

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Tuesday, January 10, 2012
4:53 p.m.

Location

**Fiesta Inn (Fiesta Ballroom I - Conference Center)
2100 South Priest Drive
Tempe, Arizona 85282**

Attending

Colleen C. Mathis, Chair
Jose M. Herrera, Vice Chair
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Ray Bladine, Executive Director
Buck Forst, Information Technology Specialist
Kristina Gomez, Deputy Executive Director
Stu Robinson, Public Information Officer

Mary O'Grady, Legal Counsel
Joe Kanefield, Legal Counsel
Bruce Adelson, Legal Counsel

Reported By:
Marty Herder, CCR
Certified Court Reporter #50162
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1 Tempe, Arizona
2 January 10, 2012
3 4:53 p.m.

4
5 P R O C E E D I N G S

6
7 (Whereupon, the public session commences.)

8 CHAIRPERSON MATHIS: Good afternoon. This meeting
9 with the Arizona Independent Redistricting Commission will
10 now come to order.

11 Today is Tuesday, January 10th, and the time is
12 4:53 p.m.

13 If we could begin with the Pledge of Allegiance.

14 (Whereupon, the Pledge of Allegiance was recited.)

15 CHAIRPERSON MATHIS: Start with roll call.

16 Vice-Chair Freeman.

17 (No oral response.)

18 CHAIRPERSON MATHIS: Vice-Chair Herrera.

19 VICE-CHAIR HERRERA: Here.

20 CHAIRPERSON MATHIS: Commissioner McNulty.

21 COMMISSIONER McNULTY: Here.

22 CHAIRPERSON MATHIS: Commissioner Stertz.

23 (No oral response.)

24 CHAIRPERSON MATHIS: We have a quorum.

25 And I believe Commissioner Freeman is going to try

1 to dial in, so we have the speaker phone ready in case that
2 happens.

3 Other folks at the table include our legal
4 counsel, Bruce Adelson, Joe Kanefield, and Mary O'Grady.

5 Our mapping consultants, Ken Strasma and Willie
6 Desmond.

7 Staff around the room include our executive
8 director Ray Bladine. He's in the back.

9 Stu Robinson our public information officer.

10 Kristina Gomez, our deputy executive director.

11 And our chief technology officer, Buck Forst.

12 And we have a court reporter today, Marty Herder,
13 who's taking an accurate transcript of today's proceedings.

14 So with that we have the same agenda that we had
15 yesterday. We weren't able to get to all of the items
16 yesterday, so it's fortunate that the agenda matches.

17 We didn't take public comment yesterday. There
18 was no more -- no one left by the time we got to public
19 comment.

20 So we thought we'd reverse that order today and
21 take public comment now for anybody who would like to
22 address the Commission.

23 I do have one request to speak form.

24 And if anyone else would like to address the
25 Commission, please feel free to fill one out and we'll do

1 that right away.

2 So with that, if Karen Fann would like to come up,
3 former mayor, Chino Valley, former vice mayor and councilman
4 the city of Prescott.

5 And if you could spell your name, last name for
6 the record, that would be great. Thank you.

7 KAREN FANN: Thank you. It's F-A-N-N. First name
8 Karen, K-A-R-E-N.

9 Thank you. And, commissioners, thank you. I'll
10 make this short and sweet.

11 Hi, Joe.

12 Since I did present this same information to you
13 in Prescott Valley.

14 Now that the hard part is over, we hope, with the
15 lines being drawn, I'd like to just ask once again that we
16 go back to the discussion of the numbering of the districts.

17 As you know, should know, Prescott is the first
18 territorial capital of Arizona, established back in 1864.
19 And when the district numbering started, we started with
20 Prescott with number one in honor of that designation.

21 Particularly in light of the fact that this is our
22 centennial year, I am respectfully asking if you will please
23 give Prescott back or keep the Legislative District 1
24 designation for historical purposes.

25 On a side note, very quickly, I would also like to

1 suggest or ask, if possible, and I know it's, it's --
2 there's a lot of things involved, but if possible that we
3 try and keep the district numbering to the existing
4 districts to the extent possible.

5 There's a lot of taxpayer dollars have that been
6 spent on all kinds of things. And I know it might sound
7 like nickel and dime stuff, but it really does add up to a
8 lot.

9 So even if we can cut that down to 50 percent of
10 spending money by reprinting all new things, that would be
11 great, so that's kind of a side note.

12 But number one issue is us being number one.

13 And thank you so much for all your hard work. I
14 appreciate it.

15 CHAIRPERSON MATHIS: Thank you.

16 And that is an agenda item for the Commission to
17 discuss. It's part of the technical changes that we are
18 considering, so we will be addressing that with this agenda.

19 Our next speaker is Olivia Cajero Bedford, state
20 senator from Tucson.

21 SENATOR OLIVIA CAJERO BEDFORD: Thank you. Thank
22 you, Madam Chair.

23 I had to put on these glasses to see Ms. McNulty's
24 new hairdo. It looks terrific.

25 Now these glasses.

1 Thank you. My name is Olivia Cajero Bedford from
2 District 27 in Tucson.

3 I sent you an e-mail this afternoon that I
4 received on Saturday from Ed Verburg, who is the president
5 of the Tucson Mountain Association. He and many others in
6 the Tucson Mountain area are very disturbed about the
7 slicing of the Tucson Mountain area.

8 He is of course split by the piece that was
9 sliced. So, anyway, if you would like to, I can read it for
10 the record, or not, not read it. But, should I go ahead and
11 read it?

12 CHAIRPERSON MATHIS: Sure.

13 I think we did receive it, but go ahead. It's
14 good to have it for the record.

15 SENATOR OLIVIA CAJERO BEDFORD: Okay. Thank you.
16 And in case he's watching, it would be good.

17 Hi, Olivia, we sent a note to the Commission
18 objecting to the new boundaries, and this was discussed at
19 our last board meeting.

20 Our argument was they have split the residents of
21 Tucson Mountain Association in half, and aligned us in a way
22 that is not consistent with our mission.

23 Here is the boundary information.

24 The Tucson Mountain Association, TMA, is a
25 neighborhood association of record for a large area spanning

1 a portion of the city of Tucson, unincorporated Pima County,
2 and Marana.

3 Tucson Mountain Association is the oldest resident
4 organization in the state of Arizona, established in 1934.
5 That's 78 years ago.

6 It includes the area bounded by the north by
7 Twin Peaks Road, on the east by Silverbell Road, on the
8 south by 22nd Street alignment, which is also known as
9 Starr Pass Boulevard, and on the west by the Saguaro
10 National Park and Tucson Mountain Park.

11 After I sent you this e-mail, I spoke to him by
12 phone and asked him about the majority of people that are
13 really active in the organization on some of the issues that
14 I'll tell you about in just a minute.

15 Those -- that population is between 22nd Street
16 and Ina. So the Marana area while it has mountains, those
17 people are just members, but not really active.

18 So that was, that was from him this afternoon.

19 The majority of the membership active, involved,
20 and signed up are between those areas, 22nd and Ina Road.

21 And we deal with the following issues.

22 You know, it's not like geography of the west side
23 of Tucson or TMA association.

24 When people refer to the west side of Tucson, they
25 refer to the Tucson Mountains, so it's a geographical area.

1 So might refer to the north end as the Catalina area, which
2 is the Catalina Mountains. So this is the Tucson Mountain
3 area.

4 So we deal with the following issues, not
5 necessarily all inclusive.

6 Promote and preserve additional areas for open
7 space, which we did recently in Painted Hills.

8 Compliance with zoning codes, proposed rezonings,
9 and other land use issues.

10 Retention of zoning favorable to the critical
11 corridor between the Tucson and Tortolita Mountains.

12 Preservation management of state trust lands
13 community plans, Tucson's general plan, and Pima County's
14 Sonoran Desert conservation plan, a major policy effort in
15 Tucson.

16 Tucson's water policy, and Pima County wastewater
17 treatment.

18 As a result of the Painted Hills subdivision,
19 Tucson took into consideration of their need to tighten the
20 rules on allotment of water to new subdivisions.

21 Issues of bonds for projects on the west side.

22 Promotion -- promote expansion of parks, Tucson
23 Mountain Park, Sweetwater Preserve, and Saguaro National
24 Park. Promote the use of Santa Cruz River corridor for
25 flora and fauna, support the removal of buffelgrass, which

1 is a major issue for hot burning wildflowers.

2 Anyway, these are some of his comments for the
3 Tucson Mountains.

4 And we would request that the Commission consider
5 going back to the October map that you had for Legislative
6 District 3.

7 Thank you very much.

8 Appreciate it.

9 CHAIRPERSON MATHIS: Thank you.

10 Our next speaker is Steve Titla, representing
11 San Carlos Apache.

12 STEVE TITLA: Good afternoon, commissioners,
13 honorable attorneys, and consultants, honorable consultants.

14 Happy new year to everyone. Good to see you
15 again.

16 I just want to let you know today that the San
17 Carlos Apache Tribe maintains the resolution that it sent to
18 you all in support of the maps for the legislative
19 congressional maps that you passed. The tribe supports
20 those maps, and we maintain -- the tribe maintains that
21 position. And we hope that you continue to keep those
22 districts as they are and don't make any changes as we go
23 forward, because I'm looking here at the treaty of 1852 on
24 my -- on my computer here. It's called Treaty with Apache
25 Tribe, July 1st, 1852.

1 And in that area they gave us a big area of land
2 in eastern Arizona. The eastern boundary's New Mexico line
3 and Arizona. That's our eastern boundary.

4 But that's not our boundary today.

5 As you know, we have Morenci and Clifton, and then
6 that Blue Range they call it in that area.

7 And then on the southeast side is Safford,
8 Thatcher, Pima, Duncan, all those areas. That's all Apache
9 land.

10 And on the other side, as you know, you're
11 familiar with Arizona, you have Winkelman and Hayden and
12 Dudleyville and Kearny. Ray they call it. All those areas
13 in that area.

14 And then on the west side, you have Superior,
15 Globe, Miami.

16 On the northwest side you have the Salt River, and
17 the mining. All that's Apache land before.

18 You know, they took those lands, as I told you
19 before.

20 And so they kept us with a small piece of land
21 that we have now.

22 Our acreage is 1.8 million acres, rounded off,
23 1.8 million acres.

24 And that area the government we recognize under
25 the Indian Reorganization Act of 1934, so we have a

1 constitution there and the tribe has governed.

2 We're not -- we don't have any allotments.

3 What the government tried to do was to allot land
4 to tribes of the nation, and they wanted to civilize Indians
5 and give them each 160 acres of fee simple land.

6 And that's how a lot of nations or Indian tribes
7 in the nation lost our lands, because each 160 acres are fee
8 simple land under the Dulles Act, they call it, under the
9 Indian Reorganization Act.

10 And then the individual Indians in that land got
11 160 acres each. And then they either sold that land or they
12 couldn't maintain it, so a lot of tribes lost the land that
13 way.

14 But with Apaches and the tribes in Arizona for the
15 most part, the allotment act didn't come to us. So we're
16 able to maintain our sovereign status for these huge land
17 areas, in Arizona.

18 So we really are proud of the land. That's our
19 roots. That's why a lot of Apaches don't move from Apache
20 land, because that's our land.

21 That's our aboriginal land before the United
22 States came into being, before the state of Arizona came
23 into being. That's our roots, and we want to maintain that.

24 At the same time, as you know, we're part of
25 the -- we're citizens of the United States.

1 In the state of Arizona, over here in the capital,
2 look on the column that shows the Metal of Honor winners.
3 If you're ever down at the state capital, look at the
4 Metal of Honor winners, look there. There's a few Apache
5 names on there, on that Apache Metal of Honor winners.

6 We contribute substantially to the defense of the
7 nation.

8 I think it's important -- I think tribes
9 contribute substantially more to the defense of the nation
10 per racial basis in the population.

11 So that's what we do.

12 We just want to get a chance, as I told you from
13 the beginning, I'm keeping on the message. I saw that
14 somewhere in the campaign, the nation, keep on the message.

15 So here the Apache tribe's maintaining the
16 message. We're keeping on the message that we want an
17 opportunity, a reasonable opportunity to elect somebody of
18 our choice.

19 And we really haven't had that opportunity, even
20 though we're citizens of the state of Arizona, even though
21 we're citizens of the state -- of the nation, the
22 United States, and we contribute substantially to the
23 nation's military defense in World War I, World War II,
24 Vietnam War, Korean War, and even these current wars now.
25 We have our tribal members and Apaches over there, overseas,

1 fighting for the nation.

2 And since we participate in all of the nation, we
3 would like to participate here in the voting.

4 And I think that by maintaining the maps that you
5 did that we support that we have a choice to vote for
6 somebody of our choice finally, to be equal citizens.

7 In the constitution it says we the people. We
8 want equal political rights, equal political opportunity to
9 vote for people and to respond to, to remind you as you go
10 forward from here that Apache Tribe maintains that position.
11 And thank you.

12 CHAIRPERSON MATHIS: Thank you very much.

13 Did someone join the call, the meeting?

14 Is that Mr. Freeman?

15 VICE-CHAIR FREEMAN: Madam Chair.

16 CHAIRPERSON MATHIS: Yes.

17 VICE-CHAIR FREEMAN: I jumped on about
18 five minutes ago.

19 CHAIRPERSON MATHIS: Okay. Great. We heard the
20 beep. And so you can hear us okay?

21 VICE-CHAIR FREEMAN: I can hear you great. Just
22 as a warning, I've got kind of a short fuse, and I'll have
23 to jump off, but I'll try to let you know that.

24 CHAIRPERSON MATHIS: Okay. No problem. Thanks
25 for joining.

1 Our next speaker is Leonard Gorman, executive
2 director, Navajo Nation Human Rights Commission.

3 LEONARD GORMAN: Good afternoon, Madam Chair,
4 members of the Commission, and attorneys, and the
5 consultants.

6 Welcome to the new year.

7 This is the time in which the state of Arizona
8 celebrates its birthday, having been a part of the union for
9 100 years.

10 This is also the time in which the -- on the
11 Navajo Nation lands, as it extends into the other states,
12 the state of New Mexico, it also celebrates its
13 100th birthday.

14 As for the Navajo people and Navajo lands, don't
15 know exactly which birthday we would be celebrating this
16 year.

17 We always refer to it as time immemorial the
18 people have been here. We are the ones as indigenous to
19 this land area and indigenous peoples to the state of
20 Arizona as it's known now have named places in this state,
21 and people have come to the state, have adopted some of
22 those places, the names.

23 And of course some of those places that have been
24 named to the state are not appropriate or derogatory, but
25 somehow the majority feels that that's appropriate.

1 I think from my office, as a Navajo Nation Human
2 Rights Commission, part of our effort is to in hopes that
3 the people of the state would learn and be better educated
4 about what are the values of the indigenous people in this
5 state, in this union. And not only be tolerant of these
6 distinctions, but more importantly understand and respect
7 that distinction.

8 And I think that is something that my office has
9 embarked upon and has charged as one of its mandates,
10 to ensure -- making careful attention to enlist various
11 media, various avenues to provide that media to educate the
12 public.

13 And having said that, the Navajo Nation Human
14 Rights Commission has been involved in this redistricting
15 activity since the early part of last year.

