

INDEPENDENT REDISTRICTING COMMISSION

PUBLIC HEARING

AT PRESCOTT ARIZONA, YAVAPAI COMMUNITY COLLEGE #20

JUNE 21, 2001
6:05 P.M.

ORIGINAL TRANSCRIPT

Prepared for: THE INDEPENDENT REDISTRICTING COMMISSION

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PUBLIC HEARING MEETING -06/21/01 -PRESCOTT, ARIZONA

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A P P E A R A N C E S

THE PUBLIC HEARING was taken at 6:05 p.m.,
2001, at the Yavapai Community College, Building
Number 20, in Prescott, Arizona, before Lisa Pasciuti, a
Certified Court Reporter in and for the State of Arizona.

Mr. Joshua M. Hall, Commissioner of the
Independent Redistricting Commission, 1400 East Washington,
Suite 10, Phoenix, Arizona 85007, chaired the meeting.

Ms. Lisa T. Hauser, Attorney at Law from
Meyers, Taber & Meyers, P.C. , 2415 East Camelback Road,
Suite 900, Phoenix, Arizona 85016, was present as legal
counsel

Ms. Florence Adams, President of National
Demographics Corporation, P. O. Box 285, Claremont, CA
91711, was present as the Demographics Consultant.

(Whereupon the Public Hearing Proceedings
began at 6:05 p.m.)

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P R O C E E D I N G S

MR. HALL: Ladies and gentleman, with your permission we'll go ahead and call this meeting to order Grateful for your attendance. Did anyone else other than besides me have trouble finding the place?

My counsel is taking scrupulous notes and we will convey that to staff. You can rest assured.

Please, come in. We apologize for any confusion. We're grateful to have you here.

My name is Joshua Hall, and I am one of the five members of the Arizona Independent Redistricting Commission. Say that fast, five times.

And we are here, as you know, today, as part of a public meeting. You'll note this lady over there typing rapidly --and if I speak too fast, please, throw something at me. Because this is a public meeting and our intent is to document

UNIDENTIFIED WOMAN: I am having trouble hearing you.

MR. HALL: Sorry, I'll speak up. Thank you.

UNIDENTIFIED WOMAN: Thank you.

MR. **HALL**: The intent of this public meeting is for us to document input from you folks; and therefore, that is why we have a stenographer present, and furthermore, we have recording devices in an effort to try

1 and assure that we have accurately recorded all input and
2 the proceedings of this meeting.

3. And let me just kind of give you an overview of how
4 we intend to proceed, and do so in that fashion.

5 First of all, we have a little presentation in an
6 effort to kind of give you an overview and provide some
7 information to you.

8 Secondly, as some of you've had an opportunity to
9 out a speaker slip which is on these yellow sheets,
10 and we will allow you then to come to the microphone and
11 provide comment to the Commission

12 If you have not had an opportunity to fill out a
13 speaker slip, we would welcome you to do so. We would
14 love to hear from anybody and everybody.

15 I will simply call these speakers after my little
16 presentation, in the order of which I have received them.
17 Following that, we will then take an opportunity for any
18 additional questions that there may be, as long as those
19 questions are relevant to the items as they are listed on
20 the agenda, so that my attorney to my right will ensure
21 that I'm in strict compliance with the public meeting and
22 open meeting laws.

23 Is there any questions about that process prior to
24 moving forward?

25 Young lady, am I speaking loud enough now?

1 UNIDENTIFIED WOMAN: Right now you are, yes.

2 Thank you.

3 Mr. HALL: Perfect. You raise your hand if I

4 don't, and I'll bellow; how's that sound?

5 With that, then, as you know, we are here to --if

6 it's okay, I'll come out here,

7 (Mr.Hall moved in front of

8 the commissioner's table.)

9 MR. HALL: We're here to provide information

10 relative to this very important process. And really, our

11 goal -- can everybody see this? Great. Our goal as to

12 this Independent Redistricting Commission is to redraw the

13 legislative and congressional districts pursuant to the

14 provisions of Proposition 106.

15 The difference is that in past years, as you know,

16 the Legislature played the primary role in this process;

17 and now this authority has been turned over to a

18 five-member Commission, by the voters of the State of

19 Arizona, in November of 2000. Therefore, you as the

20 citizens play a critical and important role in this. And

21 while we'll provide a little bit of information, really,

22 you are here to educate us.

23 We want to hear your input and then we want to try

24 and incorporate that in an effort to try and assimilate it

25 so we can make sense and come up with boundaries and maps

1 to the best extent as possible, to accommodate the
2 communities of interest throughout the state.

3 Our covenant and our obligation as members of this
4 Commission, is to be as fair and impartial as we can. And
5 I can assure you, that each of my fellow commissioners and
6 myself are committed to do to so, so that we appropriately
7 represent the needs of the people of Arizona.

8 Often in the past, redistricting has been a deeply
9 decisive process. Some have said that there have been
10 partisan power plays. Incumbent protection and even racial
11 discrimination. And this word, as you all know, is often
12 referred to as Gerrymandering.

13 In 1811 the Boston Globe ran this comic. There was a
14 federalist governor by the name of Aldridge Gerry. And he
15 was accused of drawing a district in an effort to protect
16 his own interest. The Boston Globe cartoonist then took
17 this district and transformed it into a salamander. Thus,
18 was born the word, in 1811, "Gerrymander" named after
19 Aldridge Garry and after the salamander.

20 We have Americanized that term and typically refer to
21 it as "Gerrymandering", but whatever your pronunciation
22 preference is, is fine with me.

23 Well, we're here to try and slay the Gerrymander, if
24 you will. Here's a couple of examples of how the abusive
25 political process can occur. On the example on the left,

1 you can see that there is a dispersal of minority party
2 voters, which is a term called dilution or cracking.

3 You can see that they have --the minorities are
4 represented by the pink boxes. The way these lines are
5 drawn in districts one, two, three and four, have diluted
6 their ability to represent their own interest. In the
7 example on the right, you have a concentration of minor
8 party voters, which is called packing.

9 Some may give the opinion that packing would benefit
10 minorities. Well, in some degrees it could, but if they
11 have a significant amount of representation, packing then,
12 would not allow them to have an opportunity maybe in a
13 couple of districts versus one district.

14 Here is a another example of how racial
15 Gerrymandering works to achieve the political result. Here
16 on the left is, created an ethnic district to help the
17 Republicans in this hypothetical example. Notice how that
18 has occurred; with respect to utilizing these lines to
19 protect the Republicans.

20 On the right, you can see that they drew the lines
21 and diluted the Hispanic vote in an effort to preserve a
22 white Democratic incumbent.

23 These are all purely hypothetical examples, but I
24 think are things that we are aware of. And I think it's
25 important to note that packing or cracking or diluting or

1 retrogression and all become familiar with, of these other terms that I have
2 become familiar with, at the instruction of our counsel,
3 are all illegal pursuant to Federal law.

4 The voters of Arizona wanted to clean up the state
5 redistricting process and therefore they created the
6 Proposition 106, and that's why we're here.

7 The five members of the Commission consist of
8 Steyen W Lynn, who's the chairman and the only registered
9 independent on the Commission

10 11 Steven Lynn is the public relations manager for
11 Unisource Corporation, which is a parent corporation of
12 Tucson Electric Power; and he resides in Tucson.

13 Oh, man, sorry about that Hit the button
14 accidentally. Let's see if I can figure this out.

15 Okay. Andrea Minkoff is the Vice-Chairman and is a
16 registered Democrat and is a business woman and resides in
17 Phoenix.

18 Daniel R. Elder is in architectural design, he
19 resides in Tucson is a registered Republican.

20 I'm Joshua M. Hall, I'm businessman, and I have
21 businesses in Navajo County of Pinetop, Lakeside, Showlow
22 and Snowflake and I reside in St. Johns. And I'm a
23 registered Democrat.

