

1 STATE OF ARIZONA

2 ARIZONA INDEPENDENT REDISTRICTING COMMISSION

3

4

5

6

7

8

9 REPORTER'S TRANSCRIPT OF PROCEEDINGS

10

11

12 PUBLIC SESSION

13 Tempe, Arizona

14 August 14, 2002

9:30 p.m.

15

16

17

18

19

20

21

22

23

24

25 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 14,
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
16 LISA T. HAUSER, Commission Counsel
17 JOSE de JESUS RIVERA, Commission Counsel
18 M. MARGUERITE LEONI, NDC Counsel
19 ADOLFO ECHEVESTE, IRC Executive Director
20 LOU JONES, IRC Staff
21 DR. FLORENCE ADAMS, NDC, Consultant
22 DOUG JOHNSON, NDC, Consultant
23 LISA A. NANCE, RPR, CCR, Court Reporter
24
25

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1

2 SPEAKERS FROM THE PUBLIC:

3 JOSEPH C. DONALDSON, Mayor, Flagstaff

4 DAVID CANTELME, Counsel, Flagstaff

5 DANA TRANBERG, Intergovernmental Relations
Assistant, Glendale

6 PAT BRENNER, Community Relations Manager, City of
7 Apache Junction

8 LEONARD GORMAN, Chief Staff Assistant, Navajo Nation

9 EDWARD T. BEGAY, Speaker, Navajo Nation Council

10 SCHEDULED SPEAKERS:
11

12 DOUG JOHNSON

13

14

15

16

17

18

19

20

21

22

23

24

25

ATWOOD REPORTING SERVICE
Phoenix, Arizona

3

4

5 PROCEEDINGS

6

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

9 Good morning, ladies and gentlemen. The
10 Commission will reconvene.

11 For the record, four Commissioners are
12 present. Mr. Huntwork is excused. He will be joining
13 us shortly.

14 We are represented by legal counsel. NDC
15 is here and IRC staff.

16 As is our custom, we would be happy to
17 take public comment not only at the beginning of the
18 meeting today but as we move forward in our
19 deliberations today at appropriate times, as we did
20 yesterday, to entertain additional comment when it makes
21 sense to do so.

22 At the moment, I have one speaker slip.
23 If there are others of you that wish to speak, please
24 make sure that staff members have your slips and are
25 prepared to bring them forward and get you into the que

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 Our first speaker this morning is David
2 Cantelme who is representing the City of Flagstaff.

3 Mr. Cantelme.

4 MR. CANTELME: Thank you, Mr. Chairman,
5 Members of the Commission.

6 I would like to put Mayor Donaldson on.

7 If we may have him come forward first, then I'll get
8 into the meat of what I was going to say.

9 CHAIRMAN LYNN: Without objection.

10 MAYOR DONALDSON: Thank you, Mr. Chairman,
11 Commissioners, again for this opportunity to speak
12 before you.

13 I understand the full decision you folks
14 made yesterday concerning the Flagstaff proposal, and we
15 fully respect that. However, we want to continue to
16 address the issues brought forth by Commissioner
17 Minkoff. And we're prepared to address those issues and
18 submit for your consideration, for your record, on the
19 record, our answers and revision of the Flagstaff
20 proposed map. And respecting your time, I'm just going
21 to go ahead and introduce Mr. David Cantelme who will
22 speak for the City of Flagstaff.

23 CHAIRMAN LYNN: Thank you, Mr. Mayor.

24 Mr. Cantelme.

25 MR. CANTELME: Thank you, Mr. Chairman,

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 Members of the Commission.

I also realize the Commission has done its work. We do appreciate very much the opportunity to speak to you again and at least respond to some of the questions that had been posed to us yesterday.

6 I very much respect the position the
7 Commissioners are in. I have to serve on a school
8 board. I very much can appreciate you donating your
9 time and being in a position where you can please some
10 of the people some of the time but can't please all of
11 the people all of the time. We fully respect that. Yet
12 the Vice Chairman had raised some very serious questions
13 yesterday. We'll very briefly respond to them.

14 Particularly the question was dealing with population
15 deviations. And we very much recognize that as a
16 significant issue. Even though you may be within what
17 is permissible by equal protection, nonetheless, you
18 still should strive to reduce the deviations among
19 districts as much as possible.

20 What we have done, if I may, Mr. Chairman,
21 present you with --

22 (Commissioner Huntwork arrives.)

23 CHAIRMAN LYNN: For the record,

24 Mr. Huntwork has joined us.

25 COMMISSIONER HUNTWORK: Good morning.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 CHAIRMAN LYNN: Without objection, we'll
2 receive the report.

3 MS. HAUSER: Mr. Sissons, do you have
4 any --

5 MR. RIVERA: Do you have any for legal
6 counsel?

7 MR. SISSONS: Actually, I do.

24 On plan A, we made three changes. Plan B,
25 we have made two of those three changes. Specifically,

1 on the first change, it is to take the Coconino County
2 portion of the Arizona strip and go from District 2 to
3 District 3. And then the second move is in northwest
4 Phoenix, the area between Pinnacle Peak on the south and
5 Happy Valley on the north, 43rd Avenue on the east --
6 excuse me, 39th Drive on the east and 43rd Avenue on the
7 west. That's about a half-square-mile area, moving that
8 from 6 to 4. 4 had been, as Vice Chairman Minkoff
9 pointed out yesterday, the district in our original
10 plans, preferred plans, that had the greatest deviation.
11 And this cures it.

12 And then the third move is up in Navajo
13 County, the area north of US-60, east of State Route 77,
14 but not Show Low, Taylor, Snowflake, or Holbrook. That
15 goes from 5 to 2.

16 We've also given you a chart that goes
17 with the narrative and it describes the results in terms
18 of numbers and percentages resulted from these moves.
19 And you can see there that on the districts that we have
20 changed -- and again, we've taken the core of our map as
21 your map. We've only changed these five districts. You
22 can see there that the maximum deviation downwards is
23 the 2.28 in District 2. And the maximum upwards that
24 we've got there -- and this, again, is only the ones
25 we've changed; it's not the ones you originally have in

1 your plan -- a .92. I think Mr. Sissons has found the
2 net result deviation in our plan is --

3 MR. SISSONS: Plan A, up --

4 MR. CANTELME: Can we just add those two?

5 MR. SISSONS: Actually, no. Because what

6 is not shown on here is some districts that we did
7 affect in our earlier submission.

8 MR. CANTELME: Under six?

9 MR. SISSONS: 5.6 under one of the plans.

10 MR. JOHNSON: Can't hear you.

11 MR. CANTELME: 5.6, plan A; and 4.6, plan

12 B.

13 We'll submit this in digital form to NDC.

14 We realize you got past this major vote.

15 We understand that. While we respectfully disagree, we

16 realize decisions have to make.

17 We would like, if we have permission,

18 Mr. Chairman, to submit this in digital form to NDC.

19 CHAIRMAN LYNN: No objection.

20 MR. CANTELME: I believe Mr. Sissons is

21 doing that.

22 CHAIRMAN LYNN: Questions or comments for

23 Mr. Cantelme or Mayor Donaldson?

24 Ms. Minkoff.

25 COMMISSIONER MINKOFF: Not a question, bu

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 as long as you are submitting this material, if you
2 could submit something like we have here for all 30
3 districts, it would be helpful.

4 MR. CANTELME: Thank you. We can also do
5 that, no trouble at all. It will also be in digital
6 form.

7 CHAIRMAN LYNN: Thank you.

8 Mr. Mayor, any other comments?

9 MAYOR DONALDSON: Thank you.

10 CHAIRMAN LYNN: Thank you for your
11 diligence and very enthusiastic representation of your
12 community and their interests. We appreciate that.

13 MAYOR DONALDSON: Thank you very much.

14 CHAIRMAN LYNN: The next speaker slip I
15 have, the only other speaker slip I have for this
16 session, is Pat Brenner, who is the manager of community
17 relations for City of Apache Junction.

18 Mr. Brenner.

19 MR. BRENNER: Good morning, Mr. Chairman,
20 and Members of this Commission.

21 Pleasure to see you.

22 I have a statement from Mayor Coleman of
23 the City Apache Junction and the City Council of Apache
24 Junction I'd like to enter into the record, if I may.

25 CHAIRMAN LYNN: Without objection.

1 MR. BRENNER: Dear Mr. Chairman and
2 Members of the Commission, the online information center
3 for the Redistricting Commission states the Commission
4 is charged with redrawing fair, competitive districts
5 based on criteria set forth in Proposition 106. The new
6 districts must also comply with Section Two and Five of
7 the Voting Rights Act and follow traditional
8 redistricting principles, including compactness,
9 contiguity, and respect for existing features and
10 communities of interest.

11 As Mayor of a community which has spent
12 the past 10 years split between three separate
13 Legislative districts, Districts 4, 7, and 21, reaching
14 from Avondale in the West Valley to communities in the
15 White Mountains, the prospect of spending the next 10
16 years as part of a district that reaches to the Mexican
17 border is unacceptable.

18 I call your attention to your mission
19 statement which charges the Commission with
20 administrating fair and balanced redistricting and
21 requests the Commission's consideration of the following
22 points.

23 Number one, that Apache Junction remain
24 whole and not be split between various and numerous
25 Legislative districts.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 That Apache Junction remain with Pinal
2 County.

3 That Pinal County remain whole.

4 And that Apache Junction not be part of an
5 East Mesa district.

6 I, as well as many others in the
7 community, voted for Proposition 106 with the hope of
8 being in a Legislative District that showed respect for
9 our city boundaries, geographic conditions, and shared
10 community interests. I am disappointed that these
11 principles are not reflected in the 2004 maps, the
12 current map, or maps.

13 I respectfully ask your consideration of
14 this request. If you need any additional information,
15 please contact me at 480 982-8002.

16 Sincerely, Douglas Coleman, Mayor of the
17 City of Apache Junction.

18 CHAIRMAN LYNN: Thank you, Mr. Brenner.

19 Comments or questions for Mr. Brenner?

20 Thank you, sir. That will be made a part
21 of the record.

22 MR. BRENNER: Thank you.

23 CHAIRMAN LYNN: The next speaker is
24 Mr. Leonard Gorman, Chief Staff Assistant for the Navajo
25 Nation.

1 Mr. Gorman?

2 Mr. Gorman may have stepped out. I know
3 he was here earlier today.

4 MR. ECHEVESTE: Oh.

5 CHAIRMAN LYNN: Good morning, Mr. Gorman.

6 MR. GORMAN: Good morning, Mr. Chair,
7 Members of the Commission.

8 To say as a follow-up comment to

9 Mr. Speakers' comment, the Navajo Nation did submit --

10 Mr. Speaker submitted a Resolution from the
11 Inter-Governmental Relations Committee supp
12 initially developed by the City of Flagstaf

13 CHAIRMAN LYNN: We have air conditioning.

14 If you'd speak up.

15 MR. GORMAN: To follow-up Mr. Speaker, the
16 Navajo Nation was supporting plan B developed by the
17 City of Flagstaff.

18 Their plan B2 resubmitted this morning,
19 the Navajo Nation just has several comments on that
20 issue, the plan B map, since the Navajo Nation supports
21 the plan B developed by the city.

22 Three areas, the Greenlee County issue
23 still continues to be part of number 2, and part of
24 these, adjustments be made three areas, Greenlee County,
25 probably the southern part of the Navajo Nation includes

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 areas such as parts of Winslow and the north part of the
2 Interstate 40, that little strip on the bottom -- south
3 end of the Navajo Nation in Coconino and Navajo
4 counties, and then the western part of Navajo Nation in
5 the Page area.

6 The Navajo Nation initially submitted a
7 proposal that included areas west of Page along Kaibab,
8 I believe that's a river, or county line, the west end
9 of the Coconino County line.

10 So perhaps there could be a continuation
11 of consideration for those three areas may be taken into
12 consideration balancing the population.

13 Thank you.

14 CHAIRMAN LYNN: Thank you, Mr. Gorman.

15 Questions or comments for Mr. Gorman?

16 Mr. Gorman, thank you.

17 Our next speaker, I notice at least this
18 is the last speaker slip in my possession for this
19 session, that would be from Edward T. Begay, Speaker,
20 Navajo Nation.

21 Speaker Begay, welcome back.

22 SPEAKER BEGAY: Good morning, Chairman,
23 Members of the Commission, staff, and also the guests
24 here this morning.

25 It's always interesting and a pleasure to

1 appear before a body that is responsible for doing a job
2 that is needs to be done. And at times it gets to be a
3 very hectic job. I don't envy your job at all. But
4 nevertheless, you have given us this opportunity to
5 present our map maps over the period of time you all
6 have convened to review the overall redistricting for
7 the State of Arizona in light of the year 2000 Census
8 count. With that, I would like to again thank you for
9 giving the time to just make some remarks.

10 Of course, the Navajo Nation
11 representatives were here yesterday as you began your
12 two-day meeting. And it was the Inter-Governmental
13 Relations Committee that did act by Resolution that was
14 presented. So that way we established the position of
15 the Navajo Nation.

16 Presently the Navajo Nation is working
17 with the City of Flagstaff regarding the plans A and B.
18 I guess this morning there has been further, made some
19 refinements on that. And hopefully that would be taken
20 into serious consideration by this Commission.

21 I respect the decision of the Commission
22 regarding the Flagstaff plans that were presented. The
23 Navajo Nation is deeply disappointed with the decision.
24 The new maps generated by Flagstaff is -- we reviewed
25 before coming to this meeting this morning, and

1 specifically plan B would be satisfied -- satisfy a
2 large number of Indian tribes in Northern Arizona.

3 The Navajo Nation is very hopeful that
4 we're making some progress on these issues. I believe
5 if you are still in session, if there's any
6 reconsideration to adjust, we would be most grateful.

7 And again, thank you for the time. And
8 hopefully you would make a wise decision for the
9 citizens for the State of Arizona.

10 Thank you, Mr. Chairman.

11 CHAIRMAN LYNN: Thank you, Speaker Begay.

12 Comments or questions for the Speaker?

13 Mr. Speaker, I want to, on behalf of the
14 Commission, thank the Navajo Nation for their time and
15 attention to this process. It is probably without peer
16 in terms of the number of people who have been involved
17 in the process from the beginning and who have been
18 involved in helping us make our decisions. Even though
19 the decisions may not all be to the Nation's liking, we
20 certainly appreciate the involvement of the Navajo
21 Nation. We appreciate the fact that you hosted us in
22 Window Rock for a meeting. And we appreciate your
23 involvement and we thank you very much.

24 SPEAKER BEGAY: Thank you. You are
25 welcome.

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

3 If not, we'll close public comment for the
4 moment.

5 As I mentioned earlier, we'll continue to
6 take public comment during the course of the meeting and
7 move forward.

8 At this time, I would like to ask
9 Mr. Johnson for his report on the tests that were
10 ordered yesterday and the possible adjustments to the
11 base map.

12 Mr. Johnson, while you are there, we'll go
13 through that first. And then I believe you also have a
14 deviation report that we can also take, but we'll do
15 that subsequent to the -- looking at how the map turned
16 out at this point.

17 MR. JOHNSON: Okay.

18 While this is coming up, just to clarify
19 one thing, compared to information you were given versus
20 what you'll get through me in a couple days, I spoke to
21 Flagstaff representatives. The total deviation they
22 mentioned for districts that differ from the 2002 plan.
23 When you get my run of the equivalency file, there will
24 be larger deviation that still includes 2002 plans, they
25 indicated their goal is for us to substitute in changes

1 in those districts. Wanted to explain why it would jump
2 when you get that.

3 I started with the test C base map and
4 then incorporated the various instructions from the
5 Commission yesterday into this plan which is simply
6 called the August 13th Plan. Let me show you the
7 changes.

8 The other piece I did is worked with Tim
9 Johnson on the traps. And you'll see -- I think there
10 were four traps of zero population, a small sliver of
11 blocks, and one involved 21 people. So let me show you
12 that as well.

13 Each of you have spread sheets in back.
14 One is a standard spread sheet, demographics,
15 registration, and original AQD data. Another one is
16 what we introduced yesterday is the three-race and
17 four-race averages, new AQD, as it's also being referred
18 to, where the four-race average is an average of the
19 1998 Governor, Secretary of State, Attorney General, and
20 Corporate Commissioner races, the statewide races for
21 '98, and three-race average Governor, Secretary of
22 State, and Corporate Commissioner.

23 The reason for including both, when
24 Dr. McDonald looked at it, he found some evidence the
25 Attorney General may have been an aberration and wanted

1 to give you both scenarios.

2 You have spread sheet that puts all the
3 different competitive measures together on one sheet for
4 your reference.

5 First changes were down in Tucson,
6 included the Skyline test and squared off the area north
7 of Skyline and traded for it in the area of Sunrise as
8 discussed yesterday. It came out just as we discussed
9 it yesterday with no changes from that result.

10 There were no traps down in that area.

11 The second area of changes was the Old
12 Town and United Neighbors area. And this is also the
13 area where the populated trap was found.

14 The pointer.

15 As you can see, the red lines that are
16 overlaid are Test C and the colored lines are the August
17 13th plan. So you can see District 14 ascends to the
18 north up to Butler. District 12 instead of extending
19 into Phoenix stays within Glendale. And District 15
20 instead of coming across into the United Neighbors area
21 also extends north to Butler.

22 The one trap I wanted to point out is this
23 one Census block here. That's a 21-person Census block
24 where the Congressional District, because of it's zero
25 deviation requirement, both percentage and people, took

1 in that block into the district. And so if we follow
2 that street and did not follow the Congressional line,
3 the county would need to make a new precinct just to
4 administer the election for 21 people. Pursuant to the
5 instruction to incorporate those trap fixes, that's the
6 only population change area. And it's actually the only
7 area that would show up to the naked eye on the maps.

8 The other traps, just to point out where
9 they were, there were two right on the edge of Tolleson
10 that were slivers that are between -- the city line
11 doesn't go quite all the way to the road, so there's a
12 very narrow zero population Census block between city
13 line and road. I stopped at the city line and
14 Congressional line and went to the road. I moved it to
15 the road so we avoid traps.

