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INDEPENDENT REDISTRICTING COMMISSION

HEARING

JUNE 13, 2001

SIERRA VISTA, ARIZONA

**ARIZONA COURT REPORTING
177 North Church Avenue
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1 MR. LYNN: Good evening, ladies and
2 gentlemen. If I could ask you to take a seat, we'll
3 get started.

4 I want to be very respectful of your time
5 because you have given of it so freely this evening to
6 be with us, and we want to be sure to have enough time
7 to hear from everyone who wishes to address the
8 Commission. So I have asked you to take a seat at this
9 time and we will get started. Thank you very much.

10 Let me say good evening again. My name is
11 Steve Lynn. I chair the Independent Redistricting
12 Commission for the State of Arizona. I would also like
13 to introduce Dan Elder, a member of the committee, who
14 is here with us this evening.

15 To Dan's right is Dr. Allen Hesseff**.
16 He is with the National Demographics Corporation, our
17 primary consultant in the redistricting process.

18 And to Allen's right is Jose Jesus Rivera,
19 one of our two legal counsel. It became very clear
20 when hiring counsel that most lawyers who know anything
21 about election law have either gravitated toward one
22 major party or another. So we hired two counsel just
23 to be fair. Mr. Rivera happened to be Democratic
24 counsel, and Lisa Hauser is our Republican counsel, but
25 they're both acting in a very nonpartisan way and

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1 giving us terrific advice, and we appreciate that.

2 What we're going to do this evening is
3 start with a presentation, and I know some of you may
4 have seen the presentation before, but what we're
5 trying to do is keep this presentation constant
6 throughout our public hearing process so that all of
7 the citizens who join us get the same information in
8 the same way.

9 And we'll go through that presentation
10 first, and then the most important part of the evening
11 is to hear from you. We have speaker request forms.
12 They're in the back on the table, and if you wish to
13 talk to us, we would appreciate it if you would fill
14 one of these out. We will take these in order, and we
15 will stay until everyone who wishes to be heard has
16 been heard.

17 So we appreciate your being here this
18 evening, and let's begin with the slide presentation.

19 Is there anyone present who would be more
20 comfortable with a Spanish language translation? If
21 not, then we will --

22 (speaking in Spanish.)

23 MR. LYNN: Now, if we may have the lights,
24 we will do the presentation. Can everybody see the

25 screen? Okay. SIERRA~1. TXT Great.

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1 We are going to be talking about
2 redistricting, and redistricting is the process of
3 redrawing lines after a decennial census is released.
4 We are drawing new lines for both legislative and
5 congressional districts in the State of Arizona under
6 the provisions of Proposition 106. And this is the
7 first time that's ever been done. Proposition 106, as
8 you may know, was passed the last general election.
9 This is the first time a redistricting has occurred
10 under that legislation.

11 It's very important that there are some
12 differences between the way Arizona has redistricted it
13 in the past and the way we will be doing it this time.
14 This time citizens play a very different role. In
15 fact, the five citizens who make up the Commission, we
16 aren't elected by anyone, and I will talk about this
17 election process later. We actually take the place of
18 the legislature in terms of the role of drawing
19 districts. We also want to involve citizens, all
20 citizens of the state, in a very crucial way in the
21 development of these political boundaries.

22 These public hearings that we're having
23 are partly to educate, but more importantly they're to

24 hear from you and educate us as to how you would like
25 these boundaries drawn.

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1 We will be using these hearing to bring
2 the process all over the state. There are 23 hearings
3 which began on Monday, will continue this week, next
4 week, and into a third week. And after that 3-week
5 period of time, we will have listened hopefully to
6 thousands of Arizonans at these meetings. We
7 appreciate your turnout tonight. And we need to share
8 with you our plans for the new district after we've
9 heard what you think those districts ought to look
10 like.

11 Once you tell us what you believe the
12 district should look like, we will create some
13 districts for you to take a look at. We will have
14 another round of hearings, and you can tell us how well
15 we heard what you said you wanted to have happen.

16 We are determined to make this a fair
17 process and achieve districts that honestly represent
18 the people of Arizona.

19 Now, in the past states all over the
20 country have done redistricting in a way that was a
21 very divisive process, in a way that raised charges of

22 dirty politics, partisan power plays, all sorts of
23 political intrigue of one kind or another.

24 Discrimination in one way or another has
25 been at the heart of much of that criticism, and it all

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1 boils down to a very abusive term called
2 "Gerrymandering" or correctly "Gerrymandering." It's
3 actually Gerry.

4 In the 1800s the federalist governor of
5 Massachusetts, Elbridge Gerry, had some very
6 interesting districts that he was a part of drawing.
7 And the Boston Globe memorialized his work in a cartoon
8 which pictured his district as a salamander. So it was
9 Governor Gerry Salamander or Gerry Mander. And from
10 that point forward the drawing of political boundaries
11 in a way that only can be described politically has
12 been Gerrymandering.

13 There are a number of things that
14 Gerrymandering could do, and here are some examples or
15 how you can use Gerrymandering for political
16 redistricting abuse. Let's say that you have a block
17 of minority party voters. That block as you see on the
18 left can be divided a number of ways to decrease the
19 influence of that block in the four districts
20 represented.

21 Similarly, you could also take those
22 minority voters and pack them into one district, giving
23 them perhaps one seat or the opportunity for one seat
24 in the group of four but saving the other three
25 districts for a majority party.

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1 The same process can also work when you
2 have ethnic minorities involved. And certainly in the
3 State of Arizona we have a significant ethnic minority
4 population throughout the state concentrated not only
5 in urban areas but also around Indian lands, Native-
6 American territories throughout the state.

7 Here's how that works. You create an
8 ethnic district to help usually the opposition party
9 and often times the ethnic minorities by voting history
10 vote with the democrat. So you can see how that works
11 in this situation. You isolate this group and make the
12 safe districts around them.