24 And Mr. James R. Huntwork is an attorney, with a law
25 firm and he resides in Phoenix, and he is a registered

1 Republican.

2 Therefore you can see that the Commission in
3 accordance with the terms of Proposition 106, consists of
4 two Democrats, two Republicans; and then we, the four,
5 after having received our appointments, interviewed five
6 candidates and elected or nominated or hired or whatever
7 the word is; Steven Lynn, who is the chair who is the
8 registered Independent.

9 And I quote from the Proposition, which states --and
10 incidently we can provide you a copy of that, if any of you
11 are suffering a little insomnia, it's wonderful bedtime
12 reading to cure that.

13 But basically, this proposition states: The
14 Independent Redistricting Commission shall establish
15 Congressional Legislation districts. The
16 commencement --and that's the key word --the
17 commencement or start of the mapping process for both
18 the congressional legislative districts shall be the
19 creation of districts of equal population in a
20 grid-like pattern across the state.

21 The Commission has already accomplished this goal.
22 How many of you have had an opportunity to see grids that
23 have been placed on paper here and beyond? That is the
24 initial equal population grid. We'll talk about that a
25 little bit later on.

1 In addition: Subsequent to the commencement
2 of the initial equal population grid, then, we must
3 comply with the following other goals or
4 requirements.

5 The district shall comply with United
6 States voting constitution and United States
7 Voting Rights Act. Congressional Districts and
8 legislative Districts shall have equal population
9 to the extent practicable.

10 Districts shall be geographically compact
11 and contiguous to the extent practicable. District
12 boundaries shall respect communities of interest
13 to the extent practicable.

14 To the extent practicable, district lines
15 shall use visible geographic features city, town
16 and county boundaries and undivided census tracks.

17 And to the extent practicable, competitive
18 districts should be favored, where to do so
19 would create no significant detriment to the
20 other goals.

21 I think it's important to note, folks, that this
22 Proposition 106 is now law. So it's another thing, that in
23 addition to the Federal requirements previously, that were
24 guiding this process. We have a proposition which is now
25 law. And we, as a Commission, are obligated to follow

1 that, that proposition to the "T"

2 In addition, subsequent to that,
3 the Proposition states: Party registration and
4 voting history data shall be excluded from the
5 initial phase of the mapping process, but may be
6 used to test maps for compliance with the
7 above goals.

8 The places of residence --the place
9 of residents of incumbents or candidates shall
10 not shall not be identified or considered

11 Therefore, I would respectfully request that when you
12 provide comments to this Commission this evening, that you
13 would refrain from mentioning the place of a residence of
14 an incumbent or candidate since we are not allowed to
15 consider that

16 In April, 2001, the Commission received the facts of
17 Arizona changing population as reported by the census.
18 much do you think the State of Arizona has grown?

19 UNIDENTIFIED WOMAN: 40%.

20 MR. HALL: Well, said. That's exactly right. To
21 5.1 million. To put this in perspective, folks: From 3.6
22 to 5.1.

23 Look at the population of Maricopa alone. Now it is
24 3 million. In 1990 the whole state was 3.6 and now
25 Maricopa alone is 3 million That's a clear indicator,

1 maybe, where most of the growth is occurring.

2 Here's some examples, though. Yavapai County grew
3 55.5%. Mohave --who would have predicted --grew 66%.
4 That's merely some examples. who can me tell me how much
5 PrescottValley grew?

6 (Various answers given).

7 MR. HALL: 164%, you win. Let me get some candy
8 here, for the participants. 164% from, what, eight grand
9 to nine, to like 24,000 people. That's incredible growth.
10 Prescott itself was almost 28%. Chino Valley was another
11 50-something percent Just citing some local examples for
12 you.

13 As we indicated, the first step of the Commission is
14 to develop districts in a grid-like pattern, equal
15 population grids.

16 The English Dictionary or the dictionary gives some
17 different examples of grids, and so we cited some of those.
18 For example, a network of uniformly spaced, horizontal
19 perpendicular lines; in an effort to try and decide what
20 that meant.

21 I may say at this point also, that no member of the
22 Commission or it's staff or counsel had any say whatsoever
23 with respect to the language of Proposition 106.

24 I might also add, as my personal opinion, that not
25 necessarily all that language is perfect.

1 Therefore, and nevertheless, we are --we are bound
2 to do the best we can to comply with that. We simply have
3 to do what we have to do. We've been given the horse and
4 now we've got to ride it We didn't get to chose the
5 horse. We voted then to go ahead and start this grid.

6 We wanted to be as arbitrary and independent as
7 possible in starting this grid. Because the only
8 consideration, realize, is population. Therefore we made
9 a decision to start it at --we chose it basically by a
10 lottery, to start it at the Gila and Salt River basin
11 meridian point. Does anyone know where that is?

12 Well, it's kind of --what is the actual address,
13 Lisa?

14 MS. HAUSER: It's about 115th Avenue and
15 Baseline in Phoenix.

16 MR. HALL: And that point, as you know, for
17 those of us that do a lot with legal descriptions --I own
18 a title company -- is the starting point for geographical
19 surveys for the state.

20 In fact, all legal descriptions that are meets and
21 bound references will say of the Gila and Salt Basin
22 Meridian.

23 We utilize that point then, and drew a vertical line
24 and a horizontal through that point, just to try and start
this equal population grid. We drew then, and said we --

1 we --by purely random draw we said we were going to start
2 in the Northwest quadrant of the State of that. Northwest
3 quadrant of that little grid we made based on that point
4 And then, by the flip of the coin said, should we proceed
5 clockwise or counterclockwise; we decided to go
6 counterclockwise, as we aggregated to come up with equal
7 populations.

8 The aggregation unit is townships, which all of us
9 may know, are basically land-based units of about six-mile
10 squares. Constituting 36 sections, and each section
11 constituting 640 acres

12 Here we have, then, we utilized the process of
13 aggregating townships. One township into a township grid
14 of four townships, and aggregated them into intermediate
15 townships and into super townships

16 One could ask the logical question then Why then is
17 the map that I saw, not square? Right? Good question.
18 Because, in addition to the township aggregation, we have
19 to take into consideration the basic population block of
20 census tracks.

21 And if you look at a map on census tracks --and I
22 could show you one - those are basically polygons all
23 across the State, and are arbitrary in shape. And to split
24 census tracks and blocks becomes a very cumbersome and
25 complex process.

1 Therefore we aggregate townships, but then with the
2 overlay of census tracks, had to develop rules to
3 accommodate problems as this new historic process occurred.

4 And that's basically what occurred. And so the
5 computer aggregated townships, utilizing the overlay of
6 census tracks. We developed rules and adopted rules to
7 accommodate problems as they occurred.

8 And in essence, the Commission then adopted the rules
9 and saw this map aggregated by computer, at the same time
10 the public and the press saw it. Because, by adopting the
11 rules, the map was merely a product of the rules anyway.

12 The map --the grid then, the starting point grid --
13 and I emphasize that, that some of you have seen or probably
14 all of you have seen, is merely that starting point;
15 because of following the terms and condition of this
16 proposition.

17 Our next step now is public hearings and that's why
18 we're here today to be with you and we're grateful for the
19 opportunity. Because now we take into account and
20 consideration all of the other goals as referenced
21 previously on the slide. And the most important that you
22 can help us understand, is communities of interest. What
23 represents communities of interest.

24 We then will take our high-dollar consultants then,
25 will take that information and they will try and develop

1 what they're calling Arizona units of representation and
2 make sense of that, assimilate it and then come up with
3 lines that are better.

4 Let me put this on the record. The Independent
5 Redistricting Commission shall advertize a draft map of
6 congressional districts for comment, for everybody to
7 comment, including the Legislature for at least 30 days.
8 An Independent Redistricting Commission shall
9 establish final district boundaries.

10 We did the initial grid, we are then going to hold a
11 first round of public meetings. We're going to develop
12 draft maps, and then we're going to come back for a second
13 round of public meetings and allow the Legislature time to
14 review it and provide all of that input again, and then we
15 will do the final mapping.

