Thursday, August 18, 2011
10:08 a.m.

Location

Holiday Inn Commerce
777 North Pinal Avenue
Casa Grande, Arizona 85122

Attending

Colleen C. Mathis, Chair
Jose M. Herrera, Vice Chair
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner
Richard P. Stertz, Commissioner
Raymond F. Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist
Mary O'Grady, Counsel, Osborn Maledon
Joe Kanefield, Counsel, Ballard Spahr

PREPARED BY:

AZ Litigation Support, LLC
Michelle D. Elam, CR
Certified Reporter
CR No. 50637
CHAIRPERSON MATHIS: This meeting of the Arizona Independent Redistricting Commission will now come to order.

Today is Thursday, August 18th, 2011, and the time is 10:08 a.m.

If you would all please rise for the Pledge of Allegiance.

(Pledge was recited.)

CHAIRPERSON MATHIS: Well, it's great to be here in Casa Grande this morning and to have some public joining us today. Thank you for being here.

I thought I would start with roll call and then we'll introduce some of the other people around the table.

Vice Chair Freeman.

VICE CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Vice Chair Herrera.

VICE CHAIR HERRERA: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.
COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.

Other folks at the table are our legal counsel. We have Mary O'Grady and Joe Kanefield. Our mapping consultants, three members of that team. Ken Strasma, Willie Desmond, and Andrew Drechsler.

We have a court reporter who is recording all of the proceedings today, Michelle. Thank you for being here. And we'll be taking breaks periodically, but everyone should always be mindful that we need to speak clearly and into the microphone so that we get an accurate reporting of the record.

Our Executive Director, Ray Bladine, over here on the left and your right and also our chief technology officer, Buck Forst, and we also have Kristina Gomez, our deputy executive director, and Lisa Schmelling, our public outreach coordinator.

And I hope I'm not forgetting anybody else from the team. I don't see anyone else right now.

So I think that concludes introductions.

We will move into the next item on the agenda, which is presentation, discussion of
alternative grid maps. Possible adoption of Congressional and Legislative grid maps.

So as I think everybody knows, at our -- at one of our earlier meetings a few weeks ago we gave our mapping consultant direction on how to generate two grid maps. And that's a requirement in the Constitution, that we start from scratch and start with a clean slate and generate those grid maps, which only meet two of the criteria.

So we're a long way from being towards any draft maps yet. These just have equal population in them.

And we ended up deciding that it would be an interesting exercise to have them generate two sets of grid maps, both for Legislative and Congressional districts. And the reason for that is we thought it would be interesting to start in the densest population area of the state. So that was determined based on population and they started a grid map from there and then we also thought it would be interesting to start in one of the corners and generate a grid map based on that and just see what happens.

So that's what we are going to be talking about now.
So is it Mr. Strasma will be up next or --

KEN STRASMA: Yes.

CHAIRPERSON MATHIS: Okay. I'll turn it over to Ken.

KEN STRASMA: Okay. Is my mic working? Can people hear me?

UNIDENTIFIED SPEAKER: No. Turn it more towards --

KEN STRASMA: Is that better? Hello. Okay. And please, if I drop off, just wave me down and let me know. I want to make sure everyone can hear.

As the chairwoman said, the grid maps are intended only to satisfy two of the criteria, equal population and to the extent, possible, to be compact.

UNIDENTIFIED SPEAKER: Louder.

UNIDENTIFIED SPEAKER: Don't be afraid. Just say it.

KEN STRASMA: Thank you. Is that better?

UNIDENTIFIED SPEAKER: Yes.

KEN STRASMA: Okay. The grid maps are intended to be equal in population and to the extent
possible, compact and contiguous. We made no
attempt to satisfy any of the other criteria.
That's what happens next, the process we are about
to launch into, the adjustments to meet the other
criteria.

One of the ideas behind the grid maps is
to have a starting point other than the exiting
districts. That's one of the key things in
Proposition 106 was that we not start with existing
districts or take into account incumbents'
addresses. So the grid map is designed to be a
clean slate to start.

As the chairwoman said, we tried two
different approaches and the starting points and
directions were chosen at random through a coin
toss.

I do find it was very interesting the
differences that the different approaches led to.

Congressional district option one was
started at the densest bloc in Maricopa County and
proceeding counterclockwise. So you see in the
center -- let me -- starting with District 1,
proceed around sort of going out in a spiral through
the state.

A common theme in these is the first
districts look nice and square and the final ones
where we're basically taking all of the space that
was left are the ones that look very odd.

I want to quote -- tip my hat to
Mr. March who coined the description of this one as
Darth Vader's tie fighter at the meeting yesterday.

We see on District 9 that sort of curves
in because that was the remaining population after
we followed the procedure outline.

Congressional district option two, we
began in the southeast corner and proceeded
clockwise. So there it was a little easier to have
more square-shaped districts in the rural areas and
then finished up in the more dense center.

The Legislative districts followed a
similar procedure beginning first in the most
densely populated and proceeding counterclockwise
and then a second option beginning again in the
southeast corner and proceeding clockwise.

The -- in terms of whether or not
these -- one of these yielded a more compact set of
districts or not, it's difficult to say. The
Legislative District 23rd from option one is the
least compact, using one of the measures that are
available to us, the Reock score, which it compares
the area of the district to the area of an enclosing
circle.

So if you imagine we were to draw the
smallest circle that could fit entirely around this,
compare that area to the area of this district, and
this is one of the least compact possible districts
using that type of shape just because a very large
circle would have to be drawn to enclose it.

Using a different measure, the
Polsby-Popper score, which the last Commission used,
where we compare the area to the area of a circle
with the same perimeter, a different district shows
up as being the least compact.

I thought it was interesting to highlight
that, just to highlight the fact that compactness is
not a cut-and-dry measure. There are several
different measures and compactness can often be in
the eye of the beholder.

When we looked at various different
measures, generally speaking, option two, the one
that began in the southeast, come out better on
these measures with the exception of the mean
Polsby-Popper Score, that is the score at which
there are equal number above and below.

In the cases of all except the perimeter
score here, values closer to 1 indicate that the district is more compact.

We've highlighted which is the best for each of those scores. So generally speaking, option two comes out best under these measures.

The perimeter, that's the one where one isn't the ideal. The perimeter is just the total of all of the districts. That's not a measure that makes any sense for a single district because a large rural district will have a larger perimeter.

But the idea is because there's the same total area, the same number of districts, if the state has a lower total perimeter for all of the districts, that indicates the districts themselves would be more compact by that one measure.

In terms of --

CHAIRPERSON MATHIS: What's the unit of measure on perimeter?

KEN STRASMA: These are miles.

And in terms of equal population, there are different standards that we have to meet for Congressional and Legislative. For Congressional, the standard has to be plus or minus one person. So we met that standard in the grid maps. And so they are identical because the population doesn't divide
evenly by nine. There always will be one Congressional district that's overpopulated by one. In the Legislative district, the districts are considerably latitude. We set the goal of being one plus or minus 5 percent on the Legislative district.

And so those are the two options. I would welcome any questions or direction from the Commission as to which set we should proceed.

I should also add there's no technical reason why we have to choose option one or option two the same for Legislative or Congressional. You can choose option one for Legislative, one for Congressional.

VICE CHAIR HERRERA: Madame Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE CHAIR FREEMAN: I don't think my mic is working. It is working.
With the Congressional grid maps, you created two grid maps and I think both of them have three border districts. Is that correct?
KEN STRASMA: Correct.
VICE CHAIR HERRERA: Is there a reason why you were able -- why you were not able to create a map that had only two borders, at least to give us
some options as opposed to three?

KEN STRASMA: We did not attempt to do that. We did not attempt to meet any criteria except for as square a shape as possible, not splitting up units of geography and going in the direction established.

VICE CHAIR HERRERA: I'm not asking about the other criteria. I'm just asking why you weren't able to create a map that had only two borders -- like it is now. Is there a reason?

KEN STRASMA: It's not a question of not having been able to. We could have, if that had been a goal. And that certainly is something that can be achieved in the adjustments. But this -- following the procedure laid out at the last meeting, this is what these maps yield.

VICE CHAIR HERRERA: I'll ask another quick question.

Have you ever spoken to a commissioner on the phone or in person, commissioner or commissioners, to talk about three borders?

KEN STRASMA: Yes.

VICE CHAIR HERRERA: You have.

KEN STRASMA: Yes.

VICE CHAIR HERRERA: And you have spoken
to commissioners on the phone as well regarding that?

KEN STRASMA: Yes. But I should reiterate that there was no conscious attempt to make three border districts.

VICE CHAIR HERRERA: No, but I want to make sure -- so a commissioner called you and spoke to you about grid maps and mentioned his or her interests on having three border districts. Is that right?

KEN STRASMA: I'm not a hundred percent sure if three border districts were brought up specifically in those conversations. And I should also clarify that I initiated conversations with commissioners about their grid map options. So it's not -- I don't know if the clarification matters, but it's not that someone was seeking me out to lobby in favor of three border districts.

VICE CHAIR HERRERA: But you do -- just to clarify, you do remember talking to a commission or commissioners regarding borders?

KEN STRASMA: I believe so.