16 And there was a similar case up in the
17 north between 4 and 6. There was a zero population trap
18 along the border of Glendale. And, again, I would zoom
19 in, but I have to zoom in so closely you would lose all
20 reference points to see those traps. The only one that
21 involved population was down there.

22 You have the spread sheet before you. Let
23 me summarize it.

24 I'll get my copy there.

25 MS. LEONI: Excuse me, Doug, the red lines

1 on this map are what? The red lines are --

2 MR. JOHNSON: Test C.

3 MS. LEONI: Test C.

4 And the colored lines are what?

5 MR. JOHNSON: The August 13th plan.

6 DR. ADAMS: Doug --

7 MR. JOHNSON: Is there a question?

8 Dr. Adams was asking about something I
9 didn't mention specifically. The way that that trap was
10 created in this test is the tradeoff yesterday. As you
11 can note, when 14 picks up its population in the north,
12 its picking up from 10 and giving population to 12. So
13 there's this area between north of Northern that is the
14 same as discussed or shown yesterday. And that is the
15 area where 10 picks up from 10 to 12 to trade off. And
16 that's what had created the trap.

17 The resulting total deviation of this plan
18 is 4.22. Note that is slightly higher than the plan C
19 deviation by a few hundredths of a point, and that's
20 because of the changes made -- oh, the last set of
21 changes made, which is the 19 and 22 tradeoff. And that
22 is where, pursuant to the Commission's instructions, I
23 tested used keeping the border between 19 and 22 at
24 Broadway rather than having 22 come up into the small
25 bump there.

1 The colors are so close, let me change
2 those.

3 You can see previously 22, District 22
4 came up above Broadway and picked up four Census blocks,
5 squared off at Broadway, made it an easier to understand
6 and describe the border there, but the result was an
7 increase in total deviation to 4.22 percent.

8 We have the competitiveness information
9 and other things on the spread sheet before you. And as
10 I noted, they are on the tables in the back for the
11 public.

12 I can answer any questions you have.

13 CHAIRMAN LYNN: Questions or comments for
14 Mr. Johnson?

15 Mr. Elder.

16 COMMISSIONER ELDER: Mr. Johnson, would
17 you, I guess, zoom in on and include Districts 11, 12 --
18 no, 14, 15, and 12. That area, there.

19 Could you turn on and shade the Glendale
20 boundaries here?

21 Mr. Chairman, I guess why I wanted to see
22 this, I still have a problem with the way the historic
23 district in Glendale comes down in 12 and pinches off 14
24 to where it looks like we really have an extremely
25 articulated district there.

1 It doesn't seem -- I guess it unites a
2 community of interest a little bit more, but it's still
3 just a little bit more. It doesn't seem it's benefiting
4 as much as it may be hurting the ease -- the term Doug
5 used is describing the district. Where do you run;
6 where do you campaign; where do you live; where do you
7 vote.

8 I'm still a little concerned that that
9 district, for lack of a better term, is an ugly
10 district, not compact, almost not contiguous. If you
11 look at the way circulation gets from the southeast to
12 northwest, that neck along Grand, that's probably the
13 only road that actually connects them. I just wanted to
14 discuss that a little further to make sure that's the
15 way we as a Commission want to go in creating a district
16 that almost -- I can't describe why it's been done that
17 way other than for voting rights issues.

18 CHAIRMAN LYNN: Ms. Minkoff.

19 COMMISSIONER MINKOFF: First of all,
20 Mr. Elder, I think you meant 13, not 14, didn't you?

21 COMMISSIONER ELDER: 13 comes around and
22 looks like --

23 COMMISSIONER MINKOFF: 14 has a straight
24 line.

25 COMMISSIONER ELDER: Fine, follows the

1 boundary of Glendale, follows jurisdictions, even though
2 we talk about 14 off to --

3 COMMISSIONER MINKOFF: So you are
4 concerned about where 12 and 13 kind of spiral around
5 each other. 13 is one of our voting rights districts.

6 And, Doug, are there differences in the population in
7 that little group of 13 that cuts into Glendale from
8 surrounding population? Is there any way we could even
9 out some lines without disturbing either competitiveness
10 of 12 or Hispanic voting age population in 13?

11 MR. JOHNSON: Test A from yesterday, I
12 actually tried to do that, where it really squared off
13 this area here to get rid of the kind of wraparound
14 effect.

15 COMMISSIONER MINKOFF: Yes.

16 MR. JOHNSON: The impact of that, it put
17 in areas not as heavily Hispanic or as focused Hispanic
18 neighborhoods and dropped the Hispanic voting age in 13
19 down to 53 percent and change, which is in the range in
20 the Department of Justice area is a gray area.

21 COMMISSIONER ELDER: Currently it's 56.7.

22 MR. JOHNSON: 13 is 55 and some change.

23 Let me get that.

24 MS. HAUSER: 55.25.

25 COMMISSIONER MINKOFF: So that loop from

1 13 has heavier Hispanic concentration than areas
2 described?

3 MR. JOHNSON: Yes. The area in the old
4 plan discussed yesterday is divided between 13 and 12.
5 Because part of it is a very dense Hispanic community,
6 and the other part is -- while about 30 percent
7 Hispanic, it's not nearly as unified as the other half.

8 COMMISSIONER MINKOFF: Thank you.

9 COMMISSIONER ELDER: So let me follow up
10 with that, then. In other words, then, for the
11 rationale for 13 being articulated, we have the Hispanic
12 and the voting rights issues that this appeared to be
13 the best way of doing that. And we in turn are trading
14 some of the compactness and almost contiguousness of
15 that district. Is that --

16 MR. JOHNSON: We're definitely trading
17 compactness.

18 COMMISSIONER ELDER: I just wanted to make
19 sure there was a good reason why and it wasn't just this
20 is what was left over or it was just that's what we
21 found and we didn't look for other ways of doing it to
22 give a more definable edge and boundary there. And if
23 that's the case, then I'm satisfied with where the
24 district is now.

25 CHAIRMAN LYNN: Mr. Huntwork.

1 COMMISSIONER HUNTWORK: Well, I -- I was
2 not so much thinking about District 13, which I
3 understood the reason for that, previously, and we
4 discussed it previously that Doug had gone all along the
5 boundary of 13 all the way to the bottom, southwest
6 corner, all along the boundary of 12 to see if there was
7 anyplace -- to see if there was anyplace we could make
8 trades. I'm assuming that is still the case, you've not
9 found anything else or had any other ideas to find out
10 how to do that anywhere along that border, correct?

11 MR. JOHNSON: Correct.

12 COMMISSIONER HUNTWORK: But on the other
13 hand, I just -- I said this yesterday, looking at it
14 here on the map again today, I'm sorry, I don't mean to
15 take my fellow Commissioners' time to beat a dead horse,
16 we voted on this, and I recognize that. I don't think
17 we did a service to the people that live in that Old
18 Town area. They don't have anything in common with
19 Litchfield Park, Goodyear, and so on. They belong more
20 with District 14. I just think we made a terrible
21 mistake when we did that.

22 I wish there was a way we could keep 12
23 from going so deeply into that area begin with. The
24 more narrow we pinch it and further extend in, the more
25 of a disservice to the people that live in that urban

1 core which I think is much more heavily identified with
2 14, 15, and 10.

3 So --

4 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

5 I would point out Ms. Tranberg's testimony
6 from City of Glendale counters that view and indicates
7 the downtown area and here --

8 COMMISSIONER HUNTWORK: I understand that
9 Glendale City perspective on this. I understand it very
10 well. I'm not talking about the city. I'm talking
11 about the people that live in that area.

12 CHAIRMAN LYNN: We don't have testimony
13 from them is my only point. I wish we did.

14 COMMISSIONER HUNTWORK: But I'm familiar
15 with that area. I've driven through there. I know what
16 it's like.

17 CHAIRMAN LYNN: Thank you.

18 Ms. Minkoff and then Mr. Hall.

19 COMMISSIONER MINKOFF: Mr. Chairman, I'm
20 wondering if there is a way to get that Old Town area
21 into District 13 which I think would not disturb the
22 City of Glendale because there is an adjacent portion of
23 the City of Glendale already in District 13? Is there
24 any population on the boundary between 13 and 12 that
25 has a similar demographic composition, maybe the area

1 west of 115th Avenue or west of the 101 Loop. Is there
2 anything we could trade from 13 into 12 so we can take
3 that area into 13? I think that would address
4 Commissioner Huntwork's concerns without changing the
5 demographics of 13, which is a major issue.

11 What I just brought up now, I switched the
12 red lines from C to test A. You can see how they are
13 much squarer. It does take that Old Town area into
14 District 13. It squares off down here instead of where
15 we were just east of the 101 in that area, instead of
16 taking the two jags that are in there. And it's a much
17 more compact district. This was my attempt to do just
18 what you are describing, Commissioner Minkoff, look at
19 neighboring areas close in demographics.

20 This test did reduce Hispanic voting age
21 of 13 to 53 percent and some change. And that was
22 picking up the most demographically matched
23 neighborhoods.

24 One thing I should note for the record,
25 too, on there, it would be possible to remove this arm.

1 have 10 come down pick that up, and 12 would go into 9,
2 do a little circle there to avoid the compactness there.
3 I haven't fully drawn a test, but the reason I did not
4 present that to you yesterday is that the impact of that
5 is 12 would be picking up heavily or relatively more
6 Republican areas from 9. We'd also be adding a city
7 split to Peoria. It leads to its own set of issues.

8 I do want to say that is something I
9 looked at as an attempt to address that, but it led to a
10 waterfall of new problems. So it is something both the
11 Commission and NDC in our tests, pursuant to your
12 instructions, have looked at in detail and not been able
13 to come up with a more satisfactory result.

14 CHAIRMAN LYNN: Mr. Huntwork, is there --
15 I'll get to you, Mr. Hall.

16 Is there anything -- do you see something
17 you would like to have NDC test as a possible solution?
18 I don't want to put you on the spot for that. I'll take
19 Mr. Hall's comment, if there's anything we can order
20 that hasn't been looked at, we'll certainly try to do
21 that.

22 Mr. Hall.

23 COMMISSIONER HALL: Mr. Chairman, I just
24 want to reiterate my concerns of yesterday, as long as
25 we're continuing to whip the horse. The point is the

1 fact that we haven't heard from those people, my
2 experience in this process is no news is good news. We
3 have a map posted. We haven't heard any objection to
4 the current position of the map which, could be inferred
5 they are not unhappy with their present situation,
6 irrespective of Glendale, the City of Glendale's
7 perspective, which I'd like to address next.

8 On the issue, the fact, one, they knew
9 where they were, we have posted the map some time,
10 allowed for comment, public comment, and our number of
11 letters we've received from citizens really happy is
12 minimal. Normally we just hear when they are unhappy
13 with what we've done. I think lack of testimony can be
14 viewed as positive, instead of the converse.

15 With respect to the City of Glendale's.
16 Five versus six, if I was the director of the City of
17 Glendale, I'd own all six Representatives instead of
18 five and have that much more influence in the
19 Legislature. They say our position is such a minority
20 position, I'd still make sure they knew they represent
21 my city.

22 I'm not sure that position is particularly
23 in the best interests of the city, but that's not my
24 call.

25 My major concern, however, is that I think

1 that the voters, and especially in the Maricopa area,
2 have experienced a certain level of confusion. You
3 know, we had had draft maps, permanent maps, then a map
4 submitted, now a court appointed map, and now a new map.
5 Even people I visit with on a regular basis, i.e. my
6 wife, can't figure out which map we're on.

7 Are we doing any benefit making a
8 last-minute change, causing confusion? They went, know
9 where their polling place was in 2002. 2004 we're
10 saying we want you to do something different and you may
11 have a different candidate. Things changed. We had a
12 neighborhood representative and one city representative
13 that said come move 6,000 people. All those points, in
14 addition to Mr. Huntwork's point, which I'm not sure
15 their situation is better to the north than it would be
16 to the south -- I know that's probably all we've done.
17 The more I look at the situation, the stronger I'm in
18 opposition to making this move, in addition to the fact
19 that now the district is less compact.

20 CHAIRMAN LYNN: Any further discussion on
21 this portion of the presentation?

22 What I think we might do, we have two
23 issues. And one of the issues involves a trap of 21
24 individuals.

25 The Chair would entertain motions to

1 incorporate either of these, of the changes, the Tucson
2 change and this, the one we're talking about, into the
3 base map for further consideration, which we need to do
4 formally.

5 Ms. Minkoff.

6 COMMISSIONER MINKOFF: I move that we
7 incorporate the adjustment to population between
8 Districts 12 and 10 to correct the trap identified.

9 CHAIRMAN LYNN: It's not just the trap
10 adjustment. I think that is one of the issues. I'm
11 looking for the two tests that were run.

12 COMMISSIONER MINKOFF: You want them --

13 CHAIRMAN LYNN: Put in the map or take
14 them off the table.

15 COMMISSIONER MINKOFF: You would like to
16 incorporate the shift between 12 and 14?

17 CHAIRMAN LYNN: Yes.

18 COMMISSIONER MINKOFF: Fine. Since I
19 support that, I'd move that.

20 CHAIRMAN LYNN: Let me ask a technical
21 question, Mr. Johnson. The issue of the trap, is that
22 outside the bounds of the shift? Should it be voted on
23 separately: We already issued a discussion dealing with
24 traps and lining of districts so counties wouldn't have
25 the burden of a very small precinct to support.

1 MR. JOHNSON: If the Old Town and United
2 Neighbors issue isn't adopted, the trap would go away.

3 CHAIRMAN LYNN: The motion is to accept
4 the Old Town and United Neighborhood shift.

5 MR. JOHNSON: I'd ask the motion be to
6 accept that shift with the one change of the trap.

7 CHAIRMAN LYNN: Okay.

8 COMMISSIONER MINKOFF: That's my motion.

9 CHAIRMAN LYNN: Thank you.

10 Is there a second?

11 Hearing no second, that motion dies for
12 lack of a second.

13 Is there an affirmative motion with
14 respect to the Tucson motion?

15 COMMISSIONER HUNTWORK: I will move that
16 we make the Skyline shift as previously outlined.

17 CHAIRMAN LYNN: It's been moved we make
18 the Skyline shift.

19 Is there a second?

20 COMMISSIONER ELDER: Second.

21 CHAIRMAN LYNN: Second.

22 Discussion on the motion?

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

25 COMMISSIONER HUNTWORK: "Aye."

1 COMMISSIONER MINKOFF: "Aye."

2 COMMISSIONER HALL: "Aye."

3 COMMISSIONER ELDER: "Aye."

4 CHAIRMAN LYNN: Chair votes "Aye."

5 Motion carries five-zero and is so

6 ordered. That motion is now incorporated into the base

7 map.

8 MR. RIVERA: Mr. Chairman?

9 CHAIRMAN LYNN: Mr. Rivera.

10 MR. RIVERA: The information you provided

11 us includes the Old Town change and Skyline change.

12 MR. JOHNSON: Yes.

13 MR. RIVERA: If we don't incorporate the

14 Old Town change and Skyline change, these numbers will

15 change on these charts, am I right?

16 MR. JOHNSON: Right.

17 MR. RIVERA: Right. Okay.

18 COMMISSIONER HALL: Only in three

19 districts.

20 CHAIRMAN LYNN: In three districts. And

21 we'll have to rerun it. If no changes in that district,

22 we can do another run. We already have the numbers --

23 we can go to plan C --

24 MR. JOHNSON: Correct. If neither the Old

25 Town or United Neighbors Test, United Neighbors being

1 the subset of that, are adopted, we'd be back at the
2 test C lines.

3 CHAIRMAN LYNN: Test C lines for those
4 three districts. We'll get an integrated whole if we
5 can, but we have the numbers.

6 COMMISSIONER HALL: We have the numbers,
7 don't we, Jose? Because we have the numbers.

8 MR. JOHNSON: To clarify, we have test C
9 numbers. If we don't have the test run, the only one is
10 just the United Neighborhood change of 2,000 people.
11 Gave the stats yesterday but haven't the full spread
12 sheet.

13 COMMISSIONER HALL: Where are we on the
14 United Neighborhood change? I thought that was all
15 within --

16 MR. JOHNSON: Old Town includes the United
17 Neighborhoods Test.

18 COMMISSIONER HALL: We have left that
19 alone.

20 CHAIRMAN LYNN: We've left that alone. In
21 that portion of the map, we're at test C as our base
22 map.

23 MR. JOHNSON: Correct.

24 CHAIRMAN LYNN: I have a speaker slip from
25 Ms. Tranberg representing the City of Glendale. It

1 would be timely to take her comments now, since we're
2 dealing with that issue.

3 So without objection. Ms. Tranberg.

4 MS. TRANBERG: Thank you, Mr. Chairman,
5 Members of the Commission.

6 I would like to address the Old Town issue
7 with you. I've provided the correspondence the City of
8 Glendale has provided since the beginning on the primary
9 issue of unifying Old Town area. I understand some of
10 the Commissioners' concerns. I particularly would like
11 to address Mr. Hall's concern or comments regarding six
12 districts are better than five.

13 As I stated previously, and as our
14 Maricopa and several of our Council members have
15 testified before the Commission. Unfortunately when
16 it's a minute area, including one of the proposals, one
17 square mile of District 14 being in the City of
18 Glendale, it's very difficult to get a Legislator to
19 listen to your concerns, either right now as we're
20 communicating with different candidates for District 12,
21 who does have -- or District 10, has larger portions of
22 Glendale, we're already hearing from some of them,
23 "Well, most of my area is Phoenix, so we're focusing on
24 Phoenix residents." So I guess I would respectfully
25 disagree with the thought that six is better than five.

1 We were hoping that the Commission would
2 adopt the Old Town proposal today. And I would request
3 you would reconsider it.