16 We had an opportunity to host a number of
17 meetings. And we witnessed as staff, myself, a lot of
18 presentations, a lot of recommendations. And the Navajo
19 Nation Human Rights Commission recognizes and respects the
20 gamesmanship of various organizations, various parties,
21 political entities, to formulate a map that would be in
22 their best interest.

23 Likewise, the Navajo Nation, the Navajo Human
24 Rights Commission has come before you many a times iterating
25 maps, recommendations, and how we believe it would be -- the

1 map would be -- illustrate best what's in the best interest
2 of Navajo voters.

3 And we have come to you making recommendations
4 that we believe protects first the community of interest of
5 the Navajo people.

6 My office has been charged with the responsibility
7 to advocate for the human rights of indigenous people,
8 particularly the Navajo people.

9 As human rights issues, you may think that it
10 doesn't affect redistricting concerns. We have enlisted
11 honorable, well-educated individual, who's a professor here
12 at the Arizona State University college of law, to
13 illustrate to the state of New Mexico redistricting
14 litigation how important it is to respect in these times the
15 self-determination of indigenous peoples, how indigenous
16 peoples are endowed with this responsibility and other
17 institutions such as the state of Arizona, the state of --
18 the states in the union have a responsibility to pledge
19 through commitments of human rights to respect the
20 sovereignty, the self-determination of peoples, particularly
21 in the state of Arizona.

22 And I believe we have illustrated to you in the
23 iterations for the congressional map and also for the
24 legislative map what we believe are some of the fundamental
25 aspects of those self-determinations and the ability to say

1 and have a say in the concerns that relate to policies at
2 the state level and congressional level that apply to these
3 various issues, such as sacred sites.

4 We as a Navajo people, as a Navajo person I'm
5 imprinted with the philosophy and the belief that there are
6 sacred sites that I as a Navajo person have a responsibility
7 to ensure it's treated with fundamental respect, and that
8 all other peoples have the same understanding.

9 So we're endowed with the responsibility to ensure
10 that all peoples understand as an example the tenets that
11 are referred to in the United Nations on the declaration of
12 indigenous peoples.

13 And we've advanced elements of those issues the
14 United States has pledged to implement to you for the past
15 couple of months as a part of our intentions.

16 And we have illustrated to you where the
17 traditional lands are for the Navajo people, lands in which
18 Navajo people have used since time immemorial, and how much
19 as a Navajo person my belief has imprinted on me that I have
20 the responsibility to care for those areas and lands.

21 The second part that we have illustrated to you is
22 the need in modern time to respect the Voting Rights Act. A
23 law that recognizes the fact that I as a Navajo person, I
24 as, quote unquote, a minority, have difficulty in the, quote
25 unquote, majority society, the struggles that I have as a

1 minority and how it's recognized by all peoples in the
2 union.

3 And we have illustrated to you the need to comply
4 with Section 2 and also Section 5 of the Voting Rights Act.
5 We do not want any dilution of Navajo voting strength. We
6 don't want any retrogression of Navajo voting strength.

7 And from the Navajo Nation's perspective, you have
8 respected those concerns and those standards in your
9 legislative map.

10 For the congressional map, the Navajo Nation
11 presented two proposals, Indian one and Indian two.

12 And we believe that that has been the part of the
13 play, part of the discussions, and to the end.

14 And we know that the threshold number for
15 Native American voting age population for the current
16 Congressional District 1 is 16 percent.

17 You've made recommendation as a tentative map, a
18 map that incorporates a 20.5 percent.

19 That is a progressive map. It's going in the
20 right direction. And the Navajo Nation Human Rights
21 Commission believes that is a very good start to embark upon
22 for the next ten years.

23 It's our expectation that 2020 we will be standing
24 here again to ensure that we need to increase whatever the
25 threshold is going to be at that point in time.

1 So that's essentially our plan, and you adopted
2 and incorporated those concerns and recommendations that we
3 have in the congressional district.

4 With the legislative plan, the Navajo Nation
5 submitted one proposal.

6 In our proposal we indicated that we were
7 concerned specifically about the Voting Rights Act. And as
8 you and I know, that legislative district in which the
9 Navajo Nation is located is a covered area by the
10 Voting Rights Act.

11 And you've made meticulous effort, as we've seen
12 and watch your debate, to address the 59 percent threshold,
13 and made every effort and incorporating additional
14 population, making certain exchanges, to satisfy the
15 competing interests in the north region of the state of
16 Arizona and come up with a map that has also accommodated an
17 enhancement of the Navajo Nation voting age population from
18 the low 60 percent into the 63.1 percent.

19 We believe that that is a handsome effort to be
20 put forward and is something that the Navajo Nation fully
21 supports.

22 And certainly there could be opportunities for
23 tweaking, but we don't necessarily support any opening up
24 the whole effort again to arrive at a certain point in which
25 we start all forward again. I think we need to move forward

1 with that proposal and have it submitted to the
2 U.S. Department of Justice.

3 So, in concluding my remarks, the Navajo Nation
4 Human Rights Commission has made numerous presentations to
5 you.

6 And we also believe that you have accepted
7 substantial part of our recommendations and incorporated
8 into both the congressional and the legislative maps.

9 And we only encourage you to submit the CD 1 and
10 LD 7 as you have tentatively adopted and just simply forward
11 it on to the U.S. Department of Justice for final
12 preclearance review.

13 And I think that would be very good, and
14 Navajo Nation would sleep very well tonight if that's --
15 this is the decision you make this evening.

16 And we thank you for all of the opportunities and
17 also the openness that you have illustrated to the Navajo
18 Nation Human Rights Commission to my presentations and being
19 able to host some of these meetings that you have had.

20 Thank you very much.

21 CHAIRPERSON MATHIS: Thank you.

22 That was my last request to speak form.

23 Is there anyone else who wanted to address the
24 Commission?

25 (No oral response.)

1 CHAIRPERSON MATHIS: Okay.

2 So we'll move on to the next agenda item.

3 Yesterday we had the report regarding the voting
4 rights analysis.

5 If you tuned in, we had Dr. King and Ben Schneer
6 on the phone, and they gave us an update of the racially
7 polarized voting analysis that they did, which was very
8 helpful and did a great job I thought explaining it for a
9 layman like me.

10 And so that we've already covered.

11 But number three, discussion, direction to mapping
12 consultant and possible action regarding adjustments to the
13 approved final tentative legislative districts maps to
14 address technical or legal issues.

15 Yesterday we got to this agenda item and started
16 discussing this. And we also gave direction to our mapping
17 consultants last night based upon our meeting yesterday.
18 And so I don't know if they were able to accomplish all that
19 we directed them to do, but I'll ask.

20 Mr. Strasma or Mr. Desmond?

21 WILLIE DESMOND: Yes, we were able to take a look
22 at what Commissioner McNulty and the Commission asked me to
23 do last night.

24 Unfortunately I don't think we're -- I was able to
25 accomplish the entire stated objective.

1 And I'd be happy to go over that and show you
2 where --

3 CHAIRPERSON MATHIS: Yes, please.

4 And I think it would be good to go over the
5 objective that Ms. McNulty outlined before we adjourned last
6 evening.

7 I think it was specifically looking at LD 8.

8 WILLIE DESMOND: Correct.

9 So, Buck, would you mind turning on the projector
10 for me.

11 We were asked to try to improve the mine inspector
12 percentage in LD 8 to 50 percent or higher. And to do so by
13 moving parts of Legislative District 23 down into Pinal
14 County to remove some of the White population there. And
15 also by keeping -- growing District 8 up into the entirety
16 of the Gila River reservation and up into some of the area
17 where old District 23, which was the kind of the Pinal
18 County voting rights district, used to come up into the west
19 valley.

20 And to do this with as minimal an impact on the
21 other districts as possible.

22 You have a change report in front you today, and
23 should be able to get those to Buck too to put up and pass
24 around to anybody who's interested.

25 Just give me one minute.

1 But basically what I found was that since
2 Districts 16 and 12 and 17 are all relatively largely
3 populated to begin with, they do not have much room to
4 absorb population from San Tan Valley and other surrounding
5 areas.

6 Let me take the shading off here so you can see
7 this a little easier.

8 Okay. So what I did was the green line here is
9 the tentative final map. This darker black line, which I'll
10 make a little heavier, is the changes I made.

11 So District 23, because it was about evenly
12 populated, had some room to grow to absorb some population.

13 So District 23 came down and took in just about
14 all of Gold Canyon and some of the unincorporated area
15 surrounding it.

16 This in turn allowed District 16, which gave up
17 Gold Canyon, to take some of the non-Hispanic population
18 from the San Tan Valley. Since it was already coming into
19 the San Tan Valley, this didn't introduce any additional
20 splits. And we were able to remove population that was
21 a net benefit to the voting rights performance of
22 District 8.

23 Additionally, the border between District 8 and 11
24 was tweaked somewhat in order to remove some White
25 population from Casa Grande.

1 I'll turn off the census place for a second. You
2 can kind of see what area was removed.

3 Let me change this shading.

4 This is currently shaded for the mine inspector
5 2010, 10 percent.

6 So not exactly Hispanic percentage, but since we
7 were trying to improve the voting strength, that's what I
8 was looking at.

9 One last on this project.

10 So you can see I moved these areas just thinking
11 that I kept the line relatively clean. It wasn't terribly
12 disruptive to the census place of Casa Grande, and did have
13 a net improvement.

14 And then -- so those are two areas where
15 District 8 lost population -- or District 8 gained
16 population was by taking in the remainder of the Gila River
17 reservation.

18 Previously Gila River had been split at the
19 Maricopa County line. And I will make this line red to make
20 it a little easier to see.

21 So it used to be split right here on the
22 Maricopa County line.

23 The reservation was now kept whole.

24 And so District 8 goes up into Maricopa County
25 here, and then it comes up into Phoenix, in part of the

1 area where old Legislative District 23 came up into Phoenix.

2 I was only able to come in and take about
3 12,000 people. And that was because it had only lost
4 roughly that amount to 23 and to 11.

5 What this does is it makes 19 underpopulated.

6 So also it underpopulates 27, which lost the
7 Gila River population, so there is some population balancing
8 here among Districts 27, 19, 29, and 30, which are all our
9 voting rights districts.

10 So, if you take a look at your change report,
11 you'll see that with these changes, it affected eight
12 districts.

13 The mine inspector race in District 8 went from a
14 46.3 up to a 48.4, so we're not quite at the 50 threshold
15 that you asked me to get to. But without changing many more
16 districts, there wasn't an easily identifiable way to do
17 that.

18 It does have some effects on some of the other
19 voting rights districts.

20 District 19 has a slight -- slightly lower
21 performance in 2008 presidential, 2010 mine inspector.

22 Slightly higher in 2004 Dem presidential and 2006
23 secretary of state Democratic, which were both candidates of
24 choice.

25 District 27 has very slight impacts from losing

1 Gila River.

2 It does make that up with a block group from
3 District 19.

4 District 29 is probably the most affected
5 negatively of the legislative voting rights districts.

6 It goes from 18 plus total minority percentage of
7 72.9 down to 72.7, a change of seven-tenths of a percent.

8 And it's about six-tenths of a percent lost in
9 most of the key indicators that we're looking at.

10 But there -- it was three of the four were above
11 50. Those three are still all still above 50 though,
12 so. . .

13 Are there questions, by the way?

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Herrera.

16 VICE-CHAIR HERRERA: Mr. Desmond, the changes that
17 you made here that you had said that you didn't make all the
18 changes that you were going to do for a lack of time or
19 significant detriment to the entire map, how many changes
20 were -- how many districts were affected by this very minor
21 change?

22 WILLIE DESMOND: By this change, eight districts
23 were affected.

24 And I -- it's not that I -- I should clarify. I
25 didn't run out of time.

1 If it was I was trying to balance two objectives.
2 One, to get it above 50 percent, and, two, not to affect
3 several districts.

4 So I kind of stopped where I was, because I felt
5 like it was as far as I could go without all of a sudden
6 having to affect maybe four or five more districts.

7 VICE-CHAIR HERRERA: So the changes that were made
8 affecting districts, if you would have kept going to get it
9 at 50 percent, that's for the mine inspector race, you said
10 that you would be affecting five more districts, in addition
11 to the eight you were already affecting?

12 WILLIE DESMOND: Probably, at least.

13 What would -- essentially the way that it seems to
14 play out, what needs to happen to move more population, more
15 Hispanic population into District 8, and remove more
16 non-Hispanic population from District 8, is ultimately
17 District 23, which is -- I'll zoom in a little bit.

18 Ultimately District 23, which is the district in
19 Scottsdale, Fountain Hills, Fort McDowell, and then the
20 unincorporated area in eastern Maricopa County area, needs
21 to come down further and take more population from
22 District 8 -- or from District 16 in the Apache Junction
23 area.

24 This then allows District 16 to come and take more
25 of San Tan Valley.

1 By removing more of the San Tan Valley, you're
2 able to then grow District 8 more in the Avondale and
3 Phoenix area on the west side.

4 However, moving enough population to do it means
5 that the western districts are then all underpopulated and
6 the eastern is all overpopulated.

7 So in effect what you then need to do is transfer
8 population from, from District 23, which is for all
9 intents and purposes on the west side all Scottsdale, some
10 of this needs to make its way over to Districts 19 and 29
11 and 30.

12 So what you end up doing then is probably
13 introducing a split of Scottsdale.

14 District 15 would take -- you know, would grow
15 there. This would allow 15 to give population to
16 District 22, which would allow population to 21, which would
17 allow population to go to 29.

18 And it's -- the reason you can't, you can't swap
19 population up through this area is because, again, these
20 districts down in Gilbert and Chandler are all about at
21 their limit as far as how much population they can take.

22 And to grow through, you know, through Tempe would
23 mean that we're going to be doing a lot of damage to
24 Districts 26 and to 24, which are kind of our -- I don't
25 want to say our shakiest, but the voting rights districts

1 that have the least to give.

2 So, in order to not affect those, you kind of end
3 up having to cycle your way all the way around.

4 And what this map represents is getting part of
5 the way there, but understanding that to go any further it's
6 going to involve changes to several districts.

7 Now, there are other changes that can happen.

8 You know, District 11 can absorb more population
9 and probably filter that down through some of the Tucson
10 districts, although it's limited to how much that can
11 happen.

12 District 6 can absorb some population from
13 Gila County, you know, into parts of Globe that aren't as
14 good in some areas north of there.

15 However, looking at that only brought up the mine
16 inspector in District 8 between two and a half, a tenth of a
17 percent, and three-tenths of a percent.

18 So that's an area where I wasn't sure if bringing
19 it up three-tenths of a percent was worth splitting a city
20 and introducing another change to District 6.

21 So, and that's something that's still on the
22 table, but for this I didn't do it because I was trying to
23 minimize the packing districts.

24 VICE-CHAIR HERRERA: Can you clarify for me the --
25 these changes were the ones that Commissioner McNulty had

1 recommended, which were, again, pretty minor. And
2 Mr. Adelson had different changes or ideas that were a
3 little more involved than the ones that Commissioner McNulty
4 recommended.