JOSEPH KANEFIELD: I just want to make sure that we don't --

VICE CHAIR HERRERA: I'm not referring to
executive session. I'm just saying a commissioner could have called them and that's not executive. So we can --

JOSEPH KANEFIELD: I was just cautioning we just want to make sure we don't waive our Legislative Privilege.

UNIDENTIFIED SPEAKER: We can't hear you.

UNIDENTIFIED SPEAKER: We can't hear the questions.

JOSEPH KANEFIELD: Sorry, folks. I was just cautioning against -- we just need to be careful about not waiving our Legislative Privilege on some of these deliberations about the map-drawing process are within the scope of the Privilege. So we just want to guard against that. I'm not saying that's happened.

VICE CHAIR HERRERA: No, I appreciate that. And I just wanted to clarify, because I would have wanted to see at least one map out of the two with two border districts and not both of them with three. It's just a concern of mine. I want to make sure I voice that.

KEN STRASMA: And if I may make a suggestion, part of the agenda for today's meeting will be to be soliciting direction from the
Commission for work that we'll be doing over the course of the weekend and presenting Monday. And I think that would be an excellent topic for us to investigate. What would it look like if we took the same approach but attempted to make two border districts instead of three.

VICE CHAIR HERRERA: Okay. I appreciate it.

COMMISSIONER MCNULTY: Madame Chair, Mr. Strasma, I'm going to ask you what we should ask you about these maps. What -- given that we have them up here and that they are the starting point -- or one of them will be, whichever one we choose, are there any principles or pieces of data, you know, that we could understand from looking at these maps? For example, the way precincts were built into them or voting blocs were built into them? Not the methodology but just what makes up these various districts that would be helpful to illustrate the kinds of things we'll be asking you to do going forward.

And if the answer to that is "no," that you'll be explaining that at a later time, that's fine. But if there's something we can use these
for, you know, for our own education and for the
public other than just the starting point, it might
be good to do that.

KEN STRASMA: In terms of the question of
precincts that went into them, we did not look at
precincts. We were attempting not to split
geography. We looked at county's census tracts and
census bloc groups.

The reason for not looking at precincts
is because they will be redrawn to accommodate the
plan. So the precincts that exist now won't be the
ones in place when this plan in implemented.

And in terms of other things that I think
you should know about or consider about the grid
maps, except for the fact that under most measures,
option two ended up being more compact, there's no
compelling reason based on the numbers to choose one
or the other, in my mind.

CHAIRPERSON MATHIS: Any other questions?
VICE CHAIR FREEMAN: Madame Chair.
CHAIRPERSON MATHIS: Commissioner
Freeman.

VICE CHAIR FREEMAN: Well, certainly
option two looks like an easier jumping-off point
for us just based on the look and feel of the maps.
And I also wanted to point out that was brought to my attention this morning in the Casa Grande Dispatch; they have published the option one and option two Congressional maps but they have them reversed. They have -- from what we have. I want to make sure -- and I was also told the Arizona Republic likewise switched the number.

So when we are talking about option one and option two, it's the maps as they are displayed on our AIRC website and as you've displayed here this morning, not what was in the paper. It's reversed.

CHAIRPERSON MATHIS: Thank you.

Comments from other commissioners?

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Strasma, thank you very much for taking our lead that we gave to you a couple of weeks ago. You have executed it exactly as we had asked you to, which was to take two different approaches from random points.

And I've had the opportunity over the last week and a half to work in the Maptitude software with both options one and two and looking at certain options.
I personally am going to give a recommendation, I think that option two fits -- fits well. It is workable in both Legislative and Congressional district mapping. And I was actually -- frankly, I was surprised because I thought it was going to be the other way around.

So I think it meets with the criteria for a grid map and if it is our desire to move forward to be able to start to work off of one of the two grid maps, then I'll form that in a motion for the adoption of Legislative and Congressional district grid maps as items -- as option two to go ahead and proceed to use that as our baseline grid.

CHAIRPERSON MATHIS: Thank you, Mr. Stertz.

Other -- is that a motion?

COMMISSIONER STERTZ: Yes, Madame Chair.

CHAIRPERSON MATHIS: Okay. Is there a second?

VICE CHAIR FREEMAN: I'll second.

VICE CHAIR HERRERA: Before we --

CHAIRPERSON MATHIS: Okay. Discussion?

VICE CHAIR FREEMAN: Again, I just want to voice my concern.

UNIDENTIFIED SPEAKER: Can't hear you.
VICE CHAIR HERRERA: Again, I just want to voice my concern about the look of the map. And focusing on Congressional one and two with the -- what some of the members of -- the commissioners' desire to have three border districts and having both of them have border districts -- I understand it's a grid map, but it is a starting point. It is important, as Mr. Stertz -- Commissioner Stertz had mentioned, we are discussing and debating grid maps. So I will not be supporting it, but I just wanted to make sure that my concerns were on the record.

CHAIRPERSON MATHIS: Thank you.

Comments from other commissioners?

VICE CHAIR FREEMAN: Madame Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE CHAIR FREEMAN: I would also like to voice my concern that the Commission instructed the mapping consultant to start at two arbitrary points and proceed in a mech- -- essentially a mechanical way to formulate these grid maps and we have commissioners who are -- at least one commissioner who is upset at the way the map looks and is expecting the map to look a different way.

This was supposed to be an arbitrary
process, an arbitrary jumping-off point, a very systematic and mechanical way to build and structure the maps and they look the way they are. And I don't think there's any reason for any of us to be upset. This is a starting-off point.

We are now going to apply the six Constitutional criteria and I'm sure these lines are going to get moved around quite a bit.

I support -- let's just adopt option two for State Legislative districts and for Congressional districts.

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: Just a quick comment.

I wouldn't consider or classify it as being upset. I don't think you've seen me upset. So this isn't definitely upset. I'm voicing my concern, which I have a right to do. You've voiced your concerns numerous times, and I respect that. This is definitely not being upset. I have a lot of respect for the Commission and Strategic Telemetry, but I do as a commissioner have a right to voice my opinion like Stertz -- all of you have done on numerous occasions. So upset? No, I just wanted to
make sure.

CHAIRPERSON MATHIS: Other comments?

Oh, sorry.

MARY O'GRADY: I just had a question. I think there are some speakers who were --

UNIDENTIFIED SPEAKER: We can't hear you. You need to use the mic.

MARY O'GRADY: There's some speakers --

UNIDENTIFIED SPEAKER: Still can't hear you.

MARY O'GRADY: I believe there's some speakers who wanted to address the grid map, and I don't know if you want to take that public comment before you act on the grid map.

CHAIRPERSON MATHIS: I think that's a good idea.

VICE CHAIR HERRERA: There was already a motion made. What do we do with the motion?

CHAIRPERSON MATHIS: Can we do that with -- during discussion, have public comment on a motion?

MARY O'GRADY: Well, I didn't bring my Robert's Rules on that particular point, but I think it would be appropriate under these circumstances to go ahead and take that public comment before the
21 vote.

CHAIRPERSON MATHIS: The only one I'm seeing specifically -- so if the public wants to just let me know who is -- who would like to comment on the grid map options, you can come up and just say so.

But according to the sheets I have, request to speak, Janet Regner, consultant to the Board of Supervisors for Coconino County wanted to comment on grid maps.

JANET REGNER: Good morning, members of the -- can you hear me?

UNIDENTIFIED SPEAKER: No. You need to speak up.

UNIDENTIFIED SPEAKER: You need to speak up.

JANET REGNER: Can you hear me now?

Okay. Good morning, members of the board, Madame Chair, members of the IRC. My name is janet Regner. I'm here today representing Coconino County and the Coconino County Board of Supervisors.

UNIDENTIFIED SPEAKER: You're unreadable.

UNIDENTIFIED SPEAKER: We can't hear you.

JANET REGNER: Okay. I will try to talk into the microphone, but I would appreciate it if I
could speak.

As the chairman of the Coconino County Board of Supervisors mentioned at the Flagstaff IRC meeting, the task of Legislative and Congressional redistricting is a major undertaking and a significant personal commitment on your part.

Your role and the decisions you make in the weeks and months ahead will have a long-term impact on all Arizonans for the next ten years.

We have stated the demographics, the communities of interest of Coconino County in that testimony that was heard in Flagstaff earlier this month. And I would just remind you that there are 134,421 people living in the county. A nearly 16 percent increase since 2000. 27 percent of that population is of Native American descent.

30 percent of that population has a college degree, a higher percentage than the overall percentage for the state of Arizona.

The county is made up of 18,661 square miles, 16 percent of the entire state of Arizona.

Coconino County is the second largest county in the nation second to San Bernardino County and larger than the country of Switzerland and 70 percent of the county's population is of voting
With that as background, the five-member board made of Chairwoman, Lena Fowler, Supervisors Carl Taylor, Liz Archuleta and Matt Ryan have several comments on Legislative and Congressional redistricting.

First, the board supports competitiveness in Legislative and Congressional districts to ensure voters have legitimate choices.

While they understand that competitiveness cannot be the main criteria for forming districts, it is an important consideration to give the citizens of Coconino County meaningful choices in their representatives at the State Legislature and the U.S. Congress.

The board believes that Coconino County should not be segmented. As you have heard from my description of Coconino County, it is a large and diverse area. Therefore, the board believes that if the county is split, that the districts should include northern Arizona.