4 District 14 wraps around and as was
5 testified to yesterday by several -- a woman from the
6 Phoenix neighborhood, they see their neighborhoods as
7 distinctly different from those in Glendale. Their
8 request was to be included in a Phoenix area, not
9 District 12, a Glendale area.

10 I think that the dividing line of Glendale
11 and Phoenix is not only a city boundary, but I think
12 it's a distinction between neighborhood associations in
13 that area.

14 With that, I'll entertain questions you
15 have. But we request you would reconsider.

16 CHAIRMAN LYNN: Mr. Huntwork.

17 COMMISSIONER HUNTWORK: Mr. Chairman, I
18 just want to make sure we're not putting words into the
19 mouth of that neighborhood association. Certainly they
20 recognize distinctions between the area I think probably
21 north of Northern as well as south of Northern and
22 between Phoenix and Glendale. But I also would guess,
23 if I can put words into their mouth as well as you can,
24 and they would need to speak for themselves, really, but
25 what they don't have anything in common with is Goodyear

1 and Litchfield Park, and so on. They are an intercity
2 neighborhood. And to that extent, they have more in
3 common with that little area of Glendale that we're
4 talking that.

5 But I'm wondering, could you explain to me
6 why that area, that is the highly urbanized Old Town
7 area, would have anything in common with the high growth
8 areas in the west side of valley, why do you find that
9 an appropriate connection other than you in the abstract
10 don't want Glendale to have another division? Why are
11 those people better off?

12 MS. TRANBERG: Mr. Chairman, Members of
13 the Commission, I in no way put words in someone's
14 mouth. She in testimony said she didn't want to be in
15 12, an area that cuts down the central city and also has
16 a connection with communities north, further to the west
17 of it.

18 Obviously, we'd love to see that unified
19 into one area. Unfortunately, because of limitations
20 and the voting rights issue, they are not. For the past
21 10 years that area has been significantly fragmented.
22 We think this is an improvement upon that.

23 Those Glendale neighborhoods, there's a
24 tight neighborhood between different Glendale
25 associations and neighborhoods. They work with the city

1 and with each other. Therefore, I think it's important
2 they remain unified with other neighborhood communities
3 rather than being placed into District 14 which is
4 Phoenix communities.

5 CHAIRMAN LYNN: Ms. Tranberg, I don't want
6 to interrupt your dialogue. I made an error this
7 morning. Clearly it wasn't the first and won't be the
8 last.

9 In reviewing the work of the Commission
10 yesterday, it was my understanding, at least I thought I
11 had a clear understanding, that what I thought we had
12 done on two separate votes was order further testing of
13 Skyline and Old Town and United Neighbors. In fact,
14 what we did was vote them into the base map. So my --
15 it was my error. And what we do have now is a base map
16 that contains both of those changes.

17 If there is --

18 COMMISSIONER MINKOFF: Doesn't have the
19 trap, though.

20 CHAIRMAN LYNN: The trap was identified
21 overnight. So we would certainly have to add that to
22 the mix.

23 Clearly any of those decisions, until a
24 final map is adopted, is up for -- they could be
25 reconsidered. I would remind the Commission in order to

1 reconsider any decision that has been made, the maker of
2 the motion for reconsideration has to have been on the
3 prevailing side.

4 So with that caveat, I just -- all I want
5 to do is clear up the discussion. Because at this
6 moment, I'm confident now that our base map includes
7 both of those changes.

8 Mr. Elder was first and then Ms. Minkoff.

9 COMMISSIONER ELDER: Yes, Mr. Chairman.
10 It was my understanding we were going to run tests on
11 those. And that's what I wanted to do was the sole
12 intent of my vote for this. Since I am on the
13 affirmative side of that vote, I would bring that up as
14 a motion to reconsider.

15 CHAIRMAN LYNN: Mr. Elder has made a
16 motion to reconsider the Old Town and United
17 Neighborhood adjustment. Is there a second to that
18 motion?

19 COMMISSIONER HUNTWORK: Mr. Chairman, I
20 second --

21 I assume a seconder can be on the other
22 side?

23 CHAIRMAN LYNN: I believe that is correct.
24 The maker of the motion has to have been on the
25 prevailing side.

1 COMMISSIONER HUNTWORK: Thank you.

2 CHAIRMAN LYNN: It's been moved and
3 seconded.

4 What is before the Commission is a motion
5 to reconsider. A motion to reconsider does not undue
6 what has been done, rather, it puts the issue before the
7 Commission again as if it had not yet been voted on and
8 will be voted.

9 All those in favor --

10 Discussion on the motion?

11 Ms. Minkoff.

12 COMMISSIONER MINKOFF: I have a question
13 of Doug and some comments to make.

14 Doug, Commissioner Hall expressed concern
15 a few minutes ago that people are going to be terribly
16 confused if we move district lines and they are not
17 going to know where to vote. Does this change any
18 precincts, any people's polling places, or are they just
19 voting at the same place but in a new Legislative
20 District?

21 MR. JOHNSON: It's difficult to say.
22 There's a lot of factors that go into precincting,
23 obviously, and the counties do that.

24 It would -- the question in my mind is are
25 the changes of a nature where they could just switch the

1 precinct assignment? And District 13 has made some
2 changes that I think will require precinct adjustments,
3 because we were reducing the deviations from the nine
4 percent it was when those precincts were drawn. The
5 changes to 12 and 14 and 10 and 15, I can't characterize
6 those in terms of the impact on the precinct lines. And
7 obviously if a precinct changes them, some people's
8 polling place will change. That is something that the
9 county people might be able to answer, but I can't.

10 COMMISSIONER MINKOFF: And you have
11 been -- are the counties going to have to redo precincts
12 because of the population adjustments that we've made?

13 MR. JOHNSON: Yes.

14 COMMISSIONER MINKOFF: Okay. So there are
15 a lot of people who are going to be in different
16 precincts in 2004 than they are in 2002 because we've
17 made population adjustments, correct?

18 MR. JOHNSON: Yes. We've done things such
19 as unite the Isaac School District in all three tests,
20 previously divided, in order to respect precincts. In
21 that one case I worked with Tim Johnson who worked for
22 the Commission and county. That's not an issue at all,
23 they have plenty of time before 2004 elections to
24 reprecinct.

25 He was only working on the one case. I

1 can't speak to the others.

2 CHAIRMAN LYNN: The motion is to
3 reconsider, whether or not we'll have another vote, not
4 merits of the motion. Do you want to vote on this
5 again, that's the question before the Commission.

6 All in favor of reconsideration say "Aye."

7 COMMISSIONER HUNTWORK: "Aye."

8 COMMISSIONER HALL: "Aye."

9 COMMISSIONER ELDER: "Aye."

10 CHAIRMAN LYNN: Opposed, "No."

11 COMMISSIONER MINKOFF: "No."

12 CHAIRMAN LYNN: Chair votes "No."

13 Motion passes three-two.

14 The issue of the Old Town and United
15 Neighbors switch is back on the floor for discussion.

16 COMMISSIONER MINKOFF: Mr. Chairman, I
17 have to say I'm really, really puzzled as to why there
18 is any serious question about doing this. What we are
19 hearing is that the City of Glendale has asked us to
20 make this shift, but we haven't heard anything from the
21 people. And so, therefore, we're going to ignore the
22 input that we have had.

23 We have had so many changes in these maps,
24 as Mr. Hall has said, that a lot of the people probably
25 don't understand where the process is. Unless they have

1 been logging on to our website on a regular basis,
2 unless they have been coming down to our meetings on a
3 regular basis, they have not been following the process.
4 Quite honestly, I believe that's true for the
5 overwhelming majority of people in the Arizona. What I
6 do in this kind of situation, and what I believe a lot
7 of people do, I figure I've elected people who are
8 supposed to represent me. If it's a city issue, I've
9 elected a Mayor and a City Council, and I expect them to
10 represent me as a resident of that city. If it's an
11 issue before the Legislature, I have elected Legislators
12 in my district who I expect to represent me. I don't go
13 down to the Legislature and give public testimony on
14 every issue that is important to me.

15 I think that we have heard very, very
16 clearly from the City of Glendale. And I also think
17 that Proposition 106 is very clear, that city
18 unification that minimizes city splits is something that
19 is very important.

20 In the earlier map that we had, test C,
21 the Old Town area of Glendale was in District 14, a
22 district that extends clear over to the area immediately
23 north of Sky Harbor Airport.

24 If you are looking at a district that is
25 strung out all over the place, areas where people from

1 one end to the other probably never get to the other end
2 of the district, where it's going to be virtually
3 impossible for a legislature to represent the concerns
4 of the City of Glendale and of the Phoenix Airport area,
5 which may very well be in conflict, the more that we can
6 unify Glendale, the better it's going to be for those
7 people.

8 There are 60 some hundred people in this
9 area. If we put them in District 14, they are less than
10 five percent of the district. And they are not going to
11 have any impact at all on a Legislature from District
12 14. That's a majority-minority district. That
13 Legislature is going to listen to those concerns. It's
14 also kind of a Phoenix inner-city district. And those
15 are the concerns that will dominate it.

16 By not making this switch, we're in effect
17 telling 6,600 people in City of Glendale they'll have to
18 go without adequate representation.

19 One of the things we have to look for in
20 making this kind of a switch is whether there are any
21 significant detriments. And that's what I don't see. I
22 see that it makes District 12 a little less pretty.
23 Quite honestly District 12 and 13 aren't pretty anyway,
24 nor is 14 or District 15.

25 We have very strange looking districts

1 drawn for very valid reasons, Voting Rights Act, uniting
2 historic neighborhoods, which is an AUR that we
3 established. And I believe respect for integrity of
4 city boundaries is an equally compelling argument to
5 create a district that is not as compact and not as
6 pretty as we would like.

7 I used to be in District 18. Now I'm in
8 Legislative District 11. And awhile ago I got a card
9 from the Maricopa County Recorders Office, told me this
10 is my Legislative district, County Supervisor District,
11 and this is my polling place. There's no confusion. I
12 know exactly where I am. There's no concern about my
13 knowing who to vote for and who not to vote for, because
14 they're bombarding me with information. Actually, my
15 district, they're not, because there's no Democratic
16 primary.

17 When candidates want my vote, they let me
18 know. I hear from them. I can choose to pay attention
19 or ignore their input.

20 I'm not concerned I'll not know who's
21 running in my district. There are very compelling
22 reasons why we've been asked to make the shift. It's
23 important for city information, important for not
24 disenfranchising 6,600 people in the City of Glendale
25 willingly without any significant representation in the

1 Legislature if we don't make the shift. We owe it to
2 them to do it.

3 CHAIRMAN LYNN: Thank you.

4 Further discussion on the motion?

5 COMMISSIONER HALL: Do we have a motion?

6 CHAIRMAN LYNN: The motion on the floor is
7 to incorporate the shift in the map.

8 COMMISSIONER HALL: Already voted it.

9 MS. LEONI: Undue it.

10 COMMISSIONER HALL: I'm lost.

11 CHAIRMAN LYNN: I understand that. Let me
12 give you a map. Yesterday we voted three to two to
13 incorporate this into the map. That was done by
14 Mr. Johnson overnight and you see it as incorporated.
15 Mr. Elder was on the prevailing side on that motion
16 yesterday. He made a motion to reconsider. The motion
17 to reconsider passed three to two. We're now
18 reconsidering the original motion which is to include
19 this shift in --

20 COMMISSIONER HALL: The original motion
21 doesn't have to be remade?

22 CHAIRMAN LYNN: No. It's on the floor.

23 Absolutely.

24 Mr. Elder.

25 COMMISSIONER ELDER: Yes, Mr. Chairman.

1 If there was ever a poster child for a
2 town boundary that had the characteristics of Glendale
3 and -- if we tried to put together a district that
4 looked like that and sent it to the Department of
5 Justice, we would actually be tarred and feathered. So
6 they brought it to some extent on themselves by having a
7 town that has to be cut up because of stretched-out,
8 strenuous necks that reach out to population areas.

9 I tend to think that the sanctity of
10 jurisdictional boundaries in the case of Glendale is
11 probably at the extreme low end just because of the way
12 they have managed annexation and/or bringing populations
13 into their city. But what does play a significant role
14 is the population in the area that we are discussing,
15 which is Old Town. And the Old Town population, by the
16 discussions we had when we had Rudolfo Perez take a look
17 at the numbers he saw there, and I believe by the time
18 we worked it out, there was something like out of those
19 6,600 people, there was somewhere in the range 4,800
20 Hispanics. And being in District 14 almost makes more
21 sense than being in District 12 or 13.

22 So from my perspective, I'm looking at it
23 more from where does that population, where does that
24 community belong, and not worrying that much about
25 Glendale. Glendale has been able to manage a separated

1 community for many years. And to manage one more split
2 in a Legislative area doesn't make -- it doesn't appear
3 as though there would be any problem in the way they
4 have their administration in their city set up. That's
5 the reason I wanted to take a look at it from a
6 statistical base, from Mr. Johnson's point of view.
7 What change did it make from the demographics of the
8 area concerned, the Old Town area, on the different
9 districts that this change would affect. If it didn't
10 make any difference, then they probably should stay in
11 14. If it does make a difference, then the change is
12 justified.

13 MR. JOHNSON: If I may, Mr. Chairman, a
14 quick note.

15 CHAIRMAN LYNN: Mr. Johnson.

16 MR. JOHNSON: The area, the record --
17 6,000 people, 4,500, whatever we're talking about here,
18 is, I think, 28 percent Hispanic voting age rather than
19 40. I just want to be clear on that.

20 COMMISSIONER ELDER: Total or voting age?

21 MR. JOHNSON: Voting age.

22 COMMISSIONER ELDER: What is the totals?

23 MR. JOHNSON: I don't have it in front of
24 me, but I can figure it out while you guys move on.

25 CHAIRMAN LYNN: Mr. Huntwork and then

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 Ms. Minkoff.

2 COMMISSIONER HUNTWORK: Well, I think,
3 Mr. Chairman, I think that the districts that we have in
4 this area are really some of our worst work as a
5 Commission, as a whole. Certainly the configuration of
6 13 is not something that we have any control over. That
7 was required of us under the Federal Voting Rights Act
8 concerns. We had much nicer looking districts before
9 the Justice Department objected to them. We had to do
10 this to come up to minimum requirements of the Justice
11 Department.

12 I don't think we can consider going
13 backwards on District 13. So I do feel that we are
14 stuck with that configuration no matter how noncompact
15 it might be and no matter what the effect might be on
16 the number of ways in which the City of Glendale gets
17 broken up.

18 Beyond that, then, looking at what we can
19 do to ameliorate the situation, we have some concern
20 about the competitiveness of Districts 10 and 12. Doug
21 has suggested an approach that -- and you asked what we
22 might be able to do. And I think the answer really is
23 there is not a whole lot we can do without probably
24 destroying two competitive districts. Certainly I think
25 District 10, if we made the kind of switch that would be

1 necessary over into 9, District 10 would cease to be a
2 competitive district. But we could get rid of that
3 whole extension into Glendale and probably consolidate
4 it in two more compact districts rather than three at
5 the expense of losing a competitive district.

6 What I think we should do in this
7 situation, personally, is the minimum necessary to get
8 rid of -- we did add that finger over across from 12
9 over into Phoenix. I don't think the neighborhood in
10 Phoenix deserves to be with Goodyear and Litchfield Park
11 any more than the neighborhood in Old Town Glendale
12 does. And, personally, I would have favored the
13 neighborhood adjustment rather than the Old Town
14 adjustment just as a way of solving that one problem
15 which is noncompact, anyway, causes an additional city
16 split into Phoenix. If you will, it divides Phoenix one
17 more way. You don't need to do that. But we also don't
18 need to go north of Northern. Why would we put people
19 north of Northern in a district that includes 48th
20 Street and Van Buren, or whatever the southern boundary
21 is there? That doesn't make any sense, either.

22 So my own preference would be to do the
23 more minimal change, give that neighborhood what they
24 asked for. Doug had a perfectly sensible suggestion,
25 give a little bit more of Old Town Glendale, solve that

1 one problem, and then not cause a series of other
2 unknown problems. I would be in favor of that.

3 I'm not in favor of this. I see it as a
4 thumb and wrapping around and they're about to squeeze
5 that lobe -- the grasping hand district, if we don't do
6 something about it.

7 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

8 Ms. Minkoff.

9 COMMISSIONER MINKOFF: Actually 13 doesn't
10 change at all, no switch in or out of 13.

11 Couple comments. First of all, the Old
12 Town area Mr. Johnson says is 28 percent Hispanic,
13 Rudolfo Perez was here yesterday and we specifically
14 asked him what he thought, representing MALDEF, of this
15 proposed shift. And he said we would support it. So I
16 think that we can put that issue to rest. They didn't
17 have a problem with it.

18 There's something less than 2,000 Hispanic
19 voters or -- population in that area, far fewer voters.
20 I think he said something about the voting age,
21 Hispanics in the area who would be moved, and he didn't
22 see a problem with it at all.

23 Looking at the City of Glendale, and I'm
24 sorry that the little crosshatches are gone now, but if
25 you look at the boundaries of the City of Glendale, I

1 might ask Doug if you could put the boundaries of the
2 City of Glendale back up for us, please.

3 MR. JOHNSON: Sure.

4 COMMISSIONER MINKOFF: Thanks.

5 If you notice, most of Glendale is in that
6 North-South configuration. And it doesn't look a lot
7 different than District 6 or District 7 which we really
8 didn't have a problem with. They are very long
9 districts from north to south and very skinny from east
10 to west.

24 I see this as a cure to what they believe
25 is an unacceptable city split. District 13 was ugly

1 before. It's ugly now. District 14 is a little cleaner
2 because it has a straight line at the western edge along
3 43rd Avenue. District 12 dips in, but dips in and
4 that's for city unification. And for that reason I
5 strongly support it.

6 CHAIRMAN LYNN: Any further discussion on
7 the motion?

8 For the record, the reason I voted for the
9 change yesterday had little to do with the neighborhood
10 shift, quite honestly, was more a matter of trying to
11 unify Glendale into five splits instead of six.