16 In your packet, there should be a citizen input form.
17 On that form and in that pocket, also, you can --for those
18 of you that are techno-wizzes, you can do that over the
19 internet. Somewhere in the information, I believe, our
20 website is referenced. But it is
21 www.AZredistricting.board.

22 That form, then, we would like you, even this
23 evening --have all of your friends at the next bridge
24 game or whatever --fill out this form.
25 First question asks for pertinent information about

1 you. Second question says: Tell us your major concerns,
2 in a few words what you think is the most important aspect
3 for this process.

4 What boundary lines would you like to see in this
5 area? What areas, group or neighborhoods do you think
6 should absolutely not be divided by new district
7 boundaries.

8 Okay. What information would you like to take into
9 account in drawing boundary lines in your area? Please
10 rank order all that you think should apply. One being the
11 most important Keeping a community in tact; bringing
12 particular groups together using a man-made or natural
13 boundary; drawing congressional and state districts include
14 whole cities or as much as city of equal population
15 permits; using local government boundaries; keeping census
16 tracks from being split; using freeways and major
17 transportation routes; compact and contiguous shapes.
18 Please help us, help you.

19 That's a quote from a movie; isn't it? If I'm not
20 mistaken. After you do that, complete it and hand it in
21 and help us, and there, again is the website.

22 Any questions about that form?

23 Ms. Hauser: Josh?

24 MR. HALL: Please.

25 MS. HAUSER: If I could just mention one thing?

1 If anyone here is a member of the Legislature or a
2 prospective candidate for either the State Legislature or
3 for Congress; when you fill out the citizen input form,
4 give us a business address, for example. You can give your
5 home phone number, but use a business address instead of
6 your home address

7 MR. HALL Thank you.

8 Any other comments or questions about this form?

9 This forum is the basis for us developing Arizona
10 units of representation. We must follow the Federal
11 mandates, as I indicated: Equal population and the Voting
12 Rights Act

13 Let's talk a little bit about the Voting Rights Act.
14 And let's talk about the fact that --Arizona is one of how
15 many states, Lisa?

16 MS. HAUSER: I think 11

17 MR. HALL: 11 states in the nation; that is
18 what's called a section-five state. Meaning that we're
19 subject to section five of the Federal Voting Rights Act;
20 right?

21 MS. HAUSER 1965.

22 MR. HALL: 1965. Please, Lisa, give us a
23 four-sentence definition of what section five means.

24 MS. HAUSER: Section five is the part of the
Voting Rights Act that says for states or sometimes it's

1 just a county in a state, that are covered jurisdiction.
2 Meaning there was some past history of discrimination in
3 connection with voting. Some places had pole taxes or
4 literacy taxes or those kinds of things If you got covered
5 because of that. then you are subject to pre-clearance
6 under section five of the Voting Rights Act.
7 Which means that any voting change that you make,
8 whether it's every time your precinct voting place changes;
9 the jurisdiction --Yavapai has to get that pre-cleared.
10 Which means, they have to go to the Department of
11 Justice and ask for permission to make that change and show
12 that they, have not by making that change, done anything
13 that would take any minority backwards or put them in a
14 worse position than they were before the change. And
15 that's the rule, you know: Are the minority populations
16 being placed in a worse position.

17 So we are covered by section five as a State, and we
18 have to take our legislative and congressional boundaries
19 to the Department of Justice That was more than four
20 sentences. I apologize.

21 MR. HALL: Thats okay. It's all right.

22 Attorney's bill by the time, we understand.

23 So in a nutshell, we must take care of minority
24 interests pursuant to the Department of Justice
25 requirements

1 That means that any - our final plan must go to our
2 attorneys who must then prepare a detailed written report
3 that has to go the Department of Justice and receive
4 pre-clearance. Once they send that report in, the
5 Department of Justice has 60 days to respond.

6 In the event that they ask a question or they feel
7 like a staple is missing or something, they send that back.
8 The clock stops. And then we must respond to whatever
9 additional requests or questions they may have - they must
10 respond - and then that goes back to them, and then the
11 clock continues. So - and then we must follow the terms
12 and conditions of Proposition 106 also.

13 So our goal then, is to have public hearings which we
14 are having now, develop initial draft plans, have more
15 public hearings, do the final plan and submit it to the
16 Department of Justice by the end of the year. How are we
17 doing?

18 Why the end of the year? Because, as you know,
19 another issue in our state is the Clean Elections Act. And
20 therefore, sometime in January - what's the exact date, do
21 you know? Early January.

22 MS. HAUSER: It's actually before that where
23 it's possible.

24 MR. HALL: Really?

25 MS. HAUSER: People will really be wanting to

1 be doing it in January.

2 MR. HALL: First of the year, for their New
3 Year's Resolution, some will say: I am going to run for
4 Congress or Legislature. And with the Clean Elections Act,
5 they can begin to receive contributions from folks in their
6 district. Well there are two things they need to know to
7 do that. One, who's in their district and what is my
8 district.

9 So our goal, then, is to try and accommodate those
10 candidates. We are confident that we're going to be able
11 to do that.

12 The mitigating factor, though, is going to be
13 those who challenge what we do.

14 MS. HAUSER: You're going to hit me, I know.

15 MR. HALL: Go ahead.

16 MS. HAUSER: I have to just clarify one thing.

17 MR. HALL: Please.

18 MS. HAUSER: The Clean Elections Act --

19 UNIDENTIFIED WOMAN: Could you speak up, please?

20 MS. HAUSER: The clean elections Act does not
21 apply to Congressional candidates, it's just for State
22 Legislative or Executive Offices.

23 MR. HALL: I'm sorry.

24 MS. HAUSER: That's okay. There is no -- clean
25 elections component for the Federal elections. Sorry.

1 Mr. Hall: Where our goal is to try and submit a
2 final plan to DOJ, Department of Justice, by the first or
3 second week of September, and the allow time for them, 60
4 days plus, for them to do the review process.

5 With your permission, we'd be happy to respond to any
6 questions you have, unless you have some that are
7 completely burning; and with your permission, I'd like to
8 move to the public comment section of the meeting; allow
9 those who would like to comment.

10 Again, for anyone who's not had an opportunity to
11 fill out a speaker's slip, you can speak with Myra, and if
12 you raise your hand, she'll be happy to give you one. And
13 subsequently to the comments, then, we'll be happy to
14 answer any questions that you have. Here they are.

15 Why don't I take this opportunity - Myra don't leave
16 -- why don't I take this opportunity to introduce some of
17 the staff that are with us. We have our stenographer.
18 What was your name again? Lisa. First time I met lisa, I
19 apologize.

20 Myra is with us, she's one of our public outreach
21 folks and has done an excellent job in helping arrange this
22 meeting.

23 Florence Adams, is one of the consultants,
24 Dr. Florence Adams, with National Demographic Corporation,
25 which is one of our consultants assisting in this process.

1 And Lisa Hauser, who is one of our legal counsel.
2 Lisa has been deeply involved in the redistricting process
3 in 1990, and involved in much of the challenges with that
4 process. As you know, the courts ended up drawing some of
5 those lines at that time. And so we are grateful to have
6 Lisa with us who has extensive experience with respect to
7 this process and with respect to the Voting Rights Act.

8 MS. HAUSER: We should also clarify -

9 MR. HALL: Please.

10 MS. HAUSER: There are two attorneys -- two
11 attorneys who work for the Commission. There is me and
12 then there is Jose Rivera. And because most of the
13 attorneys who have some experience in this area have
14 affiliations with one party or the other, the Commission
15 decided to hire two: One Republican, one Democrat. So I
16 am the Republican of the two. So just so you know that.

17 MR. HALL: That's okay.

18 UNIDENTIFIED WOMAN: I have a question. Are the
19 microphones up at all?

20 MS. HAUSER: That's what we're here for.

21 MR. HALL: These microphones are simply for
22 recording. They're not magnification. And I will - I
23 would respectfully request folks that make comments, that
24 they would do so as loudly as they can, so all of the
25 participants can hear.