This could include the eastern Arizona counties that Coconino County is currently aligned with through the Regional Council of Governments. Those would be Coconino County, Navajo County,
Apache County, and Yavapai County.

The board is also concerned with ensuring districts -- that the districts include communities of interest. Those communities of interest would include and not in priority order, regional economic development, ecotourism, transportation, forestry, ranching, and agricultural, institutions of higher learning, rural versus nonrural areas of the county, and tribal nations.

With these priorities in mind, the board has reviewed the IRC grid maps as well as other proposals. The board is requesting that the IRC reject both Congressional grid map option one and option two.

Option one includes Coconino County in a district with the river counties down into Pima County. The county does not believe there is an alignment between Coconino County, Southern Mohave and La Paz counties.

The county is also reviewing the Pinal County Government alliance map and looking at that very seriously.

By way of brief explanation, the Northern Arizona region has worked diligently and continues to work together on effective economic development
measures. There is strong and collective interests in regional economic development draws to keep the community together.

Because of the Grand Canyon, which absolutely must be included in both Legislative and Congressional districts for Coconino County and other large tracts of forest and public lands along with the visitors those areas attract year after year, they have strong community of interest in ecotourism, forestry, and public land management as a region.

We also have a strong interest in large landscape restoration and continuing the industries so engrained in the rural way of life.

As described in my opening comments, we must constantly balance the rural and urban areas of the county which have distinct perspectives.

The vast rural landscapes are home to many residents. These lands also provide the basis for agricultural production, habitat for wildlife, watersheds for the recharge of aquifers, and significant opportunities for the development of renewable energy.

We value the unique landscapes and have an ethical obligation to the land. Forest
industries are a significant economic potential for the region. For the past several years, the county has been working diligently on the four forest restoration initiative. Four national forests actively engaged in a collaborative landscape scale initiative designed to restore fire adapted ecosystems. And given the fires this summer, need I say more.

Those forests are the Kaibab, Coconino, Apache-Sitgreaves, and Tonto. As you can see, those are the eastern counties as well as Coconino.

Together with the diverse group of stakeholders, the four forests are working to collaboratively plan and carry out landscape-scale restoration of Ponderosa Pine Forest in Northern Arizona.

We would ask that you keep the diversity I have described in mind as you develop the maps.

Speaking of diversity, we have a large Native American population in the county made up of several Indian tribes. The Navajo Nation, the Hopi tribe, the Hualapai tribe, the Havasupai tribe, the Kaibab Paiute tribe, and the San Juan Southern Paiute tribe. These six tribes are all sovereign governments with their own governments, laws,
languages, and cultural practices.

   It will be important for you to listen to
their viewpoints and respect their distinct
historical and culture differences as well as their
commonalties.

   And finally but not least importantly, we
hold a strong value on institutions of higher
learning in our county area.

   Northern Arizona University and Coconino
County -- Coconino Community College are drivers of
our future workforce, residents and businesses. It
is important to us that this high value on education
be considered. In fact, one of our primary economic
development strategies utilizes the intellectual
property and expertise from NAU through a process
involving incubation of start-up businesses and
industries to create new centers for high technology
and green enterprises.

   In closing, we appreciate the dedication
of the IRC members and staff and for the opportunity
to provide our perspective.

   If there is anything we can do to be of
assistance in the weeks and months ahead, please do
not hesitate to contact the Coconino County Board of
Supervisors.
Thank you so much for your time.

CHAIRPERSON MATHIS: Thank you.

Were there other members of the public who wanted to comment specifically on the grid map options?

Have you filled out a request to speak form?

TERESA MARTINEZ: I did.

CHAIRPERSON MATHIS: Okay. I'll just pull your name.

TERESA MARTINEZ: Teresa Martinez.

CHAIRPERSON MATHIS: Okay. Great. Feel free to come up.

TERESA MARTINEZ: I gave it to her late.

CHAIRPERSON MATHIS: Okay. Got it.

Teresa Martinez from Casa Grande.

TERESA MARTINEZ: And I'll only be talking about -- oh, dude, I'm so loud. You're not going to need it.

I'll only be talking about the maps. I did make a couple of notes in regards to some of the comments that I heard.

In all respect to Coconino County, wherever she may be, I can appreciate her concern about higher education, about keeping that together.
Again, this is off the cuff. This is just a couple of notes.

However, Pinal County currently is with Coconino County in CD1. We also have Eastern Areas College over in Graham-Greenlee area, we have CAC, and we have Embry Riddle and Yavapai.

I can appreciate how Coconino County would like to have a representative that's dedicated to higher education, as all counties do. Just like Yavapai and Pinal and the rest of us.

So when you go and you look about those higher education, I want you to keep in mind that it's not just Coconino County that has it. A lot of the areas and counties in CD1 currently have it. So please keep that in mind.

Currently right now, Coconino County says that they would absolutely love to have it altogether. Currently Pinal County has four representatives. Cool. We have Congressman Grijalva, Congressman Gosar, Congressman Flake, and Congresswoman Gabrielle Giffords in all different parts of the county. Now I could be wrong, but I believe that that's where I'm at. Four.

We also would like to have our own Congressman or woman, but sometimes that's just not
possible. So my hats off to you on keeping your
ground on starting on an arbitrary map from the
starting place. Good for you.

In regards to the border districts, you
know, I'm going to disagree. I can appreciate that
you, sir, and whoever you may represent would like
two border districts. I can appreciate that.

I on the on the other hand would like
three. And the reason I would like three is because
I would rather have three congressmen or women
fighting to secure our border or our border issues
than just two. It's just math. You have more
people fighting for the same thing that a
Congressional district would like.

So I can appreciate that you want two, I
want three. So we both live in the state of
Arizona. It's up to the commissioners to decide
what is best for the state of Arizona and not
necessarily what's best for certain party interests.

In regards to the grid maps, I don't have
any heartburn with two, personally. I would like to
say in communities of interest, I know you get the
whole racial thing. You like to keep Hispanics
together, what to keep -- that's not what I'm
talking about. I'm talking about rural America.
Casa Grande has more in common with Globe, Arizona, with Chino Valley than they do Tempe or Chandler.

And the last thing I would like to see is Casa Grande get thrown to the side because the bulk of the votes come from Tempe, because the bulk of the votes come from an area where it's more condensed population.

In Casa Grande, we have lots of open space, we have agriculture, we have concerns about water. I think they are a little bit slightly different than probably the people in Mesa. Nothing against them, just our concerns are different. And I would like to see rural communities stay within rural communities.

And you're going to say, well, that's community of -- communities of interest; however, it's also competitive because in CD1, we have had a Republican congressman, we had a Democratic Congresswoman and you have had a Republican Congressman based on their abilities.

We have a slightly Democratic edge. Again, I'm not a professional, I'm not a lawyer, I'm not a science person who looks at numbers all day long. I'm just eyeballing it, okay? So I could be
But I believe CD1 leans Democrat, and it's competitive. I think it's based on the value and the performance of the congressman or woman who takes that.

So when you are all discussing and you are all debating on what you're doing, I would like for you to keep those issues in mind.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Were there other members of the public? Senator Al Melvin, please come up.

I have a request to speak. Senator Al Melvin is a State Senator from LD26.


The reason I wanted to speak early on today is the -- just the entire nature of this Commission, Independent Redistricting Commission.

When this was put on the ballot by Mr. Peterson, a Democratic -- later a Democratic candidate for the U.S. Senate and the money that he placed behind this ballot measure, it was sold to the people as an Independent Redistricting
Commission rather than the 90 duly elected Legislators in the Arizona State Legislature. So now we are dealing with that institution here in this room.

Basically we've got two Republicans, two Democrats, and you, ma'am, the chair lady as a so-called Independent on the Commission.

And I'm struck by the fact that -- and I know this has been pointed out before -- that your husband was a paid treasurer for Nancy Young Wright, a Democratic candidate in LD26 for the House.

It came to my attention today that you specifically donated, I believe, a hundred dollars to Mr. Cherney's campaign as a Democratic candidate for treasurer and he lost to the Republican. And also that that individual, Mr. Cherney, went on to become the current chairman of the Democratic party for the State of Arizona.

So to me, the onus is on you, ma'am, to be brutally and totally honest to the 6.5 million people in this state.

If it wasn't for this Commission, 90 duly elected Legislators would be doing this job. Now it hinges on you as the one Independent out of five. And what did that get us?
It got us a mapping company with close ties to the Obama campaign. And to me and to the eyes of many people in this state, this Commission and its work is tainted. And it comes back to you and this mapping company to do the right thing for the 6.5 million people in the state. To me it is already swung hard left --

VICE CHAIR HERRERA: Madame Chair --

AL MELVIN: -- and I would ask you to just --

VICE CHAIR HERRERA: -- with all due respect, I really thought we were going to focus on the grid map.

AL MELVIN: -- be honest and tell the truth.

Thank you, ma'am.

CHAIRPERSON MATHIS: Thank you.

VICE CHAIR HERRERA: I really thought we were going to focus on the grid map, so I'm disappointed. If we are going to be opening up discussion in the middle of a conversation, let's stick to just the grid map. I would appreciate that.