12 Quite honestly, Mr. Elder's comments about
13 the shape that Glendale has chosen to configure itself
14 in through their own public policy makes it very, very
15 difficult for this Commission to address any sort of
16 integrity with respect to that city. That's just one of
17 the difficulties that we have, because it is a very
18 odd-shaped city, for whatever reason, and has appendages
19 that are very difficult to incorporate in a certain
20 area, a single area.

21 If you are ready for the question.

22 Mr. Johnson.

23 MR. JOHNSON: Just to answer the question
24 Commissioner Elder asked before the vote, that area you
25 are discussing that was in 14 test C and discussing

1 moving, is 6,300 people, 26.06 percent Hispanic voting
2 age and 30.83 percent Hispanic total population, just to
3 answer your question.

4 CHAIRMAN LYNN: Mr. Elder.

5 COMMISSIONER ELDER: Just for one last run
6 through at a dense mind here.

7 If we're shifting population out of 12 and
8 putting into 14, does that increase the Hispanic or
9 minority voting percentages in 14?

10 MR. JOHNSON: The trade in this
11 configuration actually reduces it slightly because the
12 area picked up to the north is less Hispanic.

13 COMMISSIONER ELDER: Homeowner
14 association.

15 MR. JOHNSON: The previous test in test A
16 that picked up the golf course, and things in that area
17 that did not reduce it, but in this configuration, yes.

18 COMMISSIONER ELDER: Can you state that
19 this benefits, by the sheer numbers, demographics of
20 minority voting age population either in District 13 or
21 in 12? I guess 12 doesn't change, so 13 -- pardon me,
22 12, not 13.

23 MR. JOHNSON: 12 -- results of these
24 tests, August 13 data, 12, 27.57 Hispanic voting age, so
25 it's almost identical to this area. This area is one

1 percent lower than that.

2 COMMISSIONER ELDER: Okay. The last
3 question would be on competitiveness.

4 Does it change competitiveness between the
5 previous C and the -- I guess number 4, or the August
6 13?

7 MR. JOHNSON: In 12 -- let me make sure.

8 The Judge It scores, August 13 plan is 3.4
9 and for 14 is a 12. AQD is a 7 percent spread in 12 and
10 a 20 -- almost 25 percent spread in 14.

11 Let me grab the numbers here.

12 COMMISSIONER ELDER: Between old plan and
13 new plan?

14 MR. JOHNSON: I'll have to compare those
15 to test C.

16 In test C, the AQD score for District 12
17 was 7.97 and it's now 7.12. So this improves the AQD
18 competitiveness measure by eight-tenths of a point for
19 District 12.

20 Oh, the other piece of this trade we
21 looked at yesterday was the impact on 10. It reduces
22 the -- increases the spread in District 10 thus making
23 it slightly less competitive, but the change goes from
24 7.5 to 7.7. So that two-tenths less competitive while
25 12 becomes eight-tenths more competitive.

1 CHAIRMAN LYNN: Are you ready for the
2 question?

3 The question before you, let me remind
4 you, is to incorporate this change into the base map.

5 All those in favor of the motion, signify
6 by saying "Aye."

7 COMMISSIONER MINKOFF: "Aye."

8 CHAIRMAN LYNN: Chair votes "Aye."

9 CHAIRMAN LYNN: Opposed say "No."

10 COMMISSIONER HUNTWORK: "No."

11 COMMISSIONER HALL: "No."

12 COMMISSIONER ELDER: "No."

13 CHAIRMAN LYNN: Motion fails three to two.

14 In this portion of the map, in this
15 portion of the map, then, we are back to the test C
16 configuration of the base map.

17 So, to -- now that we've straightened that
18 out and we are caught up with what we have done
19 yesterday, the base map that we are working with has one
20 incorporated change.

21 We do need to have -- unless there are
22 other motions to include further changes, we do need a
23 motion on the trap --

24 The trap is not an issue any more or is it
25 still an issue?

1 MR. JOHNSON: Mr. Chairman, the populated
2 trap of 21 people is no longer an issue.

3 CHAIRMAN LYNN: Other traps.

4 MR. JOHNSON: Four zero population traps,
5 and I can show --

6 CHAIRMAN LYNN: Would you please identify
7 those.

8 DR. ADAMS: Mr. Chairman, I would just
9 remind you that there was another change to the map at
10 Broadway. The Broadway change was also incorporated
11 into the map.

12 CHAIRMAN LYNN: Thank you. That also was
13 voted on yesterday. And that has been incorporated in
14 the base.

15 So we have that one block going from, I
16 believe, 22 to 19, or 19 to 22, one of the two.

17 MR. JOHNSON: As you'll note, the zero
18 population blocks are very small. Green numbers
19 indicating population of various traps around. We've
20 previously run through them. Nine over here, fix the
21 Scottsdale trap voted on back in November and that has
22 been -- that the Commission visited at that time and
23 kept in the plan at that time.

24 The 21 that you see is the one with the
25 vote that just took place is no longer a trap.

1 Up on the border, 4 and 6, there's a very,
2 very small block. You can see it down there. Zero
3 population right along the city border.

4 And then right down here in Tolleson is
5 actually the other three. It's a little confusing.
6 This zero in the middle of the town is zero population
7 for this block, or group of blocks that wraps around the
8 edge. Each of the blocks is city line and street, the
9 city line didn't go all the way to the center line of
10 the street.

11 And then there's two very minute school
12 zero population blocks there.

13 So these three you see here and the one
14 between 4 and 6 are the traps that were created by the
15 tests we've run recently and that remain in the test
16 base map.

17 CHAIRMAN LYNN: Is there a motion to
18 eliminate those traps?

19 Mr. Huntwork.

20 COMMISSIONER HUNTWORK: Mr. Chairman, to
21 get it under discussion, I move we eliminate all the
22 traps mentioned.

23 CHAIRMAN LYNN: Thank you.

24 Second?

25 COMMISSIONER ELDER: Second.

1 CHAIRMAN LYNN: Discussion on the motion?

2 Mr. Huntwork.

3 COMMISSIONER HUNTWORK: Mr. Chairman, I'd

4 like to take another look at the nine-person trap.

5 Eight, 11, or is it -- yes.

6 MR. JOHNSON: This trap is nine people.

7 They are in the City of Phoenix or Paradise Valley?

8 In the City of Phoenix who were in

9 District 11, which is our Phoenix and Paradise Valley

10 District.

11 The Congressional Districts -- let me add
12 those on here, and I'll explain why I'm doing this.

13 Traps are created when Legislative lines and
14 Congressional lines are very close but not quite on top
15 of each other.

16 There you go.

17 The Congressional District included this
18 portion of Arcadia. So it included those nine people
19 with this portion of it's Phoenix population because
20 Congressional Districts can't deviate.

21 When we went to draw the Legislative
22 Districts, the Commission actually followed the city
23 border, Scottsdale city line all the way through that
24 area and kept all the Phoenix areas in District 11 and
25 the Scottsdale areas in District 8 and 17. To eliminate

1 this trap would mean taking these nine people and
2 putting them into District 8, which we can certainly do.
3 But that was the issue, that makeup, at that time back
4 in November was the additional city split and taking
5 nine Phoenix people into a Scottsdale district.

6 COMMISSIONER HUNTWORK: What is the
7 boundary of the area that consists of the trap? Can we
8 see it?

11 So this is just north -- Indian School
12 Road runs below the Congressional black line here,
13 Indian School and -- I won't Jomake -- J O M A K E.

14 COMMISSIONER MINKOFF: Jomake.

15 MR. JOHNSON: More or less along Indian
16 School Road and 66th Place. Let me make the streets
17 black.

18 CHAIRMAN LYNN: Mr. Huntwork.

19 COMMISSIONER HUNTWORK: My recollection
20 when we looked at it before, frankly, I recall a larger
21 area. I may have been -- I may simply have
22 misunderstood the situation previously.

23 Is this better defined?

24 MR. JOHNSON: Maybe you are recalling
25 Tucson, 36 people, but it's a large area.

1 COMMISSIONER HUNTWORK: One thing, it's an
2 expensive separate precinct for nine people. On the
3 other hand, part of Phoenix and neighborhoods to the
4 north for other purposes. It's a shame we have to
5 distinguish them for any reason, but it certainly seems
6 to keep them together.

7 I guess I still come out on the side of
8 preserving this as a separate precinct so that those
9 nine people can be logically and adequately represented
10 with respect to everything else.

11 CHAIRMAN LYNN: Further discussion on the
12 motion.

13 If not, all those in favor of the
14 motion --

15 COMMISSIONER MINKOFF: Restate the motion.

16 CHAIRMAN LYNN: The motion is to correct
17 the traps identified by Mr. Johnson in the areas that we
18 are currently reviewing.

19 Mr. Huntwork.

20 COMMISSIONER HUNTWORK: And I have just
21 spoken against the motion with respect to those nine
22 people, so --

23 CHAIRMAN LYNN: Well, the motion is
24 inclusive at the moment.

25 COMMISSIONER HUNTWORK: Right.

1 CHAIRMAN LYNN: All in favor of the motion
2 signify by saying "Aye."
3 COMMISSIONER MINKOFF: "Aye."
4 COMMISSIONER HALL: "Aye."
5 COMMISSIONER ELDER: "Aye."
6 CHAIRMAN LYNN: Chair votes "Aye."
7 Opposed, say "No."
8 COMMISSIONER HUNTWORK: "No."
9 CHAIRMAN LYNN: Motion passes four to one.
10 Let's take a 10-minute break.
11 (Recess taken.)
12 CHAIRMAN LYNN: The Commission will come
13 to order.
14 For the record, all five Commissioners are
15 present along with legal staff, NDC, and IRC staff.
16 For the record, are there any other
17 proposed adjustments to the base map at this moment
18 before we start a general discussion about what we have
19 in place?
20 If not, Mr. Johnson, I would ask you to do
21 a couple of things. First, if you would go through a
22 synopsis of the population deviations. And in order to
23 do that, let me just preface it by saying to the Members
24 of the Commission, because of the most recent decision
25 to, in effect, remove the Old Town and United

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 Neighborhood change, that we're going to have to do some
2 page shifting as we go through these variations. We
3 will have -- if I can get you to have two sheets
4 available, one is the one handed you this morning, the
5 August 13th test, and that's your statistical spread.
6 It's this one. And then you'll also need the same sheet
7 from test C.

8 COMMISSIONER MINKOFF: Is it in our book?

9 CHAIRMAN LYNN: Yes. It's in your book.

10 Those two sheets will give you column by column the
11 numbers. What we won't have available until later and
12 maybe won't need it today is a singular statistical
13 printout that incorporates both districts, both sets of
14 districts.

15 So, Mr. Johnson.

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

17 What I'm about to walk through is district
18 by district. It should be kept in mind these
19 district-by district analyses are within the larger
20 picture of deviations I described yesterday of East
21 Valley, Phoenix, and shifts between those regions.

22 For the districts that are unchanged,
23 actually, since our November 9th discussion of
24 deviations, I won't repeat all that discussion. All
25 that is in the record. And that applies to Districts 1

1 and 2, to start us off.

2 So those deviations are the same as they
3 were back in November and for the same reasons that the
4 Commission voted on back in November.

5 In District 3, and unless otherwise
6 stated, the August 13 spread sheet is the data and lines
7 that I'm referring to. And what you see -- what you see
8 on the screen, the colors are August 13th. And the red
9 lines overlaid on top of it is the population balanced
10 test A that brought most of the districts to zero
11 deviation.

12 So District 3, this has been visited by
13 the Commission, and the deviations have been previously
14 voted on when we discussed the area south of Quartzsite
15 and Wendon and Salome. So three and 24 have both been
16 previously discussed. And the only changes from
17 November are really keeping Wendon and Salome together
18 and keeping Quartzsite together with the development to
19 the south as the city requested.

20 District 4, this is the first of the truly
21 changed districts. Let me get the numbers in front of
22 me.

23 As currently in the Commission's map, it
24 has a deviation of 362 people underpopulated, which is
25 0.21 percent underpopulated. This is a result of really

1 two decisions. One is to keep District 25 in the
2 configuration that was reviewed and approved by the
3 Department of Justice and the second is in the Phoenix
4 area to keep the district borders following major roads
5 and avoiding divisions of neighborhoods.

6 CHAIRMAN LYNN: Ms. Minkoff.

7 COMMISSIONER MINKOFF: Mr. Johnson, I'm
8 sorry, but when you talk about the current Commission
9 map. I need to know whether you are talking about the
10 current map, the August 13 map, or --

11 MR. JOHNSON: The reference I'm trying to
12 use to refer to the August 13th map except for the
13 change that was just made in the Old Town, United
14 Neighborhood area. In that area, the reference will be
15 to the test C lines for those districts.

16 COMMISSIONER MINKOFF: Okay. So that is
17 the map currently under consideration rather than any
18 map presently in force.

19 MR. JOHNSON: Correct.

20 The only other change I should mention,
21 too, is the nine-person precinct trap fix over on the
22 Scottsdale-Phoenix line, which isn't on any of your
23 spread sheets, but it's only nine people, so it's not
24 going to affect any of the percentages by more than
25 one-hundredth of a percent.

1 Let me bring up the roads. The border of
2 4 and 6 is following the roads and squared off. That's
3 what I mean by following major roads which also means
4 avoiding cutting through any neighborhoods.

5 District 5 is also another district that
6 has the same deviation as this issue was addressed back
7 in November, so I'll go on.

8 Interrupt me if there are any questions
9 throughout this.

10 District 6 --

11 MS. HAUSER: Was the District 5 deviation
12 related to District 2, back in November?

13 MR. JOHNSON: When we looked at ways that
14 the deviation in District 2 could be reduced, so it's
15 more the deviation of 2 could have impacted 5, but the
16 Commission decided not to do that. So the 5 deviation
17 is driven by following county lines and avoid splitting
18 Hinkleman and Winkelman.

19 MS. HAUSER: Okay. Thank you.

20 MR. JOHNSON: District 6, as mentioned,
21 the west portion, it's following major roads. Same
22 thing in east lines slightly off where they'd be if in
23 perfect balance to follow major roads and avoid
24 splitting neighborhoods.

25 Part of the difference in the actual

1 borders and red lines you see on the screen is a piece
2 of the larger picture, too. So the lines here are
3 population moving from the East Valley to other parts of
4 the state. So not all this area is equal to, for
5 example, in District 6, overpopulated by 668 people.
6 Obviously there are many more people than 668 people on
7 the green area of the line and over here. That
8 deviation is a result of following major roads and
9 avoiding major splits.

10 MS. HAUSER: Did you say over or
11 underpopulated? It shows underpopulated.

12 MR. JOHNSON: Sorry. Typo in handwriting.
13 Underpopulated by 668.

14 District 7, which is underpopulated by
15 302, or 0.81 percent. It again has the avoiding
16 splitting neighborhoods on the border with 6. And on
17 the border with 8, this diagonal line it's following is
18 the 101 Loop. So that line is drawn to follow a major
19 road and avoid splitting either side of the now freeway.

20 Then the north-south border is Pima.

21 Again, we're following a major road and avoiding
22 splitting neighborhoods in that deviation.

23 District 8 has the exact same issues with
24 the border of 7, underpopulated by 454 people. And as
25 discussed, on the border of 7 and 8, the border of 8 and

1 11 is following the 60 line.

2 And down, the border between 8 and 17, the
3 most likely place we'd look to remove that deviation,
4 the deviation is necessary to follow the major roads.
5 In this case, I believe it's Thomas. But, again, we're
6 avoiding splitting neighborhoods and following major
7 roads.

8 I guess that is a theme.

9 COMMISSIONER ELDER: With this change here
10 it would make it still around 450 some, so it's
11 underpopulated by about that amount?

12 MR. JOHNSON: Yes. That's right. 8 and
13 11 were at the nine-person spot. Thank you. 8 has
14 gained -- I'm sorry. Let me confirm this, make sure
15 it's right -- we have moved these nine people into
16 District 8 to eliminate the trap. So that has added
17 nine people to District 8, bringing the deviation from a
18 negative 454 to a negative 445.

19 District 9. District 9, the deviation is
20 caused, number one -- oh, the deviation is a negative
21 559 people. Today some of that is up here in the corner
22 where we removed a portion of the City of Surprise to
23 reduce the number of splits of Surprise. The remainder
24 of that deviation is to square off the border between 9
25 and 10 and follow major roads down there and avoid

1 splitting through neighborhoods.

2 Now, District 10 -- I'll have to switch
3 maps here. One second. Here we go.

4 See now District 10 has returned to its
5 configuration in the population-balanced test C which
6 gives a deviation of minus 591 people. And this
7 deviation is a result, in the north, of following major
8 roads. Actually Thunderbird Road and Sweetwater are
9 used here. Where the jags are, those are jags in
10 Sweetwater.

11 That is following, again, in the south,
12 you see the squared-off borders where we tried to avoid
13 splitting neighborhoods and follow major roads or at
14 least the half-mile roads wherever possible.

15 District 11. District 11 is more or less
16 in its August 13th plan configuration, which actually
17 matches the C configuration except for the nine-person
18 change. On August 13th it was showing underpopulated by
19 559. It's lost nine more people, is now underpopulated
20 by 568 people.

21 I'm sorry, I'm showing 11 and reading
22 numbers for 9.

23 Number 11, August 13th, is underpopulated
24 by 494, has lost nine more people, and is now
25 underpopulated by 503 people. The most likely place

1 where that could be balanced would be up in the north
2 corner on the border between 11 and 7. And the reason
3 it's not balanced, one, is to avoid cutting through the
4 neighborhoods up there. And then the configuration is
5 drawn to avoid wrapping around the Scottsdale finger.
6 It's more of a north-south border along those districts.
7 A very small area is affected. And between 11 and 15 as
8 the Commission has visited in numerous tests, that
9 border.