5 Is that correct?

6 WILLIE DESMOND: Well, in looking at the map,
7 studying it, looking for ways to improve it, we identified
8 ways of getting District 8 higher. And what we just kind of
9 outlined and what we have been looking at and kind of -- are
10 the impacts of that.

11 So, that's kind of what I just expressed, where
12 some of the additional shifts that need to happen in order
13 to get it higher, getting it closer to the 50 percent mark
14 or slightly above on the mine inspector.

15 It's also -- there are other key indicators too,
16 and those all went up with these changes.

17 Mine inspector did go up the most, and that seems
18 like the easiest race, so. . .

19 COMMISSIONER McNULTY: Madam Chair, I think one of
20 the things that this illustrates is that in order to get --
21 in order to improve eight, we kind of have to jump over the
22 Gila River Indian community into the central city, into the
23 west or central city.

24 And I'm concerned about what we -- I'm concerned
25 about moving ahead with something that looks like that,

1 because we don't know what the implications of that are in
2 central Phoenix in those communities. And I'm not seeing a
3 benefit that's significant enough to warrant making a change
4 like that, that the implications of which on the ground in
5 terms of communities we don't understand.

6 But I also think it kinds of shows us what's
7 challenging about this part of Arizona.

8 It was a -- it was a majority-minority district,
9 but it hasn't been performing. And the northeast part of
10 it, the San Tan Valley area, has been growing very, very,
11 very fast.

12 And it's not growing with minority voters.

13 And that growth, I think, is going to continue,
14 even if we, even if we move out the current population
15 centers, San Tan Valley, into the north, it's going -- that
16 growth is going to continue, and we're going to find
17 ourselves concerned having split up Hispanic communities in
18 the west side of the city, tying them with very distant
19 Hispanic communities, and finding that they're still kind of
20 being grown out of a majority-minority district by that
21 rapid growth in southeast Phoenix.

22 So if there are -- if there were a way to increase
23 performance on the mine inspector index that involved kind
24 of working with the communities that are core communities
25 in eight, Coolidge and Florence and Casa Grande and Eloy

1 and San Manuel and the Globe area, that, that would make
2 sense to me.

3 But what doesn't feel right to me is going up into
4 central Phoenix to pull up population when we don't really
5 achieve an objective unless we essentially kind of redraw
6 that whole part of the map.

7 CHAIRPERSON MATHIS: Mr. Freeman, are you still on
8 the line?

9 VICE-CHAIR FREEMAN: Yes.

10 CHAIRPERSON MATHIS: Oh, great.

11 Feel free, if you have any questions, don't
12 hesitate to comment or interject.

13 COMMISSIONER McNULTY: Ken and Willie, can I ask
14 you a couple of population questions?

15 KENNETH STRASMA: Sure.

16 WILLIE DESMOND: Yes.

17 COMMISSIONER McNULTY: The population of the state
18 is about 6.4 million people.

19 WILLIE DESMOND: Yes.

20 COMMISSIONER McNULTY: According to the census,
21 the Hispanic population is about 29 percent of that.

22 WILLIE DESMOND: Yes.

23 COMMISSIONER McNULTY: And that includes children
24 and non-citizens.

25 WILLIE DESMOND: Correct.

1 COMMISSIONER McNULTY: Prisoners too probably?

2 Okay.

3 So that's less than a third of the population is
4 Latino in total.

5 But, and we're -- we are creating here -- we're
6 trying to create ten fully performing Hispanic voting rights
7 districts.

8 So we're trying to create fully a third of our
9 districts as majority-minority districts, but the population
10 of the state, even including children, non-citizens, and
11 prisoners, is less than a third.

12 Is that correct?

13 CHAIRPERSON MATHIS: What's the minority
14 population of the state?

15 WILLIE DESMOND: The total minority population of
16 the state -- sorry. Just one second.

17 CHAIRPERSON MATHIS: I see where you're going with
18 that. I mean, I think I do anyway. Just that there's only
19 so many to go around.

20 COMMISSIONER McNULTY: I mean, we can look at it
21 at the micro level or we can look at it at the macro level.
22 And I think looking at it at the macro level at least is
23 helpful to me in demonstrating that I don't think -- I don't
24 believe that we've overlooked anything.

25 Now, and what I just described has backed out the

1 Navajo Nation population, because that's a separate voting
2 rights district.

3 KENNETH STRASMA: Correct.

4 While Mr. Desmond is looking at total minority
5 numbers, one thing I wanted to mention along those lines, we
6 did look at the percentage of population that was in the
7 benchmark districts last decade compared to now.

8 The Hispanic population, total Hispanic, is
9 exactly the same.

10 If we assume ten benchmark districts, and the ten
11 that we talk about now not including LD 8, 56 percent of the
12 Hispanic population was in benchmark districts, 56 percent
13 is in the new districts.

14 It's slightly lower when we look at Hispanic
15 voting age population -- or, I'm sorry, the Hispanic citizen
16 voting age population.

17 Goes from 53 under the old benchmarks to 51,
18 although bear in mind that that was 53 under the counting
19 ten which included three that were not affected by statewide
20 races.

21 And now 51 percent of the Hispanic citizen voting
22 age population in districts that were effective majority for
23 statewide races we looked at.

24 When we add in LD 8, as it exists now, not
25 reconfigured, that goes up to 55 percent of the state's

1 Hispanic citizen voting age population and registration,
2 compared to the 53 percent of the old plan.

3 Another metric to look at is the total minority
4 population.

5 It's one of the things in LD 26, essentially which
6 is a coalition district, we have more other minorities.

7 The total minority voting age population in voting
8 rights districts last decade was 52 percent, and under the
9 existing plan it goes up to 53 percent.

10 If we were to count LD 8, it goes up to
11 57 percent.

12 COMMISSIONER McNULTY: One thing that I was
13 looking at last night on the charts was -- we've talked
14 about the fact that the CVAP and the registration for some
15 of the districts is lower than it was for the benchmark
16 districts.

17 But it's also the case that some of the benchmark
18 districts were underpopulated, a couple of them pretty
19 substantially.

20 So we're -- and we're also creating -- let's see,
21 we've got -- there were six benchmark districts that were
22 performing statewide; is that right, based on Dr. King's
23 analysis?

24 So 23, 24, 25 were not performing statewide, so --

25 KENNETH STRASMA: In the four statewide

1 elections --

2 COMMISSIONER McNULTY: The four statewide
3 elections.

4 KENNETH STRASMA: -- those three did not win any
5 one of those.

6 COMMISSIONER McNULTY: So does that leave us with
7 six fully performing --

8 KENNETH STRASMA: Seven.

9 COMMISSIONER McNULTY: -- seven fully
10 performing --

11 KENNETH STRASMA: Right.

12 COMMISSIONER McNULTY: Hispanic or --

13 KENNETH STRASMA: Including the Native American.

14 COMMISSIONER McNULTY: Yeah, so if we back out the
15 Navajo Nation districts, six fully performing Hispanic
16 districts.

17 KENNETH STRASMA: Correct.

18 COMMISSIONER McNULTY: Latino based districts.

19 And we're creating ten.

20 Right?

21 KENNETH STRASMA: Well --

22 COMMISSIONER McNULTY: Well, nine plus.

23 KENNETH STRASMA: Nine --

24 COMMISSIONER McNULTY: Nine, and we would be
25 looking at --

1 KENNETH STRASMA: In three or -- three or four of
2 the four elections.

3 Seven are four of four.

4 COMMISSIONER McNULTY: So doesn't that at least go
5 some way toward explaining why those numbers are lower in
6 our districts, because we have to add population to the
7 districts that were underpopulated, and you can't just add
8 all Hispanics, you have to add whoever lives there, and some
9 of those people are and some of those people aren't
10 Hispanic. And then they're being spread over more
11 districts.

12 KENNETH STRASMA: I do think that is a very key
13 point, commissioner.

14 When we look at the two districts that are at the
15 bottom end of our new districts in terms of the Hispanic
16 citizen voting age population, 24 and 26, that are lower
17 than their comparable benchmarks, those two comparable
18 benchmarks however are the two most malapportioned districts
19 in the existing plan.

20 The comparison district for new LD 24 is existing
21 LD 23, which is overpopulated by 73 percent, over 157,000 --

22 COMMISSIONER McNULTY: And those are probably the
23 people in San Tan Valley; right?

24 KENNETH STRASMA: Well, it --

25 COMMISSIONER McNULTY: I mean, a lot of that

1 population growth occurred there. That's what I mean.

2 KENNETH STRASMA: Yes.

3 And then the comparable benchmark district for
4 LD 26 is existing LD 15, which was 57,000 underpopulated.

5 So obviously if you have the luxury of
6 overpopulating one by 50,000 and underpopulating the other
7 by 57,000, I assume it would be possible to match these
8 numbers. But because we have to get the population
9 deviation much lower, that is one of the reasons I assume
10 we'll explain in the DOJ submission.

11 COMMISSIONER McNULTY: But that's something that
12 we'll fully describe and explain in the submission.

13 KENNETH STRASMA: Yes.

14 CHAIRPERSON MATHIS: Is this change report up on
15 the web now?

16 BUCK FORST: Two minutes.

17 CHAIRPERSON MATHIS: Okay. Two minutes is what
18 our CTO said.

19 WILLIE DESMOND: If anybody needs it, I have it on
20 a thumb drive also.

21 CHAIRPERSON MATHIS: So does legal counsel have
22 any thoughts, given what was just presented? Just curious.

23 MARY O'GRADY: I don't know that I have anything
24 more to add at this time, unless there are questions from
25 the commissioners.

1 JOSEPH KANEFIELD: Same here, Madam Chair.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: The -- the -- at one point we
5 were looking at ten majority-minority districts, and we, we
6 thought that even that was stretching it. I think I said
7 that a couple times.

8 And I am assuming this is the us, us reaching for
9 creating more majority-minority districts is probably
10 putting us in the situation we're in now.

11 I could be wrong, but I think that's -- that's
12 a -- that could be a factor.

13 But what -- when I had heard that
14 Commissioner McNulty had -- was trying to -- doing her best
15 to see if she could come up with an eleventh district, she
16 had come up with LD 8.

17 And, and I was wondering if she could explain to
18 me her rationale for doing it.

19 And -- because I do applaud her.

20 I think I -- I thought that we were all pretty
21 certain that we couldn't create any more majority-minority
22 districts, but she, she unearthed eight and was doing her
23 best to make it a majority-minority district that would
24 work.

25 And we didn't know if it would work or not until

1 the analysis came back, or at least that's my perception.

2 So I want, I want to have to -- to get her to
3 explain her rationale and see where she was coming from.

4 Because I do feel that -- and that, that we're
5 being, I guess, I want to say penalized, but we're almost
6 being -- I guess I want to say the word is penalized for
7 trying to create a majority-minority district and it not
8 working out, and then we're trying to make it even better.

9 So I would love to have Commissioner McNulty sort
10 of talk about this and see where, where she was -- what her
11 ideals were when coming up with LD 8.

12 MARY O'GRADY: Before Commissioner McNulty
13 responds, can I just make one clarification for the record?

14 When we're talking about majority minority, as
15 we've discussed, there's lots of different measures that
16 we've looked at for that.

17 If you look at majority-minority population, for
18 example, we already have 11 majority-minority population
19 districts, compared to nine under the benchmark.

20 And I think what this has been focusing on was the
21 performance measures.

22 Now we have ten based on performance in the mine
23 inspector race that are above 50 percent in the tentative
24 final map.

25 We used to have seven.

1 And so we looked -- and this was an effort to get
2 actually 11 districts in the majority performance.

3 VICE-CHAIR HERRERA: Would you just clarify, three
4 above the benchmark? Is that -- I mean, is that correct?

5 MARY O'GRADY: Well, in terms of the mine
6 inspector measure, we had seven where it was over
7 50 percent in the benchmark and we have ten in the tentative
8 final.

9 COMMISSIONER McNULTY: So with regard to
10 Legislative District 8, what I, what I was doing first was
11 looking at ways to align communities that are between -- in
12 Pinal County between Tucson and Phoenix, particularly in the
13 copper corridor and some of the, you know, more established
14 areas in Coolidge and Florence and Casa Grande. And to do
15 that in a way that created a more competitive district.

16 That was my -- what I was investigating.

17 And when I did that, I realized that as you
18 improve the competitiveness, you also improved the total
19 minority population, which in this area is mostly Hispanic.

20 And so my thought was really not to create another
21 majority-minority district, because I think it's been clear
22 because of the growth pattern in that area over the last
23 decade that that might not be sustainable.

24 But what I did want to do if we could do it was
25 try to preserve the opportunity to elect for minorities that

1 might still be there.

2 And, you know, not being a voting rights lawyer, I
3 guess I didn't really understand the difference between
4 those things.

5 I mean, my thought wasn't, wasn't that we were
6 going to come up with a district that had to be another
7 bench -- another district that satisfied all the various
8 statistical criteria that our first ten did, because I
9 didn't know whether that was really practical here.

10 But I did think it still made sense to try and
11 align the communities in a way in LD 8 and to readjust LD 11
12 and LD 8 so that to the extent there is an opportunity to
13 elect there for minorities that we preserve that.

14 So then, in the interest of not, you know, turning
15 over every rock and keeping no stone unturned, whatever the
16 metaphor is, you know, I thought maybe we should look
17 at whether -- once we got there, then I thought maybe
18 there's a way -- we should look at a way whether we can
19 actually make it another fully performing district.

20 But I never intended to do that if it meant that
21 we had to kind of jump over the Gila River Indian community
22 and go into, you know, the voting rights districts that we
23 had done in the draft map and got comments on and then, you
24 know, put in the tentative final map.

25 So when I asked Mr. Desmond last night to look at

1 those things, it was really just an exploration to see
2 whether there was anything that we were overlooking.

3 It wasn't a recommendation that we go into central
4 Phoenix to improve the district.

5 Because, as I said, I just have some concerns
6 about -- if we did that, I want to fully vet it and
7 understand what the impact of that would be on those
8 communities there. And just looking at it on the map, it
9 doesn't make sense to me to take that little part of Phoenix
10 and tie it with -- you know, not understanding what the
11 implications of that are for those communities and tying it
12 to other parts of Pinal County.

13 That's what I was looking at.

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Herrera.

16 VICE-CHAIR HERRERA: I can ask you,
17 Commissioner McNulty, one more question.

18 The -- Mr. Desmond obviously undertook the task of
19 trying to improve eight. I think it was yesterday or
20 possibly today.

21 Now, before the maps were approved on the 20th,
22 did you attempt to improve eight? Once you found out there
23 could be a possibility of a majority-minority district, did
24 you take steps to improve eight to make it meet the
25 requirements -- make a majority-minority district?

1 COMMISSIONER McNULTY: There's several problems
2 with that question.

3 One is I have a very poor memory for dates.

4 I don't think so.

5 I mean, you know, once we, once we submitted the
6 tentative draft map, no, I didn't.

7 I mean, not until we get to the point where we,
8 you know, looked at all the data the last couple days and,
9 you know, were just trying to make very sure that we were
10 comfortable with where we are, so. . .

11 CHAIRPERSON MATHIS: My perspective, I guess, is
12 that it's all good, frankly.

13 Whether we have 10 or 11, or whatever the number
14 is, I mean, I think we did a pretty amazing job coming up
15 with some sound majority-minority districts based upon the
16 analysis that we've gotten back. And going through this
17 exercise though was very helpful.