13 You also can preserve a democratic
14 incumbent by making sure that a district excludes those
15 parties where that democratic incumbent might not do so
16 well.

17 None of these things are particularly
18 acceptable. And the voters, by passing 106, wanted

19 this process cleaned up and done differently. And so
20 you have the Commission. They created this entity out
21 of Proposition 106, and we are responsible for this new
22 kind of redistricting.

23 Now, let me talk just a minute about how
24 these five individuals came to be on the Commission so
25 that everyone understands the process.

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1 First of all, there's an affirmative
2 application process. Any citizen of Arizona who wished
3 to serve needed to fill out a fairly lengthy, detailed
4 application and submit it to the Commission on
5 Appellate Court Appointment. That commission headed by
6 the Chief Justice of the Arizona Supreme Court reduced
7 the 311, that's how many people applied, 311
8 applications, reduced them down to 25. And they did
9 that through whatever process they used. I have no
10 idea what methodology they used to do it. But they sat
11 for a day or two and went over, had read all the
12 applications, and went through a process of putting
13 together a list of 25. Ten Democrats, ten Republicans,
14 and five Independents.

15 That list then was circulated to the
16 political leadership in the Arizona Legislature, and
17 each of the leaders in turn, and there was an order of

18 selection, made the selection from the list. Now, they
19 were not obligated to select people from their own
20 party, but as you might imagine, the first four
21 selections were two Republicans and two Democrats.

22 Let me just give you an idea of how that
23 happened. The first person selected was Jim Huntwork.
24 Jim is an attorney from Phoenix, and he was selected by
25 a Speaker of the House Jim Wires.

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1 The second person chosen was the person
2 who become Vice Chair of the Commission, Andrea,
3 sometimes called Andy Minkoff, and when you see Andy,
4 just remember it is a woman. Absolutely Andrea is a
5 woman and doesn't let us forget it because she is the
6 only woman on the Commission. And she's from Phoenix.
7 She is a community activist and she was selected by Ken
8 Chevron, who is the minority leader in the House.

9 The third selection overall was done by
10 Senate President Randall Gnatt of Scottsdale. And
11 Senator Gnatt chose Dan Elder, who was a landscape
12 architect and consultant from Pima County, from Tucson.

13
14 Once the first two picks were made,
15 Maricopa County was frozen out of the first -- the rest

16 of the two picks. In other words, no county can have
17 more than two representatives out of the first four.
18 However, the fifth representative could have been from
19 anywhere. So it's conceivable that one county could
20 have had a three-person majority on the Commission if
21 it had worked out that way.

22 Mr. Elder was chosen by Mr. Gnatt, and the
23 fourth pick from Jack Brown, who is -- I can't call him
24 the minority leader because the Senate is 15-15. So
25 he's the democratic leader in the Senate. He chose

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1 Joshua Hall, who is in the land title business in
2 northeastern Arizona. He's from Apache County, lives
3 in St. Johns and has offices in Show Low and a number
4 of other places in the White Mountain area.

5 Those four individuals were sworn in, and
6 they in their first public act interviewed publically
7 the independent candidates who would become Chair of
8 the Commission. Now, by the time the interviews were
9 set, there were only four candidates for Chair. One
10 had dropped out. Apparently somebody tipped that guy
11 off as to how much time this was going to take and how
12 long the pay was.

13 At any rate for whatever reason, one
14 person had withdrawn their name and there were four of

15 us. We were interviewed publically, which if you've
16 never gone through that process, I highly recommend
17 that you skip it next time you have the opportunity.
18 And after deliberation by the Commissioners, there was
19 a vote taken as to who should chair the commission.
20 The vote was 4-0 first ballot for that guy from Tucson,
21 that registered Independent, the one speaking to you
22 now to become Chair of the Commission.

23 So the makeup of the Commission is two
24 members from Maricopa County, two members from Pima
25 County, and one member from Apache County. You will

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1 note, however, that all five of us do not reflect
2 ethnic minorities of the State of Arizona. We all
3 happen to be Anglo.

4 When I explain the process to you, you
5 need to understand that nowhere in the process was
6 there any sort of requirement for diversity, and the
7 selections of the leadership were on whatever basis
8 they wished to make them. This has been a bone of
9 contention since the beginning of the deliberations of
10 the Commission, and the only thing we have been able to
11 say is that we are the end of the process, not the
12 process itself. If you have a problem, you may need to

13 take it up with those who made selection.

14 We have been selected and we're going to
15 do our level best to represent all citizens in the
16 State of Arizona regardless of how they view themselves
17 in terms of political group, ethnic group, geographic
18 group. Our job is to do the best we can for all 5.1
19 million Arizonans.

20 Proposition 106 states that the Commission
21 shall establish both congressional and legislative
22 district and that the commencement of the process, the
23 beginning of the process shall first be the creation of
24 districts of equal population in a grid-like pattern
25 across the state.

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1 Now, there are other goals that we need to
2 achieve. In order for us to be successful, all of the
3 constitutional voting rights law that has come before
4 us is in play. We have to be sure that any map that we
5 ultimately draw will pass review by the Department of
6 Justice against a number of criteria.

7 Now, let me just quickly go over those.
8 In addition to meeting the one person/one vote rule
9 that is in the Constitution and the Voting Rights Act
10 provisions, we need to have congressional districts
11 that have equal population to the extent practicable

12 and state legislative districts that are equal in
13 population to the extent practicable.

14 In the case of congressional districts,
15 the population of Arizona is, in fact, divisible by
16 eight. Therefore, as close to dead even as we can get
17 them is what we're shooting for. That means down to
18 the last person.

19 With respect to legislative districts, we
20 are trying to get those as close as possible as well.
21 We do have a little bit of leeway if history is any
22 judge, and where we have leeway in legislative
23 districts is to be able to take in let's say the last
24 couple of hundred people within a city or within a
25 census tract or in some other way if we can make a case

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1 for it. There can be a small disparity in population
2 based on achieving some other goal.