10 So District 12, District 12 is, as just
11 discussed in the last motion's debate, is very dependent
12 on District 13 for it's shape and configuration. And
13 obviously district 13's shape and configuration is
14 heavily driven by the Voting Requirements Act. That
15 District 12 refers to test C statistics, underpopulated
16 by 200 people or 0.21 percent. So the reasons for that
17 deviation are, number one, the configuration of District
18 13 and voting rights impacts of that configuration and,
19 number two, to follow major roads and avoid splitting
20 neighborhoods, in particular on the borders between 10
21 and 12 up in this area and then to follow city lines or
22 at least the major portions of city lines between 12 and
23 District 4, and, finally, in Surprise, where 12 and 4
24 border each other, to comply with the requests in that
25 area to separate the Old Town Surprise, or Old Surprise,

1 from the Sun Cities areas.

2 District 13, the August 13th numbers are
3 correct and actually match the test C numbers. And so
4 District 13 is underpopulated by 2,834, people or 1.66
5 percent.

6 As I just mentioned, in discussion of
7 District 12, District 13's configuration is driven by
8 the voting rights concerns and response to Department of
9 Justice objections. The other piece that can play here
10 is also city borders, in particular the Tolleson kind of
11 bump to the east. It's a large area on the map, but
12 it's a five-person bump, done to keep Tolleson together.

15 We're almost halfway there.

16 District 14 is overpopulated by 116
17 people, or seven one-hundredths of one percent, and that
18 is purely to follow major roads and avoid cutting
19 through a neighborhood.

20 Test A identified a couple Census blocks
21 could be moved to balance that, but that would be
22 splitting through their neighborhood.

23 District 15 is August 13th data which has
24 it underpopulated by 348 people. This is following
25 major roads, avoiding splitting neighborhoods, as has

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 been discussed in previous tests, keeping the historical
2 districts together and trying to keep the Arcadia
3 community together.

4 District 16, another August 13th district.

5 There are -- the zero population precinct traps did
6 change in 13 and 16 from the plan, but they were zero
7 population, so they don't impact any of this.

14 CHAIRMAN LYNN: Mr. Elder?

24 MR. JOHNSON: 16 could move down, pick up
25 areas of Tempe and even areas of Ahwatukee to make up

1 the 2,000 people, but it would definitely bring down its
2 Hispanic voting age percentage and also, I point out, go
3 across the mountain to pull in other communities.

4 CHAIRMAN LYNN: Mr. Johnson, I don't want
5 to interrupt the flow now. I'd like you to come back in
6 light of comments we heard yesterday, public comment,
7 I'd like you to come back and revisit District 13 at the
8 end of your presentation, if you would.

9 MR. JOHNSON: 16?

10 CHAIRMAN LYNN: Sorry, District 16.

11 MR. JOHNSON: District 17, the north end
12 of this, is slightly off where it would be to get
13 perfect balance because it's following major roads.

14 The deviation in this district is it's
15 underpopulated by 254 people. And as you can see from
16 the map from the south, it also has been moved to follow
17 the major roads, Guadalupe and Elliott and to avoid
18 splitting through any neighborhoods.

19 District 18 is -- oh, now we're into the
20 East Valley districts. As discussed in the test C
21 discussion yesterday, these districts are all
22 overpopulated but largely balanced between each other.
23 District 18 is overpopulated by 3,567 people, 0.28
24 percent. Obviously to get these districts to total
25 balance would require shifting all that population we

1 looked at in the tests yesterday and decided not to do
2 because of its other impacts.

3 It largely follows major roads. There is,
4 in District 18, one small jog where it moves in order to
5 try to balance deviations between these East Valley
6 districts, but it does try to avoid splitting through
7 neighborhoods.

8 District 19, a very similar case.

9 Overpopulated by 3,704 people, actually 2.71 percent.
10 And that is after -- that is slightly above its test C
11 deviation because of the change made to follow the
12 Broadway border between it and District 22.

13 District 19's border with 22 to the west
14 of where we've been focused on is the Gilbert-Mesa city
15 line. So that's why all the changes we've looked at and
16 all the lines drawn are on the eastern portion of that
17 district.

18 The other borders of that district are the
19 reservation boundary and the county line.

20 District 20, the border with 16 is
21 discussed. The southern border of District 20 is the
22 Gila River reservation. Then we follow Dobson Road and
23 Alma School, again, following major roads.

24 District 20 is overpopulated by 3,536
25 people because of the East Valley situation.

1 21 is overpopulated by 3,577, 2.09
2 percent. Again, it's in the East Valley, but it does
3 follow major roads and avoid splitting through
4 neighborhoods. You can see the borders on there. And
5 the border between 21 and 22, as I mentioned yesterday,
6 is essentially the Gilbert-Chandler city lines.

7 This brings us out of that area to
8 District 24. I'm sorry, District 23. This district is
9 overpopulated by 1,296 people. The reason for that is
10 obviously the considerations and changes made after the
11 Department of Justice objection letter.

12 The one change that I showed on test A
13 would balance the population but would slightly reduce
14 the Hispanic voting age percentage and would also bring
15 it below being a total majority-minority district in
16 total population.

17 Oh, the other spot of deviation in 23 is
18 Hayden and Winkelman where 23 goes into Gila County to
19 keep those two communities together.

20 24 I already discussed, very similar to
21 it's November shape except for the changes made to
22 preserve Quartzsite and development to the south of
23 Quartzsite, as I discussed when I mentioned District 3.
24 24, I should note, is overpopulated by 415 people, or
25 0.24 percent.

1 Okay. Coming to the south, the home
2 stretch.

3 District 25, it's referred to as the
4 Border District. It is underpopulated by 3,301 people,
5 or 1.93 percent. Primary -- the most obvious area to
6 fix that would be down in Sierra Vista or on the western
7 outskirts of the Tucson area. And both of those areas
8 have held to keep the City of Sierra Vista unified. And
9 there was significant community input driving those
10 borders and neighborhood configurations. In order to
11 avoid splitting those areas, this district is
12 underpopulated. It's also underpopulated to avoid
13 diluting the Hispanic voting strength and preserve areas
14 that preserve the Hispanic voting age population.

15 COMMISSIONER MINKOFF: Doug, I'm zooming
16 in, on my map, to the area between 25 and 30 in the
17 Sierra Vista area. Now, I don't know if the shading in
18 my map is incorrect or not, but Sierra Vista is in
19 District 30. And I've got the city shaded and it looks
20 like there is a small amount of shading in District 25.

21 Have we split Sierra Vista?

22 MR. JOHNSON: Right down here in the
23 eastern border?

24 COMMISSIONER MINKOFF: Okay. Right there.
25 Just to the west of the little green area that juts

1 down.

2 MR. JOHNSON: This is an area back -- I
3 forget if it was November 3rd or 9th the Commission
4 considered this. What happened, the City of Sierra
5 Vista contacted us and said the Census' border for the
6 city is wrong. And actually what the Census shows as
7 the border splits right through a mobile home park which
8 is a fairly active and mobilized park, moved blocks in
9 question to unite the mobile home park and follow what
10 the city says --

11 COMMISSIONER MINKOFF: Even though this
12 map doesn't show it, we have followed the city borders?

13 MR. JOHNSON: Yes. This configuration of
14 the City of Sierra Vista was described by city staff and
15 confirmed by city staff.

16 COMMISSIONER ELDER: I believe we also got
17 a couple letters from the mobile home park, too, that
18 supported that change.

19 26, now we're in Tucson area districts.

20 As mentioned yesterday, these districts
21 are all underpopulated, 26, 28, and 30, which are not
22 focus of the Department of Justice's review. I
23 attempted to balance deviations between the three.

24 27 and 29 are not included in that
25 balancing because of voting rights considerations in

1 those two.

2 So District 26 is underpopulated 1,414
3 people. The reasons for that is as discussed in the
4 Skyline test, to follow the major roads, also to use the
5 river as the border between 26 and 28 until the very
6 northwest corner of Tucson where we follow major roads
7 and attempt to avoid cutting through any of the
8 neighborhoods or shopping complexes as may be the case
9 in that part of Tucson, is an attempt to unify
10 neighborhoods in Catalina Foothills and follow major
11 roads and boundaries in northeast Tucson.

12 District 27, obviously this was a topic of
13 voting rights concern for the Commission and for the
14 Department of Justice. When I looked, it is
15 underpopulated by 49 people. There are actually two
16 blocks that could be moved to balance it out, but it
17 would be crossing over a major road in the heart of
18 Tucson and bringing in additional areas that even a
19 small number would dilute the population, Hispanic
20 population there. Primarily it's following the major
21 roads and avoiding a split of small neighborhoods there.

22 28. I discussed the borders of 28 with --
23 with 26 and 27. In the eastern portion of the district,
24 you can see that we are following major roads,
25 Whitestone and Broadway, and going over to Harrison

1 Road, and then in the northern portion of this, we're
2 following the river along there. So it is
3 underpopulated by 951 people, just over half of one
4 percent. And the reason is following the rivers and
5 major roads.

6 29 is underpopulated by 2,992 people or
7 1.75 percent. The red line shown just south of Broadway
8 in here, it's a little hard to tell. If we took 29 up
9 to that line, that would balance the population but also
10 would dilute the Hispanic voting age population and it
11 would also be splitting these communities between 22nd
12 and Broadway by crossing the major road of 22nd,
13 obviously.

14 CHAIRMAN LYNN: Ms. Minkoff.

15 COMMISSIONER MINKOFF: I just have a
16 question about this. I'm not sure. Maybe this is
17 something that we've considered before.

18 Looking at District 27 and 29, both of
19 which are districts with Voting Rights Act issues,
20 District 27 is almost exactly balanced. It's less than
21 a hundred people underpopulated. District 29 is 3,000
22 people underpopulated. If those are both districts with
23 similar Hispanic percentage, is there a way to switch
24 some population from 27 into 29 to even out that
25 underpopulation a little bit without changing the

1 demographics of either one of those districts?

2 MR. JOHNSON: This district, we did look
3 at the border between these two districts in
4 considerable detail. I'm trying to recall all the focus
5 of those conversations. I know in the northern part of
6 the border, there were a number of barrios and other
7 neighborhoods described that wanted to be unified and
8 kept together. So that drove where that border was to
9 the north of South Tucson. Obviously you don't want to
10 split South Tucson.

11 COMMISSIONER MINKOFF: I'd be looking to
12 take from 27 and into 29, not to take out of 29.

13 MR. JOHNSON: I would have to go back to
14 those tests to get the specifics of each change. I do
15 recall, number one, that is a fairly densely populated
16 area, so it -- small changes would have made the
17 difference. You are talking about almost 3,000 people.
18 It's still a small area. I think the thing was to keep
19 the border at 12th.

20 COMMISSIONER MINKOFF: Down in the south,
21 right there, the blue area, which has a somewhat
22 irregular border, and looks like there are major streets
23 immediately to the west and south of it, is that
24 something that would, you know, square it off a little
25 bit?

1 MR. JOHNSON: It would square it off. As
2 you can see from the --

3 COMMISSIONER MINKOFF: I can't see. I'm
4 too far away.

5 MR. JOHNSON: There's at least a hundred,
6 in some cases more, 900 people in these blocks. I
7 recall that being an issue when we tried to balance more
8 closely. It had either one of two effects: One,
9 because the blocks were so heavily populated, we ended
10 up with some strange configurations in this area that
11 were objected to because of how they split the different
12 areas. The second piece had to do with the voting
13 strength in each district. And 29 -- 29's voting age is
14 45 percent Hispanic and under two percent Native
15 American, in terms of voting age, whereas 27 is also low
16 in Native American voting age at three and a half. But
17 27 is a district where the discussion of the Pascua
18 Yaqui Tribe came up and their discussion of wanting to
19 be in 27 with that community. So I --

20 Not having the record in front of me, I
21 can't recall all the details of why that line is
22 precisely where it is, other than the north.

23 COMMISSIONER MINKOFF: But we have looked
24 at it.

25 MR. JOHNSON: We've looked at it in

1 considerable detail and drawn a number of tests down
2 there.

3 COMMISSIONER MINKOFF: Then let's move on.

4 MR. JOHNSON: Number 30. Finally District
5 30, really, I've described all the borders of it.
6 Talked about following major roads between 26, 28, and
7 30. The other piece I should mention is that the lines
8 are drawn and it does impact deviation to some degree,
9 so District 30 picks up Rita Ranch, given the expected
10 characteristics of that neighborhood fitting better with
11 30 than 29. And Sierra Vista impacts deviations and
12 limits what we can do.

Finally, the border of 30 and 25 in Santa Cruz County follows city and Census designated place borders and then follows a line generally reviewed by residents of Santa Cruz. And we have considerable testimony that that is the appropriate place for that border.

19 Marguerite was just asking a question
20 about District 16, so let me clarify there.

21 The changes in 16, actually the only
22 changes in 16 2002 plan and the August 13 plan are along
23 the border of 13 and 14.

As I mentioned yesterday, the only change
of the border of 14, 15 is a two-person shift to unite

1 the Isaac School District.

2 In looking at 13 in ways to reduce the
3 deviation in that district while maintaining the
4 Hispanic communities and Hispanic voting age population,
5 it did transfer some areas with 16.

6 As you can see from the red lines here,
7 balancing the populations of both districts involves
8 other changes up north in 13 but with these two would
9 involve shifting these areas cutting through
10 neighborhoods of McDowell and 67th and dividing between
11 13 and 16 and doing the same again north of McDowell in
12 this area.

13 And then in the plan we got it to total
14 deviation. It also split the five-person block of
15 Tolleson off from 13. So hopefully that clarifies the
16 issues in 16. It was primarily to keep those
17 communities united while reducing deviations and
18 preserving Hispanic voting strength in 13 as opposed to
19 16.

20 CHAIRMAN LYNN: Are there comments or
21 questions of Mr. Johnson on this report?

22 Mr. Huntwork.

23 COMMISSIONER HUNTWORK: Mr. Chairman, I
24 would like to thank Mr. Johnson for making such a clear
25 and comprehensive report, reminding us of the high

1 points of the issues we've discussed recently and over
2 the last many months.

3 I would also like to commend him on the
4 quality of the written material that had been prepared
5 prior to this meeting and that we had an opportunity to
6 review at length prior to the meeting so that we could
7 make our own judgments about whether we agreed with
8 these configurations and know exactly what we were
9 looking at and why. I think it was an excellent piece
10 of work and of tremendous assistance to me so that I
11 could exercise my own judgment about, in detail, where
12 the lines needed to be drawn. So thank you very much.

13 CHAIRMAN LYNN: And while Mr. Johnson is
14 basking in the glow of those very kind and well-placed
15 words, let me ask you if you would be willing to move
16 acceptance of Mr. Johnson's report on deviation and make
17 it a part of the record.

18 COMMISSIONER ELDER: So moved.

19 COMMISSIONER HUNTWORK: Well, I would
20 be -- he beat me to it.

21 I'll second.

22 COMMISSIONER ELDER: Let's move on.

23 MS. HAUSER: Mr. Chairman.

24 CHAIRMAN LYNN: Ms. Hauser.

25 MS. HAUSER: If the motion could specify

1 the Commission adopts those as its findings, that would
2 be helpful.

3 CHAIRMAN LYNN: Well, separate and apart
4 from the adoption of the map itself?

5 MS. HAUSER: Yes, as it -- with respect to
6 the specific findings for the reasons for the
7 deviations.

8 CHAIRMAN LYNN: Yes. If that is
9 acceptable to the maker and seconder of the motion, we
10 would take Mr. Johnson's report and accept it as our
11 findings on population deviation.

12 COMMISSIONER ELDER: So moved.

13 CHAIRMAN LYNN: Mr. Huntwork?

14 COMMISSIONER HUNTWORK: Yes.

15 CHAIRMAN LYNN: Thank you.

16 Discussion on the motion?

17 Mr. Hall.

18 COMMISSIONER HALL: Just to clarify, what
19 is the total deviation?

20 MR. JOHNSON: There it is. Too many
21 spread sheets.

22 Total deviation is 4.22 percent. Our
23 smallest, or most underpopulated district, is
24 district -- let me just confirm this -- is District 2.
25 Yes. It is District 2 in the north, which is 2.06

1 percent underpopulated. And our largest or most
2 overpopulated district is District 19 at 2.17 percent,
3 which actually adds up to 4.23, but that's a rounding
4 issue.

5 COMMISSIONER HALL: Mr. Chairman, I just
6 want to comment in light of the fact that a number of
7 plans have received acceptance throughout the years that
8 had significantly higher deviations than our plan, and
9 again, just to piggyback on Mr. Huntwork's comment, I
10 think that we as a Commission with the assistance of our
11 consultants have done an excellent job in minimizing
12 population deviations to the greatest extent possible.

13 CHAIRMAN LYNN: Thank you, Mr. Hall.

14 Further comments on the motion?

15 Mr. Huntwork?

16 COMMISSIONER HUNTWORK: I just want to
17 comment that in -- in voting on these population
18 deviations, I recognize that there is no more
19 fundamental right than one man one vote.

20 MS. MINKOFF: Person.

21 COMMISSIONER HUNTWORK: One person one
22 vote, I properly stand corrected.

23 I think we have many, many considerations
24 we have to look at, but in making the balance just in my
25 own mind, I have always weighed very heavily trying to

1 achieve as much of a population balance as we possibly
2 could. There are, I think, some circumstances in which
3 by uniting neighborhoods and communities of interest we
4 actually achieve a better representation of all the
5 people than necessarily by taking off a bit of a group
6 where they would have been represented by somebody of
7 their choosing and putting them in another place in
8 which they have little or nothing in common with. So I
9 think there are some circumstances here where we have
10 been able to -- in fact, I think we were compelled to
11 balance other considerations against simply exact
12 population equality. But I'm certainly convinced that
13 we've done the best possible job that we could of doing
14 that.