18 And if we need to keep going to try to get more,
19 we can, but it sounds like that's going to really have a
20 huge ripple effect throughout the map.

21 But I do think it was worthwhile having
22 Mr. Desmond go through this and seeing if eight could be
23 made stronger.

24 But the fact that it's as strong as it is I think
25 is a good thing. So to me it's like the critical mass is

1 there that we're trying to, as you said, help ensure that
2 there's an ability to elect.

3 And maybe we just can't get there with the numbers
4 that we have in the state. But, I just -- I think it's -- I
5 would think the Justice Department would appreciate the
6 efforts to create as many as we did, and even if one is
7 borderline, it's close, and the fact that it's there I think
8 is good.

9 So that's my take.

10 VICE-CHAIR HERRERA: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Herrera.

12 VICE-CHAIR HERRERA: I agree completely. I think
13 the districts that we created, the majority-minority
14 districts, are solid districts.

15 And from the beginning we were doing everything
16 possible to solicit the input from the Hispanic,
17 Native American population citizens here in Arizona.

18 And I think we did an excellent job of
19 incorporating the -- their input.

20 I think, Leonard Gorman representing Navajo
21 Nation, I think he stated that as well.

22 I think we, we did everything possible to, to get
23 the, the minorities involved in this process from the
24 beginning.

25 Not only with -- I mean, obviously with these

1 public hearings, but also when we traveled to areas, you
2 know, South Mountain, any of these areas that are highly
3 populated by Hispanics, and, again, getting their input.

4 And I'm -- I think I'm the only -- well, I am the
5 only member of the majority -- or, of a minority community
6 in this panel.

7 I don't speak for the Hispanic community. I speak
8 for myself, and that I'm extremely proud of the work we've
9 done.

10 And, I would, I would -- if -- if questioned by
11 DOJ or anyone else, I would be glad to speak and say, you
12 know what, this is -- we did -- the amount of work that
13 we've done from the beginning to now is, is just a -- it
14 talks about all the effort -- you know, talk about all the
15 effort that we put into it and the outreach that we've done
16 to make sure that the people that are affected by these
17 voting rights districts were heard.

18 And I'm extremely happy with the work that we've
19 done.

20 And I thank the Commission for hearing the voice
21 of the majority -- the -- of the minorities living in these
22 majority-minority districts.

23 And I'm happy to defend these districts. And I am
24 sure that the people sitting on this table with me will do
25 the same thing.

1 And I am sure that the people that have spoken to
2 the -- to this Commission, especially the minorities, will
3 do the same thing as well.

4 District 26, District 8, and all the other
5 districts. District 7 will speak very highly and
6 passionately about the work that we've done in putting
7 together these maps.

8 But I do want to ask a question for legal counsel.

9 A scenario where we submit these maps as they are
10 with technical changes. If they were to get -- if there
11 were to be an objection from the Department of Justice, what
12 would be the steps that we would then take?

13 And I don't foresee that happening, but I want to
14 make sure that we cover all our bases.

15 MARY O'GRADY: Madam Chair, Commissioner Herrera,
16 I'll start, and then I'll pass the baton to my colleagues.

17 In terms of the process, usually -- well, when
18 they have 60 days in which to respond, and you usually get a
19 request for additional information if they have concerns
20 before an objection is entered so you get a chance to
21 respond to those concerns.

22 And if there is an objection, they have to specify
23 the reasons for those objections.

24 And then it would, if there is an objection, come
25 back to the Commission at that point to address those areas

1 of concerns.

2 The map can't be implemented until it preclears.

3 And so given the -- it's going to take some time
4 to submit.

5 And at some point if they don't approve, the other
6 thing we're up against aside just from getting approval is
7 the election year calendar.

8 Because candidate filing deadline is at the end of
9 May.

10 And so if we submit it soon, then we're probably
11 into March before the 60-day clock.

12 Perhaps into April.

13 Then you might get an additional request for
14 information. And then, you know, and then that starts the
15 clock again.

16 And so at some point if we get in that situation,
17 we'd have to address how we deal with getting authorization
18 from the court for some lines for the election.

19 Because at some point you need to set that up so
20 the candidates know what they're going to do.

21 But if there's an objection, it comes back to the
22 Commission to remedy that objection, and then ask -- go back
23 and do a new submission and ask DOJ if this has addressed
24 their concerns.

25 And I am going to pass the baton to Joe and Bruce

1 on this point.

2 JOSEPH KANEFIELD: Madam Chair,
3 Commissioner Herrera, I don't have too much more to add to
4 what Mary just provided.

5 Other than to let the Commission know that at
6 least ten years ago when this happened there wasn't
7 precleared lines in place before the deadline.

8 There were -- there was at least two lawsuits as I
9 recall brought, and they were consolidated in one action,
10 federal court before a three judge panel that has the
11 authority to declare interim lines in the absence of
12 precleared lines.

13 Not that I'm suggesting that's going to be the
14 case, but this -- you asked what happens if there's an
15 objection.

16 And it all depends on when the objection comes and
17 how quickly the Commission can respond to it of course.

18 But so the Commission is aware of that, that is
19 what would likely have to happen in order to have lines in
20 place for the 2012 elections.

21 Not only would it necessarily apply to the 2012
22 election, because there would be of course time to address
23 the concerns of the Department of Justice and hopefully
24 achieve preclearance for lines as drawn by the Commission
25 for the elections going forward into the decade.

1 I'll turn it over to Bruce. He may have some
2 other thoughts.

3 BRUCE ADELSON: Thank you.

4 Madam Chair, commissioners, just to elaborate a
5 little bit about what my colleagues said and talk a little
6 bit more about what happened ten years ago, the department
7 issued a request for additional information about 30 days
8 after the submission by your predecessor Commission.

9 When a request for additional information is
10 issued, Ms. O'Grady was talking about the clock, DOJ doesn't
11 have a clock anymore.

12 When the request is issued, the clock then shifts
13 to the jurisdiction, which has 60 days to respond and
14 satisfy the department.

15 So if the department determines that the response
16 is unsatisfactory, that the jurisdiction hasn't met its
17 burden, then the department objects, which is what we did
18 ten years ago.

19 And as far as a request for additional
20 information, the department can ask for additional
21 information over the phone.

22 Typically, the department by law only has one
23 written request per submission, so that the department never
24 sends out a written request unless there is -- they view it
25 as there's no other alternative.

1 Also, they typically will do a request as a signal
2 that there are serious concerns that the department has. So
3 that that may -- and that's what happened ten years ago,
4 suggested an objection may be coming.

5 So requests can be over the phone.

6 Only one written request per submission under
7 Section 5.

8 VICE-CHAIR HERRERA: Madam Chair, before I ask my
9 second question, the -- you know, the -- this whole process
10 has been an interesting one.

11 I think probably very different from, Bruce, what
12 you're used to when you observed other states. I mean, what
13 has happened from the beginning with certain people trying
14 to derail the whole process, the governor getting involved,
15 the state legislature getting involved, I mean, this is
16 extremely unique in what the pressures that this Commission
17 has been -- has gone through.

18 And I don't know what type of impact that has.

19 I mean, I've seen an impact.

20 I mean, we were delayed quite a bit.

21 This is one of the reasons we're now in this
22 crunch.

23 And even if you go back a little further, you talk
24 about the history of Arizona, which you've mentioned
25 numerous times. But even the most recent history where

1 we -- SB 1070, which a lot of minorities fled the state,
2 what's going on with the sheriff's investigation, there's a
3 lot of bad publicity that the state is getting, and also
4 it's leading to a lot of minorities leaving the state and
5 have left the state.

6 And so I guess my -- the reason I bring all this
7 up is because I want to talk about this history of -- very
8 recent history that has been going on in the state and that
9 has also made our jobs a lot more difficult.

10 What type of impact will that history that I just
11 spoke about, and that you've spoken about as well, have when
12 we submit this information to the Department of Justice?

13 BRUCE ADELSON: Commissioner Herrera, Madam Chair,
14 you're correct, commissioner, that the department takes a
15 very broad-based view of a jurisdiction's history.

16 In fact, what's interesting about your comment in
17 the current state of Texas versus United States preclearance
18 litigation, the court and the department made a point of
19 discussing the state of Texas' history of discrimination as
20 far as minorities.

21 So that is certainly a relevant aspect to a
22 Section 5 review.

23 I think one of the things that we first discussed
24 when I first met with you is the department does have a file
25 on every state. And that file contains the preclearance

1 history of the statewide submissions for each state.

2 The department, because of Arizona's history,
3 certainly has a rather full folder of just the
4 preclearance-related information that relates to internal
5 documents, memoranda, information that was received during
6 each preclearance process.

7 So that is part of the overview the department
8 looks at or takes into account when its review of a
9 submission begins.

10 Then, of course, the department reviews the
11 relevant facts, statistics, and data that pertain to that
12 submission.

13 But, you know, as I had said months ago, and I
14 absolutely agree with you, the history of a state is very
15 important, and it does create an overview of each
16 submission.

17 So it's almost like a -- the preface of a book or
18 the introduction to a play that sets the stage.

19 And then you then -- the department then looks at
20 what's in the file, what's in the submission, and goes from
21 there.

22 VICE-CHAIR HERRERA: Thank you.

23 COMMISSIONER McNULTY: Just to follow up on
24 Mr. Herrera's point, I guess I'm hopeful that part of what's
25 in that prologue is going to be, you know, the work that we

1 did in the face of all that, to change that, and how much
2 time and effort we have put into an effort to be the first
3 redistricting in Arizona that got preclearance on the first
4 try, which was our chairwoman's, you know, stated goal, and
5 to create districts that are going to serve the state well
6 and serve the minority population of the state well for
7 ten years.

8 So, I understand what you're saying, that, you
9 know, we -- we're just, you know, small fish against a big
10 backdrop, a big, you know, kind of ugly backdrop. But I
11 think in our submission, that part of the story needs to be
12 front and center.

13 BRUCE ADELSON: Commissioner, Madam Chairman, one
14 of the recommendations that I always make to my
15 redistricting clients is that in telling the story of the
16 process that you highlight adversity, you highlight certain
17 comments or strains that may run counter to retrogression,
18 for example, discriminatory purpose, national origin
19 discrimination, and show in essence that you chose a
20 different path.

21 So I think that is very -- it's very important.

22 I include that in all the submissions that I make
23 to the department.

24 That is a very important part of the overall
25 story.

1 VICE-CHAIR HERRERA: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Herrera.

3 VICE-CHAIR HERRERA: The -- and I thank,
4 Commissioner McNulty just reminded me, when we attempted to
5 accommodate the Voting Rights Act and to create as many
6 majority-minority districts as possible, we upset a lot of
7 people.

8 I mean, you weren't in -- you were not there in
9 Yuma, right, but you were there via the web cam. But you
10 should have heard some of the comments people made from
11 Yuma.

12 Not the majority -- not the minorities that were
13 there, the -- more the non-Hispanic people there, the fact
14 that we were splitting up their community.

15 And I am from there, and I think somebody referred
16 to me as a traitor.

17 And I'm like, you know, I really have no choice.
18 I need to follow the rules, and the rules are we need to
19 create a majority-minority district when -- if there is a
20 need, if there's a -- if we can create one.

21 We ended up splitting the community, which a lot
22 of the, again, non-Hispanics didn't approve of.

23 And I can go on and on the stories we can talk
24 about in terms of the things that we've done to be able to
25 meet the voting rights requirements.

1 Not only in Yuma, but in, you know, in
2 Native American country, in Phoenix, in Tucson. And
3 we've -- I mean, we can tell a lot of these stories where we
4 faced a lot of adversity from not only the state legislators
5 but also from individuals that were being encouraged to, to
6 protest the Commission or where they felt that they were
7 being slighted.

8 So I want to make sure that, you know, that there
9 is a complete story when we submit this proposal, because I
10 think it's extremely unique, that some of the things that
11 we're gone through.

12 Because when I was applying for this Commission,
13 no one ever told me that that was a possibility.

14 No one ever told me, you know, you're going to --
15 you know, the governor is going to get involved, and you
16 might -- you or some of your colleagues might get over --
17 that was never even raised.

18 And I've never even thought of that.

19 And I don't think that any other Commission
20 outside of Arizona has ever faced that.

21 And so I think that that -- we talk about, you
22 know, the narrative, I think it's extremely important, to me
23 as equally as important as the data that we present as hard
24 facts.

25 I just want to -- I can't stress how important

1 that is, that people's lives that we've impacted.

2 I mean, talking about the majority-minority
3 districts and people that live there, people that approached
4 us and said, you know what, you're doing the right thing.

5 BRUCE ADELSON: Commission Herrera, Madam Chair,
6 as we've talked about, the narrative is an extremely
7 important part of the submission.

8 The narrative is explaining the process and
9 talking about history of discrimination and how you made
10 your choices, is absolute of -- the department looks at that
11 very seriously, and then the department begins its, its
12 comparison between the proposal and the benchmark and looks
13 at lots of different considerations.

14 So having the two them is key.

15 I mean, I've seen submissions that have virtually
16 no narrative and leaves it up to frankly the department to
17 figure things out.

18 I don't really think that that's a good approach.

19 So having a strong narrative, I absolutely agree.
20 I think that is as imperative as anything.

21 And then having all the data the department needs
22 to complete its review, so the state meets its burden of
23 proof.

24 CHAIRPERSON MATHIS: Mr. Freeman, are you still on
25 the line?

1 VICE-CHAIR FREEMAN: Yeah, I'm getting parts of
2 this down here.

3 CHAIRPERSON MATHIS: Okay. Well, if you have
4 anything that you want to add, feel free.

5 VICE-CHAIR FREEMAN: In fact, it's a good thing my
6 phone has a mute button.

7 CHAIRPERSON MATHIS: I'm not sure what that means,
8 but. . .

9 So, what do, what do the commissioners feel on
10 this, the legislative map? Are there other areas to explore
11 or go into based upon what Mr. Desmond did?

12 Do you like what Mr. Desmond did?

13 VICE-CHAIR HERRERA: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 VICE-CHAIR HERRERA: I'm extremely, extremely
16 confident of the work that we've done these past few months,
17 in creating solid majority-minority districts, in creating
18 solid non majority-minority districts. And I am, you know,
19 with the exception, I think, the technical changes that we
20 need to do, which I hope they're done soon, I'm more than
21 ready to submit the map to DOJ.

22 CHAIRPERSON MATHIS: Ms. McNulty.

23 COMMISSIONER McNULTY: I think I would have one
24 request of Mr. Desmond, and that is that we just look at the
25 Tucson Mountain issue, if that's agreeable.

1 I just want to understand what the issue is there,
2 with the following background.

3 My recollection is that we made that change
4 because we were improving LD 4, the voting rights district.
5 And, and I don't want to do anything that will degrade the
6 voting rights district.

7 I think that's ultimately the bottom line.

8 But at the same time, you know, if we have split a
9 community, and we could make it whole without impacting
10 anything, I would just like to look at that before we
11 continue.

