 COMMISSIONER HALL: I move we go into
2 Executive Session, Mr. Chairman.

3 CHAIRMAN LYNN: Is there a second?

4 COMMISSIONER MINKOFF: Second.

5 CHAIRMAN LYNN: Moved and seconded that
6 pursuant to Arizona Revised Statute 38-431.02(A)(1)
7 and/or for 38-431.03(A)(4) -- pardon me, for
8 38-431(A)(4) or 38-431.03(A)(3), we go into Executive
9 Session.

10 All those in favor of the motion, signify
11 by saying "Aye."

12 COMMISSIONER HUNTWORK: "Aye."

13 COMMISSIONER MINKOFF: "Aye."

14 COMMISSIONER HALL: "Aye."

15 COMMISSIONER ELDER: "Aye."

16 CHAIRMAN LYNN: Opposed say "No."

17 (Motion carries.)

18 CHAIRMAN LYNN: Ladies and gentlemen, my
19 guess on this Executive Session is approximately a half
20 hour.

21 FYI, I believe the earliest we can convene
22 tomorrow morning is 9:30. I think it will be a 9:30
23 start.

24 For those of you contemplating leaving us
25 at this juncture, I'm not certain we're going to do much

1 of substance between now and the break for the evening.
2 We will probably put some things on the record, but we
3 will probably defer anything important until tomorrow.

4 As soon as we reconvene, we'll go into
5 Executive Session.

6 (Recess taken.)

7 (Whereupon, the Commission convened in
8 Executive Session from 5:07 p.m. until 5:48 p.m.)

9 CHAIRMAN LYNN: Open session.

10 The Commission will come to order.

11 All Commissioners are present, along with
12 legal staff, NDC, and IRC staff.

13 The Commission will stand in recess until
14 9:30 tomorrow morning.

15 (Whereupon, the hearing recessed at
16 approximately 5:50 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 202 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 19th day of August, 2002.

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