1 (Group discussion about and testing of microphones.)

2 MR. HALL: Any additional comments or questions?

3 I'd like then, Mr. Johnny Johnson, please.

4 Would you please spell your last name for the court
5 reporter.

6 MR. JOHNSON: J-o-h-n-s-o-n.

7 MR. HALL: Thank you.

8 MR. JOHNSON: As in Linden

9 MR. HALL: Okay. I see the resemblance.

10 MR. JOHNSON: He had more hair. Welcome to
11 Yavapai County, Mr. Hall.

12 MR. HALL: Thank you.

13 MR. JOHNSON: Back in October, November when Prop
14 106 was being highly debated throughout the State, the
15 Republican party of Yavapai County was really not in favor
16 of the passage of this bill. Our friends, the
Democrats,

17 were.

18 After the election was over, they had their way.
19 Their state chairman had boosted \$600,000 into the till to
20 get the passage of that act; which is fine. Now, I'm in a
21 quandary as to why, at this stage of the game, we're in
22 favor of what the Commission has come up with.

23 Basically, really having had an exhaustive study of
24 the interior work that is in Maricopa County, and good luck
25 on that one, but we are very please with the work that the

1 Commission has done so far as it regards our Congressional
2 District Three, and as far as it regards the redistricting
3 of the 30 legislative districts within the State.

4 There are many reasons in the list that you had on
5 the screen a little while ago, in memory of six or seven
6 criteria that you looked at to create a legislative
7 district; it would seem that Yavapai County has it's own
8 legislative district to fulfill almost all of those
9 requirements.

10 It certainly would be a contiguous district. It
11 would be a great change from the situation that we have
12 now, where we are backed up among four different
13 legislative districts. Part of the county is in two, part
14 of it is in district five and part of it is of district 28.

15 It would be very helpful to us, and it would be --I
16 think, develop a wide interest of community activity to
17 have Yavapai County as it's only legislative district.

18 Basically the Republican Party and Steve Pierce, as
19 our county chairman, has appointed me as Chairman of the
20 Redistricting Committee of the Republican party.

21 We applaud the work that the Commission has done so
22 far. Reserving of course, the right to change our minds
23 should you change your minds. Thank you for the
24 opportunity to address you, sir.

25 MR. HALL: Thank you.

1 (Pause).

2 MR. HALL: Karen Kenton Jones? Kenton, is that
3 right?

4 MR. JONES: I was going to say, I was looking
5 around for that person myself.

6 MR. HALL: Sorry. Sorry, Kenton, it's not your
7 handwriting, it's my eyes. I apologize, Mr. Jones.

8 UNIDENTIFIED WOMAN: What is the last name?

9 MR. JONES: Last name is Jones.

10 MR. HALL: Kenton Jones.

11 MR. JONES: **I'm** glad for those occasionally who
12 don't know what my name is.

13 I guess Johnny and I suffered the curse of getting
14 here a little early here tonight. I'm also legal counsel,
15 Republican Party of Yavapai County.

16 When I first found out about 106, and the issue
17 became one of avoiding of what we're seeing the traditional
18 abuses, if you will, of the Gerrymandering process, the
19 acronym "IRK", kind of fit the way I felt about 106. It
20 seemed, very possibly, that the cure was going to become
21 more abusive than the disease.

22 I understand the issue of the Voting Rights being
23 applied, the rights act being applied over what are
24 considered past abuses. We certainly understand the
25 implications of the Justice Department review of our

1 circumstances now.

2 But in fact, in regard to most of what we see outside
3 of the --you know as we fondly refer to up here as the
4 great State of Maricopa --in fact, there was a very real
5 sense, I think, that the boundaries as they were drawn, had
6 traditionally done a pretty good job of representing
7 communities of interest.

8 As Johnny referred to it, we were pretty much
9 concerned that what was going to happen was that in the
10 interest of what is claimed to be, you know, fairness and
11 even-handness; what we're going to see was the division of
12 communities, the division of grouping, the division of
13 traditional territorial boundaries --and really a
14 Gerrymandering to avoid a Gerrymandering.

15 At this point --and I agree with Johnny on another
16 point as well --which is God Bless you on the Maricopa
17 County issue, where you are literally going to be dividing
18 residential neighborhoods and things like that.

19 The truth of the matter is, outside of Maricopa
20 County, Yavapai County becomes somewhat of a poster child
21 for meeting the qualifications --or excuse me --meeting
22 the requirements of 106; as regards traditional and
23 historic boundaries, communities of interest, typical
24 demographic divisions, if you will.

25 In fact, in looking at this and trying to figure out

1 where the criticisms would come, it would seem that the
2 criticisms would come from going back to the system we have
3 had. Which is, as Johnny said, one county being divided
4 between four districts; which artificially creates a
5 situation where one or two towns in Mohave County, across
6 the river, are included within our district. Because that
7 seemed to work at the time and seemed to include something,
8 which clearly was more abusive, if you will, to the
9 process, than it was helpful.

10 At the present time, for myself, I cannot think of
11 an application that could be better --based on
12 demographics, based on population, based on historic
13 boundaries, based on community interest, based on
14 communities themselves, physical locals --I cannot think
15 of a division of the State that would work better in regard
16 to this portion of the State, than simply using the
17 boundaries of Yavapai County as a district. Thank you.

18 MR. HALL: Thank you. Mr. Jones

19 Dawn Knight.

20 MS. KNIGHT: Hi, how are you today. I'm glad
21 you came up to explain some of the things, too. And my
22 name is Dawn Knight, K-n-i-g-h-t.

23 First of all, I want to commend the Redistricting
24 Commission, and applaud the Commissioners for their
25 dedication and hard work. I know it's no easy task to try

1 to perform the six goals that you had been doing, and you
2 have done quite well.

3 In Yavapai County, except for sixth goal; which is
4 having it divided so that it will be --would we say:
5 competitive districts. I have some information about the
6 competitive districts. We have Republican to Democratic:
7 1.7 ratio, 1.76 ratio, Republican to Democrats.

8 We formed a little committee ourselves. It wasn't a
9 Democratic committee but they were democrats and interested
10 people that wanted to make sure that it would be
11 competitive; because that's why many people voted for this
12 106 Proposition; because they felt like it would be more
13 competitive and include --and be able not to have, like we
14 do now, all of the 30 districts. And we have one that is
15 kind of equally distributed. And most of the rest of them,
16 according to the map that we had here or the chart, most of
17 them were either Democrat or Republican. And so it would
18 be hard for it to have a competitive race there in those
19 districts.

20 We worked quite diligently and we did have problems
21 trying to get some Democrats into the district. And we did
22 come up with a map, and the map looks similar to this. And
23 we thought we could get some Democrats from our neighboring
24 county of Gila County. And, also, that would equalize not
25 only and have us some --if the people want to see this --

1 have it more competitive; but also, leave the river
2 counties and the river states --cities as one; because
3 they do not have the same interest that Yavapai County has.

4 The reason we chose Gila County was because they do
5 have the same interests. And historically, they were
6 mining --we were both mining, we were both ranching. And
7 they are very, very appealing to the retirement
8 communities.

9 And so they --they would be. And if we took that,
10 we would still be within the 130th populations. We're
11 leaving the precincts from the northern area and giving it
12 to Coconino, like it has been now, up toward Coconino. And
13 those are the only precincts that are left out. And we
14 have at least the 130th; which is 171,000 populations, if
15 you divide the whole state into 30ths.

16 So I would appeal to the Commissioners to look at
17 that goal when choosing your final map, and trying to get
18 more of the districts so that they would be competitive.
19 It might give you some suggestions about the final phases
20 of drawing it up. And we are certain that the Commission
21 will really --work really hard at trying to meet all six
22 goals if possible.

23 And I know you have a big job out there and we really
24 thank you coming to let us have all of these input --these
25 public inputs. And again, thank you for all of the

1 dedicated work you're doing.