3 The districts shall be geographically
4 compact and contiguous again to the extent practicable.
5 If you look at the current map of state legislative
6 district, you will find some interesting shapes. Some
7 perhaps worthy of being cartoons. The fact of the
8 matter is that Proposition 106 was put into place so
9 that the districts would look more like districts and

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less like free-flowing art.

And so the district hopefully will be more regular in shape. Will they all be squares? Probably not because that's just not the way patterns develop in the state in terms of population. But will they be more regular in shape? We hope so.

District boundaries shall respect communities of interest to the extent practicable. What is a community of interest? Justice Sandra Day O'Connor in a previous Supreme Court case said that those communities of interest need to be respected. Unfortunately she didn't define the term.

So we have two choices. We can either define the term and move forward or we can do what we've chosen to do which is to ask you to define it for us. We will be asking you some questions tonight and

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throughout this process about community of interest, and it's your job to tell us how Cochise County and this part of the state feels in terms of its community, its sense of community. We've already heard from other parts of the state earlier in the week where they see the affinity that they would like to maintain between themselves and other parts of the state, and we hope to get that same information from you.

9 Again to the extent practicable, district
10 lines will use visible geographic features, city, town,
11 and county boundaries, and undivided census tracts as
12 best we can. Understand that to get eight
13 congressional districts down to the last person, we
14 will probably have to crack a census tract or two just
15 to make that happen.

16 And then finally on this list to the
17 extent practicable, the competitive district should be
18 drawn. That means that no one party will dominate all
19 the districts drawn to the extent that there isn't an
20 opportunity for minority parties and others to one per
21 office and perhaps be successful.

22 Here's what else Proposition 106 does,
23 which is quite unique. There are other states, by the
24 way, who have gone away from legislative redistricting
25 to a commissioned system, but none of them has done

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1 this in exactly this way. We are not able to use the
2 party registration and voting history data in the first
3 phase of the process. We can only use that later to
4 test whether or not there has been any erosion of
5 influence by groups that have established influence in
6 the past, and we can use voting history data and party

7 registration to assist that later in the process after
8 we have draft maps drawn.

9 But notice the last part of this
10 statement. "Places of residence of incumbents or
11 candidates shall not be identified or considered." Now
12 what that means, and I'm a big one for managing
13 people's expectations. I want you to understand when
14 we have finished with this process and we have drawn 8
15 congressional and 30 legislative districts I guarantee
16 you that somewhere in the state two incumbents who
17 currently serve in the legislature from different
18 districts will find themselves in the same district.
19 How can I guarantee that? I can guarantee it because
20 we won't know where any of them live; and therefore,
21 the lines will not respect their current districts.

22 That means that it is likely, it is
23 possible, it could happen. So please be aware that
24 that's something that might an outcome of what we're
25 doing here.

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1 In April we received the facts on
2 Arizona's changing population--I will go over a little
3 bit of it with you this evening--from the census. The
4 point I want to make here is that there are a number of
5 communities who feel that they were significantly under

6 counted in the census. Please understand that while we
7 sympathize with that point of view, we are bound to use
8 official census data and that's the only information
9 that we can use in the redistricting process.

10 So any difficulty that communities have
11 with an undercount needs to be taken up with the Bureau
12 of the Census, and we will get official data from the
13 Bureau.

14 Here's a snapshot of what's happened in
15 the state in the last 10 years. You will notice that
16 in 1990 3.66 million people lived in the State of
17 Arizona. The 2000 census puts that number at 5.13
18 million people. Now, I want you to keep your eye on
19 this figure just to give you an idea of
20 proportionality. Keep your eye on this figure as I
21 show you the next slide.

22 Here's some counties that have grown
23 significantly in the last year. Take a look at
24 Maricopa County's current population. It's almost as
25 much as the entire state 10 years ago. Maricopa County

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1 comprises about 53 percent of the state's total
2 population. And so any thought that Maricopa County
3 would not dominate in terms of either legislative or

4 congressional redistricting should be dispelled at this
5 time. Because of one person/one vote, they are
6 entitled to the amount of representative that that
7 population gives them.

8 But they're not the champs. They only
9 grew at 44.8 percent. Take a look at some of the river
10 communities. La Paz County grew at 42 percent, but
11 Mohave County grew a whopping 65 percent in the
12 process.

13 So we've got a lot of work to do because
14 of all the congressional and legislative and districts
15 that are out there, they're all unbalanced currently in
16 terms of population. Some have not enough. Some have
17 more than they need.

18 Here's what we have to do in this process.
19 106 says that the first thing we have to do is to draw
20 equal population districts in a grid-like pattern. We
21 did that last week using as random a process as we
22 could divide. Now, we could have started anywhere but
23 we chose to start with a random representation, and
24 there are a series of rules that we went through that
25 I'm not going to necessarily take the time to go over

1 this evening unless you want to hear them, but let me
2 assure you of this. The grid that was published in the

3 paper and the grid that's on the wall for you to take a
4 look at, I think it's back there, is random. And
5 here's how random it was.

6 We picked a place on the map to start, and
7 the place we chose to start with is a place where all
8 townships start in the state of Arizona. And I will
9 talk about townships a little more in a minute. But
10 notice the definition of grid. No matter which
11 dictionary you use to define it, what you're going to
12 see is that this is a regularly-shaped kind of
13 district, a regularly-shaped pattern. Lines crossing
14 one another at right angles, making squares or
15 rectangles, those kinds of subjects.

16 I'm going to go through these very
17 quickly. The Arizona Republic listed a number of kinds
18 of grids that could be drawn. None of these would pass
19 Department of Justice. They're just the newspaper's
20 idea of what might work. So there's an equal
21 horizontal grid. The 5-2-1 grid which some people
22 might think is an interesting idea. The urban power
23 grid, which if you live in an urban area, you might
24 think is a good idea. The minority power grid which if
25 you think you belong to that group you might think is a

1 good idea. The fact of the matter is none of those
2 grids have the kinds of attributes that the Department
3 of Justice would pass. They have flaws, significant
4 flaws.