CHAIRPERSON MATHIS: Right. Yeah, if we could get public comment on the grid map
alternatives, that's what we're taking public comment on right now.

So we have two people raising their hand. Let me -- Mary, do you want to go first? And Mary Kortsen, member of Casa Grande's council.

MARY KORTSEN: Correct. I'm a member of the city council but I am here just as a member. And I know Ms. Martinez and we are on the same -- at this point in time we're on the same basis.

Simply, she put it very succinctly and I agree. The only thing I do wish she had mentioned was Pima County. I do not feel that Pima County has a lot in common with what we have. Coconino definitely, that would be something. But pretty much it would be the common interests, more rural, more agricultural.

UNIDENTIFIED SPEAKER: Get in front of the mic, please.

MARY KORTSEN: Oh, I'm sorry. I apologize.

Is that better?

UNIDENTIFIED SPEAKER: Yes.

MARY KORTSEN: My concern is the Pima
County component. Again, what Ms. Martinez expressed as a the commonality, I totally agree. Even though we come maybe from different philosophies, we still come together that this would be a good way to do this, that we need to stay inside that area.

And that's why -- and because of the confusion on the different maps, absolutely, I believe we should start with option one, even though -- Mr. Freeman, I see what you are saying that the lines could move. I still believe that option one is where we should be starting.

Thank you.

CHAIRPERSON MATHIS: Thank you.

And Mohur Sidhwa, you also had a comment, and I have a request to speak form for you. Let me just pull it up so I can say where you are from.

Representing self from Pima.

MOHUR SIDHWA: Mohur Sidhwa --

UNIDENTIFIED SPEAKER: In the mic, please.

MOHUR SIDHWA: Hello?

UNIDENTIFIED SPEAKER: Speak up.

MOHUR SIDHWA: Okay. I was going to talk about an entirely different issue, but while I was
listening, it occurred to me that candidates and politicians go where voters are and the money is.

If you dilute an area, for example, putting three Congressional districts on a border, especially in areas where there's a falsity of voters, they may have voter registration, I don't know how much they turn out to vote, but that's not relevant.

What's relevant is the moment you dilute it, you may find that people are going to go where the voters are and they lose the clout with their Congressional representatives.

So they either go to where the money is and the voters are, and they both tend to be in the same areas. So keep that in mind.

Yes, officially, you may be represented by three Congressional people but don't necessarily count on them coming to you as much as when there are only two and they really need you that much more. So you're basically diluting the power of the border districts.

That's kind of what I had to say.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Anyone else want to speak on the grid map
alternatives?

    Please come up.

    Do I have your -- do I have a request to speak?

    RITA NADER: Yes.

    CHAIRPERSON MATHIS: You can tell us your name.

    RITA NADER: My name is Rita Nader. I'm on the CAC Community College Board, but I want to make it clear right now I am not representing the board because I'm not the president and we let the president represent us.

    I'm representing myself as a 59-year -- 59-year Pinal County resident and a Casa Grande resident. That -- because I am on the board, I am very familiar with what happens in Pinal County and where our linkages are.

    And Pinal County is very diverse because we have had agricultural, cattle, mining, tourism, education, of course. We have the mining area and the topography is really something in Pinal County.

    You go over the mountain, you have a totally different area in the Aravaipa area and then we come close to Gila County and we have very close linkages with Gila County.
Many of our organizations are Pinal/Gila and we also have some linkages in the Aravaipa area. They are very closely related to Graham.

And so I would like to see Pinal County -- and then when you talk about San Tan Valley with 81,000 -- 83,000 people, whatever it is, it comes from the Coolidge -- from Florence. It's in the Florence school district and aligned there, but in San Tan, there's a line that on one side it's Pinal County and the other side it's Maricopa.

So -- and then we have the Indian reservations. We have the Tohono O'odham, we have the Gila River, and we have the -- what's the one from Maricopa? I can't --

UNIDENTIFIED SPEAKER: Ak-Chin.

RITA NADER: Ak-Chin. It slipped me.

I'm sorry.

But we have -- you know, we are almost a collection of everything that Arizona is in Pinal County and we are centrally located. I -- because I have represented -- and we are very much Hispanic.

I represent on the college district -- the district that I represent is -- we have to have -- we have to satisfy the same requirements that you are satisfying. We had to have our redistricting
done by the Ben Washington from the judicial committee.

So I'm familiar with what's going on, but I really would like to see that Pinal County not be divided up and that we are in relationship with the counties that we do business with and the counties that we have linkages with already and that our topography kind of goes with that and our populations.

And so I don't -- I guess I would like to see some redistricting done and some realignments so that Pinal County does go with the districts. And I think we have nothing in common really with Pinal -- with Pima.

So thank you.

CHAIRPERSON MATHIS: Thank you.

Any other members of the public who wanted to comment on the grid map alternatives?

Please.

CHRISTINE BAUSERMAN: Thank you. Do I have to give my name?

CHAIRPERSON MATHIS: Yes, please.

CHRISTINE BAUSERMAN: Christine Bauserman. B-a-u- --

UNIDENTIFIED SPEAKER: Get up close to
the mic.

CHRISTINE BAUSERMAN:  Bauserman, B-a-u-s-e-r-m-a-n.

CHAIRPERSON MATHIS:  When you're done can you fill out a request to speak form for us?

CHRISTINE BAUSERMAN:  Yes.

CHAIRPERSON MATHIS:  I just don't have it.

CHRISTINE BAUSERMAN:  I actually agree with the Tucson citizen, I'm from Tucson, that I do not like option one. I don't think it meets hardly any of the criteria, and I realize they are both going to change. I've seen the maps even from last time. But option one is just ridiculous, you know, as far as like compact. It's not compact at all. It goes up, around, down, back around, and over, and around, makes turns and everything.

It's -- I guess you could say it's contiguous because it's connected but again, it's connected by a wraparound.

There's no way the Indians are going to be represented fairly here at all. I mean, Pima County and Tucson are down in the bottom and that's where all of the people live, so that's where everyone is going to campaign and they are not going
You have districts here that you can walk across in a day and then you have districts you would have to spend two nights to transverse from top to bottom. That's just not -- you know, no one is going to go up there and represent them.

So that's all.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Anyone else from the public?

Please come up.

EMILY VERDUGO: Good morning, Commission. My name is Emily Verdugo. Last -- my spelling, V as in Victor, e-r-d-u-g-o, and I live here in Coolidge, Pinal County, LD23, and I had a speech about everything, but I will just talk about the grid map.

While I agree with Commissioner Herrera that I do wish that there was only -- that there was a map that had two Congressional districts on the border, I would prefer a grid map option two and hopefully our neighbors on the border -- the folks down at the border will come before you and ask for two Congressional districts.

However, the reason I am in favor of
option two is because my community of interest is central Pinal County, which includes the communities of Casa Grande, Eloy, Florence, Coolidge, and the Gila River Indian community.

And the reason it is my community of interest is because central Pinal County is exactly what the definition of community of interest is on your website. It has common issues and it should be represented by one Congressional -- one Congressman -- Congressperson.

The other thing is because of our history with having the Gila River Indian community as part of our district, that is why I believe the Tohono O'odham Nation would also be well-represented with us.

But again, thank you and thanks for coming to Pinal County.

CHAIRPERSON MATHIS: Thank you.

Anyone else from the public on the grid map options that are before us?

Okay. And if any of you who spoke on grid map options want to address us again later on a different topic, you're certainly welcome to do so.

So are there thoughts from commissioners on this? I -- we're not done with discussion on
this motion yet. And I guess my only thought is I was of the assumption, and I could be completely wrong, so please correct me, mapping consultants, is that the grid map is just a starting point and it doesn't really foreclose options for anything in the future.

It doesn't mean that there will necessarily be three border districts. We could have four or we could have two or one. So -- and I could be wrong, so I would love to hear your opinion on that because I thought that now that we have to start adjusting these grid maps based on all of the other criteria that we have to meet, the map is going to change a lot. So, please.

KEN STRASMA: Yes, Madame Chair, that is our understanding as well, this is just the starting point and there is no limit to the number of adjustments that could be made to meet the criteria.

CHAIRPERSON MATHIS: And personally, I would really like it, Commissioners, if we could choose a grid map option today as opposed to generating a new grid map, frankly. I think that we need to move forward.

So any other thoughts from other commissioners?
COMMISSIONER MCNULTY: My only other thought is that we did this to be a clinical process and to be completely objective and sort of arbitrary as the starting point. And so my preference would be to toss a coin for one of these two maps. I think that continues the --

UNIDENTIFIED SPEAKER: No way.

UNIDENTIFIED SPEAKER: No.

COMMISSIONER MCNULTY: Excuse me, if --
you can come up when it's time for public comment.

That was the effort that we had embarked upon. I think that the comments we are hearing suggest that there's a reference for a certain grid map, which suggests to me that we aren't starting from a clinical arbitrary starting point. So that would be my only thought.

VICE CHAIR FREEMAN: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: Although I don't support either map, I think Commissioner McNulty's recommendation probably makes sense. That would be fair, flipping a coin and picking one of them. Because if you truly want to do it today, then that would be an option. You have two options. Flipping a coin could represent you with one option.
Literally random.

CHAIRPERSON MATHIS: Okay. Comments from other commissioners?