12 Would that be possible?

13 WILLIE DESMOND: Yes.

14 And I can -- all right. So in red is the
15 legislative draft map that you approved back in August.

16 Let me make this a little. . .

17 And we have been studying this issue.

18 Ken just passed down, I believe, some reports that
19 kind of show you the changes that have happened to this
20 Legislative District 3.

21 I'd be happy to walk you through those and also
22 just show you, show you what's happened.

23 Bear with me for one second.

24 Okay.

25 So, District 3 currently is Tucson Estates,

1 Valencia West, most of Drexel Heights, a portion of Tucson.

2 Initially, when we passed the draft map, it was
3 those areas, additionally some unincorporated area, the
4 Tucson Mountains and a portion of Marana.

5 It had a little bit less in Tucson here, and a
6 little bit more down in south Tucson.

7 If you look at the first page of this report, what
8 you can see is the different changes, the different swaps
9 with the different districts.

10 Legislative District 4, although it had a very
11 strong minority percentage in the draft map, did have a
12 fairly low ability to elect. So one of the changes that you
13 approved and had us do was to improve the voting strength of
14 minorities in Legislative District 4.

15 Now, that happened down here, in south Tucson, in
16 that District 4 came in -- initially it ran along the border
17 of the Tohono O'odham reservation here.

18 It came in and took some population from districts
19 number -- from District No. 3.

20 It took roughly -- or it took exactly
21 8,855 people.

22 That was a very strong area that did quite a bit
23 of good to District 4.

24 In order to rectify that, District 3 had to be
25 adjusted a couple of different ways.

1 One of those ways was that it came into this area
2 of Tucson. And if I turn off the census place and turn on
3 the census block group, this is shaded by voting age
4 Hispanic percentage.

5 So you can see it gave up some good areas on here.

6 And then it came into District 9 and really took
7 the best of what District 9 had to offer, which was right
8 here.

9 And this mitigated, you know, its loss to three
10 somewhat -- or its loss to four somewhat.

11 Additionally in order to approve the voting
12 strength, it also shed the Tucson Mountains.

13 As you can see that was probably the weakest area
14 of the district.

15 When you compare that area to the rest of the
16 district in the tentative final, you'll note that the
17 Hispanic percentage of tentative final legislative
18 District 3 is 56.5 percent. Hispanic percentage of the
19 Tucson Mountains was 17.8.

20 And this is on the second page.

21 You can look at some of those percentages, and
22 that kind of illustrates the reason why that area was
23 removed.

24 The other changes that happened between two and
25 three, I believe, were changes to reflect some splits that

1 had happened in neighborhoods, trying to avoid those.

2 So initially the line, again, was red, and we kind
3 of cleaned it up following some more of the major roads,
4 following 22nd, and then coming straight down. I can't
5 remember exactly what street this is.

6 But coming straight down. Straight down here on
7 12th Street.

8 So, I'd be happy to answer any other questions or,
9 you know, show you.

10 SENATOR OLIVIA CAJERO BEDFORD: Madam Chair, may I
11 speak?

12 CHAIRPERSON MATHIS: This is Senator Cajero
13 Bedford, and she filled out a request to speak form earlier.

14 SENATOR OLIVIA CAJERO BEDFORD: Thank you very
15 much. I appreciate it.

16 In looking at the map, if I were to suggest some
17 changes for that southern part where you -- number four,
18 where you need some more population, would it be possible to
19 take out the area of between Broadway and 22nd Street to
20 change that, to give that, in exchange to take in the whole
21 Tucson Mountains from 22nd to Ina?

22 And I had sent a letter to -- to the Commission
23 earlier about the White crossover voters, which I didn't
24 realize was a consideration.

25 I read Mr. Adelson's letter -- article in the

1 Capital Times about how that is considered.

2 And the Tucson Mountain area, primarily White,
3 17 percent, but as you go farther north it becomes whiter.

4 So as far as Ina, it has a good number of
5 Hispanics that grew up on the south side.

6 So I would say that in that area that we've talked
7 about, they are what Mr. Gallagher -- Mr. Adelson, excuse
8 me, had talked about, which is an important criteria. And
9 that is the White crossover voter.

10 Because in 2002, they elected two Hispanic and one
11 Portuguese legislators.

12 And then in 2010 they elected two Hispanics and a
13 Native American.

14 So they are the crossover voters that I believe
15 the Department of Justice is looking for.

16 So I would -- the Tucson Mountain, as I said,
17 area, the whole neighborhood, from Silverbell to Ina, to be
18 included, and somehow maybe take out of the bottom part of
19 the district, which might include the Pascua Yaqui, into the
20 other area, or somehow put the Pascua Yaqui into number two
21 with the Tohono O'odham.

22 So I would suggest to rework that bottom area to
23 include a very important populated neighborhood area that
24 does vote for the Hispanics.

25 CHAIRPERSON MATHIS: Thank you.

1 Any questions on that?

2 SENATOR OLIVIA CAJERO BEDFORD: So those would be
3 my suggestions. If you need some more for four, then take
4 in across the bottom on this side, to add to the top part of
5 the district.

6 The western part perhaps.

7 This map is very interesting.

8 I wish I had seen this earlier.

9 The Hispanic population, while you were talking
10 about the number being a low number, we are populating
11 pretty fast, us Hispanics.

12 Nobody laughed.

13 So, anyway, that would be my recommendation, is to
14 take off and to give to four the western part there.

15 And then you would be able to add in the Tucson
16 Mountains.

17 Because that really just slices that whole area.
18 That should be going straight up, along -- it should be
19 aligned with the mountain park, the Saguaro National Park.
20 That should be the western boundary.

21 And then Silverbell should be the eastern
22 boundary.

23 Do those suggestions make sense?

24 CHAIRPERSON MATHIS: I think we understand the
25 lines.

1 It would be good to see actually on the map,
2 Willie, if you can, just the street level, going into
3 Silverbell.

4 I know there are some streets on there.

5 I'm just curious.

6 WILLIE DESMOND: Which streets?

7 CHAIRPERSON MATHIS: Silverbell, which is a
8 north-south.

9 WILLIE DESMOND: Silverbell runs right here.

10 SENATOR OLIVIA CAJERO BEDFORD: Actually the
11 boundaries has been -- could be 10, pretty much, to
12 Sweetwater, because there's not much population up until you
13 get to Graham.

14 CHAIRPERSON MATHIS: Where is the Tucson Mountain
15 Association neighborhood?

16 I'm trying to see it on the map.

17 COMMISSIONER McNULTY: Do we have a pointer for
18 the senator?

19 WILLIE DESMOND: I do.

20 SENATOR OLIVIA CAJERO BEDFORD: What was your
21 question?

22 CHAIRPERSON MATHIS: The Tucson Mountain
23 Association, is that the name of the neighborhood that was
24 split?

25 WILLIE DESMOND: So up here right where my thing

1 is moving, that's Ina Road.

2 Silverbell runs right here, kind of parallel to
3 the I-10.

4 SENATOR OLIVIA CAJERO BEDFORD: I can't read it
5 from here. I'll have to go up there.

6 Is that all right?

7 CHAIRPERSON MATHIS: Yeah.

8 WILLIE DESMOND: The area that was removed is this
9 area here. So these census -- between this red line and
10 this black line is what was removed.

11 This is 22nd right down here.

12 SENATOR OLIVIA CAJERO BEDFORD: Saguaro Park is
13 the mountain right there, and Ina right there.

14 So this whole -- this is a large, this area, this
15 area are very large parts of the membership, these two as
16 far as through here.

17 These are very large area of the Tucson Mountains
18 that have been taken out. This is the ridge of the
19 mountains right here.

20 This is the bulk of -- because I told you I spoke
21 with Mr. Verburg. And this area, this whole area is the
22 bulk of the Tucson Mountain Association, even though it goes
23 farther north, that's just because of the mountains.

24 But the membership is not that heavy here, but
25 it's this whole area.

1 This whole area is Tucson Mountains.

2 I think he used the words 10,000, I can't
3 remember, residents. So, I think that district, District 3
4 is in a minus 8,000.

5 So it would take in some more of these residents.

6 And then needed for No. 11, somewhere around that
7 big area that could be taken in.

8 So this whole area.

9 There's only a small part.

10 So the Tucson Mountain has literally been sliced
11 up.

12 CHAIRPERSON MATHIS: Any questions?

13 SENATOR OLIVIA CAJERO BEDFORD: The organization
14 is 78 years old.

15 COMMISSIONER McNULTY: Can you just tell us what
16 the population of that area is and how, you know, moving it
17 would affect things?

18 WILLIE DESMOND: Sure.

19 COMMISSIONER McNULTY: Whether it would dilute --
20 what it does to four and what it does to 11.

21 WILLIE DESMOND: Okay.

22 So, to add this area back into District 3 -- just
23 let me make sure my baseline is all set.

24 So that would move 4,698 people.

25 I'm just going to do it, and I can tell you what

1 the difference is.

2 The -- I believe the issue that we've identified
3 was that before that change District 3 had a voting age
4 Hispanic percentage of 50.1.

5 After that change, that drops to 49.18.

6 I know 50 doesn't necessarily have to be a key
7 number, but I think that was -- we made every effort to keep
8 the district above 50 percent HVAP.

9 I can tell you what it did to some of the other
10 key races.

11 It is a fairly strong voting district.

12 So District 3 had a mine inspector support
13 percentage of 69.1 before the change. After the change, it
14 is 67.98.

15 So 68 percent, practically speaking.

16 Presidential '08 percentage of 67.3. That dropped
17 to 66.4. So nine-tenths of a percent.

18 I don't have in this table available the CVAP and
19 Hispanic populations.

20 We couldn't run a change report and have that
21 available.

22 SENATOR OLIVIA CAJERO BEDFORD: Madam Chair, may I
23 suggest that you put back some of the south part of the
24 district, part of it, to get the Hispanic population
25 percentage higher, and then take out from the western part?

1 COMMISSIONER McNULTY: I think that's part of the
2 analysis that we had done earlier.

3 We had spent a lot of time on LD 4. That's where
4 we wound up, I'm afraid.

5 SENATOR OLIVIA CAJERO BEDFORD: I thought it was
6 Oro Valley that was the problem.

7 What about taking out that area between Broadway
8 and 22nd and putting it back into two? Would that make much
9 difference?

10 Maybe not taking out the whole thing, but if you
11 take out pieces from the middle and pieces from the bottom,
12 but if you could put that whole area back in, like you just
13 did, and that's -- that population number is not that high
14 for the Tucson Mountains, is it?

15 Did I -- I heard 1,600.

16 That's not that high, and I know that District 3
17 was lower than the required.

18 So even without adding in from the bottom, by
19 adding in the Tucson Mountain, that would still put us below
20 the minimum population per district.

21 KENNETH STRASMA: Madam Chair, if I may offer an
22 opinion on some of these changes.

23 The -- as Mr. Desmond pointed out, there is the
24 perhaps psychological threshold of 50 percentage plus
25 Hispanic voting age population, which this moves it under.

1 The district is nevertheless a strong district and
2 can absorb this population, so I don't feel that we would
3 draw a DOJ objection or harm the district's ability to
4 elect.

5 If the Commission were to choose to make this
6 change, it would be in response to other of the criteria,
7 the preserving communities of interest, not strengthening
8 the district because the -- it actually does lower the
9 Hispanic percents and the electoral strength.

10 That said, however, I believe the district could
11 absorb those, that population, without trouble.

12 I -- if the Commission chose to make the change, I
13 believe that just putting Tucson Mountain back in three from
14 11 is the cleanness way to do it without affecting the other
15 changes.

16 I would recommend against doing anything that
17 undid any of the changes that you made to LD 4 because
18 that's something that we spent a considerable amount of time
19 working on.

20 And perhaps Mr. Adelson can speak more to the
21 question of the importance of the 50 percent HVAP threshold.

22 And I should point out that we have other
23 districts that appear to be clearly effective districts that
24 are under 50 percent HVAP, so it's not a bright line test
25 for us.

1 BRUCE ADELSON: Madam Chair, would you like me to
2 address that?

3 CHAIRPERSON MATHIS: Yes, I would.

4 Can I just, before we do that though, I just want
5 to ask, Mr. Desmond, if he can highlight this on the map.

6 I was looking to actually see what the boundaries
7 are of Tucson Mountain Association, and I'd like to just see
8 it on the map specifically, what these boundaries.

9 The north is Twin Peaks Road. The east is
10 Silverbell Road. The south is 22nd, slash, Starr Pass
11 Boulevard. And west is Saguaro National Park and Tucson
12 Mountain Park.

13 I don't know that if that western boundary shows
14 up in a layer of any kind.

15 WILLIE DESMOND: What was the northern boundary?

16 CHAIRPERSON MATHIS: Twin Peaks Road, I think.

17 Let me check.

18 Yeah, Twin Peaks Road.

19 I wish I could help you.

20 WILLIE DESMOND: I've got it.

21 SENATOR OLIVIA CAJERO BEDFORD: Madam Chair.

22 CHAIRPERSON MATHIS: Oh, there it is.

23 SENATOR OLIVIA CAJERO BEDFORD: While this --
24 Twin Peaks Road would include Marana, they are not active in
25 the association, and that is where Mr. Verburg this

1 afternoon -- that has all grown into the Tucson Mountain
2 Association over the 78 years.

3 CHAIRPERSON MATHIS: Okay.

4 SENATOR OLIVIA CAJERO BEDFORD: The areas of
5 interest are, are the mountains between Ina and 22nd, which
6 is Starr Pass Resort area.

7 CHAIRPERSON MATHIS: So Tucson Mountain
8 Association would still be split, in other words.

9 I mean, if we're not taking it all the way --

10 SENATOR OLIVIA CAJERO BEDFORD: It was split
11 before. Yes.

12 And that was of no consequence really.

13 Those people joined just because maybe they lived
14 in that, but they were not the active part of the
15 association.

16 If you need more Hispanics, then put in a little
17 bit more, maybe half of what you took out at the bottom.

18 It's pretty heavily populated in that area.

19 I appreciate you taking the time with this.

20 It's been a great concern to an environmental
21 group that's been fighting a lot of issues over the years.

22 WILLIE DESMOND: The line goes a little far right
23 here. I apologize. That takes it to I-10.

24 But this line, if you can see the --

25 CHAIRPERSON MATHIS: Yeah, that's Silverbell.

1 WILLIE DESMOND: That's Silverbell.

2 CHAIRPERSON MATHIS: Right.

3 WILLIE DESMOND: I'm not exactly sure how far to
4 the west to go.

5 CHAIRPERSON MATHIS: I don't know either.

6 WILLIE DESMOND: But --

7 SENATOR OLIVIA CAJERO BEDFORD: To the national
8 park, which is hard to find. But the mountains pretty much.

9 WILLIE DESMOND: Yeah, but it's this area,
10 essentially, that's in red.

11 SENATOR OLIVIA CAJERO BEDFORD: And that's part of
12 the criteria is the proximity to the park.

13 I mean, it's a natural area. It's a shame that
14 over the years that more of it -- of that area is not
15 included and preserved.

16 WILLIE DESMOND: So, the blue line again, I just
17 changed it to make it a little easier with the red, is the
18 draft map, the black line, is the tentative final map.

19 SENATOR OLIVIA CAJERO BEDFORD: Madam Chair, so
20 he's saying that the black -- new black map would be the new
21 final tentative map?