2 MR. HALL: Thank you, Ms. Knight. Did you --
3 were you going to give us a copy of that map?

4 MS. KNIGHT: I think we did send one down there
5 already. But we do have a copy of it there.

6 MR. HALL: Down to our offices.

7 MS. KNIGHT: Yes, I have a copy here.

8 MR. HALL: Thank you.

9 MS. KNIGHT: And then if you wanted to know, it
10 also is contingent to the county lines. There is 85%
11 county lines and 15% precinct lines. It's following all of
12 those. And so if you have anymore questions about that,
13 and the legislative districts that we had, were these on
14 the old Gerrymandering map that showed how the pie shape
15 and they were districts.

16 MR. HALL: Thank you very much.

17 MS KNIGHT: I want to thank the other people --
18 I am just a member of the committee, and they told me I had
19 to get up and talk. But the members of the committee, one
20 of them here, Bill McDonald, and the other one Skip Country
21 (phonetic) called pointer, so that's why I'm here.

22 MR. HALL: Thank you.

23 Let me apologize in advance for my massacre of this
24 first --is it Geral?

25 Mr. Brownlow: Brownlow.

1 MR. HALL: Mr. Brownlow, how did I do?

2 Terrible?

3 MR. BROWNLOW: You done all right.

4 MR. HALL: All right.

5 MR. BROWNLOW: It's Gerald. Last name is

6 B-r-o-w-n-l-o-w.

7 Just a few --you've got a tough job. I'm sure

8 you're not going to satisfy everybody. I can't in my job.

9 *I just would --I believe somebody mentioned here, is*

10 protect us from the State of Maricopa County. A lot of

11 legislatures, congressional people come up here and

12 campaign in Yavapai County, 'cause we are so strong a

13 Republican vote up here. And they come up here and as

14 soon as they get elected, they seem to forget Yavapai

15 County.

16 We are surrounded by six other counties, and a might

17 different from our committee --Mr. Johnson, I didn't

18 attend those meetings --but I find if we have part of

19 Yavapai County in another district, then those people will

20 come up and talk to us, and listen to us. And if they

21 don't have a part of Yavapai County, we never hear from

22 them.

23 Dawn, I'd like to address, I think you said you'd

24 knock off the northern part of Yavapai County. There's

25 only two precincts, I believe, in Yavapai County that is

1 Democrats, and that's my two little Ashfork and Seligman
2 Districts up there.

3 MS. KNIGHT: Sedona.

4 MR. BROWNLOW: Sedona? Well, I don't count them.

5 (Laughter)

6 They're over the boundary in their own little area
7 over there. Thank you.

8 MR. HALL: Thank you, Mr. Brownlow.

9 Mr. Stan Turner.

10 MR TURNER: I'd like to start with several
11 questions. Among my questions are, number one, the section
12 five as you talked about the Federal mandate, that our
13 districts be approved by the Federal Government Agency.
14 How much longer is that going to be in force, do we know?

15 MS. HAUSER: My guess is until Congress repeals
16 that requirement. Technically there is a provision for
17 getting out from under section five pre-clearance. But a
18 jurisdiction has to go through, I think it's ten years,
19 without any violations.

20 And a violation can occur even by something as
21 innocent as, let's say the Legislature passes a statute and
22 the Department of Justice objects to it; that's considered
23 a violation. So in all candor, I would have to say that,
24 you know, with self-preservation in mind, perhaps, that an
25 agency who knows, you know, if they give you a clean bill

1 of health for ten years; if you get right close to the end
2 of that, I think they would probably find a violation and,
3 you know, will continue to be under it.

4 That's just my personal opinion. There is a way to
5 get out from under it, but I think it's almost possible.

6 MR. TURNER: The last violation that Arizona or
7 any county of Arizona had was --do you have any idea when
8 that was? I believe it was ten years go, when the State
9 Legislature drew these districts, but.

10 MS. HAUSER: No, I think there have been some
11 since. I mean, you'll find precinct changes that get
12 objected to at the county level. And there are some State
13 Statutes even right now that are up in the air, you know,
14 with pre-clearance uncertain.

15 And this State Legislature also passed a statute in
16 anticipation of redistricting, where they were directing
17 that only the --that no statistical sampling be used. And
18 the Department of Justice had a problem with that. I can't
19 remember if it got to the point of an objection or not, but
20 I think there have been, you know, little things since then
21 that have come up.

22 MR. HALL: In addition, in a lot of the native
23 American areas, there's been a lot of voting issues, that I
24 know D.O.J. has been working on, so.

25 MR. TURNER: My second question, before I get

1 into responses or other things is: Was there --was there
2 an interpretation by the committee, that would be your
3 committee, that the priorities be considered in order of
4 the way they were written within the proposition itself?
5 As in A through F, with F being last. F being the one that
6 has to do with quality of registrations. Was it --was
7 that --

8 MR. HALL: Let me see if I understand your
9 question correctly.

10 MR. TURNER: Um-hum.

11 MR. HALL: Are you saying: Is there a prepotency
12 in that order? In other words, that the A has a greater
13 importance than F? Is that what you're saying?

14 MR. TURNER: No, I think that's been --at least
15 what you guys have been working on --if I understand,
16 correctly.

17 But I don't know that that was what was written into
18 the actual bill at the time. And then somebody --your
19 committee had to make a decision. What are the priorities?
20 And you guys, or somebody decided, that they would be in
21 order of the way they were written into the --into the
22 propositions.

23 MS. HAUSER: The Commission has not formerly
adopted any kind of position that says that they are to be
considered in rank order.

1 It is clear, however, that for example, I mean, it's
2 like that kid's game of rock, paper scissors? Some things
3 just automatically take priority. The compliance with the
4 Constitution, of course, is one of those.

5 So, the one-man/one-vote principal is going to take
6 priority over some other things. There might be things
7 that we could do better; whether it's competitiveness or
8 respecting communities of interest, if we don't have equal
9 population in the districts. So that one clearly takes
10 precedence.

11 Each of them relates to the other in some way, by --
12 if you notice the language of the Act said: In so far as a
13 practicable, words to that effect. So they kind of bounce
14 off of each other.

15 The competitiveness provision actually does that
16 twice. So the competitiveness provision says you do that
17 in so far as practicable, but --it's the only one that
18 says this --but you can't do it in a way that would, you
19 know, cause any --do any violence to any of the other
20 criteria. So I think we have the Constitution at one end,
21 we have competitiveness at the other end, and the other is
22 kind of, you know, as I said, kind of moving back and forth
23 against each other, as you know, competing criteria.

24 MR. TURNER: But at this point, really, number
25 or letter F is pretty much last on your criteria right now.

1 MS. HAUSER: It --well, I think as a
2 practicable matter, in going through and --when NDC lays
3 the units of representation and focus on communities of
4 interest and adjustments are made, the voting history did
5 --and you'll notice also that the Act says you can't take
6 registration into account in the initial maps phase.

7 So registration totals; obviously you need to be able
8 to make things competitive. They come into play a little
9 bit later. And, I think once the AUR's are laid out,
10 adjustments are made to the grid, it'll be tested for
11 competitiveness at that point. Does that answer your
12 question?

13 MR. TURNER: Tested by the Commission or tested
14 by --

15 MS. ADAMS: By the consultants.

16 MS. HAUSER: The consultants will test
17 everything that they do with respect to, and these
18 meetings. There will be meetings that will take place with
19 respect to making adjustments to the grid, and satisfying
20 the various criteria. And there's going to be a lot of
21 different ways to do that. And D.C.'s going to prepare
22 information as to all of the different ways to go about
23 doing those things.