5 And so we've decided to do instead of
6 drawing before we listen is to listen before we draw.
7 The grid was just that. It was something we needed to
8 start with. But now we wanted here what you think
9 about those communities of interest before we actually
10 draw maps.

11 Now, when we get maps drawn, and believe
12 me what was printed in the paper is grid, not a map. I
13 want to say that at least six times so that we all are
14 clear. And we ultimately draw maps. Those maps will
15 be reviewed over at least a 30-day period by not only
16 the citizens of the state in the same manner that we're
17 doing now but by the state legislature. They have 30
18 days to look at it as well. But they have the same
19 standing as you do. We expect to hear from them. We
20 expect to hear from you. We expect that they will
21 submit maps to us. We will provide you the opportunity
22 to do the same.

23 And based on all of that input we will
24 draw final maps, and we will submit those to the
25 Department of Justice. Assuming that those maps are

1 approved, precleared by the Department of Justice, they
2 go directly to the Secretary of State's Office, are
3 certified and are put into force. So that's the end of
4 the process.

5 Tonight, we would like to give you the
6 opportunity not only to speak to us if you would like
7 to but to give us information on a citizen input form.
8 That form is available at several places. We have them
9 here this evening both in English and Spanish. We are
10 making them available through our website:
11 www.azredistricting.org. And you can download. In
12 fact, one gentleman came this evening with a downloaded
13 copy which he had filled out and is handing it in. But
14 you don't have to come to the meeting to do that. You
15 can fill it out on line and ship it back to us on line.
16 You can fax it to us. We will take it any way we get
17 it. We are interested in your input.

18 We ask a series of questions. We would
19 like you to identify yourself. We would like you to
20 state your major concern. Let us know in as few words
21 as possible the thing that you most want us to know
22 about the redistricting process from your point of
23 view. We want you to tell us what boundary lines you
24 would like to see used in your area.

25 For example, I have heard a couple tell me

1 informally tonight that they actually like the grid
2 because the grid sort of kept Cochise County whole and
3 didn't divide it up among legislative district. Well,
4 I've got good news and bad news. The good news is that
5 you're right. The bad news is it's going to change
6 maybe depending on how the maps work. And so what you
7 need to tell us tonight is that very kind of thing that
8 as you draw maps, because that was a random process, as
9 you draw maps consider keeping Cochise County in one
10 legislative district. That's the kind of input we need
11 to hear.

12 What areas or groups or neighborhoods do
13 you think should absolutely not be divided, like the
14 City of Sierra Vista or Douglas or should Douglas with
15 Bisbee or should Bisbee and Douglas be with Tombstone
16 or should all three of them be with Sierra Vista. You
17 tell us. We are not going to make those judgments
18 without your input.

19 And then what information would you like
20 us to take into account when we draw lines in your
21 area. Do you want us, for example, to try to maintain
22 the integrity of school districts or precincts or
23 county boundaries. Let us know what you think is
24 important. Those are the things we are interested in
25 knowing.

1 If you would like to get a little more
2 involved than just the citizen input form, you can
3 request a citizen kit. A citizen's kit not only has
4 that input form, but it also has a smaller version of
5 the citizen kit map which reflects in more detail the
6 census block groups and the photography of Cochise
7 County. And you can actually get into that map and
8 kind of draw some lines if you want to and show us how
9 you think the legislative areas should look.

10 You can request that at the website. You
11 can request it here tonight. You can do any or all of
12 those things, and we would be happy help.

13 Well, when we're finished with the maps,
14 you're going to have several criteria that will be used
15 to judge whether or not they're acceptable. The
16 federal mandates of one person/one vote equal
17 population or as near as possible, and the Voting
18 Rights Act rules will be reviewed by the Department of
19 Justice.

20 Proposition 106 also places requirements
21 on us, and some of them we've talked about already this
22 evening, the grid being one of those. We have to use
23 the grid.

24 We have taken steps to move forward by
25 using, as I said before, a random process. Now, let me

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1 talk a little bit about how the grid came to be. We
2 picked a point on the map with which to start, and we
3 started at the place where all property begins to be
4 cataloged in the State of Arizona. Properties
5 cataloged by township. And the point on the map where
6 the townships begin is the Gila Salt Baseline &
7 Meridian. It's at 107th Avenue and Baseline in
8 Phoenix. I'm sure you've all driven by and waved.
9 It's a terrific tourist attraction. At any rate,
10 that's the geographical center of the state from which
11 all townships emanate. So we have a point on the map
12 to start.

13 We also decided that if we're -- if our
14 charge is to draw grid-like patterns that the township
15 would be a fine building block to use in building grids
16 because a township is a 6-mile square. Now, you can
17 imagine in a city you can accumulate a large amount of
18 population in one township. In the middle of Phoenix,
19 townships could be fairly densely populated. But as
20 you move out from urban areas, you need more townships
21 to aggregate the population. And remember our first
22 obligation on the grid is population only. So what
23 we're trying to do is aggregate population up to the
24 numbers necessary to make either a legislative or a
25 congressional district. So we aggregate in this

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1 fashi on.

2 We aggregate groups of townships into
3 larger blocks, and ultimately we have the super
4 township which is a group of 16 smaller blocks of four
5 townships. That's what we would use in a very rural
6 area to accumulate population.

7 Townships provide exactly the grid-like
8 pattern we were looking for, and then when you overlay
9 census tract information on them, you can begin to
10 count the individuals in each of those areas and work
11 through the equal population grid.

12 Now, we talked about how this would work
13 in a random fashion, and before I go through the
14 schedule, let me just tell you we have this point, and
15 then we had to figure out whether or not we needed to
16 start in one or the other of the quadrants. Well, in
17 order to figure out which quadrant to start in, we drew
18 lots. We put the four quadrants in a hat and picked
19 one and northwest won. So those of you holding the
20 northwest card, you can see the cashier at the end of
21 the evening. There's no prize.