22 I have trouble hearing.

23 WILLIE DESMOND: Oh, yes, I apologize.

24 So this line right here is the tentative final map
25 that was approved on the 21st or 22nd.

1 SENATOR OLIVIA CAJERO BEDFORD: Right. Which is
2 what we're fighting against.

3 So would the new dark map, could that possibly be
4 the new final draft map?

5 CHAIRPERSON MATHIS: The blue line is the one from
6 the October map the way it was.

7 SENATOR OLIVIA CAJERO BEDFORD: Yes.

8 WILLIE DESMOND: Yeah, that was the approved draft
9 map.

10 SENATOR OLIVIA CAJERO BEDFORD: Could that be
11 approved -- the new approved draft map?

12 COMMISSIONER McNULTY: I think we need to hear
13 from legal counsel.

14 Tell us again, Mr. Desmond, if you would, the
15 metrics, please, that change.

16 WILLIE DESMOND: Yes, it would be helpful. I'll
17 just give you all the metrics of the district, as a whole,
18 and also the metrics of this area.

19 So the metrics I'm giving you is the district of a
20 whole are without this area, not with it included.

21 But the district as a whole is 56.5 percent
22 Hispanic.

23 Tucson Mountain area is 17.8 percent. It's got an
24 HVAP of 50.1, compared to 15.2.

25 Hispanic citizen voting age percentage of 43.1,

1 compared to 12.7.

2 Hispanic registration percentage of 41.8, compared
3 to 12 percent.

4 And presidential '04, Hispanic candidate of choice
5 in District 3 got 66.2 percent of the vote.

6 In district -- in the Tucson Mountain area, the
7 4700 people, is 49.6.

8 Secretary of state, 2006, was 67.3 to 48.4.

9 President '08 Dem was 63 -- or 67.3, compared to
10 49.3.

11 And the mine inspector was 69.1, to 48.5.

12 Adding that area back in lowers the Hispanic
13 percentage to, I believe, 49.2 percent from 50.1. That's
14 voting age Hispanic.

15 The total minority percentage is still at 59.6.

16 And the mine inspector, again, goes from 69.1 to
17 67.98, so 68 percent. So a drop of about .1 percent.

18 COMMISSIONER McNULTY: CVAP do we know?

19 WILLIE DESMOND: CVAP.

20 I have Hispanic CVAP.

21 CVAP I do not know off the top of my head.

22 Let me just double check and see if I have that
23 number somewhere.

24 If I don't, Ken might be able to find it.

25 I don't have total CVAP. I just have Hispanic

1 CVAP.

2 The Hispanic CVAP again is 12.7 percent, compared
3 to 43.1 district-wide.

4 SENATOR OLIVIA CAJERO BEDFORD: May I ask a
5 question, Madam Chair?

6 CHAIRPERSON MATHIS: Sure. Go ahead.

7 SENATOR OLIVIA CAJERO BEDFORD: Back on the
8 proposed map for District 4, you took in one small
9 neighborhood in the southern part of Tucson. And it seemed
10 like you included it with Yuma.

11 I don't -- I haven't looked at that boundary to
12 the west of four.

13 So have you taken in one small section of the
14 southern part of Tucson and included it with Yuma? Is that,
15 is that what the map is?

16 WILLIE DESMOND: That's correct, yes.

17 SENATOR OLIVIA CAJERO BEDFORD: That's, that's a
18 disservice too. That goes back to where I grew up, and so I
19 know the area.

20 You know, it's a population that would not be
21 attending these meetings.

22 CHAIRPERSON MATHIS: Well, I'm wondering if we
23 should take a break. I've been negligent in offering that
24 to our poor court reporter.

25 It's 6:48 p.m. already, so maybe we can take a

1 ten-minute break and come back and talk about this some
2 more.

3 SENATOR OLIVIA CAJERO BEDFORD: Thank you.

4 CHAIRPERSON MATHIS: Sure. Thank you.

5 (Brief recess taken.)

6 CHAIRPERSON MATHIS: We'll enter back into public
7 session.

8 The time is 7:16 p.m.

9 And we were in the midst of talking about the
10 Tucson Mountain area on the legislative district map.

11 WILLIE DESMOND: Over the break I was able to
12 produce change reports for what that would do to Districts 3
13 and 11, so we'll put those up now.

14 CHAIRPERSON MATHIS: Oh, great.

15 MARY O'GRADY: Madam Chair.

16 CHAIRPERSON MATHIS: Ms. O'Grady.

17 MARY O'GRADY: We had an opportunity to look at
18 the numbers here and just a couple things. And I invite,
19 again, my colleagues to supplement if they'd like to.

20 I wouldn't advise any changes -- I mean, there
21 were kind of couple things that were discussed, one just
22 changing Tucson Mountains, one doing some other changes,
23 that might also impact four. And we wouldn't advise any
24 changes that affect four.

25 The purpose of this change was in part to improve

1 four, and the numbers show that eliminating Tucson Mountains
2 made LD 3 stronger as a minority district. Now, it's still
3 a strong minority district with or without Tucson Mountains,
4 but as Willie pointed out, now it's one of our majority HVAP
5 districts. And with the Tucson Mountain change, it would be
6 under that 50 percent mark.

7 On the crossover voting issue, the numbers that we
8 have that were provided show that the Tucson Mountain area
9 is under the 50 percent level of support for the minority
10 candidates in the statewide races that we've used as
11 indicators on that front.

12 So, that's sort of the voting rights analysis.

13 It would still be effective if you made the
14 change. It wouldn't be majority HVAP. In terms of what
15 we're looking at, the nature of the changes that we're
16 looking at at this point of the process.

17 Earlier on I might have said this is a policy call
18 for you all, but right now we're just looking at changes
19 just to address technical or legal issues. And making this
20 change doesn't solve a legal problem.

21 There's no retrogression as a result of removing
22 Tucson Mountains.

23 And so this doesn't -- this wouldn't be one to
24 solve a legal problem.

25 It would be one that would address a community of

1 interest issue.

2 But at this phase in the process, and, again,
3 given the nature of the kinds of changes we're trying to
4 address, it wouldn't be my recommendation to make this as a
5 legal change.

6 CHAIRPERSON MATHIS: Any other comments from other
7 counsel or commissioners or mapping consultants?

8 MARY O'GRADY: Just in terms of the information on
9 the change order, that shows most of the key metrics that
10 you look at, they do go down from the old district, you
11 know, if you, if you try to put district -- Tucson Mountains
12 back, everything goes down a little in terms of the things
13 we look at for our minority districts.

14 CHAIRPERSON MATHIS: Okay.

15 Any other comments on this or other proposed
16 technical changes or anything on this, on the legislative
17 map for now, that we want to talk about?

18 Because I know there are other items on the agenda
19 that deal with technical changes that we're talking about.

20 It would be good to kind of get through all of
21 those tonight, if we can.

22 SENATOR OLIVIA CAJERO BEDFORD: Madam Chair, thank
23 you.

24 Thank you for listening to me.

25 Unfortunately some of us in the public who were

1 not involved so much with the process won't understand the
2 words and technical changes. Technical changes seem like a
3 neighborhood.

4 And sometimes we say, well, why couldn't the line
5 have been drawn this way instead of having it go over to
6 Yuma all the way over to south Tucson.

7 So, in looking at it, it doesn't make sense to
8 residents.

9 Anyway, I thank you for your time.

10 CHAIRPERSON MATHIS: Thank you for coming.

11 Our next -- I guess the only other technical
12 change that we haven't really discussed yet is this number
13 five, discussion and possible action regarding renumbering
14 the congressional and/or legislative districts, discussion
15 of possible action to adopt and certify final legislative
16 and/or congressional districts.

17 This renumbering issue, we just heard public
18 comment tonight again.

19 We heard that at our Yavapai County hearing.

20 And, I open the floor to other commissioners to
21 discuss.

22 I guess I think it's okay from a legal perspective
23 if just technically to change the numbers, is that correct,
24 if we wanted to?

25 JOSEPH KANEFIELD: Madam Chair, we don't see any

1 legal issues associated with this.

2 CHAIRPERSON MATHIS: Well, I would be open to
3 changing, on the legislative map, District 1. It would
4 be -- I think trying to change all of the numbers would be
5 sort of problematic, because it would just create a lot of
6 confusion given all the history and track record of creating
7 these districts, and then to change all the numbers again
8 would be -- would make for quite a mess, I would think, and
9 very confusing on the submission too for everyone.

10 But, I do appreciate history.

11 I'm a big fan of the Arizona Historical Society.

12 This is the centennial year.

13 I think that's understandable that they would be
14 requesting this historical -- us to follow the historical
15 trend of giving District 1 to LD 1 to the Prescott area.

16 We heard from Ms. Fann tonight, so I'm open to
17 the -- I'm open to what other commissioners think.

18 VICE-CHAIR HERRERA: Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Herrera.

20 VICE-CHAIR HERRERA: This is on the legislative
21 side?

22 CHAIRPERSON MATHIS: Yes.

23 VICE-CHAIR HERRERA: Now, is -- I don't know this
24 for a fact, but has Prescott always had -- the Prescott
25 area, have they always had that No. 1, I mean the District

1 No. 1? Has that always been the case?

2 CHAIRPERSON MATHIS: I don't know if I can answer
3 that. I believe on the legislative side it is the case. I
4 don't know on the congressional side.

5 Does anyone else have any historical knowledge of
6 that?

7 (No oral response.)

8 VICE-CHAIR FREEMAN: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Freeman.

10 VICE-CHAIR FREEMAN: I'm sorry, I can't, I can't
11 quite hear all the words that are said, so if this comment
12 is out of context, forgive me in advance.

13 On the numbering issue, my suggestion would be
14 renumber the district both congressionally and legislatively
15 that encompasses Prescott. Give that No. 1.

16 On the legislative map, I guess, you might be
17 right that it's -- it would be a complicated problem to
18 renumber all of them.

19 Congressionally, I don't think it's that big of a
20 deal.

21 My suggestion would be to give the Prescott
22 district No. 1 and then look at all the other districts and
23 see which, which of the former districts they more closely
24 resemble.

25 Maybe Strategic Telemetry could do that.

1 And what I mean by that is, you know, is this
2 district essentially -- does it encompass most of the voters
3 that were in old District 8, or something like that. And
4 that remains District 8.

5 And the ninth district could remain as the ninth
6 district.

7 With that one proviso, that the ninth district
8 could remain as the ninth district.

9 That was my thought.

10 CHAIRPERSON MATHIS: Thank you.

11 Other thoughts?

12 COMMISSIONER McNULTY: Madam Chair, I believe the
13 request was on the legislative map. That's what was
14 requested earlier.

15 I am concerned about confusion with the DOJ
16 submission.

17 We have a short time frame, and changing all the
18 numbering I think would -- could, you know, take a day or
19 two or three of a human being's time to always be checking
20 some sort of a key.

21 But, so my suggestion would be to make the Cochise
22 district, which is now 1, 14, and make the Yavapai County,
23 which is now 14, No. 1.

24 CHAIRPERSON MATHIS: Sorry, can you repeat that?

25 So you're saying --

1 COMMISSIONER McNULTY: I would switch -- I would
2 switch 1 and 14, so the Prescott -- the legislative district
3 that contains Prescott would become No. 1, and the district
4 that includes Cochise County would become No. 14.

5 CHAIRPERSON MATHIS: Any other thoughts on that?
6 (No oral response.)

7 COMMISSIONER McNULTY: Would you like a motion?

8 CHAIRPERSON MATHIS: Do we have to have a motion?
9 To do that?

10 MARY O'GRADY: We're not sure. I think -- I would
11 advise a motion, since you're -- you could do either without
12 objection if there is no objection.

13 Since we have different ideas on the table, you
14 might want to do it as a motion. But there needs to be some
15 action, either without objection or with a motion.

16 VICE-CHAIR HERRERA: Madam Chair, just to help
17 out, I do agree with Commissioner McNulty. I would be
18 supportive of her motion if she decides to make it.

19 COMMISSIONER McNULTY: Well, then, I would move
20 out of respect for the request from Yavapai County and in
21 light of their centennial celebration that we change the
22 numbering on the tentative final map and on the final map
23 when we approve it so that the legislative district that
24 encompasses Prescott be labeled No. 1, and that the district
25 that is currently labeled No. 1, which encompasses

1 Cochise County, be labeled No. 14.

2 CHAIRPERSON MATHIS: Is there a second?

3 VICE-CHAIR HERRERA: This is -- I do second.

4 CHAIRPERSON MATHIS: Any discussion?

5 VICE-CHAIR FREEMAN: Madam Chair, that dealt
6 strictly with the legislative map?

7 CHAIRPERSON MATHIS: Correct.

8 VICE-CHAIR FREEMAN: Thanks.

9 CHAIRPERSON MATHIS: All in favor?

10 COMMISSIONER McNULTY: Aye.

11 VICE-CHAIR HERRERA: Aye.

12 CHAIRPERSON MATHIS: Aye.

13 VICE-CHAIR FREEMAN: Aye.

14 CHAIRPERSON MATHIS: Any opposed?

15 So we have four ayes and one person who's not
16 here, who can't vote.

17 So that passes, unanimously.

18 And so we'll be making that change in the next
19 round of maps that come out, making that change between
20 1 and 14.

21 It sounded like, Mr. Freeman, you're interested in
22 the congressional map as well; is that correct, in terms of
23 renumbering?

24 VICE-CHAIR FREEMAN: Yes, Madam Chair, my thought
25 was to give Prescott CD 1, and then just look at -- in an

1 effort to -- that's an effort to capture Arizona history and
2 then otherwise to perhaps reduce confusion with renumbering
3 is just to look at the populations of the other CDs, with
4 the exception of CD 9, and renumber them according to
5 where -- you know, correlate the current districts with the
6 old ones.

7 So I would imagine the district that I believe we
8 have numbered as number two, which is Tucson and
9 Cochise County, would probably end up being eight again.

10 So essentially that form of analysis statewide to
11 see if that could work to associate the numbers on the
12 congressional districts with the districts from the prior
13 map, with the exception of course of CD 9.

14 CHAIRPERSON MATHIS: Thank you.

15 Any comments on that?

16 I know Ms. McNulty already weighed in.

17 VICE-CHAIR FREEMAN: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Freeman.

19 VICE-CHAIR FREEMAN: Just so I'm clear,
20 Commissioner McNulty weighed in on that earlier, and she was
21 opposed to that; is that correct?

22 CHAIRPERSON MATHIS: I'll let her speak, but, yes,
23 I think that's correct.

24 COMMISSIONER McNULTY: The request that we
25 received was for the legislative districts.

1 And I am concerned about making this more
2 complicated for the Department of Justice. And I'm also
3 concerned about the fact that under the constitution we're
4 to start anew. So I do have some concern about trying to
5 label things the way the old districts were labeled.

6 Having said that, if you feel strongly about it,
7 Mr. Freeman, I would support just reversing, I guess, one
8 and four in the same way we did on the legislative map,
9 taking the one that -- the congressional district that's
10 No. 1 now and swapping that number with the district that
11 Prescott is in.