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Just for the public's understanding, that we had asked for two grid maps to be drawn so that we could determine.

And they were drawn -- as Mr. Strasma and the chair had noted, they were taking it from two different approaches trying to determine which was going to be the one that was going to be the most workable going forward.

These maps are a starting point. If you look at the 2001 grid maps that were drawn and the approved and accepted Legislative maps and Congressional district maps that were finally adopted, you would be hard-pressed to believe that the two actually were related to each other and grew from each other.

So -- but we do have to have a starting point that meets with the criteria as laid out in the Constitution. As I have said over and over again, it is incumbent upon us to follow the outline in the Constitution.
The mapping consultant has suggested to us that option number two in regards to compactness and equal population has a stronger leaning than option number one, and I would -- I'm going to just reiterate that going with number two allows us to not take an arbitrary and capricious approach to this so that we can go ahead and move forward.

And at that point, Madame Chair, I'm just going to bring that to a close. Option two is a great starting point. It meets with the criteria and met strongly with the recommendations of the consultant.

CHAIRPERSON MATHIS: Thank you.

Thoughts from anyone else?

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: I agree that the map is a starting point, but I want to reiterate, I personally never spoke to Strategic Telemetry about my preference of two border -- I never said anything to Strategic Telemetry in terms of what I wanted to see in those maps.

When you have commissioners that have expressed their opinion, whether it be one or two or three in preference, I don't know what else, but
definitely the three border districts -- and to me that's a concern.

Is it a true starting point? I would hope that that didn't play -- that wasn't a factor when Mr. Strasma and his team were putting together the maps. But I still think about that. I do think that when you have commissioners speaking to our mapping consultant about what they want, that could have an influence, whether it be intentional or not, that could be -- that could have an influence.

So I want to make sure that my concerns are heard. And I guess there was a motion made about voting for the second map and a second. So unless there's further discussion --

CHAIRPERSON MATHIS: Mr. Freeman.

VICE CHAIR FREEMAN: Thank you, Madame Chair.

I would agree with Commissioner Stertz that the two criteria that they were supposed to apply in formulating the grid maps was equal population and compactness. As Mr. Strasma said, option two on the whole seemed to be superior in terms of compactness.

But one question I would like to ask Mr. Strasma is in our hearing in which we decided on
the approaches for the development of the grid maps, you laid out the methodology you would employ to generate these maps.

Did you do anything to deviate from that methodology to generate a result -- to generate maps that resulted in three border Congressional districts?

KEN STRASMA: We did not. We followed only the procedure that was outlined.

VICE CHAIR FREEMAN: Thank you.

CHAIRPERSON MATHIS: Could you all hear that?

UNIDENTIFIED SPEAKER: No.

CHAIRPERSON MATHIS: Okay. Can you repeat, Mr. Strasma.

KEN STRASMA: We followed the procedure that was outlined at the last meeting and did not do anything to consciously attempt to have either two or three border districts.

CHAIRPERSON MATHIS: Thank you.

Okay. Other discussion on this matter?

COMMISSIONER MCNULTY: Madame Chair.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER MCNULTY: I have no doubt
but that Strategic Telemetry did this in accordance
with our instructions and did not deviate from that.
No doubt whatsoever.

And in the last analysis, I think my only
concern here is that we have -- you know, someone
has gotten a head start. Someone has looked at grid
map two and has projected into the future how they
are -- how that's going to be -- how they would
prefer that that be modified and adjusted. But
that's a process that we are going to work on here
going forward together.

We did not have two grid maps drawn to
see which was more workable, and we can go back and
look at the transcript. We had two grid maps drawn
just to show us where the population concentrations
were and how those would be displayed on a map. And
we also agreed on two grid maps in part because
Mr. Freeman said that if we had disagreement about
that, we would simply toss a coin.

So I believe that my perspective is
consistent with the discussion that we had when we
agreed on two grid maps.

Having said that, I don't think that this
is the place to have an argument. We are going to
have plenty of those going forward on the
Congressional maps.

And I just want to make clear for myself that this is a starting point, from my perspective. We have a lot to learn, a lot of information that we are going to expect to be hearing from our consultants today and probably Monday also. And anything that we might do today with these maps would, from my perspective, be extremely preliminary.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Other discussion?

All in favor?

("Aye.")

VICE CHAIR HERRERA: ("Nay.")

CHAIRPERSON MATHIS: We have four "Ayes" and one "Nay," the "Nay" being Herrera.

So we will adopt grid map option two for both Legislative and Congressional district maps.

And thank you for getting those generated for us and for giving us a choice, I think.

KEN STRASMA: Thank you.

CHAIRPERSON MATHIS: All right. So next item on the agenda is presentation, discussion, and summary of first round public hearings. And I don't
know if that's Mr. Bladine who is going to be leading that discussion.

ANDREW DRECHSLER: I will be doing that.

CHAIRPERSON MATHIS: Sorry, Mr. Drechsler.

ANDREW DRECHSLER: Thank you very much, Commissioners.

So today what we wanted to do is just do a highlight of what we heard and saw in the first round of public hearings.

Throughout this process you guys are getting a lot of public input. You are getting public input at the public meetings, from meetings starting in February through -- up through today. We are continuously getting public input, public comments, people having -- during these meetings, people are also handing in different -- whether it's maps and written statements or materials, we have the public input from the round-one hearings. We won't have the actual testimony.

You'll see in just a second I have some numbers of how many people actually came and testified, but we also have the blue sheets where we gave individuals the ability to hand in their comments and we wanted to make sure we captured that
as well.

Besides the public hearings and the public meetings, we have additional material that has been submitted to the Commission and the Commission staff, whether it's been through web submission, snail mail, phone calls.

And one of the goals that we have and the Commission staff, and we are working together, is to ensure everybody who has voiced an opinion is heard for the mapping process.

So today I would focus mainly on the round one verbal comments, but I also at the end just want -- we'll come back to this slide and talk about how we are addressing all of the other public comments that have been heard throughout this process.

So round one, just to go over -- through the numbers, we did the round-one hearings between July 21st and through August 6th. We visited a total of 23 cities, and this includes the eight satellite locations.

A total attendance, this is a rough estimate, but we figured it was about 2,250. We had an actual sign-in sheets of 1,395. And how I came -- how we came up with the total attendance number
is just talking to the commissioners and the staff, we feel like approximately 60 percent of the people who showed up actually filled out a sign-in sheet. So that's where we came up with the estimated 2,250. Total comments that were vocalized during the public hearings is 595. We -- I did a quick count of unique speakers because we had a number of different individuals who showed up at different hearings and spoke a number of different times, so we have 531 unique speakers. And that's an approximation.

And so the total comments of the 595, and you'll see how we broke down the comments in a second, but we feel that we captured just over a thousand total comments throughout this process.

Yes.

COMMISSIONER MCNULTY: Andrew, those are blue sheets and yellow sheets? Is there a difference between the two total comment numbers?

ANDREW DRECHSLER: The blue sheets are not counted in the total comments. This is just yellow sheets handed in, total of 595.

COMMISSIONER MCNULTY: And the total number of comments like -- includes the blue sheets?

ANDREW DRECHSLER: Just the yellow
People who vocalized -- who came in and they spoke, whether it was about their community of interest, whether Voting Rights Act, whatever the criteria or something else.

COMMISSIONER MCNULTY: I'm sorry, I'm not following the difference between those two lines.

The total comments and the total number of comments.

ANDREW DRECHSLER: There's two different comments here. These are just the comments -- so there's the number of individuals who came up and they might have spoken about two different types of criteria or three and my next slide breaks this down a little bit more.

So the number of people who -- the number of comments that are just related to the criteria were 710.

Just for fun, added up the total minutes of had public hearings during round one, and that came up to 2,085, which is just almost a day and a half. Average length of meeting, two hours and 19 minutes. And the views over the live stream were over 800 views.

So looking at round one, the people who spoke at round one, we broke them down by city, the number of attendees who signed in, number of people
that requested to speak, total number of comments recorded.

So looking at just round one, here are the cities and the dates. The number of people who signed in at each location, request to speak, and the total comments, and we have this for the August dates as well.

I'm going to put -- this is going to be up on the website by tomorrow, this presentation, so people can go back to this and look at it in a little more detail.

But looking at this slide right here -- so the total number of people who requested to speak was 642. The total number of comments that were verbalized were 595. So 93 percent of those who requested to speak actually spoke. And looking at those approximately 50 people who did not speak, it was various reasons. It was people who got up and said my point has already been covered. I don't need to repeat. There's some situations where individuals left before their time came up.

So the point is nobody was denied -- nobody who wanted to speak was denied to speak because we cut off the meeting or anything like that.
So the meetings ranged from -- I think the shortest one was just under an hour to longest one was almost four hours.

Comments based on the criteria. This is just looking at the six criteria -- the criteria of the Prop 106.

We had 49 individuals -- 49 comments on Voting Rights Act; we had 12 comments on equal population; 34 comments on compact and contiguous; there's 265 comments on communities of interest; and there were 114 on geographic features, political; and 236 on competitiveness.

We had 292 classified as "other." These were criticisms of the Commission, praise for the Commission, people talking about praise for the website, anything else that was sort of noncriteria-related fell into the "other," but we wanted to make sure that we captured all of those individuals.