22 Northwest one so we started in the
23 northwest randomly, and we started aggregating
24 townships with population attached until we made

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1 As soon as we were finished aggregating
2 the entire northwest quadrant, then it was a problem of
3 which way do you move. Do you move clockwise or
4 counterclockwise to the next quadrant. Well, in order
5 to get that solved, we flipped a coin.
6 Counterclockwise won.

7 So we went northwest and then went
8 southwest, southeast, and then northeast. And that's
9 how that grid came to be. The day that grid was
10 released was the first time we had seen that grid
11 because the only thing we did is adopt the rules for
12 random grid making, and whatever happened, happened.
13 That's the only way we could assure that the starting
14 point was truly random and had no political bias to it.

15 Now, understand that that grid is going to
16 change. It's going to change based on the input from
17 citizens like yourselves telling us from all over the
18 state how that grid either does or doesn't serve their
19 purpose or meet their need. There are certainly
20 aspects of that grid that people have told us they
21 like. And that's fine. We will take that into account
22 and attempt to preserve the things that people like.
23 But understand that when you start making a change in

24 that grid, you immediately affect all of the other
25 districts that are continuous because changing a line

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1 means you've changed population and other demographics
2 in the surrounding area. So we will have to balance
3 all of that.

4 We're going to have two rounds of public
5 hearings. This round to get community of interest
6 information. The second round on draft maps. We're
7 going to develop plans, submit final plans to the
8 Department of Justice for their review, and we're going
9 to attempt to have that completed, the submission of
10 plans, completed by early September. That means that
11 if the Department of Justice takes the 2 months that
12 they have to review the plans, it is conceivable that
13 we could have preclearance by the end of the year. I'm
14 not saying it will happen, and there's certainly the
15 possibility, as history will tell you, of a number of
16 lawsuits being filed that could delay the process. We
17 hope that doesn't happen, but we are prepared that
18 anything in that area could happen.

19 My computer is applauding so I must be
20 finished. Let me just tell you that at this point what
21 is critical is your input. We have a process and we

22 think the process serves both the federal law and
23 Proposition 106.

24 Now I would like to ask Commissioner Elder
25 to highlight a couple of point that we think are

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1 extremely important for this evening.

2 MR. ELDER: Well, you can see my technical
3 ability does not match, you know, whatever because I
4 was trying to get back to that slide where there is
5 those I think it was E or F that identified specific
6 areas that we need to have information from you back.
7 When you give the information that says we'd really
8 like to move the line over here, we need to know why
9 you want to move the line over here. Is it based on a
10 community of interest. It's a school district. We
11 vote together for propositions. We are agriculture. A
12 community of interest is not necessarily an ethnic or
13 racial or a language minority. It could be
14 agriculture. It could be mines. It could be school
15 districts. It could be just about anything. But we
16 need that definition.

17 So when you propose a modification or you
18 propose we would like to keep this area together, give
19 us the because. Is it based on the community of
20 interest. Is it based on social economic that we do

21 business together.

22 Last night I was up in Bullhead City, and
23 they said we really work together because we've got a
24 problem of sewage along the Colorado River, and all of
25 the counties along the Colorado River have that same

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1 problem. It's part of the major problem in their
2 community. So that was something that linked them
3 together. They said we would like to be together
4 because we need strong representative to solve those
5 problems.

6 So if there's things in your area or
7 things in your communities that you want us to address
8 as far as, well, if you could move this line to here
9 and give us the reason why in these forms when you turn
10 in your form, we would appreciate it because that gives
11 us the rationale that when we move the line it's
12 defensible. The Department of Justice can take a look
13 at it and say they used Rule B, D, and F or whatever it
14 might be to make that adjustment and that's reasonable
15 and that's fair. That was unbiased.

16 So that's what we're looking for and if
17 you could when you ask your questions or you make your
18 comments, if you can give us a sense of basis should we

19 use to make adjustments to a line when it becomes
20 apparent we need to, it would be very helpful.

21 So with that, let's open it up to
22 questions. And we have the counselors around here
23 somewhere. Here we go. In order received. Oh, boy.
24 Tricia Gerrodette?

25 MR. LYNN: We would ask if you come

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1 forward, this will amplify, and if you would spell your
2 name for the court recorder, that would be most
3 appreciated.

4 MS. GERRODETTE: Yes, it's Tricia
5 Gerrodette. And it's spelled G-E-R-R-O-D-E-T-T-E.

6 I guess would think that it would be
7 really important, I'm looking forward to having Sierra
8 Vista be all in one district instead of split. I think
9 our community of interest certainly lies to the north
10 and to the south. There is -- we refer to it as
11 Hereford in which we could see sort of ** Pedro Valley.

12 And just I think -- my personal feeling is
13 that we might have a little more in common with people
14 over in Santa Cruz County on the west side of the
15 Huachucas. They might not agree. I would be
16 interested in hearing what they have to say. But I
17 kind of think I have more in common with them than I do

18 with people in Willcox, a long way away where I -- they
19 have more in common with ** keep counties together.

20 That might be something to look at. Thank you.

21 MR. ELDER: Jim Hortoan.

22 MR. HORTOAN: My name is Jim Hortoan, H-O-
23 R-T-O-A-N.

24 I live in Sierra Vista. I've lived here
25 12 years. My community of interest -- I really thought

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1 about this. I thought about your awesome
2 responsibility and our responsibilities as citizens to
3 give you input. And I tried to think who do I -- who
4 do I identify with. And in Sierra Vista if you live on
5 the west side or the San Pedro I should say, my
6 economic association outside of this city is with
7 Tucson. My cultural association outside of this city
8 is with Tucson. If you ask me the name for
9 acquaintances or friends outside of this immediate
10 community, I couldn't name a sole other than political
11 figures. In Safford or Greenlee County or San Simone.
12 I know one or two in Douglas. I know one in Willcox.
13 I know a lot in Tucson.