15 Thank you.

16 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

17 Further discussion on the motion?

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

20 COMMISSIONER HUNTWORK: "Aye."

21 COMMISSIONER MINKOFF: "Aye."

22 COMMISSIONER HALL: "Aye."

23 COMMISSIONER ELDER: "Aye."

24 CHAIRMAN LYNN: Chair votes "Aye."

25 Motion carries unanimously and passes

1 unanimously.

2 Mr. Johnson, if you would go back to
3 District 16 in light of public testimony yesterday
4 regarding African American voting strength in general
5 and particularly that portion of the community in
6 District 16, I wonder if you might give us a brief
7 report as to your assessment of that issue relative to
8 the comments that were raised yesterday.

9 Mr. Hall?

10 COMMISSIONER HALL: Mr. Chairman, as part
11 of that, can you pull up on your screen -- maybe you are
12 doing that -- the feature that highlights African
13 American populations in central Maricopa.

14 MR. JOHNSON: Yes.

15 Started looking at this after the comments
16 the other day, just to more fully understand what was
17 being described to us the other day, the starting point
18 was, that I used looking at this, was the reference to
19 districts -- 1990s Districts 22 and 23, which you can
20 see it's -- here is 22, and then 23. These are,
21 obviously, in the southern Phoenix area, just for
22 reference, this is South Mountain, Ahwatukee, and then
23 the reservation areas south of there. And I looked at
24 the data you've seen for months now on the 1990
25 districts. Let me get these numbers. 28, and District

1 22, once you infuse it with 2000 Census data, comes out
2 at 7.13 percent African American voting age. District
3 23 comes out at 13.04 African American voting age. As
4 we're all very familiar with and discussed at length
5 last year, these districts, and the districts
6 surrounding them as well, actually, are underpopulated.
7 District 22 is underpopulated by 5.19 percent relative
8 to the ideal, based on 2000 Census, and District 23 is
9 actually underpopulated by 17.3 percent. So the
10 challenge in complying with the Voting Rights Act
11 requirements and complying with the community requests
12 and all the input the Commission took at South Mountain
13 and other hearings was to draw districts that met with
14 voting rights requirements, constitutional requirements,
15 and the community requests.

16 What you see here is what I pulled up
17 after the comments yesterday. It's a thematic map
18 showing the African American voting percentage by Census
19 tract. I used the current districts to figure out where
20 to do the lines.

21 Blue, darker blue colors, tracks less than
22 7 percent African American voting age. The kind of
23 whitish blue is ones in the middle, between 7 and 13
24 percent. And then the green from 13 to 25 or over 25
25 percent African American voting age.

1 You can see the current -- there really
2 is, as described to us at South Mountain, a community
3 goes from within the Freeway Loop, 10, 17 Freeway Loop,
4 down to the edge of South Mountain. That is where we
5 had many requests to unite into various plans. And the
6 thematic matches the description which was given to us.

7 What you can see, current lines 22 and 23
8 split through that community. The red line is the
9 border. And you can see how it goes through the middle
10 of the thematic map and also goes through the areas
11 within the loop here that the Commission was requested
12 be joined with areas closer to South Mountain. The
13 result, let me bring up -- this is, in C, integration of
14 16. You can see how areas within the freeway loop are
15 united with areas of South Mountain. And the result of
16 this is a -- let me get the numbers -- 13.55 percent
17 African American voting age in that District 16.

18 Note that the Commission managed to both
19 make up the population shortage and at the same time
20 slightly increase the African American voting age in
21 that district relative to District 23.

22 Some of the comments that were made,
23 Mr. Pops made some excellent comments about the need for
24 education and the need to involve the community. I
25 think the Commission's list of hearings and public

1 meetings and public comment period speaks well to that
2 record. And he didn't have specific comments other than
3 he mentioned the Avondale area and how the community is
4 spreading out toward Avondale and El Mirage. Those
5 areas are over here to the west of the reservation and
6 El Mirage is actually up in this area.

7 You can kind of see in the thematic the
8 areas, I'm assuming included in his comments are the 7
9 to 13 percent African American voting age tracts.
10 However, as you can see from this map, adding these in
11 would involve a very large area, considerably more
12 population than could be included in one or two
13 districts, unless we used some very creative line
14 drawing to only pick out pieces of those. And that is
15 something the Commission has avoided doing in virtually
16 every case. And all the areas in between 16 and those
17 new communities, or new spread of the population, as he
18 described them, would reduce this district. It would
19 reduce the African American voting strength in 16 or any
20 other district we try to draw to incorporate those
21 areas.

22 Just one final point --

23 CHAIRMAN LYNN: Mr. Huntwork has a
24 question.

25 COMMISSIONER HUNTWORK: I just want to

1 make sure I understand you, Doug. Even if we did that,
2 were to draw a zero population line to get to those
3 areas, by incorporating them, we would actually still be
4 diluting the African American population in District 16
5 because those are less than 13 percent versus a 13
6 percent plus population in District 16 as we have it
7 configured; is that correct?

8 MR. JOHNSON: Precisely, yes. Those
9 areas, if included in 16, would reduce the African
10 American voting age in 16 even if we could get to them
11 without taking intervening population.

12 My question of the second district which
13 has never, as far as I'm aware, I haven't specifically
14 reviewed the record on this, but we don't have a
15 specific request from Representative Landrum or other
16 representatives of this community for a second district
17 to be drawn in any specific way. But looking at the
18 plan, District 13 is at 5.96 percent African American
19 voting age, just one percent below the seven percent 22
20 was. It does incorporate a number of these areas.

21 Given the lines here, I should point out,
22 since we're doing this by tracts, the whole tract will
23 be highlighted. You can't see this tract if the
24 Northern portion of 13 or southern portion in 12, that
25 is the heavily African American portion of it. You do

1 get a sense a lot of areas he was referring to are in 13
2 and close to the District 22 percentage even though we
3 had to consolidate most of 22 and 23 in order to
4 preserve the voting strength in 23 which was, as I'm
5 sure all of you recall, extensively discussed with South
6 Mountain representatives and a key focus of changes made
7 in October as we approached the final map.

8 Are there other questions about this?

9 CHAIRMAN LYNN: Any other questions or
10 comments about District 16?

11 Mr. Huntwork.

12 COMMISSIONER HUNTWORK: There is the area
13 at the upper left, which is certainly a long way away.

14 What is that?

15 MR. JOHNSON: Luke Air Force Base.

16 CHAIRMAN LYNN: That was referred to
17 yesterday by the speaker.

18 MR. JOHNSON: Yes.

19 COMMISSIONER HUNTWORK: Thank you.

20 CHAIRMAN LYNN: Other comments or
21 questions?

22 Mr. Johnson, thank you for that analysis.

23 I appreciate that.

24 We have a few items left on the agenda. I
25 would like a process, as a suggestion, ask my fellow

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 Commissioners if that's acceptable. We're about at a
2 time where a midday break would be appropriate. We
3 have, as I understand it, other than some housekeeping
4 items, two items left on the agenda. The first is a
5 report on the, now the base map that we're considering
6 with respect to competitiveness, and any comments that
7 Commissioners wish to make in that regard, and then the
8 adoption of a map to be submitted not only to the
9 Department of Justice but to the Secretary of State. As
10 far as the housekeeping issue is concerned, we have
11 potentially a report from Mr. Echeveste, who is shaking
12 his head that he has none. We have any other
13 information that needs to come from legal counsel. And
14 I don't know how much of that, if any, there is. They
15 are shaking their heads.

16 My suggestion would be take the noon break
17 now, follow the noon break by a competitiveness report
18 followed by one final call to the public for this
19 process today and then a discussion of a final map
20 adoption.

21 Does that meet with everybody's approval
22 in terms of scheduling?

23 COMMISSIONER ELDER: For scheduling,
24 Mr. Chairman, the only request I have, we at least have
25 time to talk to Mr. Echeveste. I'd like to find out why

1 the Department of Administration would reject our
2 request for proposal to save the citizens in the range
3 of 15 to 25 thousand dollars. He said it was rejected
4 by them. I wanted to get a response or letter --

5 CHAIRMAN LYNN: Want it on the record?

6 COMMISSIONER ELDER: I do want to get it
7 on the record. So do that after lunch.

8 CHAIRMAN LYNN: Let's do that now, get
9 that out of the way.

10 Mr. Johnson, if you have any work to do
11 between now and the time we move to final adoption, you
12 are free to do that.

13 Let's take this one item and break for our
14 midday break.

15 All right. Mr. Echeveste.

16 The issue, for everyone's edification,
17 Mr. Elder is referring to is the issue of whether or not
18 we have ability to purchase computers or whether or not
19 we must continue to lease them from Maricopa County.

20 Mr. Elder?

21 COMMISSIONER ELDER: Yes, Mr. Chairman.

22 We made a proposal to the Department of
23 Administration that we purchase computers. And
24 Mr. Echeveste came back with a denial on that basis.

25 And I'm not quite sure I know the genesis or background

1 of what bureaucratic rule or regulation that the
2 Department of Administration has that would cost the
3 taxpayers between 18 and 25 thousand dollars when the
4 state has a tremendous deficit. I was trying to find
5 out if there is a rationale as to why we cannot purchase
6 computers.

1 determined, in their wisdom, that that violated -- and I
2 don't recall. I don't have the letter with me -- some
3 state law or State statute. And they said no, they
4 could not allow to us do that.

5 Now, we can still, and I have directed my
6 staff to move forward to purchase the computers within
7 our organization, and then we'll sign them out to you.
8 So I'm proceeding on that ground now.

9 CHAIRMAN LYNN: One of the issues, as I
10 recall, in the decision to lease rather than purchase
11 computers, and I may have this fuzzy because it was some
12 time ago, one of the issues was that the vendor that the
13 State has preapproved did not have computers of a type
14 that we needed in order to run Maptitude and other
15 relevant programming. And that was one of the reasons
16 that we decided very early on that we'd ask Maricopa
17 County to be the conduit through which a large plotter
18 and other things were made available to the Commission.

19 MR. ECHEVESTE: Thank you for the
20 correction. I don't believe I was with you at the time
21 those decisions were made. But they were certainly
22 logical and realistic decisions at that point in time.
23 As I say, hindsight now shows that the Commission has
24 paid for those laptops time and time again, about four
25 times or more. And the only thing I can tell you at

1 this time is that we are attempting to purchase laptops
2 given the fact that now the court date has been moved to
3 March to try to contain that cost. So we will proceed
4 on that ground unless told otherwise.

5 And about the only other perspective I can
6 give you is that I suppose it could be looked at as
7 revenue sharing to Maricopa County through the State.
8 So that's about the other perspective I can give you.

9 CHAIRMAN LYNN: Mr. Elder.

10 COMMISSIONER ELDER: Just to close on
11 that, I would like to pursue that. If we have
12 approximately another eight, nine months to go on this,
13 by the time we get done with a March date at \$600 a
14 computer, there's five of them, plus I don't know
15 whether the attorneys or any of the other had anything
16 that we had, that alone is 3,000 a month. In about four
17 months, we buy the computers that we would have been
18 paying Maricopa County for and the other four months we
19 save the citizens money whether they reside with us or
20 stay in their warehouse, I don't care. We should get
21 out of the lease as fast as we possibly can.

22 MR. ECHEVESTE: With your direction, we'll
23 proceed with an attempt to buy appropriate equipment to
24 support the Commissioners.

25 CHAIRMAN LYNN: Thank you, Mr. Echeveste.

1 At this --

2 Ms. Hauser?

3 MS. HAUSER: Mr. Echeveste, has any
4 attempt been made to renegotiate the contract with
5 Maricopa County?

6 MR. ECHEVESTE: No. I have not -- I have
7 not -- in fact, it was a Maricopa County representative
8 that suggested that perhaps that was the best way to
9 approach this is to just terminate that portion and pick
10 up our own.

11 CHAIRMAN LYNN: You might --

12 In trying to solve the problem, explore
13 all options including renegotiation of the contract with
14 Maricopa County. I'm sure as much as they would be
15 willing to participate in any revenue-sharing activity
16 we might be able to provide them, they also have a sense
17 of fairness. If we're paying for something four times
18 over, they might very well take an adjustment.

19 MR. ECHEVESTE: Thank you. I'll take that
20 optimistic view and see if I can't make it a reality.

21 COMMISSIONER ELDER: One last comment,
22 probably rolled into that. We bought Maptitude through
23 Commission funds, some other programs. Some programs
24 loaded on the machines, there may be a site license
25 factor from Maricopa County. I don't know what the

1 numbers are. If you look into what those are.

2 CHAIRMAN LYNN: Thank you.

3 It is now almost 20 minutes of 1:00. I

4 ask if it is -- may we take less than an hour and come

5 back at 1:30?

6 I would very much like to, for those

7 Commissioners who have traveling to do this afternoon,

8 I'd like to begin the afternoon session as early as

9 practicable. And 1:30 seems like a round number.

10 I ask my fellow Commissioners as well as

11 staff to respect that number and actually try to begin

12 the afternoon at 1:30, not near 1:30.

13 So if we may stand in recess until 1:30

14 this afternoon, we'll finish our agenda.

15 (Recess taken.)

16 CHAIRMAN LYNN: The Commission will be in

17 session.

18 For the record, all five Commissioners are

19 present, legal counsel, NDC, and legal staff.

20 The Commission is prepared, Mr. Johnson,

21 to hear your report on competitiveness.

22 MR. JOHNSON: Mr. Chairman, really it's a

23 follow-up to the detailed report I believe you have from

24 Dr. McDonald. What I really want to do is walk through

25 the competitive measures and tools that have been

1 presented to you yesterday and today, if I can find my
2 table.

3 Here we go.

4 There have been a number of different
5 measures that have been discussed throughout this
6 process at this effort to measure competitiveness. What
7 we've tried to do is incorporate more and more of those
8 as we build up the data base and as the different
9 measures are suggested.

10 And what you've received today is a number
11 of items, one of which is labeled August 13th plan,
12 competitive spreads. This has a number of columns on
13 it, some of them very familiar, some of them new to the
14 last two days' meetings. It starts with the district
15 numbers, then has the Judge It measurements, which
16 obviously everyone is very familiar with. So that gives
17 our -- the numbers that Dr. McDonald brought from the
18 first two in looking at competitiveness. Next is AQD,
19 which as you know is the average of three Corporate
20 Commission races from '98 and 2000, and as presented as
21 kind of a measure of a low ticket if not bottom ticket
22 race where, in the early analysis, when this measure was
23 developed, it was thought people would vote more in line
24 with party affiliation or party leanings than
25 necessarily heavy personality driven races higher up on

1 the ticket might indicate. So that's intended to be a
2 second measurement you might refer to for evaluating
3 competitiveness of districts.

4 The next two columns are based on data
5 bases that have been developed for yesterday's meeting
6 and today's meeting and following up on conversations by
7 Dr. McDonald and others with the Commission.

8 The 1998 four-way average is looking at
9 four races in 1998, Governor, Secretary of State,
10 Attorney General, and Corporate Commissioner, and
11 averaging those four, what you have in front of you in
12 each of these cases is the spread between Democratic and
13 Republican percent.

14 Next is a very similar measure but only
15 using three races. It left out the Attorney General's
16 race. And Dr. McDonald suggested it might make sense to
17 look at each of those because of the dynamics of that
18 specific Attorney General's race.

19 The next column is registration spread,
20 the spread between Republican and Democratic percentages
21 in a district.

22 A measure that has been mentioned
23 throughout this process, occasionally we put together
24 spread sheets for it, we wanted to formally do it and
25 make sure you had the information, is looking at the

1 third-party registration. The theory mentioned and used
2 on some occasions is that if no one party is a majority,
3 or in other words, if the second party and the
4 independents add up to more than the larger party, that
5 by definition is, to some degree, a competitive district
6 under this theory because the largest party has to win
7 over someone in the other, either the independent or the
8 second-party registrant. So the last two columns give
9 you first the other party registration, everyone except
10 Democrat or Republican combined together, and then an
11 indication district by district whether that other
12 registration is larger than the two-party spread.

13 Just a quick reference column. You can
14 also see the same figures by looking at the second,
15 third columns from the right.

16 So this is a summary of a number of
17 different tools.

18 You have, on other sheets, for example the
19 spread sheet labeled at the top 1998 statewide races
20 averages, this gives you the Democratic average and
21 Republican average in each district that were referenced
22 to create the spread shown on the summary sheet.

23 Similarly, on your standard spread sheet,
24 the one with all the demographics for each district, you
25 have the details for each district; active total, if you

1 want to reference actives and inactive; and also the
2 specifics for AQD on that sheet.

3 You have a number of different competitive
4 tools in front of you, the data in front of you as well.

5 Dr. McDonald has referred to both a seven
6 percent spread. He also when he appeared before the
7 Commission talked about the applicability of different
8 percentage spreads as a measurement of competitiveness
9 or as degrees of competitiveness. And other people have
10 talked about 10 percent spreads, five percent spreads,
11 15 percent spreads all being accurate characterizations
12 of competitiveness. We wanted to be sure that you had
13 all that information and could refer to it as you make
14 your decision and attempt to draw districts in
15 compliance with that criteria.

16 CHAIRMAN LYNN: Thank you, Mr. Johnson.

17 Comments from the Commission?

18 Mr. Huntwork.

19 COMMISSIONER HUNTWORK: Well,
20 Mr. Chairman, I think that is a helpful summary. I
21 think it's even more complicated than that, in a way. I
22 think we, as we looked at this subject of
23 competitiveness, I think we were aware of a number of
24 strengths and also weaknesses in the tools that simply
25 are available for us to use. Obviously we are aware

1 that any, any system is subject to statistical errors,
2 to aberrations, depending on which races are selected
3 and why. You know, there are statistical ways to try to
4 correct for that and make sure you are dealing with your
5 best available, but of course we had to take all of
6 those numbers with a grain of salt and a degree of
7 common sense. We know that logically there is no bright
8 line that says exactly 6.9 is competitive and exactly
9 7.0 is not competitive, or 7.1. It's one is slightly
10 more competitive than the other, but both may be very --
11 they may -- those two differences may fall within a
12 margin of error of statistics anyway.