24 Then Jose and I will take a look at that. We'll give
25 legal advice to the Commission, and then there will be days

1 of meetings in which the Commission --I'm sorry to have to
2 tell you this --in which the Commission will give
3 direction to NDC as to what their preference is, as far as
4 you know --

5 MR. TURNER: The bits and pieces.

6 MS. HAUSER: --one factor over the other.

7 There will be lots of little forks in the road that we're
8 going to come to. And that's kind of how that will work.
9 And some of it is a little --the process is fluid in the
10 sense that it's never been done this way before So
11 anything I say about the process, it could get tweaked
12 along the way when we find --and, "Oh, my gosh, that's not
13 working," and that we need to try to handle it a little bit
14 differently. But that is kind of how it's being envisioned
15 at this point.

16 MR. TURNER: All right. And I should identify
17 myself for the record, I didn't do that. I am Stan Turner,
18 T-u-r-n-e-r. And for the record, chairman of the Yavapai
19 County Democratic Committee, so you'll know where I am
20 coming from, in case you didn't already.

21 Another question. And this one was a big surprise to
22 me, I heard this tonight: Why is the Legislature getting
23 to review your second determination? If I understand what
24 was said, that there is first determination and we're at
25 that point now. After this, they'll come to a second

1 responding, and N.D.C. is responding, to every single piece
2 of public input that we get.

3 But with the Legislature, the Constitution requires
4 that we do that. So if we do not adopt their changes or
5 suggestions, they will be told why.

6 MR. TURNER: So if the majority --I am sorry --
7 the majority caucus of the State Senate or the State House,
8 writes a review or makes recommendations, those
9 recommendations would hold no more sway, than, say one from
10 the committee that Dawn Knight was on or one from the
11 Redistricting Committee or a committee rep?

12 MR. HALL: That's correct. But let's --and
13 remember, that any and all suggestions --we have certainly
14 have an opportunity to consider all of them, and justify
15 why we made what decisions we did make and justify why we
16 didn't consider certain recommendations or decisions.

17 For example, this evening we received a sample map.
18 And my --probably going to surprise you, but this is not
19 the first one we've received and --I'm going to go out on
20 a limb here --but I'll bet it's not the last.

21 So we must consider all of these. Our consultants
22 will and each one of the commissioners will, but you need
23 to realize when the word goes, the final say is with the
24 five-member Commission.

25 MR. TURNER: If my fax machine continues to

1 work, you'll probably see that map an awful lot more. It's
2 just a thought.

3 MR. HALL: Great.

4 MR. TURNER: Actually, no, I do want to make
5 the case, in seriousness, that we do look into --into Gila
6 County as far as being part of Legislative District One.
7 And I'm also confused in that part two, we haven't
8 quite discussed very much about the u.s. Congressional
9 Districts, But, but we can get to that in a bit.

10 But, again, I think that keeping in mind, part F,
11 keeping in mind that as Dawn Knight noted in her speech,
12 there are many, many, many historical areas of interest
13 that Gila County and Yavapai County have shared. Keeping
14 in mind that --that going from there to here, you are not
15 finding a whole lot of different types of people. I think
16 if you move a little bit of Gila County into LD-1, if
17 that's what it still is at the time, you can help
18 accomplish part five.

19 We're not looking for equal representation here, as
20 Democrats. But the two to one that we've been living under
21 for ten years now, is leaving a lot of people
22 disenfranchised. Leaving a lot of the people out of the
23 system. People who do not want to take part. Or people
24 who want to register as Democrats, register in the other
25 party, because they want to vote against what they consider

1 the worst of the Republican Party.

2 So if we're not asking for equal, because we
3 understand the demographics of the area. If we had five
4 percent more, ten percent more, bring us a little closer to
5 an equal number, I think we have a fair shot at
6 representing all of the people, instead of a tyranny of a
7 majority party.

8 I'd like to just do some quick responses here, just
9 because, gosh I just can't stop myself.

10 Johnny Johnson talked about the \$600,000 that the new
11 state chairman put into this proposition. He wasn't state
12 chairman at the time. I'd like to clarify that.

13 Mr. Johnson neglected to mention that there was
14 between three and six million dollars infused against this
15 thing by the Republican party. A lot of it taken somewhat
16 illegally or is still in question, from the State of
17 Nevada, for our election.

18 I just wanted to throw those couple of things in
19 there As far as Mr. Jones, I certainly am not surprised
20 that he's in agreement with a separation, where Yavapai
21 County or a two to one Republican to Democrat district is
22 just fine with him. I mean, after all, he's Republican
23 Counsel, that's what he'd like.

24 But again, I'd ask you to look into this thing and
25 try to make it just a little more fair. **It** doesn't have to

1 be equal, make it a little more fair.

2 And one last remark here as to what has been said.

3 Supervisor Brownlow did mention that after people are
4 elected from Yavapai County, after courting Yavapai County,
5 they tend to forget us Let's keep in mind that there's
6 really only been one Democrat elected from Yavapai County
7 for about 30 years, so it would be the Republicans who are
8 doing the ignoring of us here. I thank you very much.

9 MR. HALL: Thank you. And, Mr. Turner, just to
10 clarify, with respect to this issue of partisanship; let me
11 just once again emphasize one phrase from this proposition
12 just so that --that you, again, and Lisa alluded to it.

13 That party registration and voting history data
14 shall be excluded from the initial phase of the mapping
15 process, but may be used to test maps for compliance with
16 the above goals. So the initial mapping process which
17 we're moving through now, that's not a consideration.

18 Later on, then, I think it's clear that that will be
19 become a factor to make sure, you know, as long as it
20 doesn't conflict with compliance of the above goals. I
21 just wanted to clarify that for you.

22 MR. TURNER: I was just worried that I'd miss
23 you the next time. And --

24 MR. HALL: I understand.

25 MR. TURNER: And I guess I do want to return to

1 United States Congressional District Three, if that's what
2 it's still designated after the redistricting process.

3 Can you help me out with some of information you have
4 here? Where is a breakdown of what the United States
5 Congressional Districts may be after redistricting?

6 MR. HALL: Are you referring to how many there
7 will be?

8 MR. TURNER: We'll I am assuming that there's
9 seven.

10 MR. HALL: There's eight.

11 MR. TURNER: There's eight. And won't your --
12 your Commission be breaking down those eight --

13 MR. HALL: Correct.

14 MR TURNER: --for deciding those?

15 Okay, now --

16 MR HALL:Let me just clarify that point.
17 There is 5.1 million, so that's equally divisible by
18 641,329 people. So there will be eight congressional
19 districts comprising of almost exact equal population.

20 MR. TURNER: Um-hum. And do you have in here
21 --I assume that these are the maps that represent that?

22 MR. HALL: Those are the initial grids, that's
23 correct.

24 MR. TURNER: The initial grids. I'll tell you
25 what, this one right here appears to be the biggest

1 disaster I've seen in my life. And this one right here,
2 appears to be the second biggest disaster.

3 But this one: Including the Mohave, Yavapai County,
4 a large chunk of western Maricopa County; which is --well,
5 basically what I'm going to get here is that I don't think
6 that this particular grid is going to come anywhere near
7 any kind of equality or near equality between the parties.

8 I urge you guys to keep that the mind, again when
9 you're doing that.

10 MR. HALL: Let me just say with respect to the
11 grids, for example the congressional grids, I can tell you,
12 Mr. Turner, that those congressional grids, as they are,
13 would not pass muster with D.O.J. with respect to section
14 five.

15 MR. TURNER: Um-hum.

16 MR. HALL: So there are --there is only one
17 guarantee that you're going to get out of me tonight, and
18 this is it: The final maps will not look like that. I
19 can't tell you how they're going to look, but I can tell
20 you they won't look like that.

21 So you can rest assured that we know that there are
22 changes that need to be made for a variety of other
23 reasons, other than those that you've alluded to.

24 MR. TURNER: I believe we have another map in
25 the making for suggestions for --what we'll call

1 Congressional District Three?

2 How can we simplify --and I'm sorry to take up so
3 much time --how can we simplify this to stay with the --
4 the United States Congressional Districts. Uhm, shall we
5 call it three 'cause we've always been three in Yavapai
6 County? Or shall we call it U.S. Congressional District,
7 A, B, C, D and F?