14 I think if you ask my friends and my
15 neighbors where their economic and their cultural ties

16 were, they would be in the direction of Tucson. I
17 certainly hope that our City of Sierra Vista has a --
18 is in a single district, that it's not split yet. If
19 you get down to having to split some of these blocks,
20 we've paid our dues. Go somewhere else. Thank you.

21 MR. ELDER: Thank you. Beverly
22 Grugzinski. Close? Oh, I apologize.

23 MS. GRUGZINSKI: Hi, my name is Beverly
24 Grugzinski, and it's G-R-U-G-Z-I-N-S-K-I.

25 I came here just to see what you all had

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1 to say and get information on what's going on because I
2 know everybody is interested. And glancing through
3 your book here with your grids and your different maps
4 that you had, I noticed that on all of them the main
5 problem was districting with your minority vote,
6 whether it be too many or too few. And I'm assuming
7 that you're assuming that the minorities vote the
8 minority party.

9 In my opinion, people vote for the person
10 that identifies most with his problems and his issues.
11 To be safe streets for the schools, please go in and
12 save lives for everybody. I think problems for voting
13 should be left up to your parties. If they find
14 themselves good candidates, it doesn't make any

15 difference if you're a Democrat, Republican,
16 Independent. You're going to vote for whoever you
17 think best identifies with you.

18 As far as an unbiased way of dividing, I
19 think a good way to do this, and I'm going to sound
20 like Bush here, is to get everybody together whether
21 they're Independent, Republican, or Democrat. If you
22 could get your people within your districts to talk
23 with their parties in between your visits, get your
24 parties to get input from their people, then the party
25 leaders get together, your Democrat, your Republican,

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1 your Independent. Let them tell you united what their
2 people need and what they want. What more unbiased
3 opinion can you get than all your parties agreeing on
4 what everybody needs.

5 MR. ELDER: Marsha Arzberger.

6 MS. ARZBERGER: Good evening. I am the
7 State Senator representing District 8 Southeast
8 Arizona.

9 MR. ELDER: Spell your name.

10 MS. ARZBERGER: Oh, yes. M-A-R-S-H-A.
11 Arzberger is A-R-Z-B-E-R-G-E-R. It's a little tough.

12 I asked to speak to you because of the

13 current legislative district in southeast Arizona is
14 quite large encompassing most of four counties, and I
15 travel a little bit. And believe it or not, there are
16 a lot of people out there who have opinions on how
17 their district is drawn. I would just like to pass
18 onto you what I'm hearing.

19 The first thing I hear is that we want to
20 maintain our rural identity. We do not want to be
21 combined with urban centers. People tell me that rural
22 issues are different. One size does not suit all, and
23 they want to have people representing them who
24 understand and they want their district to be mostly
25 rural.

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1 Secondly, I hear that there are many
2 things that they have in common. The border
3 communities currently are included in one district, and
4 they have common problems, so those borders communities
5 they would like to keep those together.

6 I also hear from Cochise, Graham,
7 Greenlee, and part of Santa Cruz County. What I hear
8 that they have common economic levels, that they trade
9 together. There is a Southeast Arizona Government
10 Association that handles many of the distribution of
11 programs through this area, and they have a lot of

12 commonality.

13 So I'm just passing onto you that that's
14 what I'm hearing. The smaller school districts have
15 different problems than larger school districts. They
16 feel better combined in a district where there is more
17 of the same problems.

18 Another thing is that we have common
19 industry in the southeast corner of the state, and it
20 will be easier not to Gerrymander us. We are bordered
21 on two sides by New Mexico and Mexico, so being in a
22 corner should help a little bit with that district in
23 whatever district you decide to put a number on it.

24 But the common industries in this area are
25 agriculture, mining, border trade, and tourism. And I

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1 think you will hear from other folks that that's
2 important also. Thank you.

3 MR. ELDER: Leslie Thompson.

4 MR. THOMPSON: Thank you, and I would like
5 to welcome you to Sierra Vista and Cochise County.

6 My comments today are please remove the
7 split that's in Cochise county. I serve on the Board
8 of Supervisors, and my district is the largest in
9 Cochise County. And I have District 8, very large

10 portion, and a very large portion of District 9 runs
11 through it. So it's very, very difficult to be able to
12 serve my constituents on specific issues and represent
13 them in either the House or the Senate.

14 So as you're looking at these, please
15 unify Cochise County, and I too would like to see it
16 kept as rural as we can possibly do it. The maps as
17 you have them today are tremendous. I would like to
18 see it kept as that as close as possible. Whether we
19 moved a little bit of it from Pima County down and
20 incorporate it some of Santa Cruz, that wouldn't create
21 as much of a heartburn or me much of a heartburn, but
22 because they're terrific people, and we're all
23 representing the rural areas that are there.

24 I do again want to thank you for coming
25 down here because it's important for us to be able to

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1 come and stand here and look at you folks. So thank
2 you.

3 MR. ELDER: We're coming back.

4 MR. THOMPSON: Oh, we'll be here.

5 MR. ELDER: Jay Raschje.

6 MR. RASCHJE: My name is Jay Raschje, R-A-
7 S-C-H-J-E. And did you want any other data?

8 MR. ELDER: We will take anything you have

9 in a written form

10 MR. RASCHJE: Okay. I do have a written
11 document that I intend to give to you.

12 MR. ELDER: That would be great.

13 MR. RASCHJE: That will follow. And I
14 want you to know that I am a member of the Cochise
15 County Democrat party group and that a number of us
16 have gotten together and gave serious evaluation to
17 what is going on, and I think what you're going to hear
18 from me is going to parrot a lot of what you have just
19 heard from others that I haven't worked with, except
20 Ms. Arzberger. We did get together, but other than
21 that, none of the other speakers have spoke together
22 previous.