13 We had a number of people point out to us
14 that the competitive nature of the state, of the
15 districts, is changing, because the state is growing
16 very rapidly. And we heard arguments that
17 competitiveness, unlike population, arguments population
18 should be a fixed number but competitiveness should not
19 because of its very undefined nature. And I think we
20 honestly did try to take all of those factors into
21 consideration.

22 As we tried to create competitive
23 districts, at least in my mind, we tried to make each
24 district as competitive as we could. And we tried to
25 take into consideration the effect of the -- of any

1 changes that we made on the competitiveness of the
2 adjoining districts as well as on the other -- of course
3 on all the other criteria that are set out in
4 Proposition 106.

5 There were actually some situations where
6 statistically we could make one district more
7 competitive without having a significant effect on the
8 adjoining district because, I guess, on relative voting
9 rates of people -- turnout rates of people in two
10 districts. So there were opportunities to do that. I
11 recall making some of those decisions as we went along.

12 We looked at the fact that our state as a
13 whole is competitive in the sense that we have very
14 viable candidates from both parties on a statewide
15 basis, and yet there is a difference in registration
16 that some people might argue is noncompetitive, if you
17 were going to try to draw a bright line based on some
18 statistical number. Yet we know Arizona is very
19 competitive and Arizonans are very independent minded.

20 We know that it's not just a matter of
21 comparing Democrats and Republicans and how many are
22 registered a different way. But obviously, Republicans
23 can vote for Democratic candidates, too, if the
24 Democrats field a superior candidate or make better
25 arguments under the circumstances that our state faces

1 at any particular time. We had good examples of that.
2 We had not just, you know, aberrations but Democratic
3 candidates who were elected from districts that you
4 would swear were solid Republican Districts and we have
5 Democrat members of the State Legislature right now
6 today who are very popular in their districts with
7 Republicans and Democrats alike.

8 So this has been a very complex equation
9 that we have tried to work with here and to take all of
10 those factors that just relate to competitiveness itself
11 into consideration in making these decisions as well as,
12 then, having to consider whether each decision we make
13 has a significant detriment to the other criteria.

14 Thank you.

15 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

16 Mr. Hall.

17 COMMISSIONER HALL: Refresh my memory,
18 Doug. Does the Judge It formula only include the two
19 parties?

20 MR. JOHNSON: When looking at the previous
21 election results of Judge It?

22 COMMISSIONER HALL: Right. Or does it
23 take into consideration also how the other parties,
24 representatives of their parties voted?

25 MR. JOHNSON: The piece of the Judge It

1 formula that is driven by the previous election results,
2 as I understand the reports I've seen from Dr. McDonald,
3 only include the Republican and Democratic numbers in
4 that, similar to our AQD analysis only look at
5 Democratic votes and percentage of Democratic and
6 Republican. On registration, which is also part of that
7 formula, I don't know.

8 COMMISSIONER HALL: I'm intrigued, because
9 we've talked for some time about the impact of those
10 other registered voters that belong to another party,
11 and for me this is one of the first reports I've seen
12 that itemizes those numbers. And for me it's rather
13 interesting and impressive. I mean -- I'm counting
14 where the voters that are registered to another party
15 other than the Democratic or Republican party exceeds
16 the spread between those two parties is 11 of them. Is
17 that right?

18 MR. JOHNSON: Yes.

19 COMMISSIONER HALL: And interesting
20 enough, those 11 are 11 of the top 12 most competitive
21 districts. So in reality, even taking the Judge It
22 analysis, if you throw in that additional variable, in
23 my mind, these districts are more competitive than are
24 reflected by the numbers in light of the fact that you
25 have that other additional significant factor, not to

1 mention whatever impact the lack of incumbency in most
2 of these districts has on these races.

3 So, I guess, as we've been hammered
4 somewhat by some, and with what motive one can only
5 guess regarding the Commission's attention to
6 competitiveness, I think it's very clear that we've done
7 an outstanding job in this respect. And I think this
8 report highlights it very clearly.

9 You know, utilize a Judge It score of 10
10 versus seven, and I appreciate Mr. Huntwork's comments
11 relative to the fact that the statistics are a measure
12 of degree, not absolutes, and it's like water boils at a
13 different temperature depending on the location of the
14 pot. I think it's very clear if you come up three
15 points, you have nine competitive districts in that
16 respect. And even utilizing the Judge It, which is in
17 some of the people's mind the gold standard, I guess,
18 adding the other registrants in there, I think those
19 numbers are even more impressive.

20 So, Mr. Chairman, I guess what I'm saying
21 is that I'll be interested to see subsequent elections
22 of this year, but -- I just think that given the
23 constraints we had of the other criteria, most
24 specifically the Voting Rights Act, that this Commission
25 has done an excellent job in insuring that districts are

1 very, very competitive throughout the state.

2 If you take, for example, District 5,
3 which I have some familiarity with, which is by all
4 measurements a very competitive district, I would argue,
5 given the makeup of some of those voters, especially
6 many of those Democratic voters are rather conservative
7 on occasion, some of these districts that would fall
8 below the proposed magic threshold would be more
9 competitive, i.e. 30, than District 5. You have -- or I
10 should say even 15. You have a situation where three
11 times the spread of the voters, in the other party, is
12 three times that of the discrepancy between the two
13 major parties. And given the makeup of a group of
14 voters, I just think it's important as we look at all of
15 these variables, we understand that this is a very, very
16 fluid and difficult process to determine.

17 So I compliment not only the views of our
18 consultant counsel, Dr. McDonald and Handley, and all
19 the other work, but I compliment my fellow Commissioners
20 for our attention to this important goal with respect to
21 the proposition and what I feel we've done an excellent
22 job in achieving, very, very competitive districts.

23 CHAIRMAN LYNN: Thank you, Mr. Hall.

24 Ms. Minkoff.

25 COMMISSIONER MINKOFF: Thank you,

1 Mr. Chairman.

2 I think my fellow Commissioners will not
3 be surprised that I have some comments which are a
4 little different in vein from those that preceded me.

5 First of all, let me explain my motives,
6 since Commissioner Hall referred to what the motives of
7 some Commissioners were. My motive is a map which
8 reflects the wishes of the people who voted for
9 Proposition 106. I think if you look at the comments
10 I've made and votes I've cast, that has been the theme
11 of everything I've done from the time I started this
12 process. That's it, nothing partisan, but just an
13 attempt to reflect the Legislative intent of the people
14 who passed this initiative and made it a part of our
15 State Constitution.

16 I look at some successes we achieved. And
17 there are some districts here that I think are very,
18 very competitive. I think 17 is probably the most
19 competitive district in the state. I think 5 is a very
20 competitive district. I'm surprised to see, in the
21 statistical analyses, that District 12 is more
22 competitive than I thought that it might be. And there
23 was a recent editorial in the Arizona Republic that
24 referred to District 12 in discussing the candidates
25 running in that race and said that they were quality

1 candidates probably because of the competitiveness of
2 the district, that it brought out really good candidates
3 from both parties. And District 10 is a very
4 competitive district. District 15 surprised me. We
5 tried to make a change that didn't work because of
6 community of interest concerns to make 15 competitive,
7 but looking at this, even though the Judge It figure is
8 a little bit above the seven percent level, if you look
9 across the way, I think 15 is a competitive district.
10 On the other hand, I look at District 26, which has a
11 Judge It score below the seven percent threshold, but
12 looking at the other numbers, that does not seem to me
13 to be a very competitive district. And the same, you
14 know, with some of the others moving across.

15 The other registration that is listed
16 there isn't very compelling to me when you look, for
17 instance, at District 1 where there is a 21 percent
18 registration spread and a 24 percent other registration,
19 that assumes that 90 percent of those people have to
20 vote for the minority party in District 1 in order to
21 sway the outcome of that district. And I think we
22 realize that that is not likely to happen.

23 Dr. McDonald's study, incidentally, does
24 include minority party registered voters as well as
25 independent and no party designate, because he refers to

1 Judge It as a predictor of future elections and talks
2 about it as predicting vote share. And so it seems
3 logical to me that the vote share that he is talking
4 about is all the votes cast in an election and what the
5 share will be of either the Democratic or Republican
6 candidate since Judge It really only refers to
7 probability of electing major party candidates.

8 Competition is a necessary condition for
9 the existence of democracy, and this is from his report,
10 and on the next page, this is the key to what I would
11 have liked to see more of when he talks about quoting
12 Proposition 106 stating that competitiveness is to be
13 favored where the use of it would not create significant
14 detriment. What is meant by significant detriment is
15 open to interpretation.

16 Making trades between competitiveness and
17 other goals is permissible up to some unspecified point.
18 And I submit that the difference between us on this
19 Commission is where that unspecified point lies.

20 Up until this point in the process, we
21 have made major, dramatic changes in every map that we
22 did moving from the grid, to first draft, moving from
23 the first draft to the second. But at this point, there
24 has been an unwillingness to do more than look at the
25 minor adjustments.

1 If you look at the public input that we've
2 received, except for the tremendous amount of public
3 input that we had that related to a specific area of the
4 map, people who were concerned about their district, I
5 don't like the way that you've split my county, I don't
6 like the way that you've split my community, I want my
7 community to be part of this community, and they were
8 relating to very specific items relating to their
9 neighborhood. We got an enormous amount of comments
10 regarding that. That's good. However, the general
11 comments that we got referring to the process as a
12 whole, the overwhelming prevalent topic was competition.
13 People wanted competitive districts.

14 I saw things differently than my fellow
15 Commissioners. I still believe very, very strongly in
16 my position, as I imagine the rest of you do in yours.
17 Reasonable people can disagree.

18 I look at areas where I believe we could
19 have done better. I explained in detail at the June
20 25th meeting some of my reasons. I don't need to repeat
21 them here. It's part of the record. But I believe that
22 we have an obligation, when appropriate, to make more
23 than border changes in this map in order to achieve
24 competitiveness.

25 I believe that we did not demonstrate

1 significant detriment to other criteria of Proposition
2 106 in several cases where we abandoned an attempt to
3 create a competitive district. That's why I, as I said
4 before, I think the map could be more competitive than
5 it is. It should be more competitive than it is. And
6 that's why I'll ultimately vote against it.

7 CHAIRMAN LYNN: Further comments from the
8 Commission?

9 Mr. Hall.

10 COMMISSIONER HALL: Well, for my benefit,
11 Andi, you cited several cases where you feel like the
12 Commission could have done better. I was wondering,
13 specifically, if you could state those cases.

14 COMMISSIONER MINKOFF: Sure. I believe,
15 as I said -- first of all, let me state that I believe
16 we should go into any redistricting process with the
17 goal -- we've got 30 districts -- with the goal of
18 creating 30 competitive districts realizing that that is
19 an unachievable goal because there are going to be other
20 things that are going to impact it. However, putting
21 voting rights districts aside, certainly we had an
22 opportunity in District 6 to create a competitive
23 district that we did not. We had opportunities in
24 Tucson to create three competitive districts that we did
25 not. Those are the ones that immediately come to mind.

1 There was a possibility of four more competitive
2 districts. Since to my mind we only have five, that
3 almost would have doubled it and I think would have made
4 it a much more appealing map. When you add in what I
5 see as five other districts that depending on
6 circumstances --

7 COMMISSIONER HALL: I don't want to
8 interrupt you, Andi. Which three in Tucson, just for my
9 benefit?

10 COMMISSIONER MINKOFF: Okay. We had tests
11 that turned District 26, 28, and 30 into competitive
12 districts. We deliberately excluded 25 and 27 and 29
13 because of --

14 COMMISSIONER HALL: In my mind, 26 and 28
15 are competitive. That's what I'm asking.

16 COMMISSIONER ELDER: That's what it says
17 here.

18 COMMISSIONER MINKOFF: Look at 26, the
19 Judge It number just under 6.6. If you look across at
20 the rest of the numbers, that's why I say you consider
21 26 competitive; I do not consider 26 competitive.
22 Looking at the growth pattern of 26, and that the map
23 we've approved will not be in use until 2004 elections,
24 I seriously doubt, under normal circumstances, if a
25 Democrat will be elected to the Legislature from that

1 district.

2 Now things happen. We have a Democratic
3 Senator from District 30, current District 30, which is
4 a strongly Republican district. If hadn't been for the
5 all fuels fiasco, he wouldn't have been elected. We
6 have a Democrat elected in Prescott currently. If it
7 hadn't been for some terribly inappropriate comments
8 made by a Republican Legislator that convinced the
9 majority of voters in that district that she was beyond
10 the pale in terms intolerance and bigotry, he would not
11 have been elected because that district is traditionally
12 a Republican district. Those aberrations happen. I
13 think we have to look at the normal behavior of a
14 district.

15 Commissioner Huntwork stated that the
16 state as a whole is competitive. I agree with that.
17 The state as a whole is competitive. In the last two
18 presidential elections, it voted for a Democrat in one
19 election and Republican another election. Who knows
20 what we'll do in 2004. The state is competitive.
21 Unfortunately, because of the map we created, the
22 Legislature will not be.

23 COMMISSIONER HALL: For my benefit, thank
24 you for your indulgence, Mr. Chairman, I want to make
25 sure I understand what you are saying. District 6, 26,

1 28, and 30, in your opinion this Commission could have
2 done a better job to make more competitive?

3 COMMISSIONER MINKOFF: Would cause me to
4 support the map.

5 COMMISSIONER HALL: With your permission,
6 I'd like to respond to that.

7 I think we hashed the District 6 issue.

8 That's of record. And to the majority of the
9 Commission, it did cause significant detriment to other
10 goals. That's clear on the record.

With respect to 26, despite Ms. Minkoff's
every measure, 28 is even competitive. I would argue
that 30 is competitive. If you notice, certainly not as
competitive. Again, it's a matter of degree. If you
look at 28, which is over the 7.0 figure -- in review,
the 7.0 mark is where Dr. McDonald has a 95 percent --
he feels like his 95 percent accuracy that he can
predict -- or prediction accuracy.

19 Am I stating that right, Ms. Leoni? Isn't
20 95 percent tied to the 7.0 level?

MS. LEONI: His 95 percent confidence interval that the election will fall in that range. The range is a narrow one, seven percent, 3.5 above 50 percent or 3.5 below.

25 COMMISSIONER HALL: Okay. So I -- in

1 response to that, with all due respect to Ms. Minkoff,
2 it is that of the four districts she cited, certainly
3 two of the four, in my mind, are competitive. And the
4 question is that in an effort to try and make those
5 other two more competitive than they already are is what
6 detriment would be caused. And I think the Commission
7 has adequately established that in the Tucson area and
8 certainly in the District 6 area, there was significant
9 detriment by gerrymandering, in many cases, in an effort
10 to create a competitive district.

11 CHAIRMAN LYNN: Mr. Elder.

12 COMMISSIONER ELDER: Yes, Mr. Chairman.

13 I'll respond to some of those comments
14 also.

15 When we look at 26, look at Judge It,
16 Judge It is weighted toward the Legislative races.
17 That's the people that represent their district. Where
18 you look at the four-race and three-race, those are
19 statewide races, and it may just have been that they
20 didn't enjoy the candidate at the state level. But they
21 certainly are competitive in their own legislation, own
22 Legislative district.

23 I think the same thing is true on 28.

24 30, it's -- when we take a look at the
25 Independent vote and take a look at who they've elected

1 in the past, I would contend that 30 is reasonably
2 competitive. On that basis, I do agree with the
3 majority of my fellow Commissioners we have a good
4 series of competitive districts. The ones that we've
5 debated extensively as to whether there is significant
6 damage to the other factors, the other conditions of
7 106, I think are self-evident from the discussions we've
8 had.

9 I would like to move on down the road to
10 accept the data base as a finding of the Commission, if
11 that's an appropriate term.

12 MR. JOHNSON: Mr. Chairman, if I can make
13 a final quick comment on the spread sheet.

14 CHAIRMAN LYNN: Mr. Johnson.

15 MR. JOHNSON: The numbers in front of you
16 today are for the August 13th plan. In the area where
17 we went back to the C plan, you have the same
18 information in the material provided yesterday. They're
19 just not consolidated in one sheet as nice.

20 CHAIRMAN LYNN: Thank you.

21 Jim, Mr. Huntwork.

22 COMMISSIONER HUNTWORK: There is one thing
23 I would like to clarify. I disagree with Commissioner
24 Minkoff as to her statement that the overwhelming topic
25 of the comments we received was competitiveness. I

1 disagree with that. I feel that the overwhelming
2 subject was community of interest. Time after time
3 people said, in fact, make somebody else's district
4 competitive, but preserve my community of interest.
5 Now, there were some who were willing to sacrifice that,
6 and more power to them. But I think that the
7 overwhelming sentiment of the State of Arizona, people
8 stood up in front of us with anger and with zeal,
9 sometimes with tears in their eyes, but it was "Preserve
10 my community. I need to be with other people like me so
11 that we can have a voice in the Legislature." That was
12 the overwhelming topic. And this Commission faced that
13 very recently with the proposal for competitive District
14 15 where Arcadia came and clearly, and I think
15 correctly, said we do not perceive our community of
16 interest to be with downtown Phoenix. We perceive it to
17 be with the areas to the north of us, Paradise Valley,
18 and so on. And this Commission, Commissioner Minkoff
19 included, voted against compact and competitive District
20 15 because of communities of interest.

21 I do not disagree with that conclusion. I
22 voted the other way, but I recognize and support the
23 fact that my fellow Commissioners exercised -- each of
24 us exercised our judgment. That's why there are five of
25 us. That's why we were picked the way we were. And I

1 hope and pray that among us, collectively, we had much
2 more wisdom than any one of us would have had
3 individually and, I suppose, than any one person who
4 agrees or disagrees with what we've done will ever have
5 with respect to this subject.