Looking at this by this -- in just a pie chart, this gives you a better picture that -- you know, right here other and communities of interest and competitiveness were sort of the three big topics.

And again, there were -- one individual
could have covered up to six different -- six
different criteria. So they would have been counted
in that six different criteria.

Taking out -- this side just takes out
"other" just to look at specifically the criteria.
We had 37 percent who commented on communities of
interest; 33 percent who commented on
competitiveness; 16 percent geographic features and
political boundaries; and then the other 3 added up
to 14 percent.

So looking at the comments -- the 236
individual -- or 236 comments on talking about
competitiveness, I think it's important to note
that, you know, competitiveness doesn't mean one
thing.

So there's the -- you know, there's a
number of individuals who talked about
competitiveness being important. Some of the
comments -- competitive districts are important,
they get people involved. Need more competitive
districts on both sides of the aisle.
Competitiveness is more important -- is the most
important of the criteria. More competition equals
candidates.

At the same time as somebody commented on
competitiveness that I guess you could consider that it wasn't important, here are some of the comments that we received on that.

Competitiveness should only be used after -- used after other criteria -- COI is community of interest. So communities of interest should be prioritized before competitiveness. Current Congressional districts and Legislative districts are competitive now. Compactness, COI, communities of interest and geographic boundaries are more important than competitiveness.

You know, unscientifically, just looking at the comments of where they fall down, I think roughly four out of five comments sort of fell on the important side than the nonimportant.

VICE CHAIR HERRERA: Madame Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE CHAIR HERRERA: Is this a slide or a presentation that you will be doing at every meeting or is it just for today?
ANDREW DRECHSLER: It's just for today.
VICE CHAIR HERRERA: Could you bring it back up?
ANDREW DRECHSLER: I can. I don't know what happened.
VICE CHAIR HERRERA: I just want to point something out.
Was that the end of your presentation?
ANDREW DRECHSLER: No, it's not.
VICE CHAIR HERRERA: So you still had to turn it on anyway?
ANDREW DRECHSLER: Yeah.
KEN STRASMA: It's a new projector, too.
VICE CHAIR HERRERA: Take it back.
ANDREW DRECHSLER: Commissioner Herrera.
VICE CHAIR HERRERA: Perfect.
UNIDENTIFIED SPEAKER: Madame Chair, do you want to call for a tech break?
CHAIRPERSON MATHIS: Yeah, sure, we could do that.
We'll recess for a few minutes. Let me get the time.
It's 11:19 in the morning. We'll go into recess for five or ten minutes.
(A recess was taken from 11:19 a.m. to 11:38 a.m.)
CHAIRPERSON MATHIS: We'll go ahead and enter back into public session now.
The time is 11:38, and we are continuing in the presentation and hopefully the projector is
going to work for us.

ANDREW DRECHSLER: Thank you very much, Madame Chair.

We do have a backup projector. So hopefully if this one goes down, then we have a quick backup.

Commissioner Herrera, you had a comment just before the break?

VICE CHAIR HERRERA: Thank you.

The only concern I have with this particular slide, the issue -- important versus nonimportant. I wouldn't classify the right side as not important. I think that's mislabeling. Maybe not a priority.

ANDREW DRECHSLER: Higher importance and lower importance.

VICE CHAIR HERRERA: Maybe. I think it could be a little better. I don't think I've met anyone that doesn't think redistricting is important. So I would probably say lower priority.

ANDREW DRECHSLER: Okay. Okay. Point well-taken. We will make that correction when we put it up on the website.

VICE CHAIR HERRERA: I just want -- I do think redistricting is important to everyone,
whether it be, you know, first on their list, second on their list. I think it's important for most of the voters, if not all of the voters in Arizona.

ANDREW DRECHSLER: Yes. Point well-taken.

So here are some different definitions offered by the public during public hearings just paraphrased really of what people thought competitiveness was.

Roughly equal voter registration among Independents, Democrat, and Republicans.

Competitiveness means looking at the whole district. Would a qualified candidate have a chance of winning?

Either a Democrat or Republican can win an election every two or four years.

The majority of the Legislative districts being competitive in the general election.

And another sort of definition is people said that elections are not decided in the primary.

So those are just some of the -- you know, what we heard while we were doing the first-round hearings.

Communities of interest. As I mentioned, we had 265 comments on them. And it really ranged
across the board, as you will see here. You know, there was those who expressed that partisanship should not be -- has no factor in defining a community of interest.

Some people said people with likeminded -- people live with likeminded people should be considered -- should be a community of interest as a main criteria.

There were those who said keep Flagstaff with Prescott as they are a community of interest and have geographic similarities.

And this is sort of a common theme, don't keep Flagstaff with Prescott as they are not a community of interest with similarities.

So we had that and it was not just with Flagstaff, that was just one example that I wanted to pull out. And as all of you heard around the state, you often had different groups of people who were saying that their community of interest connected and then a couple speakers later saying that they were not together.

The light rail is a tie to a community -- as a community of interest.

Oro Valley is a community of interest.

And somebody mentioned -- they brought up
a newspaper description of a newspaper that serves the Oro Valley area.

And that's -- these are just some of the comments that were given during the presentations.

Recurring input. What we wanted to do is not re-create the whole 2,000 minutes of hearings but just wanted to give quick summaries of the top two to four points that we heard at each of the cities that we visited.

In South Phoenix, there was a number of people who supported Senator Taylor's map that she presented.

We had 3 comments, I think, on make Legislative District 15, competitive.

Ahwatukee is a community of interest; we had three people.

In Nogales, we had keep Santa Cruz County in two districts.

Create three border districts.

Bullhead City, keep Mohave County together. We had 13 individuals -- or 13 comments on that.

Create rural -- create a rural Congressional district; we had 10.

Keep tri-cities together.
Create a river district.

Casa Grande, we had keep Pinal County intact.

We have 5 individuals, keep Pinal County as one Congressional district.

Prescott, we had create two rural Congressional districts; we had 8 individuals there.

Yavapai County as one community of interest.

Put Verde Valley with Flagstaff; we had 4 people comment on that.

Window Rock, we had a couple individuals who said don't split the Navajo Nation.

We had some individuals that said don't gerrymander the Hopi Nation.


ANDREW DRECHSLER: Hon-Dah, we had create two rural Congressional districts.

Keep Legislative District 5 together.

Create eight rural Legislative districts; we had 6 individuals comment on that.

Flagstaff, don't separate Flagstaff.

Create two rural districts.

Don't put Prescott with Flagstaff, as we
covered before with -- 5 individuals discussed that.

South Tucson, keep Congressional District 8 together.

A couple of individuals talking about Legislative Districts 30 and 26, keeping them together.

Move Tucson to Congressional District 7.

Glendale, we had -- there were those that supported the Arizona Minority Coalition maps. We had 5 people comment on that.

Put Tonopah Valley together with three individuals on that.

Sierra Vista, create three border districts; we had 12 individuals who commented on that.

Keep two border districts; we had 4.

Phoenix light rail was -- as a community of interest was commented on.

And on Tucson, the final hearing, we had keep Legislative District 26 intact.

Keep -- those who wanted to keep Legislative Districts 30 and Congressional District 8 intact.

Discussed -- and there were three individuals who discussed how to address the prison
population and there were three individuals who
talked about Oro Valley being a community of
interest.

That's it. I just wanted to come back to
this slide -- as I mentioned, this was the quick
summary of the actual testimony that was given
during round one. But as I mentioned in the
beginning, there was a lot of comments and a lot of
people who have spoken to the Commission.

I think we created a document that showed
up between the February -- very first meeting in
February through July 8th meeting, there were 118
people who spoke during the public comment period
that were captured.

Yesterday we talked about using the
Catalyst Secure System to create sort of a database.
And here is just an example of what the
commissioners along with the legal team and
Commission staff will have access to.

So this is just a quick example -- and I
redacted the individual's name, but of the type of
submission and how all of the documents and all of
the comments that have come in are going to be
handled moving forward.

So this is an example -- we were able to
work with the Catalyst just to test it out to see if this was something that was going to be a usable system. And you can see it's really a good documentation where we are going to be able to capture and categorize everybody who has commented in the process from the very beginning.

And this database is not -- is also going to have the information, it's going to have the transcripts in there and those are going to be searchable. All media articles that are out there are going to be inputted into this database as well.

So this is something where logins are going to be sent to each of the commissioners and we are going to set up a short training, hopefully -- you know, a short training on how you are going to be able to search this document and, you know, you can type in a person's name or you can type in competitiveness and pull up and really view all of the documents that are going to be part of this. So I just wanted to give this screen shot of what we are doing and then you're going to be able to search off of this material.

COMMISSIONER MCNULTY: I have a question.

Buck, do you purposely give me the ones with no batteries or what?
If we -- is there a place on here, for example, to keep my COI together?

ANDREW DRECHSLER: Yes.

COMMISSIONER MCNULTY: Now, will there be a narrative anywhere.

ANDREW DRECHSLER: The narrative is -- we will -- a couple boxes down we have the opportunity to put in comments. But whenever you pull up -- if you just look for everybody who said "Keep their community of interest together," the supporting document you see on the right or whatever the document that is that goes along with that comment, whether it's the blue sheet --

COMMISSIONER MCNULTY: Or the yellow sheet?