23 Cochise County, all of it would be in a
24 legislative district. Graham County would include the
25 City of Safford and all portions east and south as well

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1 of the county, south of the Graham Mountains, all of
2 the Town of Thatcher and north and west of that town
3 including the San Carlos Apache Indian Reservation
4 would be made currently with Legislative District 4. A
5 clause I think coming down from probably the Senates
6 states, well, you're going to need population as well.

7 And what we have described here, by the way, does come
8 up with about 173,000 people.

9 All of Greenlee County, Santa Cruz County,
10 we would propose just taking in the southeast corner of
11 the county, and most of the City of Nogales presently
12 is in 8, and that would stay the same and we would add
13 a couple of other precincts to try and get the
14 population numbers up. So we would end up with about
15 173,000 people by our scheme.

16 One of the things that this does is it
17 maintains a legislative district of the southeast
18 corner of the whole state. The current district has a
19 Hispanic population of about 44 percent. Our proposal
20 reduces that a bit but it keeps it pretty close at
21 about 39 point something percent of Hispanics.

22 As everyone stated, border communities
23 with similar interests are kept together. I think you
24 will hear when you get to Nogales based on
25 conversations that have been had with people down there

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1 that they want to be split, that some of them want to
2 be in District 8, some of them want to be in the other
3 district. I believe you're going to hear that down
4 there. And of course what we're saying here reenforces
5 that. That helps make the population of people with

6 similar disposition.

7 It was mentioned that we want to maintain
8 our rural ambience, if you will, and this does that.
9 And you have communities along the border that are kept
10 together. Obvious interests to anybody who reads the
11 news.

12 What we have also done is outline in a map
13 form what that district would look like. It is
14 contiguous, and as I indicated, it takes across the
15 border, southeast corner of the state.

16 The big job you gentlemen have, I admire
17 your ambition to do a job of that, and I know you're
18 going to do the right thing. Thanks a lot.

19 MR. ELDER: Thank you. Other people that
20 have come in that haven't filled out a form please do
21 so. I have those on at the end, but I'm also going to
22 open it up for questions as long as you tell the
23 reporter what your name is. You don't have to fill out
24 a form per se. But we would like to have it. This way
25 it gets us on the mailing list. It gives us a contact

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1 list where we can give you more information and help
2 you provide us information.

3 Ben Anderson.

4 MR. ANDERSON: My name is Ben Anderson, A-
5 N-D-E-R-S-O-N, Juni or.

6 I represent myself, but I also represent
7 as the chairman of Cochise County's Republican
8 committee, that party, and also I'm the chairman of
9 Legislative District 8.

10 So I went to your meeting on Saturday in
11 Tucson, and I thought it was very outstanding. We paid
12 attention to that and then got together and did a lot
13 of work since then to comment on what we saw. We
14 downloaded all of your information from the website.
15 We think that however you came up with what you came up
16 with is relatively excellent. We're just very happy.
17 Whether people are not, we are relatively happy.

18 What we do stress as a major concern is
19 that we would like, as others have mentioned, to
20 maintain our rural character, rural values, and our
21 rural economy. We want absolutely no Gerrymandering
22 whatsoever into this.

23 You know, we like the boundaries that are
24 portrayed. We know that you have to make some
25 adjustments. We realize that these adjustments will be

1 based on a community of interest.

2 The one that we point out is the one in

3 northern Graham County where the computer, not knowing,
4 has included the southern half of the San Carlos Indian
5 Reservation. That probably is not wise and wouldn't
6 pass justice in review. So we believe that the
7 northern boundary should come to the southern boundary
8 of the San Carlos Indian Reservation, and it should be
9 where it is now in another legislative district to keep
10 the Indian tribe and nation together. That is their
11 community of interest.

12 Likewise, as you travel to the east you
13 will find that come to Greenlee County. In order to
14 maintain a compact and contiguous package of the
15 southern portion of the southern border of the Apache
16 National Forest would be appropriate, the northern
17 portion, the reservation or the forest goes north and
18 the population that they currently have basically stays
19 south.

20 Your western and eastern boundary is the
21 State of New Mexico. Your southern boundary is that of
22 the country of Mexico on the other side. We of course
23 want Cochise County to stay one county. We've been
24 proud of Cochise county.

25 We wouldn't want any of our

1 municipalities, to wit, St. David, Benson, or Sierra
2 Vista, to be split off or Gerrymandered to some other
3 district. So if you follow a line straight down from
4 Graham County all the way down to the border where it
5 intersects right through to the Cochise County, that is
6 good. We know you have to go off to round out the 171,
7 021.

8 We have done reviews of your census data,
9 and we think that Cochise County, Graham County as
10 mentioned, Greenlee County as mentioned, and that a
11 part of Pima County that represents a rural economy
12 just like ours, not necessarily Tucson, but contiguous
13 and compact with us is appropriate.

14 Now, what falls out of that is what's not
15 in your portrayal. Your portrayal right now is very
16 good. We feel, for instance, that border communities
17 is a good term, however, it flies in our distract to
18 two areas: the Bisbee/Douglas area. We do not feel
19 that Nogales necessarily fits into that, and the reason
20 is they have a very, very unique community of interest,
21 and that is, it's not often discusses, is the cammex*
22 border package. The cammex* border goes from the
23 border with Mexico in Nogales literally all the way up
24 to Canada, but the package runs up I-19 to Tucson to
25 Phoenix, 93 up to Nevada and on through. That is a

1 very important train route, and everything along that
2 corridor really needs to be soled and together in the
3 best interest of that particular district.

4 Now, Nogales in that part of Santa Cruz
5 way down there is a long distance from here by terrain,
6 by intervening mountains. Another thing that they have
7 that we don't have, it makes a major difference, is
8 that we do not have the real network for the trade
9 package. That what they have there does not apply here
10 in Douglas, and Maco is the area.

11 So I've pretty much outlined the area.
12 The key fact I want to stress again is we do not want
13 to be Gerrymandered in any way, shape, or form. We
14 want to keep the contiguous, compact package that you
15 have now with that adjustment necessary from Pima
16 County. And I will provide you all this information.
17 I've already sent it in, but I will do it again.