6 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

I want to make a couple comments both with respect to the competitive nature of our process with respect to competitiveness and also what I believe are some misstatements of fact. I agree with Mr. Huntwork, in fact we had a Power Point presentation after each of the rounds that we went through, and that Power Point analyzed the responses from the public that were received by the Commission. If you look at that Power Point, Mr. Huntwork is quite correct that the communities of interest and other issues that comprise some of the goals that we were trying to achieve were much higher on the list both for Legislative and Congressional maps than was the issue of competitiveness. It was far down the list in terms of things that people were concerned about when they responded to the Commission.

1 Arizona, in my opinion, you have misread the law. And
2 let me tell you what I believe the correct reading is.
3 Your goal should be to establish 30 Legislative
4 Districts and eight Congressional Districts in the State
5 of Arizona that balance the six criteria that are
6 mandated by the Constitution. And the balancing of
7 those criteria are to be done on the basis of personal
8 judgment, certainly, input from the public, and facts
9 that are really not in dispute. And let me give you an
10 example.

11 If your goal is to have 30 competitive
12 districts in the State of Arizona with a five percent,
13 give or take, spread between registered Republicans and
14 registered Democrats, theoretically you might be able to
15 draw 30 districts. They wouldn't be pretty, not
16 compact, wouldn't be contiguous, wouldn't reflect
17 communities of interest. Might draw 30 districts to
18 preserve that spread. According to former Peter
19 Goodenoff, the Republicans would win all 30 seats. And
20 he believes that because for a variety of reasons, one
21 party in this state dominates not by virtue of
22 registration but by virtue of turnout. And the fact of
23 the matter is that statistically those who should side
24 or would side with one political philosophy or the other
25 aren't sufficiently registered in the state in order to

1 make the elections what they ought to be. We can't
2 control that. We can't do much about that, quite
3 honestly. And the assertion that lines we have drawn
4 will have a chilling or negative effect on that I think
5 begs the question whether major political parties, major
6 or minor, will be successful in getting people to
7 understand they need to participate in this process.

8 The bottom line for me, and not that it
9 means anything, but I spent a fair amount of my
10 undergraduate career studying political science. It is
11 my major, something I learned in school and practiced in
12 one form or another over 30 years, is election and
13 competition in elections are not about registration, by
14 and large. They are about the following things: They
15 are about having good candidates offer themselves up for
16 public office. They are about having ideas that people
17 will find that they can resonate with. And they are
18 about running good campaigns so that you don't trip on
19 your sword on the way to the holy grail.

20 The fact of the matter is that those
21 parties and those individuals, no matter which party and
22 which individual, who do those things, win elections.
23 And it isn't a matter of the spread or the Judge It or
24 anything else.

25 Two factors are missing in our analysis

1 because they are unquantifiable. We have attempted, and
2 Judge It actually attempted to quantify the impact of
3 incumbency. And it takes it into account. In my
4 opinion, and subsequent research that I've seen suggests
5 that incumbency is given less importance than it should
6 have. And, as a matter of fact, one of the reasons that
7 districts in this state continue to elect representation
8 in that area is because they are satisfied with the
9 representation they have, whether that is Republican or
10 Democrat, or Independent, or Green Party, or whatever.
11 And I would suspect that one of the reasons that more
12 candidates don't offer themselves up for public office
13 is it is extraordinarily difficult to run against an
14 entrenched incumbent who has been there for more than
15 two terms. And the fact of the matter is that is one of
16 the reasons I, as an Independent, don't much like term
17 limits, because I think good people are in short supply
18 in public office. And if good people want to continue
19 to run and serve the state, there's no reason why they
20 should not be allowed to do so.

21 So the factors are many. The complexity
22 happened to be quite evident in how we go about doing
23 what we do. I will tell you this: Once you start with
24 the six criteria that we have had to operate under, once
25 you believe that all six are important, and I'm not

1 going to get into the nuances of whether -- it's a 1984
2 argument, all pigs are equal but some pigs are more
3 equal than others. I will tell you all six criteria are
4 important. Every one of us when selected or elected to
5 this Commission said we were in favor of competition.
6 But to use the big analogy, if you could make pigs fly,
7 a lot more would be in the air than there are now.

8 The fact of the matter is the state begins
9 with a polarized voting community, and for us to do
10 justice to the other goals, there has to be a balance
11 between competitiveness and the other five goals. We've
12 tried to do that. I think we've done a principled,
13 reasonable job at it.

14 If you go back to the original founders of
15 Proposition 106, the original authors, and look at what
16 they said, not the people who ran the campaign to get it
17 selected on the ballot or approved, but the original
18 drafters, what they were trying to do is take the role
19 of redistricting out of the hands of the incumbent
20 members of the Legislature. That has been done and done
21 well.

22 And we have done a job that did not talk
23 about incumbency, did not talk about candidates, did not
24 talk about giving an unfair advantage to people who were
25 in charge of drawing the lines. So I think in that

1 respect we have done an extraordinary job with respect
2 to balancing our criteria.

3 Laterally, I will tell you that we cannot
4 find and I defy anyone to come up with a bright line
5 distinction between a competitive district and a
6 noncompetitive district. The best we can do is utilize
7 the tools at our disposal and any other faculties we
8 bring to the table, each of us individually, based on
9 our experience, to determine whether or not we can move
10 the needle along the continuum in one direction or the
11 other to make a district more or less competitive. And
12 after you satisfy the Voting Rights Act, and after you
13 have a spread of 16 to 22 percent in party registration,
14 the best you can hope for is a map that has several
15 districts that might be competitive. To assume you can
16 do better than that is really sending yourself on a
17 fool's errand.

18 Ms. Minkoff.

19 COMMISSIONER MINKOFF: Thank you,
20 Mr. Chairman.

21 A couple things we agree on.
22 I also oppose term limits. I would agree
23 with you that probably the best thing about the process
24 we have undertaken is the fact that it has been free
25 from the influence of incumbents in spite of the fact

1 that the spouse of a current incumbent verbally attacked
2 me awhile ago as deliberately gerrymandering his wife
3 out of her district when I had no idea where they lived.
4 But a couple of things.

5 I also have been a student of politics and
6 political science all my life. My Bachelor's Degree,
7 Master's Degree, are both in that field. I used to
8 teach American Government and also an elective course,
9 the Problems of Democracy. That's what we are living
10 now, guys, problems of democracy.

11 I think there were some comments I made
12 that were misunderstood. I just want to very, very
13 briefly explain them. When I spoke about public
14 comment, the public comment that we received, I think
15 that maybe you didn't understand the first part of my
16 remarks. I agree, by far, the majority of comment that
17 we got had to do with the community of interest. This
18 is the district that I want in my area. I made that
19 very clear. There was another group that we got that
20 basically referred to a macro map rather than a micro
21 map. Some of them said don't consider minorities, not
22 understanding that we were mandated by the Arizona
23 Constitution and the United States Constitution to
24 consider those groups that were protected under the
25 Voting Rights Act and could not ignore them, nor would

1 we ignore them. There were other comments made about
2 the map as a whole.

3 What I was saying, the comments referred
4 not to a specific area, not to a specific community of
5 interest, not to a district I want in my area and I
6 don't care what you do in the rest of the map, that
7 there was an overwhelming groundswell of support for
8 competitive districts.

9 Secondly, when I said that to me the ideal
10 was 30 competitive districts, I did not propose we start
11 that way. I understand the wording of proposition 106,
12 and clearly competitive districts are the last step in
13 the process. All that I meant by that is to say that
14 wherever a competitive district could be created, that
15 is what we should do. And if we could satisfy the other
16 five criteria of Proposition 106 and create 30
17 competitive districts, that's what we should have done.
18 The reality is that's an impossible to task. We all
19 recognize that. Given the impossibility of creating 30
20 competitive districts, after dealing with the first five
21 criteria, it is my contention that we are still
22 obligated to go through and create as many as we
23 possibly can. I don't think any of you would disagree
24 with that.

25 Where I think we disagree, I believe that

1 there were opportunities to create competitive districts
2 that we missed. I respect your right to the opinions
3 that you hold and I hope that you respect my right to
4 the opinion I hold.

5 Thank you.

6 CHAIRMAN LYNN: Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Mr. Chairman, I
8 just want to respond to that last comment of
9 Commissioner Minkoff. I certainly do respect her right
10 to that opinion. I agree with her analysis of the
11 process. I agree that we followed the steps outlined in
12 Proposition 106 to the end of the process. And then I
13 also agree that competitiveness, at that point, comes in
14 at an extremely important level. And we have a very
15 profound obligation to use our best judgment to create
16 competitive districts as long as they do not cause
17 significant detriment to the other goals. I think that
18 the only ruling that we have on this from a trial court,
19 I think the Judge said at that point it becomes as
20 important to the other goals subject to, you know, not
21 doing significant detriment. And I think that was the
22 very standard that we have attempted to apply.

23 It really boils down to application based
24 on a personal judgment of how those criteria weigh
25 against each other. I also think -- I don't think we

1 missed, I'm not sure, but I don't think we missed
2 competitive districts that are hidden in the map
3 somewhere. I think what happened was that we found a
4 configuration and then basically we disagree on the
5 application of the principles to that configuration.

6 And that is certainly an honest disagreement.

7 And I, by the way, I don't believe that
8 Commissioner Hall or any other Commissioner Hall
9 intended to question your motivation. I think it more
10 had to do with some of the possible litigants.

11 COMMISSIONER HALL: That is correct. I
12 was not referring to any Commissioner. I was referring
13 to some of the litigants who profess to represent my
14 party, and other parties, and the very actions they've
15 taken against the Commission have caused the districts
16 to be less competitive. The irony is remarkable.

17 No, Mrs. Minkoff, that was not directed at
18 you but people that profess to be interested in that but
19 are only interested in their agenda.

20 CHAIRMAN LYNN: Further comments on the
21 issue of competitiveness?

22 If not?

23 Ms. Hauser.

24 MS. HAUSER: Just one moment, please.

25 CHAIRMAN LYNN: I might remind the members

1 of the public, subsequent to the discussion on
2 competitiveness, I'll have a call to the public one more
3 time today in advance of the Commission taking up
4 possible adoption and certification of a Legislative map
5 to the Department of Justice and Secretary of State. So
6 if you would like to speak, if you would get a speaker
7 slip and have it ready, please.

8 At this time, are there any members of the
9 public that wish to address the Commission?

10 You, like we, should be speechless.

11 If you'll bear with us, we're going to get
12 some language straightened out.

13 Are there any further reports from NDC?

14 I'm stalling.

15 Any further reports from legal counsel?

16 COMMISSIONER HUNTWORK: Can I make a
17 motion?

18 CHAIRMAN LYNN: That's essentially what
19 we're waiting for, I think.

20 What I would like to do is take five
21 minutes in place.

22 We will be in recess.

23 (Discussion off the record.)

24 CHAIRMAN LYNN: The Commission will come
25 to order. All five Commissioners are present along with

1 legal counsel, NDC, and IRC staff.

2 Is there an affirmative motion from the
3 Commission?

4 Mr. Hall.

5 COMMISSIONER HALL: Mr. Chairman, I would
6 like to make a couple of motions, if that's all right.

7 In light of the fact that competitiveness
8 seems to be the subject of present and future
9 activities, I, as a Commission, I just feel like it's
10 important that -- in fact, I want to make it a motion
11 that we as a Commission vote and acknowledge that we
12 have used all of the competitiveness tools that have
13 been identified by Mr. Johnson and that these tools are
14 a representation of a matter of degree of
15 competitiveness, not absolutes, or not a bright line,
16 utilizing your terminology, Mr. Chairman, and as further
17 discussed by my fellow Commissioners.

18 CHAIRMAN LYNN: Is there a second to the
19 motion?

20 COMMISSIONER ELDER: Second.

21 CHAIRMAN LYNN: Discussion on the motion?

22 COMMISSIONER MINKOFF: I want to be sure I
23 quite understand the motion. I want to understand the
24 motion, because it sounds like something I might be able
25 to vote for.

1 Are you saying by the motion, Josh, only
2 that we've had available tools, Judge It, AQD, election
3 results, et cetera, we've utilized them in making our
4 own determinations about competitiveness?

5 COMMISSIONER HALL: Correct.

6 CHAIRMAN LYNN: Further discussion on the
7 motion?

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

10 COMMISSIONER HUNTWORK: "Aye."

11 COMMISSIONER MINKOFF: "Aye."

12 COMMISSIONER HALL: "Aye."

13 COMMISSIONER ELDER: "Aye."

14 CHAIRMAN LYNN: Chair votes "Aye."

15 Motion passes unanimously.

16 COMMISSIONER HALL: I expect a similar
17 vote, Ms. Minkoff.

18 COMMISSIONER MINKOFF: Can't vote for the
19 map.

20 COMMISSIONER HALL: Didn't vote for the
21 last one.

22 I move we adopt, as a Commission, the
23 August 13 map as suggested by today's motion as the
24 Legislative Redistricting Plan for the years 2004
25 through the years 2010.

1 CHAIRMAN LYNN: Is there a second?
2 COMMISSIONER ELDER: Second.
3 CHAIRMAN LYNN: It's been moved and
4 seconded.

5 On the motion.

6 Mr. Huntwork?

7 COMMISSIONER HUNTWORK: Were there any
8 further traps we needed to identify and correct besides
9 the ones shown on the screen this morning? We were
10 looking basically at the Phoenix Metropolitan area at
11 that time. Is there any anywhere else?

12 CHAIRMAN LYNN: Mr. Johnson.

13 MR. JOHNSON: There is -- with the
14 software that runs these checks, classified as a trap
15 down in the Tucson area of 36 people, that was also
16 identified by software this November, also -- unlike
17 things today, it's a fairly large geographic area that
18 was discussed and visited.

19 We'll have to run the trap check on the
20 10, 12, 14 adjustment, but I don't anticipate it to find
21 anything.

22 CHAIRMAN LYNN: Further discussion on the
23 motion?

24 I infer from the motion the intent here is
25 to both -- I mean we're going to adopt that. Do we need

1 a separate motion in terms of certification to the
2 Secretary of State and/or submission to Department of
3 Justice?

4 That would be a subsequent motion?

5 Those are subsequent motions.

6 This motion is for adoption of the plan.

7 Further discussion on the motion?

8 If not, we'll do this by roll call.

9 Mr. Huntwork?

10 COMMISSIONER HUNTWORK: "Aye."

11 CHAIRMAN LYNN: Ms. Minkoff?

12 COMMISSIONER MINKOFF: "No."

13 CHAIRMAN LYNN: Mr. Hall?

14 COMMISSIONER HALL: "Aye."

15 CHAIRMAN LYNN: Mr. Elder?

16 COMMISSIONER ELDER: "Aye."

17 CHAIRMAN LYNN: Chair votes "Aye."

18 The motion carries four to one and is so
19 ordered.

20 Mr. Hall, do you have a subsequent motion?

21 COMMISSIONER HALL: I guess.

22 I move that we certify the adopted plan
23 and submit it to the Secretary of State.

24 CHAIRMAN LYNN: Is there a second?

25 COMMISSIONER HUNTWORK: Second.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 CHAIRMAN LYNN: Moved and seconded.
2 Discussion on the motion?
3 If not, all those in favor of the motion
4 signify by saying "Aye."
5 COMMISSIONER HUNTWORK: "Aye."
6 COMMISSIONER MINKOFF: "Aye."
7 COMMISSIONER HALL: "Aye."
8 COMMISSIONER ELDER: "Aye."
9 CHAIRMAN LYNN: Chair votes "Aye."
10 Opposed, "No."
11 Motion carries unanimously and is so
12 ordered.
13 MS. HAUSER: Let's -- I need each of you
14 to sign this.
15 COMMISSIONER HALL: We can co-process,
16 Lisa.
17 Mr. Chairman, I move we submit the adopted
18 and certified plan to the Department of Justice as soon
19 as possible, with great expeditious fashion.
20 MR. RIVERA: With all deliberate speed.
21 COMMISSIONER ELDER: All deliberate speed.
22 CHAIRMAN LYNN: Is there a second to that
23 motion?
24 COMMISSIONER HUNTWORK: Second.
25 CHAIRMAN LYNN: Thank you.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 I speak for everyone on the Commission when I do this,
2 everyone who has helped us through this process.

3 Obviously there are still issues with
4 lawsuits and other things that may necessitate future
5 meetings of the Commission, but we have every confidence
6 to believe that at this juncture in our process we may
7 very well have a map that will be precleared by the
8 Department of Justice and will be in effect for the
9 balance of the decade.

10 Those that have assisted us in this
11 process, National Demographics Corporation, Dr. Adams,
12 certainly Doug Johnson, who has done yoeman's work
13 throughout the process, their legal counsel, Ms. Leoni,
14 who has been of great service to all of us in her
15 capacity representing NDC and working with the
16 Commission, our own staff at the office, Adolfo, Lou,
17 Kristina, those that have been with us from very early
18 on in the process to the end, and certainly our legal
19 counsel, Lisa Hauser and Jose de Jesus Rivera, and I
20 also want to thank Lisa Nance for putting up with us.
21 It's been an interesting ride for all of us, and we
22 appreciate her work as well.

23 The Commission at this point stands
24 adjourned pending a call of the Chair and a formal
25 notification of any subsequent meetings.

1 Thank you all very much.

2 (Whereupon, the hearing concluded at
3 approximately 2:42 p.m.)

4

5

6 * * * *

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2 STATE OF ARIZONA)
3 COUNTY OF MARICOPA) ss.

4

5

6 BE IT KNOWN that the foregoing hearing was
7 taken before me, LISA A. NANCE, RPR, CCR, Certified
8 Court Reporter in and for the State of Arizona,
9 Certificate Number 50349; that the proceedings were
10 taken down by me in shorthand and thereafter reduced to
11 typewriting under my direction; that the foregoing 141
12 pages constitute a true and accurate transcript of all
13 proceedings had upon the taking of said hearing, all
14 done to the best of my ability.

15 I FURTHER CERTIFY that I am in no way
16 related to any of the parties hereto, nor am I in any
17 way interested in the outcome hereof.

18 DATED at Phoenix, Arizona, this 19th day
19 of August, 2002.

20

21

22

23

24

25

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