ANDREW DRECHSLER: Exactly.

COMMISSIONER MCNULTY: What about the transcript?

ANDREW DRECHSLER: And the transcript, all of that. So you can see what the individual is saying.

COMMISSIONER MCNULTY: Okay. Thank you. That was a joke.

ANDREW DRECHSLER: And that's the conclusion of the public input.
CHAIRPERSON MATHIS: Thank you.

Okay. Any comments or questions for Mr. Drechsler on that presentation and the summary of round one public hearings or any comments?

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Yes, Mr. Stertz.

COMMISSIONER STERTZ: When will Catalyst be up and when will it be populated?

ANDREW DRECHSLER: It's -- we've just signed off on the contract yesterday. We anticipate the -- it to be populated hopefully within two weeks. That's our goal. And it's going to be continuously populated, so it's going to be starting -- it started today in terms of getting data over there.

So you will see data at different points. So the transcripts have been sent and they are going to shortly be up on the Catalyst System. And other data is going to be sent there and coding and categorizing will begin today and tomorrow.

COMMISSIONER STERTZ: So you feel pretty comfortable that in a couple of weeks it will be fully populated based on the data that you've received up through the --

ANDREW DRECHSLER: Yes, and we did spend
a lot of time working on this form, working with Catalyst to make sure that once we had this large data, you know, dump into there, that we have a system in place that we can go in and categorize it and working with the IRC staff to make sure that it's categorized in a proper way.

So, yes, we feel that in two weeks -- you know, I don't want to hold that to a hard deadline, but we feel confident that the majority of the information to date should be up within two weeks.

COMMISSIONER STERTZ: Since my line of questioning has to do with as we are going through the evolution of taking grid map and taking into first draft map, we'll be utilizing all of this data and having it be in this sort where we are going to independently be able to go into this data source to be able to capture it. Having that available in a couple of weeks still gives us two to three weeks of being able to review data against the map adjustments that we are going to be making before we launch into our round two of public hearings and send a draft map to the public.

ANDREW DRECHSLER: Correct.

COMMISSIONER STERTZ: Thank you.

ANDREW DRECHSLER: You're welcome.
CHAIRPERSON MATHIS: Other comments or questions?

Mr. Freeman.

VICE CHAIR FREEMAN: A question about the database.

Round two of public comment, we could -- there could be a different quality to the comment. I would anticipate they would all -- comments could still be broken down by the six constitutional criteria but we also might get specific -- because the public will have a map -- a draft map at that time to comment upon and criticize or support.

Might it make sense to add a descriptor or a category that breaks down the data by either Congressional or Legislative district?

So here is someone who is commented about CD -- proposed CD1 and says the line should be moved, you know, and then we can search later using that criteria.

ANDREW DRECHSLER: I think that's a great idea. And one of the things that we like about Catalyst is their flexibility to make changes to this database. So that's definitely something that -- we don't have all -- all of the boxes on the left-hand side -- it scrolls down. This is just a
static screen, but it does have a number of different categories. And we have white maps, support maps, but I think breaking it down in terms of they like specific Congressional or Legislative district, that's something that we can definitely add and I think that's a good idea.

CHAIRPERSON MATHIS: Other comments? Questions?

COMMISSIONER MCNULTY: Along those lines, if someone indicates that their residence is in a particular Legislative or Congressional district, we would want that also.

ANDREW DRECHSLER: We can make that -- we do have an area where we can add location. And so, yes, we will make sure that residence is captured, when people do give their residence, that that's captured.

COMMISSIONER MCNULTY: A lot of yellow forms, for example, there was name and just an LD.

ANDREW DRECHSLER: Correct.

COMMISSIONER MCNULTY: And we would need that information.

ANDREW DRECHSLER: Correct.

CHAIRPERSON MATHIS: Other comments? Questions?
Okay. Thank you for that presentation, Mr. Drechsler. It's super exciting to kind of see the statistics aggregated on what happened in that first round of public hearings. So I think we'll move on -- that's agenda item III. We'll move on to IV, which is presentation regarding current Legislative and Congressional districts for the purpose of explaining the benchmarks for Section 5 analysis.

KEN STRASMA: So as we move from the grid maps, now that we have our grid map's starting point, we need to adjust them to meet various criteria. One of the most important is meeting the criteria for DOJ preclearance. There is going to be a presentation Monday getting into the details of this, but for our first start, the Department of Justice likes for us to look at the baseline, which is to say the population of the current districts as of the last census.

So this --

CHAIRPERSON MATHIS: Mr. Strasma, I'm sorry, could we have just an overview of Section 5, what that is?

Would you be willing to do that, legal
counsel, just so everyone has context?

MARY O'GRADY: Sure.

Just as a review, and we discussed it in more detail I think it was July 8th and there's information on the website.

And Arizona is subject to Section 5 of the Voting Rights Act. And so before we can adopt -- implement any lines that this Commission approves, they have to be precleared by the Department of Justice under Section 5.

And to meet our obligation, we have the burden of proving that our lines don't have the purpose and don't have the effect of diluting minority strength. And it's a retrogression standard.

So the place you begin that analysis is the old districts, the last precleared Legislative district lines.

And so we thought this morning, since we are going to start giving the mapping consultant direction and the Voting Rights Act is part of the mix, we wanted to make sure that people were aware of the overall demographics of the old districts.

There's obviously more information that we'll be giving the Commission as things unfold and
the analysis of Section 5 is much deeper than simply the demographics statistics, but this is often I think what people look at initially. They look at how many minority -- majority/minority districts you have in the district.

And so we wanted to give those basic demographics to you. And I'll have -- if you would like more information, but I thought that that might be basically looking for retrogression or trying to avoid retrogression.

CHAIRPERSON MATHIS: Thank you.

Sorry, I just wanted to provide that.

KEN STRASMA: A good idea. And we tend to fall into the jargon, again, for those of us who aren't doing this every day, so it's good to explain some of these terms.

And with that in mind, a layperson's term of retrogression would just be in this context you can't make it any worse. It is the layperson's test.

And Monday's presentation will get into more detail on the nitty-gritty of how that will be defined, but essentially for a starting point, we want to make sure that any majority/minority district is preserved.
These are the numbers for the districts -- Congressional districts where there are two districts that are majority voting Hispanic.

I would like to just take a moment to walk through the column headings here for the numbers. This information is in the packets and available on the website.

The population is total population. And a couple questions we often get, one, is that voting populations are total. This is total population. And in terms of making sure that the districts have equal population, we look at total rather than voting age.

The voting-age population is looked at in terms of assessing voting strength. So what the DOJ looks for in determining if that's retrogression is the ability to elect candidate of choice, and voting-age population is obviously a more important consideration than total population there.

If you have a community that is younger on average -- has more people under 18 -- it has lesser voting strength. That's why although for equal population we look at total population, for the other considerations we tend to look at voting-age population.
Another issue to flag is that the census categorizes Hispanic as an origin rather than a race. So there is one count, which is "yes" or "no" is an individual Hispanic. Then anyone who either is or is not Hispanic also has a race definition.

So someone can be White/Hispanic, can be African American/Hispanic. The way this is broken out, we have all -- anyone who is Hispanic is counted in that voting age Hispanic column. So that would be African American Hispanics and White Hispanics. Those two categories are by far the predominant categories.

The other racial categories are all done as non-Hispanic counts -- so non-Hispanic African American. There actually will be slightly more African Americans in the districts if you were to count the Hispanic/African Americans, but in order to not be double counting, we broke the numbers out this way.

You'll also notice, if anyone has whipped out a calculator to add these numbers up, they do not add up to exactly the voting-age population. That's because the census does also give the opportunity to check multiple races. These numbers are the people that have just checked one racial
category and the numbers in those.

To further complicate things, when the DOJ looks at these numbers, they are going to want to look at the people who have selected any part of the different racial categories.

So there will be an even more confusing set of numbers where we look at people who are any part African American. So someone may have checked Asian, Native American, and African American. For DOJ's purposes, they would count as African American. In assessing an African American district, they would count as Native American in assessing a Native American district.

I didn't want to get too much in depth, but wanted to explain that nuance in the way that the census now allows people to check multiple racial categories and how that affects the counts.

This is -- this map will also be available on the website. It also shows where the two majority Hispanic Congressional districts are under the current plan.

Moving to the Legislative plans, we've highlighted here the four districts that are majority voting age Hispanic and the one district, LD2, which is majority Native American.
So in terms of retrogression, the first cut is we need to make sure that we preserve that same number of majority Hispanic and the majority Native American districts.

There is a couple things to point out as well. There are two districts that are very close to 50 percent Hispanic, which we'll have to consider as well. And it's also important to look at the voting age non-Hispanic white number. The district which is under 50 percent voting age non-Hispanic White, merits special consideration, even if no one of the major categories by itself is above the 50 percent threshold.

COMMISSIONER MCNULTY: Say that again, please.

KEN STRASMA: The -- and I should hand it over to legal counsel at this point for more detail, but a district that is less than 50 percent non-Hispanic White is considered a minority district in some contexts, even if no single minority group constitutes 50 percent of that population.

MARY O'GRADY: Madame Chair, would you like some supplemental comments?