18 And I thank you very much for your
19 attention, for coming, and I think that your process is
20 outstanding. I did not vote for 106, but I'll tell you
21 what, I was wrong. You're doing a very fine job, and I
22 thank you.

23 MR. ELDER: Thank you. Bobby Lugo.

24 MR. LUGO: Thank you very much for giving
25 me the opportunity. I did vote for 106 because I

1 thought 106 was something from the future and the way
2 that it had been in the past that all this
3 Gerrymandering that went on and I think that with a
4 commission, a neutral commission that we could come up
5 with neutral boundaries in our districts would be
6 adequate for everybody to be represented in the State
7 of Arizona.

8 We're talking about what our districts
9 should look like. Our districts should look like
10 Arizona. Our districts should look like the United
11 States of America. Right now our district does look
12 pretty much like it. It's got a woman, it's got a
13 Hispanic, and it's got a white male, which right now
14 the 40 percent of Hispanics are being represented in
15 that area. The women population we have, and then we
16 have a white male that represents like the face of
17 Arizona.

18 If we were to say that we weren't going to
19 Gerrymander anymore and we were going to have Cochise
20 County to stay as one county, then let's keep this
21 rural. Let's not go into Pima County. Pima -- when
22 these counties were formed, Pima was then separated
23 from Cochise County and Santa Cruz. Santa Cruz and
24 Cochise County have more in common than we do have into
25 Pima County.

1 Maricopa and Pima County are your heavily
2 populated areas. We need representation in Santa Cruz,
3 Cochise County, Greenlee, and Graham. And those four
4 counties, if you could get some other area that is in
5 the rural area of the state, then I think we would have
6 more in common, and we could get representation like we
7 should get as the face of Arizona. Thank you very
8 much.

9 MR. ELDER: Tom Nessler.

10 MR. HESSLER: One of these days I'm going
11 to have to learn how to write very well. Tom Hessler,
12 H-E-S-S-L-E-R.

13 And I would like to thank you. I'm the
14 mayor of Sierra Vista. And first off, I want to thank
15 you on behalf of the citizens of Sierra Vista for
16 coming down here. You are very welcome. And, Mr.
17 Chair, I thank you for bringing everybody down here. I
18 don't think you introduced your able assistant over
19 there, Theresa Pulido, which I had the opportunity of
20 meeting her earlier today.

21 I would mention one thing that there is a
22 monthly meeting of the mayors and managers of the
23 Cochise County, and we include the county supervisors.
24 And we meet monthly, go around to different towns. We
25 will be meeting next week, and I will take it upon

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1 myself to encourage all of the mayors and managers to
2 go out in their communities and get as much public
3 input as they possible can, and if possible, I will
4 also see if we can use our combined wisdom to see if we
5 can come up with a common statement of all the
6 political leaders in the community of statements on the
7 whole process.

8 Again, I thank you very much for coming.
9 If you do a good job, we will welcome you with even
10 greater open arms next time. Thank you.

11 MR. ELDER: That's all that we have that
12 were signed up. Are there any other people who would
13 like to make comments? If not, I'm going to ask some
14 questions.

15 Ruben Ortega.

16 MR. ORTEGA: Thank you, Mr. Chairman,
17 Members of the Commission. My name is Ruben Ortega.

18 I'm the former legislator of District 8.
19 Because of the Voting Rights Act in the Department of
20 Justice 8 years ago, we drew and required the state
21 legislature to comply with the Voting Rights Act.

22 I have submitted to the Commission five
23 technical questions to deal with A on the Commission's
24 description which deals with the Voting Rights Act.

25 The first question deals with

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1 retrogression. Retrogression deals with reducing the
2 number of majority/minority districts and also the
3 demographic makeup of legislative District 8. I cite
4 in there specific section of Voting Rights Act and ask
5 that you look at it and answer to me in writing how the
6 Commission is going to treat retrogression.

7 My second questions speaks to communities
8 of interest, drawing districts which both contact and
9 contiguous and also again in compliance with the third
10 section of the Voting Rights Acts.

11 My other question deals with racially
12 polarized voting patterns. I ask the Commission to
13 give me in the future which perpetual -- which specific
14 races that you looked at to identify racial polarized
15 voting patterns, again, mentioned in the Voting Rights
16 Act.

17 And lastly I ask that the Commission
18 submit to me which cases you are going to cite and
19 which you are going to defend this plan. In the end
20 it's not going to be the Commission that draws its
21 line. In the end it's going to be the Commission with
22 approval of the U.S. Department of Justice and
23 ultimately victory with these United States District
24 Courts' system that's going to draw these lines.

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1 8 years ago when we went through this bloody battle.
2 I'm glad it's away from the legislature because it's
3 much less polarized. But keep in mind all the Supreme
4 Court cases, all the Federal Court cases have never
5 nullified any provision of the Federal Voting Rights
6 Act. They have only said you must pay more attention
7 or less attention to them.

8 I hope to hear from you before the next
9 round of meetings, and I'm sure we'll visit with you
10 again. Thank you.

11 MR. ELDER: Thank you. Any other people
12 who would like to speak?

13 MS. EDWARDS: My name is Carolyn Edwards.
14 I'm president of Legal Women Voters of Cochise County.
15 I have a question for you.

16 I read in the paper that Dr. Ostulov, who
17 was one of the sponsors of the amendment of the
18 initiative, whichever, suggested that you submit the
19 maps you -- the lines you've currently drawn to see if
20 they satisfy the Department of Justice. Have you given
21 any consideration to doing that?

22 MR. ELDER: First of all, we shouldn't be
23 asking questions in a public meeting, but would you

24 like to be done with the public meeting?

25 Is there anyone else who wishes to give

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1 formal testimony. We would be happy to stay and answer
2 questions such as this, but is there anyone who would
3 like to be heard on formal testimony?

4 If not, let's close the public hearing
5 portion. Then we will just have an informal
6 discussion.

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