8 I'm trying to come to a point where we all are on the
9 same page talking about what the districts are.

10 MR. HALL: I understand that. Right now, at
11 that phase, since this is merely an initial grid, with
12 respect to the consideration of only equal population, we
13 were hesitant, and in fact, didn't number them; because we
14 did not want to try and create a correlation in people's
15 mind between for example, present District Three and Two,
16 what would be numbered three on the current grid.

17 Therefore, that's why this is merely an equal
18 population grid. You can rest assured that when we come
19 out with our draft maps they will be itemized. And then we
20 --I think it will be 'easier for all of us to get on the
21 same page. Are you referring to the current --

22 MS. ADAMS: I doesn't really matter, because we
23 are going to be looking at the territory included.

24 MR. TURNER: And, again, your deadline for
25 submitting this would be? Be submitting finds on the

1 United States Congressional Districts deadline, is what
2 date?

3 MR. HALL: Are you referring to trying to get
4 recommendations in prior to the draft map phase?

5 MR. TURNER: Hopefully final approval, final
6 recommendations --

7 MR. HALL: Well, we intend to be --try and do a
8 submission to the Department of Justice by the first of
9 September.

10 MR. TURNER: Okay. And then D.O.J. will kick it
11 back, possibly, or not kick it back, possibly. And if they
12 approve that at that time, then that's what we will have.

13 MR. HALL: Correct.

14 MR. TURNER: But this question comes, simply
15 because there are a number of people lining up out there to
16 be ready to run for the congressional districts, but they
17 don't know if they live in medium blue or dark green or
18 really dark blue or turquoise, so.

19 MR. HALL: We're intimately aware of the
20 timeline --

21 MR. TURNER: Uh-huh.

22 MR. HALL: --and of the anxious anticipation for
23 these results. And nobody's more anxious than me.

24 MR. TURNER: Okay.

25 MR. HALL: But I don't know if I mentioned

1 earlier that, no Commissioner is paid for this particular
2 opportunity. And you can rest assured that while we are
3 grateful for the opportunity serve, we are anxious to
4 finalize this service to the citizens ourselves. So I
5 appreciate that and we are working diligently to accomplish
6 that.

7 MR TURNER: We appreciate your work. And thank
8 you guys for putting with me for so long.

9 MR. HALL: Thank you, Mr. Turner.

10 Mr. Sidney Moglewer? Moglewer?

11 MR. MOGLEWER: Moglewer.

12 MR. HALL: Better spell that.

13 MR. MOGLEWER: I will.

14 I'm Sid Moglewer, M-o-g-l-e-w-e-r.

15 And I'm a citizen of Prescott, and representing
16 myself as an interested party I do appreciate the hard
17 work this Commission is performing and I think it can be a
18 valuable service.

19 But looking at your initial congressional map, I can
20 see the Gerrymandering is not completely dead. I was
21 disturbed and glad that you recognized the deficiencies on
22 the congressional map that three Congressional Districts
23 dipped into Maricopa County, the Phoenix urban area. And I
24 think that's an abomination.

25 My concerns are as follows: I have professional

1 concerns with using an area township grid, and then
2 superimposing a population census track grid on top of
3 that. I think that can be technically questioned.
4 Over 20 years ago, some of my professional colleagues
5 were very happy, they were developing some early models on
6 fairness and redistricting. I think they were using linear
7 programing techniques, with constraints based upon
8 advanced concepts of fairness.

9 Unfortunately, the politicians were not interested at
10 the time, and my colleagues went on to more productive
11 work. I would hope National Demographics Corporation has
12 carefully researched that.

13 Today we have stronger models and better computers
14 and they are there. It seems to me the foundation of most
15 of these models was census tracks. They were the unit and
16 they built on that. It seems artificial to use an area,
17 grid and then superimpose the census track we already have
18 it from the bureau of the census, and it's population base,
19 which is foundation of a requirements for redistricting.
20 Thank you.

21 MR. HALL: Thank you.

22 MS. ADAMS: Let me just speak to that for a
23 moment. Under the provisions of Proposition 106, as you
24 saw in the --

25 MS. HAUSER: Louder, Florence, please.

1 MS. ADAMS: Under the provision or
2 Proposition 106, as you saw in the powerpoint, we had to
3 start with a grid and the definition of a grid census
4 tracks don't exactly fit that definition because they --if
5 you look at a census track map, you will see that they are
6 very irregular. They are not grid-like.

7 So we needed something to use that was grid-like, in
8 order to aggregate areas. But then we had to look at
9 census tracks, because census tracks --you're absolutely
10 right --that is how populations are counted.

11 And keeping whole census tracks together, is one of
12 the recommendations as much as practicable, and is one of
13 the recommendations of Proposition 106. So, starting
14 with that grid-like pattern, but then super-imposing the
15 census tracks, gave us the population. A requirement of
16 the proposition. And that's why we began that way,
17 that's why the Commission approved that approach.

18 MR. HALL: Thank you, Florence.

19 MS. HAUSER: And we're not splitting --the grid
20 does not split any census tracks.

21 MS. ADAMS: Oh, and one other thing. The grid
22 does not split any census track. All the census tracks
23 are kept whole within the grid. Now that may not --that
24 may not end up that way. But at this point, we have used
25 whole census tracks, in the aggregation of the populations

1 via the grid.

2 MR. HALL: Thus you can see the strict for county
3 boundaries, because census tracks respect county
4 boundaries.

5 Is there is anyone who would wish to speak who did
6 not have an opportunity to fill out a little yellow slip?

7 Are there any additional questions? Please, come on
8 up on. Thank you.

9 MS. JENNY-COLON: My name is Patsy Jenny-Colon,
10 J-e-n-n-y, hyphen, C-o-l-o-n. I am the Yavapai County
11 Recorder.

12 And I am here tonight to speak on behalf of the Voter
13 Registration Department and my Elections Department.

14 And we would wish you God speed and good luck,
15 because we have to make certain determinations by
16 December 1st, which I'm very pleased to hear, this
17 September one. And we'll all light a candle or something.

18 MR. HALL: Thank you.

19 MS. JENNY-COLON: We have been anxiously
20 awaiting this, because, as you know, as it was just touched
21 on; we have the other Commission that was established by
22 initiative, the clean elections, quote, unquote, are also,
23 not helping us.

24 Because, we have to be able to verify their --their their
25 candidate's donation slips. Because every time you fill

1 one of those out and you give them a five-dollar donation,
2 they come back to the County Recorder record, and we have
3 to verify that that person is registered to vote. We can
4 do that, but we can't determine at this point, on boundary
5 edges, whether or not they will be in that district at the
6 final analysis.

7 And they start when, December something? About the
8 same time. It's not going to be fun for anyone. And we
9 have to be able to, in the Voter Registration Department,
10 establish these lines on a precinct map and transfer those
11 people into the correct precinct.

12 So, just so you know that there are other things out
13 there that need to be addressed as soon as possible, and
14 D.O.J. doesn't really care. As you know. Thank you.

15 MR. HALL: Thank you. Ms. Jenny-Colon. Do you
16 go by Jenny-Colon or Ms. Colon?

17 MS. JENNY-COLON: Whatever

18 MR. HALL: Miss Colon did you have the
19 opportunity to meet with the county recorders?

20 MS. JENNY-COLON: Yes, I was.

21 MR. HALL: Okay. Well, I --we appreciate that
22 and we recognize the burdens that you bear, that are
23 subsequent to our burden. And I don't think most
24 people realize that. And so we appreciate your assistance
25 and also your input.

1 Where there any other folks that wish to speak? And
2 if not, I would welcome any additional questions someone
3 may have? Please.

4 MR. TURNER: I just like that hear myself speak.
5 But what do you plan to do with the Hopi Reservation.
6 That's got to be a real sticky one for you guys. Do you
7 anticipate --and I know you can't give us a real answer --
8 but do you anticipate that it would be separated off? Or
9 do you anticipated that it will become part of a larger
10 Northern Arizona Legislative District?