12 I'd prefer to limit it to the legislative map,
13 just because, as I say, I'm concerned about the amount of
14 time that this is going to take, just additional incremental
15 time for DOJ to review and understand our submission, and
16 the potential for error, because we've generated literally
17 thousands of pages of statistical analysis and comparison of
18 various districts old to new, and I don't think it's fair to
19 expect them to have to use a key for every single one of
20 those districts.

21 So I'd like to keep this to a minimum.

22 CHAIRPERSON MATHIS: Any other thoughts?

23 (No oral response.)

24 CHAIRPERSON MATHIS: Well, hearing nothing else,
25 it sounds like we're -- we've concluded that item.

1 Okay. So we'll just make the change on the
2 legislative map. And the congressional map will -- the
3 numbers will remain as they are.

4 Anything else you need from us, mapping
5 consultants, on that matter?

6 (No oral response.)

7 CHAIRPERSON MATHIS: Okay.

8 I'm just looking through the rest of the agenda.
9 We've got --

10 WILLIE DESMOND: Actually --

11 CHAIRPERSON MATHIS: Sure.

12 WILLIE DESMOND: -- one more thing on technical
13 changes, just a quick update.

14 We've received the proposed precinct files from
15 several of the counties that are going to have splits. You
16 know, the ones we've received we're working to minimize any
17 sort of headaches that they'll have over the next ten years
18 with split precincts will have to have two sets of ballots
19 at the precincts.

20 We're yet to receive it from a few of them.

21 And just kind of a word of caution that this is
22 coming up soon.

23 So any -- any counties that we haven't received
24 stuff from, if I don't have it, I guess, in the next couple
25 of days, probably won't be able to make those technical

1 changes.

2 We have been documenting all the changes
3 individually and going through. There are some cases where
4 population has moved.

5 When that is the case, it's either been to get the
6 population balance in the congressional down from a
7 deviation of maybe a hundred in the highest district down to
8 a zero percent deviation or else to try to remove splits
9 when possible.

10 So if any of the counties are watching, please
11 send in anything you would like us to consider, and we will
12 have those changes ready for you when you need them.

13 CHAIRPERSON MATHIS: I have a question on that.
14 Maybe it's for legal counsel.

15 How do you foresee us approving -- the Commission
16 approving the technical changes that come in? How will that
17 process work?

18 MARY O'GRADY: By motion. I don't think they need
19 to all go individually.

20 You could group them. You could do them all at
21 once in a motion after he -- after Willie explains them. Or
22 you could do them in groups and it might be -- whatever the
23 mapping consultant might have some suggestions in terms of
24 how the technical changes are adopted.

25 And then after they're adopted, there's still the

1 next step in finalizing the plan is certifying it to the
2 secretary of state.

3 And my thought is on that phase you might
4 consider, you know, adopting the technical changes and then
5 coming back soon after to start actually do the
6 certification.

7 Last time the certification itself was like a bill
8 that listed all the census geography -- census tracks for
9 every -- in lots for every district.

10 And then you certify that to the secretary of
11 state.

12 So you want that before you when you do the
13 certification.

14 And it might help just to make sure that all the
15 technical things are fixed and didn't create new things in
16 fixing the old things.

17 And then it sits for a short -- a very short
18 period of time and then certifying.

19 WILLIE DESMOND: Just to explain how we've been
20 going about making the technical changes.

21 Starting with congressional, because the
22 legislative kind of bent to fit congressional, since you
23 don't have the same strict zero percent deviation
24 requirements.

25 The first thing, the first changes balanced, you

1 know, the remaining differential of a couple hundred people
2 maybe, or less than that even.

3 Then the changes I've done after that, I've been
4 cataloging and I've gone county by county.

5 So, for instance, there's a population balance
6 change.

7 And then a Maricopa County precinct cleanup change
8 that's based off of the population balance.

9 I'll continue for every county going through and
10 using their files to clean up.

11 That will be a separate -- separate thing.

12 Depending on how complicated it all gets, I can
13 combine all those change logs and run just one big change
14 report, or we can break those out, if that makes it easier
15 for you guys to understand them and, you know, approve or
16 not approve them.

17 CHAIRPERSON MATHIS: How many counties have you
18 heard from or how many do we still need to hear from?

19 WILLIE DESMOND: I need to hear from -- I've
20 spoken to all the counties. I've been told things are on
21 the way. I haven't received things from two counties -- two
22 outstanding counties.

23 Not all of the counties have been contacted.
24 Those that don't have splits obviously haven't been
25 counted -- or contacted.

1 But for places where there are splits, we've
2 spoken to all the counties and received things from all the
3 counties. So just waiting on the last two.

4 CHAIRPERSON MATHIS: Okay.

5 I ask that because I'm just kind of curious how
6 we -- what the next steps are for all of this in terms
7 getting all these final technical changes into the maps and
8 then the Commission adopting and certifying and how many
9 more meetings we need to kind of plan on.

10 Maybe we should game that out a little, so that we
11 all understand what we might be able to accomplish this week
12 or next week or. . .

13 MARY O'GRADY: Madam Chair, I was thinking
14 two meetings, one to adopt the technical changes and then
15 another to certify.

16 I don't know if that's consistent with how the
17 mapping consultant would like to proceed.

18 VICE-CHAIR HERRERA: Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Herrera.

20 VICE-CHAIR HERRERA: I think this question is for
21 legal counsel.

22 When would be the earliest we would be able to
23 adopt the technical changes? Does anybody know that?

24 MARY O'GRADY: Madam Chair, commissioner, that's
25 really a question of commissioner availability and the

1 mapping consultant issuing the technical changes.

2 We do want to -- we're still waiting to hear from
3 two counties.

4 We'd like to give them a little time, but really
5 as Willie said I think the next day or two. So, and so
6 whenever Willie thinks he'll be -- whenever the mapping
7 consultant can be ready and you can get the commissioners
8 together.

9 VICE-CHAIR HERRERA: Have we given a deadline to
10 some of the counties that haven't gotten back to us?

11 WILLIE DESMOND: Well, we'll contact them again
12 tomorrow. And I am sure it's not -- it shouldn't take too
13 long.

14 Both the counties only have minor splits, or one
15 split, essentially, so it's -- it should be doable once we
16 get that information.

17 Some of the changes are in Maricopa and a county
18 that are really cumbersome.

19 VICE-CHAIR HERRERA: I would recommend just giving
20 them a deadline. It's probably up to you.

21 KENNETH STRASMA: Madam Chair, perhaps if
22 Mr. Desmond when he contacts the remaining counties tomorrow
23 morning asks for changes by the end of the day in order to
24 have those be able to process them potentially by Friday.

25 CHAIRPERSON MATHIS: Okay.

1 Thank you.

2 WILLIE DESMOND: It's also worth noting that
3 once -- once the technical changes are prepared, I can
4 distribute those to the commissioners and you can have time
5 to review those before the meeting and stuff.

6 And if you're curious, I can send you, you know,
7 what's been done so far in the change logs, just so you get
8 an understanding of the types of changes that are happening.

9 And the change logs, what I do is I start with
10 saying how many people are affected, if there are people
11 affected, a lot of these changes are zero population areas
12 that just deal with removing geographic splits to corner a
13 straight lot or something like that to a VTD. Then I say
14 where the population came from and where it was going.

15 In most cases the reasoning is fairly certain --
16 clear.

17 Certain times if it seems like it could be a
18 little confusing, I've gone into detail as to why that
19 particular change is happening.

20 CHAIRPERSON MATHIS: So we could potentially meet
21 Friday, although I know Mr. Freeman isn't available.

22 I don't know if Mr. Stertz is.

23 I don't know if Mr. Herrera is.

24 We just heard from Ms. McNulty that she was.

25 VICE-CHAIR HERRERA: Madam Chair, I am busy

1 Friday, but I will clear my schedule for this. This is
2 important. I want to get this finished.

3 CHAIRPERSON MATHIS: If we met, it would be Friday
4 morning.

5 So I don't know if -- we'll have to see if
6 Mr. Stertz is available.

7 I think Mr. Bladine contacted him.

8 Okay. Great.

9 Is there anything else that we need to discuss
10 with regard to the maps? Technical changes, legal issues,
11 congressional and legislative.

12 (No oral response.)

13 CHAIRPERSON MATHIS: Okay. Thanks, everyone, for
14 all your hard work and walking us through those changes,
15 Mr. Desmond.

16 It was a useful thing to go through.

17 Is Mr. Bladine available?

18 I'm thinking for item six, seven, I'm not sure
19 that you have any information to share for us on six, seven,
20 and eight, but if you would do, that would be helpful.

21 RAY BLADINE: Madam Chair, I do have some
22 information. I think item six is supplemental appropriation
23 possibility.

24 And I believe you put in your packets a
25 spreadsheet that Kristina and I and Megan Darian have all

1 worked on to try to get some picture of where we are.

2 And I really -- I think this is probably one of
3 the most complicated things I've dealt with in terms of
4 trying to estimate a future that is based upon future
5 litigation, and how do you, how do you plan for that.

6 Before I get into the detail, I think what I came
7 up with is you really need to have an appropriation that is
8 larger over multiple years to make sure that there's
9 adequate funding for the Commission to protect itself and to
10 proceed to get the maps adopted.

11 And when I say that, I put it in the context that
12 the last Commission had a six million dollar figure to start
13 out with.

14 They had that money available until about 2004.
15 And then they ran into a situation where they had to get
16 additional funds from the legislature.

17 So our appropriation of 500,000 and three million
18 at this point gives us no cushion at all for any possibility
19 of future litigation.

20 If you add the next fiscal year where we've
21 requested 1.7 million, we're still far short of the total
22 amount of money that the last Commission ten years ago had
23 to basically carry out what their activities were.

24 I say that to try to provide some perspective that
25 I think that we really need to take a look at the two fiscal

1 years together and try to have an amount of money that would
2 allow us to react quickly if, in fact, the maps are
3 challenged in court.

4 Having said that as kind of the overall, I don't
5 know what to tell you right now that amount of money should
6 be, and I will quickly run through this with you, but I
7 think it's probably important that I at least ask you to
8 authorize me to work with the appropriate state legislative
9 officials and legislators to try to work out a number that
10 would seem to be appropriate.

11 And with that, let me just quickly go over this
12 spreadsheet.

13 The first page, in the orange-ish color, shows
14 what we spent of our fiscal '11 appropriations. And that
15 was \$393,000.

16 The next columns show what has been spent to date
17 in going all the way through the blue, so July -- June,
18 July, August, September, October, November, those are total
19 costs to date.

20 And if you add them up, they come to about
21 \$1.9 million -- 1.5, \$1.6 million of our three and a half
22 million dollar appropriation.

23 So at this point we've approximately spent half of
24 what has been allocated to us.

25 The problem then becomes when you start looking at

1 beyond December, January, February, March, is, one, getting
2 reasonable estimates of what the cost will be to file with
3 the Justice Department.

4 I have put in a figure that -- of 75,000 for each
5 of our main law firms, per those early months, and a little
6 more than that in the January month, because of -- I think
7 that's going to be the heavy time to do the filing.

8 Then basically you can see that I stepped that
9 down for May and June to smaller amounts of money, but
10 really I need to spend some time with Joe and Mary to try to
11 figure that out.

12 We also have the appeal that is likely to happen
13 on the Superior Court case.

14 Mary has asked the lawyers involved to see if
15 there's a way we can kind of consolidate some of that to
16 save additional funds.

17 So at this point I did not put additional funding
18 for those -- I don't think I did, did I?

19 No, I did not.

20 I put additional funding for those attorneys
21 beyond the January amount of money.

22 Basically for Strategic Telemetry I finished
23 paying off what would have been their professional fee,
24 \$600,000, and then estimated some out-of-pocket costs that
25 they are responsible to be reimbursed to.

1 And then pretty much the rest of the activities
2 are very small amounts of money.

3 And when you get all said and done, the bottom
4 total cost for the year comes out to an estimated
5 \$3.5 million.

6 By comparison, which would show that we would have
7 a net deficit of -- I can't read this -- 512 -- I'm sorry,
8 \$512,000, if my estimates are good, for this activity for
9 the current year.

10 By way of comparison, if you see the very line
11 below our 3.5 million, you see 3.38 million. That is what
12 the last Commission spent at the end of their 2002 fiscal
13 year.

14 So for comparative purposes, you can see we really
15 are not very much ahead of what we spent back in 2001
16 through 2002.

17 The next line is just my wild guesstimate for
18 discussion purposes that taking a look at, again, last time,
19 the litigation -- and actually there I believe started in
20 March, since we're somewhat behind, I put a \$200,000 figure
21 that would be for legal services and additional mapping
22 services to defend the map, if that's necessary.

23 That would add a cost of \$600,000 added to the
24 deficit that we show of potential 515, we would be about
25 1,100,000 that could be an amount to ask for a supplemental

1 appropriation.

2 As a comparison again, just to give you some
3 sense, the legal costs in 2002 through the end of that 2002
4 fiscal year for the last Commission, is about 1,060,000.

5 Our legal costs to date are 1,157,000.

6 Now obviously we all know that we've had costs
7 that the last Commission did not have before we got to this
8 point in time. But even so, it doesn't appear that we're
9 way out of whack with that, depending on what goes on for
10 the rest of the year.

11 Anyway, I guess as a conclusion on that page, you
12 can kind of see what it looks like might be some estimates.

13 I'm certainly open to suggestions about changes to
14 that document. I'm going to work more to get better data on
15 the complete -- the expenditures to date, which we've been
16 requested by JLBC.

17 All of that information comes from Megan Darian's
18 office, and we'll need to work with her.

19 I also believe that looking at this this morning
20 and over the weekend, we actually probably have another
21 \$107,000 available, which is the carryover balance that was
22 not expended in 2011.

23 (Phone interruption.)

24 CHAIRPERSON MATHIS: Is that Commissioner Freeman?

25 VICE-CHAIR FREEMAN: I'm still here. I just had

1 to switch phones.

2 CHAIRPERSON MATHIS: Okay.

3 RAY BLADINE: So that pretty much covers Page 1.

4 Page 2 shows actual expenditures broken out by
5 state budget categories. That's where you can see the
6 figure that at this point 1.559 has been spent out of the
7 '12, the '12 fiscal year, and out of the '11 it was 393.

8 And the last page is a spreadsheet that takes the
9 budget request that we submitted, that gives some idea what
10 the breakout is.

11 This really needs to be looked at and worked on.

12 It was prepared really to pretty much just get a
13 budget figure that would be close to the 1.7, which was the
14 goal that the Office of Budget Strategic Planning gave us.

15 And then finally, the very last page, I tried to
16 just -- this I mentioned in my opening remarks, I tried to
17 get a sense of when did the last Commission \$6 million run
18 out.

19 And as you can see, the green highlighting and
20 when expended, they were very close at the start of five --
21 at the end of 504 -- 204 -- 2004, when they spend
22 \$5,540,000.

23 So they, they had the advantage of having some
24 funding available to handle emergencies and litigation.

25 In the very right column, it says 2010

1 appropriation, just for comparison purposes, if -- we know
2 we have 500,000 this year.

3 We have the \$3 million appropriation.

4 Next year we have a request in for 1.7.

5 That would be a total of the two years of about
6 five million two.

7 If you added a supplemental request of 1.1, our
8 total amount then would be about, for the two years,
9 \$6.3 million. If you consider inflation, which is shown at
10 the bottom, over the last ten years, an equivalent figure
11 would be about 7.5 million.