11 MR. HALL: Thank you for that question, and let
12 me answer it this way, by stating the facts.

13 The facts are: We had --I had an opportunity to be
14 in Flagstaff on Monday --seems like a month ago.

15 Anyway, there we --first of all prior to that, I had
16 an opportunity to meet with Chairman Taylor, who is the
17 chairman of the Hopi Tribe, on Monday, before the meeting
18 on a previous occaS10n.

19 And at the meeting last night, and prior to that
20 meeting, the chairman of the tribe and members of tribe
21 have made it very clear that it is their desire, to remain
22 separate from the Navajo Nation.

23 Monday, next Monday, I have an opportunity, again --
24 I've already been there twice --but I have an opportunity,
25 again, to go to Window Rock. And there we will hear from

1 the Navajo Nation, and listen to their desires.

2 There's no question, given the history in 1990
3 wherein, the Hopi Tribe via legal counsel intervened. And
4 basically the courts drew the line, which is known, quote
5 unquote, as the Indian plan, which really was the Hopi
6 plan, because they were really the only Native Americans
7 that appeared. That they were very sympathetic to their
8 desires. And therefore, for example, on the Legislative
9 Districts and Congressionally, you see this little balloon
10 that draws them out.

11 There's no question that that is one of the
12 challenges, slash, opportunities of this Commission, and we
13 are aware of the many diverse interests with respect to
14 that matter.

15 And, do I have any idea how we're going to resolve
16 that? The answer is unequivocally "no" You can rest
17 assured that we are seriously taking into consideration all
18 of the communities of interest.

19 And quite frankly, the Navajo/Hopi situation in the
20 northeast quadrant of the State is only one or two --one
21 of the several other communities of interest that have
22 other desires that even make that issue more complex.

23 (The Court Reporter interrupted and asked
24 Mr. Turner to speak loudly.)

25 MR. TURNER: I'm sorry. Stan Turner again. Any

1 indication from the current administration and it's
2 Department of Justice that seems to lean one way or the
3 other towards the 1990 Department of Justice
4 administration, other than the last stand of the president?

5 MR. HALL: Our legal counsel has had an
6 opportunity to go to Washington, on your tab, and meet with
7 the Department of Justice; and therefore, I'll let
8 Ms. Hauser respond to that.

9 MS. HAUSER: Well, Department of Justice,
10 certainly plays it very close to the vest. And they don't
11 give advisory opinions and they don't tell you ahead of
12 time how to go about doing anything in this process.

13 I will tell you --and I worked on pre-clearance
14 issues under the former Bush Administration, also under the
15 Clinton Administration. They tend to be career people.
16 They're --I mean, there is not a tremendous amount of
17 turnover. So I wouldn't expect, necessarily to see,
18 dramatic fluctuations in viewpoint.

19 Probably the biggest difference that I would note,
20 right now, is that there has been some case law that's come
21 out since the last redistricting process, that says you
22 cannot make race a primary consideration. It can't be, you
23 know, the first and foremost thing that you look at. If
24 you do, it's going to be subject to strict scrutiny by the
25 courts. Which usually means, it's going to be subject to strict
scrutiny by the if you --you're under that

1 test, it usually fails. You're told that you haven't
2 complied with the Constitution.

3 So, there are instances where, you know, race comes
4 into play, where, you know, you have a group that lives
5 together. For example, like an Indian Reservation. That's
6 clearly a community of interest. It just happens to have a
7 racial component to it.

8 But you know, typically, at this point in time, you
9 would say, "Well, we drew this because of identifying a
10 community of interest." And you're not allowed to rely --
11 go hopskipping around the states to collect minority voters
12 to make a district to accomplish something, that may be
13 Department of Justice would like to see.

14 So that is something that's going to be a little bit
15 different this time. We're not quite sure how. We're
16 going to be walking a real fine line, because D.O.J. is
17 still looking at minority interest, and we're not allowed
18 to make that the primary consideration. So stay tuned. It
19 could be interesting. We'll see.

20 MR. HALL: And if I may piggyback on that just
21 one minute, the other legal issue --and Lisa can correct
22 me --is the issue of retrogression. Which in essence
23 states that a minority set of voters cannot go backwards in
24 their ability to be represented. That's a layman's legal
25 definition. And that's another very, very important issue

1 and --hey, I'm open for suggestion folks, please.

2 MS. KNIGHT: I just had a question. I was kind
3 of disturbed to the extent practicable. Does it mean that
4 you have a lot of leeway, or just what would happen? It's
5 in everyone of those. And I thought, geez, that is just
6 kind of, you know, wishy-washy.

7 MR. HALL: Given the complexity of what we've
8 just heard here this evening, you can see why that is
9 necessary wiggle-room language. And no, I think that the
10 desire of the Commission is to comply with all of those
11 provisions.

12 But clearly, if they were unequivocal, it would be
13 impossible. And, so that's -- that's the, I think, the
14 simple answer Please, young lady.

15 UNIDENTIFIED WOMAN: Doesn't the Federal
16 Guidelines give you a percentage that equates to
17 practicality?

18 MR. HALL: Yes. With respect to --on some
19 items. With respect, for example, population deviations.

20 UNIDENTIFIED WOMAN: Right.

21 MR. HALL: I'm going to let Florence respond to
22 that.

23 MS. ADAMS: Yes. Well on the --I'm going to
24 stand because you have trouble hearing me. But on the
25 congressional districts, we must be exactly equal. And as

1 you heard, the population is divisible by eight. So we can
2 get right on the money on that

3 UNIDENTIFIED WOMAN: I hope and pray that we are
4 going to go from six to eight Congressional Districts.
5 That six of them are part of Maricopa County and two are
6 part of Pima --

7 MS. ADAMS: We'll certainly take that into
8 consideration.

9 MS. ADAMS: In regards to legislative districts,
10 there is a little bit more legal room as far as equal
11 population is concerned, but I never like to state a
12 deviation. What we aim to do is to get them as equal as
13 possible.

14 Actually, Arizona State law says: Nearly equal. So
15 we have that to look at that as well. So I'm not going to
16 state one, maybe if the attorney would like to state one?

17 MR. HALL: She wouldn't.

18 MS. ADAMS: I think she'll probably --I think
19 she'll feel the same way as I do. Because as soon as you
20 state one, the chances are you're going to meet that.
21 You'll go up to it. And I don't think that's wise.

22 I think we need to look at the other factors and then
23 create districts as nearly equal as practicable, given all
24 of criteria that we have to meet.

25 MR. HALL: Can you state your name for the

1 record, please?

2 UNIDENTIFIED WOMAN: Emily Ellis, E-l-l-i-s.

3 MR. HALL: Thank you. Any other questions?

4 Ladies and gentlemen, it's been a pleasure to be with
5 you this evening. Again, we welcome your input. Just
6 because we may not be back for a little while, does not
7 mean that we do not welcome your input, via phone call,
8 fax, email, u.s. Mail; however is the most appropriate
9 means for you.

10 MS. ADAMS: Web site.

11 MR. HALL: Absolutely. And we more than
12 appreciate your input, and rest assured we'll consider it.
13 And this meeting stands adjourned.

14 (Conclusion of the meeting held on June 21, 2001
15 at 7:29 p.m.)

CERTIFICATE

I,

LISA PASCIUTI, an Arizona Certified Court

Reporter, do hereby certify that the proceedings had upon the hearing of the foregoing cause are contained fully and accurately in the shorthand record made by me thereof, and that such shorthand was reduced to writing by me, and that the foregoing 60 typewritten pages of said transcript

contain a full, true and correct transcript of my shorthand notes, taken by me as aforesaid; all to the best of my skill and ability.

DATED this 26th day of June, 2001, at
Prescott, Arizona.



LISA PASCIUTI
Certified Court Reporter, AZ CCR No. 50451