12 So if you look at it that way, it does not look
13 like we're being -- that kind of request would be out of
14 line for what we would need, based upon just inflation
15 alone.

16 I guess with that I would be happy to try to
17 answer questions.

18 As I say, I think this is a starting point. We
19 will be refining it. We do intend to have ready to submit
20 to JLBC the information they've requested by the 20th of
21 January.

22 We of course will get that to you just as soon as
23 we get it.

24 We will continue to talk with them about what
25 additional material they may need. But I thought I at least

1 should get this off the ground today.

2 I'm not quite ready, but I really wanted to make
3 sure that all of you were aware of what we were looking at
4 and what we had been doing.

5 So with that, Madam Chair, if I can answer
6 questions, or if there's suggestions, I'll be happy to take
7 them.

8 CHAIRPERSON MATHIS: Thanks, thanks very much for
9 pulling this together, Mr. Bladine.

10 It's a ton of work.

11 Any thoughts from commissioners on budget
12 projection and this response to JLBC?

13 VICE-CHAIR HERRERA: Yeah. I do have one
14 question, Mr. Bladine.

15 The process that you're -- the process you went
16 through, are you familiar with that, when they were either
17 getting low on funds and asking for more money, what
18 process -- was it a similar process that you're going
19 through that they went through? Is it any different?

20 RAY BLADINE: Chairman Mathis,
21 Commissioner Herrera, no, my understanding is we're doing
22 basically the same thing.

23 Kristina and I have talked. And if she remembers
24 something I don't, I think it's pretty much we need to get
25 together a request, talk to legislative leadership, talk to

1 the governor's office, and come in with a very specific
2 request and see what they do.

3 We do have documentations of what was filed for
4 one of the supplementals last time.

5 We also have a draft of what would have been a
6 lawsuit last year, if they did not -- or ten years ago if
7 they did not get a supplemental appropriation.

8 So we really have been able to go back and dig out
9 a lot of those files, and that's been helpful to get some
10 direction.

11 And obviously I have never been through this
12 process, so I've got a lot to learn too.

13 I feel lucky that I have Kristina who can remember
14 a good amount of it, and also some legal counsel that knows
15 the ropes as it comes to the state government.

16 So I feel like I'm in good hands, but I'm a
17 novice.

18 COMMISSIONER McNULTY: I don't have a question,
19 although I will look at the material, but I want to thank
20 you for putting it together.

21 This has been -- it's such an enormous task, and
22 there's no way to predict -- it's impossible to create a
23 budget for something that's only done once. And I just want
24 to say how appreciative I am of the very thorough and
25 professional job that you both do in responding to all the

1 requests for information that we get and tracking everything
2 that we spend, and in, you know, carefully trying to project
3 how we can best manage the funds that we have.

4 So thank you.

5 RAY BLADINE: Thank you, Commissioner McNulty.

6 And any time you have questions, please call me,
7 or suggestions, because this is a work in progress. But we
8 do need to move forward.

9 CHAIRPERSON MATHIS: Any other questions for
10 Mr. Bladine or Ms. Gomez?

11 RAY BLADINE: Madam Chair, probably, and I would
12 have legal counsel, if we need to have a motion to authorize
13 me to do something to move forward with this?

14 It's never a good sign when they have to
15 collaborate.

16 JOSEPH KANEFIELD: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Kanefield.

18 JOSEPH KANEFIELD: Consulting with my co-counsel
19 here on the question, is the question whether the Commission
20 should -- needs to authorize Mr. Bladine to pursue a
21 supplemental appropriation from the legislature in light of
22 current finances.

23 RAY BLADINE: Correct.

24 And I'm not at this time recommending a figure,
25 because I really don't know what that would be.

1 I'm assuming, and I guess I'm asking legal
2 counsel, that we would go in with a figure and discuss with
3 the legislative leadership and try to come up with
4 something, but I probably need to be authorized to meet with
5 legislative leadership to discuss these issues and then
6 report back to the Commission when I have something more
7 specific.

8 JOSEPH KANEFIELD: Madam Chair, I think it
9 probably would -- I think Mr. Bladine's duties include the
10 budgeting aspect, the financial aspect of the Commission, so
11 arguably he is authorized to do this without necessarily
12 needing approval of the Commission.

13 Having said that, if the Commission wishes to give
14 him that direction and comfort, then it certainly wouldn't
15 be inappropriate to do.

16 COMMISSIONER McNULTY: Madam Chair.

17 CHAIRPERSON MATHIS: Ms. McNulty.

18 COMMISSIONER McNULTY: I feel like Mr. Kanefield
19 does, that that's within the scope of his authority, and
20 that maybe he can come back to us once he's explored it
21 further and has a number in mind and has some feedback from
22 the legislature.

23 If he feels he needs -- if you feel that you would
24 like our concurrence or our approval of anything that you
25 might put together, I certainly would be happy to look at it

1 then.

2 RAY BLADINE: Madam Chair, Commissioner McNulty,
3 no, I'm satisfied.

4 I don't need the legal, then you know I'm doing
5 it, and if the attorneys say I can do it, then I'm fine.

6 CHAIRPERSON MATHIS: Thank you.

7 Okay. Any other comments on this? Agenda item
8 six?

9 Anything for seven and eight on the executive
10 director report?

11 RAY BLADINE: Just a couple quick things.

12 I think really pretty much you all are aware of
13 it, JLBC request, as we mentioned that yesterday.

14 Today we all know, we are working on that.

15 I think probably you also have seen the yellow
16 sheet had some information on the request by Speaker Tobin
17 to JLBC that generated this. And I talked to him the other
18 day.

19 Kristina is monitoring, and we're close on getting
20 Catalyst all caught up in terms of the input of the media
21 and other documents.

22 And now we're spending a good amount of time
23 getting files organized and working with legal counsel for a
24 filing with the Justice Department.

25 And I think she took advantage of Bruce's being in

1 town to talk to him this morning and staff about the kinds
2 of things we wanted to do.

3 She meets regularly with Kristin from Mary's
4 office.

5 So we are proceeding along with those things.

6 And finally I guess I would offer, while I'm
7 thinking about it, that if Willie needs help making phone
8 calls or contacting counties tomorrow, we can certainly help
9 him do that to try to get that part wrapped up.

10 And other than that, I am available for questions,
11 but I don't have anything else to report.

12 CHAIRPERSON MATHIS: Any questions?

13 VICE-CHAIR HERRERA: Madam Chair, I don't know if
14 this question is for Mr. Bladine or maybe for legal counsel,
15 but I think if we haven't started already, I would like to
16 see us soliciting for the minority community leaders and
17 people that have approached us, and also commented on the
18 maps, their input in writing, for when we submit a proposal,
19 we submit the maps to DOJ.

20 I think we should be doing that now if we haven't
21 already.

22 Madam Chair, Leonard Gorman is here, so I'm
23 assuming he's already written the letter. If he hasn't,
24 hopefully he'll do that tonight.

25 COMMISSIONER McNULTY: Madam Chair, I have a

1 question for Mr. Bladine and legal counsel.

2 The preclearance submittal, I think legal counsel
3 is working on that with you now.

4 Do we have a target deadline? And if not, should
5 we set one? Are we still working for the end of January to
6 submit to DOJ?

7 RAY BLADINE: Madam Chair, Commissioner McNulty,
8 we're -- I guess I -- best answer I give you, we're working
9 as fast as we can, but I don't know the answer to when the
10 outcome will be.

11 Maybe, maybe Mary can help some on that.

12 We don't have a full picture of what needs to be
13 submitted.

14 We certainly have looked at what it was last year,
15 but I couldn't give you an estimate.

16 Maybe Mary could.

17 MARY O'GRADY: Madam Chair, commissioners, we had
18 talked about when we adopted the tentative final shooting
19 for an end of January submission.

20 Maybe between now and our next meeting we'll
21 confer as counsel and see if that seems reasonable. And if
22 not, let you know and work with you in terms of setting a
23 deadline for us.

24 VICE-CHAIR HERRERA: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Herrera.

1 VICE-CHAIR HERRERA: Do we have any idea when the
2 next meeting will be?

3 CHAIRPERSON MATHIS: Well, we're talking about
4 Friday morning.

5 We don't know if Mr. Stertz is available.

6 We know Mr. Freeman is not.

7 It sounds like both of you are.

8 I am.

9 So we could possibly meet Friday morning,
10 otherwise next week.

11 VICE-CHAIR HERRERA: Madam Chair, I didn't say I
12 was available. I said that I would clear my schedule if
13 needed for this important task.

14 I want to make sure that's clear.

15 CHAIRPERSON MATHIS: Got it.

16 So we'll find out -- we'll have to know by
17 tomorrow morning, because we have 48-hour notice.

18 BRUCE ADELSON: I have put in a phone call and an
19 e-mail message, and I'll try Commission Stertz again later
20 tonight and tomorrow morning.

21 CHAIRPERSON MATHIS: Okay. And, I mean, we have a
22 quorum, it sounds like, if we need to meet on Friday. But
23 it would be great if Mr. Stertz can join us.

24 RAY BLADINE: And then I would assume that if we
25 do not meet on Friday, I will ask you all to give me your

1 availability for next week.

2 I'm looking at my schedule, and I don't -- right
3 now it shows like everybody's available next week, and I
4 know that's not right.

5 CHAIRPERSON MATHIS: Yeah, I would just echo -- I
6 appreciate Ms. McNulty's question for counsel. I would like
7 it if we could set an actual submission goal in line. And
8 not try to hold anyone's feet to the fire, but I also sort
9 of am. And it would be great if we could try to drive this
10 to conclusion.

11 And I know unforeseen things can happen and all of
12 that, so, but I think having goals is a good idea. We can
13 do it.

14 Any other future agenda items, anything -- should
15 we talk about next week in terms of just right now? Do you
16 guys know your schedules in terms of options?

17 COMMISSIONER McNULTY: That would be helpful to
18 me. I need to plan in advance a little bit at this point.

19 Monday is MLK day.

20 I don't know if that's -- so. . .

21 CHAIRPERSON MATHIS: Yeah, I don't know.

22 RAY BLADINE: That is a state holiday, of course.

23 COMMISSIONER McNULTY: Okay. All right. So, I'm
24 available every day next week, but I can't clear -- I can't
25 hold every day open. So I would need, you know, within

1 24 hours perhaps to have a sense of what date -- which of
2 those days I need to hold open, one or two.

3 CHAIRPERSON MATHIS: And it would be good to know,
4 I guess, from legal counsel, can commissioners participate
5 by phone in any of these upcoming two meetings?

6 MARY O'GRADY: Yes. You can, commissioner.

7 CHAIRPERSON MATHIS: Okay. That's helpful. So we
8 don't have to be here physically, if we couldn't.

9 VICE-CHAIR HERRERA: Madam Chair, the -- as long
10 as the phones are working properly, that would work fine.
11 If we have phone issues that -- I can see that wouldn't work
12 okay.

13 CHAIRPERSON MATHIS: Okay. So next week, does
14 anyone want to talk about? It sounds like Monday's not a
15 good day.

16 Tuesday is not a good day usually for me either,
17 Tuesday afternoon.

18 VICE-CHAIR HERRERA: Madam Chair, are you talking
19 about an additional meeting?

20 CHAIRPERSON MATHIS: Next week.

21 VICE-CHAIR HERRERA: So Friday -- Friday is one.
22 And are you looking at an additional meeting the
23 following week?

24 CHAIRPERSON MATHIS: Right, two more.

25 VICE-CHAIR HERRERA: That would be a total of two.

1 CHAIRPERSON MATHIS: Uh-hmm.

2 VICE-CHAIR HERRERA: So one more after the one on
3 Friday.

4 CHAIRPERSON MATHIS: Correct.

5 VICE-CHAIR HERRERA: I am available Monday.

6 CHAIRPERSON MATHIS: But I don't -- it doesn't
7 work, does that, Monday --

8 VICE-CHAIR HERRERA: Oh, the staff wants a day
9 off?

10 RAY BLADINE: I think when the state fought as
11 hard as it did to get the holiday, that maybe we don't want
12 to -- but, yes, it's purely about us, as it's been all
13 along.

14 CHAIRPERSON MATHIS: All right. We're used to
15 this.

16 So the 17th in the morning, I can meet up, but I
17 just have a meeting at 1:30 on Tuesday I have to attend.

18 So I can meet any time up until then.

19 It would be good to try to come to conclusion
20 earlier.

21 Yeah, so if -- I don't know if Tuesday morning, is
22 that at all --

23 COMMISSIONER McNULTY: I can do any day. Just
24 tell me which days you guys can do it, and I'll reserve that
25 and work around it.

1 CHAIRPERSON MATHIS: Mr. Freeman, do you have
2 availability next week?

3 VICE-CHAIR FREEMAN: Madam Chair, I'm sorry, when
4 I was in -- and I'm not complaining, just so the record,
5 when I was in my office I could hear just good about
6 everything you said and about 50 -- 75 percent of what
7 everyone else said. So I switched phones. I really don't
8 have the vaguest idea of what you guys are talking to about.
9 Something to do with the schedule. I would just -- I would
10 ask Mr. Bladine to follow up with me by e-mail and phone
11 tomorrow.

12 And I looking down, we're looking at next week,
13 and I don't know my availability.

14 I always try to give him detailed descriptions of
15 what my schedule is like, but I think like everyone, I can't
16 hold the dates open indefinitely.

17 I do try to fill in work when I can when I don't
18 think we're going to have a hearing.

19 CHAIRPERSON MATHIS: Okay. And I apologize,
20 there's been technical issues, but we're thinking about
21 maybe Tuesday morning as a potential date.

22 So if you can think about that and see if -- and
23 then let Mr. Bladine know, that would be good.

24 He'll check with Mr. Stertz.

25 So that's one possibility. I'd like to do it as

1 early in the week as possible, just to get it moving.

2 So let's hope that the 17th works.

3 Okay. Anything else on agenda items, meetings?

4 (No oral response.)

5 CHAIRPERSON MATHIS: Mr. Freeman, I should note
6 too that legal counsel did say that if commissioners need to
7 they can dial in for these next two meetings.

8 We'd obviously like to have everyone present, if
9 possible, but we know everyone's schedules are really tight,
10 so just keep that in mind.

11 Okay. Anything else from anyone?

12 Any final thoughts, comments, questions?

13 (No oral response.)

14 CHAIRPERSON MATHIS: It's earlier tonight. So
15 we'll go ahead and adjourn the meeting.

16 The time is 8:13 p.m.

17 Thank you all for coming and for the public's
18 input tonight. We appreciate it.

19 (Whereupon, the meeting adjourned.)

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

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4 BE IT KNOWN that the foregoing proceeding was
5 taken before me, Marty Herder, a Certified Court Reporter,
6 CCR No. 50162, State of Arizona; that the foregoing
7 115 pages constitute a true and accurate transcript of all
8 proceedings had upon the taking of said meeting, all done to
9 the best of my skill and ability.

10 DATED at Chandler, Arizona, this 18th day of
11 January, 2012.

12

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C. Martin Herder, CCR
Certified Court Reporter
Certificate No. 50162

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