They'll do an analysis sometimes of whether the minority groups vote together and end up
electing the candidate of choice. So I do think it's useful that when you do look down that White non-Hispanic voting age to note district -- in addition to the District 15 and I would count District 25 are also majority combined minority populations.

And I would also for our first cut -- or for the Commission's first cut in terms of retrogression, would certainly count Districts 27 and 29 that are at 49.89 and 49.81 Hispanic voting age, probably for the purposes of avoiding retrogression, consider them as sort of majority Hispanic districts that you want to maintain.

So when I look at this -- just looking at these numbers without doing the deeper electoral analysis that's part lot of the voting rights analysis, looking at perhaps six, although recognizing that two of them are very marginal in terms of majority Hispanic districts. Perhaps two others that have significant Latino population but also have some combined minority -- majority/minority, recognizing that there needs to be a deeper analysis to see if there truly is that sort of crossover voting that some of the other analysis that you do based on election data.
And then looking at the one majority Native American district and maintaining that to avoid retrogression.

COMMISSIONER MCNULTY: So 6 is 12.05 percent voting age Hispanic.

Now, what are the other percentages you are looking at that --

MARY O'GRADY: I'm sorry, Madame Chair, in terms of -- are you looking at the Legislative district chart or the Congressional --

COMMISSIONER MCNULTY: Which one were you looking at?

MARY O'GRADY: I was looking at Legislative. It looks like you have six majority/minority Hispanic, if you count the two that are very close to 50 percent.

COMMISSIONER MCNULTY: Six total.

MARY O'GRADY: Six total.

COMMISSIONER MCNULTY: Okay. I thought you were looking at --

MARY O'GRADY: Legislative District 6?

COMMISSIONER MCNULTY: I was trying to figure out how you got there.

MARY O'GRADY: No.

COMMISSIONER MCNULTY: So let's look at
Mary O'Grady: And I haven't backed out, but what I am looking there is at the White non-Hispanic number, which of that is less than 50 percent than the combined minority is going to be 50 percent or more. So I think that's a number to keep in mind.

So that 46.7 White Non-Hispanic means that you have more than 50 percent minority in that district. And there it looks like you have significant Hispanic 38.4, about 7 percent African American and 3-and-a-half Native American. So there's some combination. Again, you would need to do a deeper analysis to look at whether they are voting together to elect candidates of choice, et cetera.

But I think that's a significant number in terms of your voting -- something to pay attention to in terms of our retrogression analysis.

And the same if you look down at 25, Legislative District 25, it has a significant Hispanic population at 40.9 and the White non-Hispanic, 50.29. So it's just under a majority combined minority district.
And there you have, it looks like, it gets it's additional numbers from a combination but you do have 4.8 percent Native American there. But again, it would require that deeper analysis to see if it is an effective minority district, but it's worth for the first cut to pay attention to that -- I think to pay attention to that number.

The other number that I -- again, in the first cut that I think is worth paying attention to, and this is also related to some of the testimony, but if you look at District 16, which is a significant majority/minority district. When you look at the White non-Hispanic, it's only 22 percent White non-Hispanic majority Hispanic district. But they also have a significant African American voting population there. And that is a district that has a history of electing African Americans. So it has both a history of electing African Americans and Latino Hispanic candidates.

So it's one where, again, for voting rights purposes, I think maintaining that is going to be something that we would want to consider.

COMMISSIONER MCNULTY: Mr. Strasma, at what point will we see the data on multiple races, and is that likely to change these benchmarks in any
KEN STRASMA: It is not likely to change it significantly. It's a fairly small percentage of people who check multiple races. We left it at just this for purposes of simplicity.

If you want this afternoon when we start looking at the grid maps with the racial overlays, we can certainly load up the multiple race data.

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: I have a question.

I don't know if it's directed at Mr. Strasma, but we talked quite a bit about -- we talked about retrogression but there was an opposite term that we haven't covered, is that correct, that is the opposite of retrogression when it comes to minority districts?

KEN STRASMA: Commissioner, are you referring to packing?

VICE CHAIR HERRERA: Can you explain that?

KEN STRASMA: Yes.

So although this is a simple baseline to determine have we made the ability of the community to elect their candidates of choice any worse.
So although our first benchmark is making sure that we are at the same percents, if above a certain level, and that's deeper analysis that we've been talking about is going to determine what that level is, more minority population does not change the district's ability to elect their candidate of choice.

So just hypothetically speaking, an 80 percent Hispanic district is no more likely to elect a Hispanic representative than a 65 percent Hispanic district. And the Department of Justice will look at that and conclude that the 15 percent additional Hispanic population is not being used in any way to allow that community a greater ability to elect their candidate of choice; and therefore, should have been in a different district, especially if there is a neighboring district that is below 50 percent and that 15 percent could have been put into that district.

So although this is the first baseline of which we should not go below, we also do need to be very much aware of not going above certain thresholds because that would be considered packing.

VICE CHAIR HERRERA: And packing is something that is -- that is -- just like
retrogression, packing is also seen by the
Department of justice as a big no-no; is that
correct?

KEN STRASMA: I believe that is the
technical term.

MARY O'GRADY: No-no.

Madame Chair, Commissioner Herrera,
packing really is I think one form of retrogression.
It's one tool for having -- for diluting minority
voting strength. So really packing and cracking are
the opposite terms. And you look at both to
determine whether there's been any retrogressive
impact on the minority voters.

So one of the things that we'll do as we
dig deeper, as I mentioned, maintaining the
majority/minority districts doesn't necessarily mean
you maintain, for example, a district that's
68.27 percent. It may not be necessary electorally
to maintain it at that number.

But that's one of the refined things
you'll -- we'll get to. But you definitely want to
make sure that you maintain effective -- the same
number of effective minority/majority districts --
minority districts that you had before. And
sometimes you have effective minority districts
without a majority voting-age population. But I think the first cut is maintaining the majority/minority districts that we started out with even though the exact percentages may vary, as long as they are effective districts.

VICE CHAIR HERRERA: Madame Chair, I understand that. I just wanted to make a point because we've been hearing a lot of public comment and we've also heard people talking about with respect to the Voting Rights Act from people that I normally wouldn't expect to be championing the rights of minorities. So that's always a concern for me.

So -- and packing has been an issue with Arizona, it's been an issue with other states, so I want to make sure that we address that and it is a concern that we look at when we start doing the maps that -- especially focusing on the majority/minority districts and that that is something we are aware of.

CHAIRPERSON MATHIS: Okay. Thank you. Other comments or questions on this?

JAMES MARCH: Madame Chair, will you take public comments on this particular set of documents?

CHAIRPERSON MATHIS: We can do that. I'm
open to that.

Do you have a comment?

JAMES MARCH: I have a quick comment.

CHAIRPERSON MATHIS: And I know you have filled out a request to speak form. You're Jim March.

JAMES MARCH: I have actually on another subject.

CHAIRPERSON MATHIS: Okay. This is Jim March, second vice chair of Pima County Libertarian party.

JAMES MARCH: Am I on?

UNIDENTIFIED SPEAKER: No.

JAMES MARCH: Hi, I'll be real quick. In looking at that document in particular, I understand the DOJ is going to, in fact, make you avoid retrogression of minority influence and take all of that into account.

In a perfect world, the place -- the thing to do would be to completely raise neutral on laying out these grid lines, but you are not going to be able to do that.

I would like to point out on this document in particular that it should be troubling the number of districts -- Legislative districts
that are just under 50 percent Latino population. Like the second from the bottom, line 29, 49 percent. Two up from that line, 47, 49 percent. The high number of these ranging from 38 percent to 49 are actually more than the four that were marked out as going to be over the 50 percent mark.

So it looks like there was an attempt to pack just under the limit of what they could reasonably achieve as a majority.

So to me, this document looks evil to my eye. I couldn't say for sure without further analysis, but it looks like there was an attempt to hose over the Latino vote. That's the appearance of this document. And I hope the documents that this group produces either don't look like this or at least there's good evidence supporting why they would, if they do.

Thank you.

VICE CHAIR HERRERA: Madame Chair, I think this information is based on the previous maps.

JAMES MARCH: I understand this is not your doing. I understand that. This is from ten years ago. I'm just saying that this looks like an
example of what not to do in an least some of of its elements. This is not an accusation against you. I'm just showing you what to look for.

CHAIRPERSON MATHIS: Thank you.

Ms. O'Grady.

MARY O'GRADY: And another clarification, these are -- this is the current demographic data or current as of the census -- the 2010 census. These, obviously, weren't the numbers when they were adopted and precleared. But for the analysis -- for the voting rights analysis, you start from where you left off, precleared lines but with current demographic data.

JAMES MARCH: I did not know that. My apologies.

CHAIRPERSON MATHIS: Is it just me or is the clarity on this different? Can you guys see it?

KEN STRASMA: We had to switch projectors, so that's why there's lower resolution.

CHAIRPERSON MATHIS: I don't know if it could be made clearer. I guess it's an eye test.

Okay. Other questions or comments -- and from the public?

Please come up. I don't know if you have a request to speak form, so you can tell us -- and
please spell your name into the microphone. Our court reporter reminded me.

    JERRY REEVES: My name is Jerry Reeves. Can you hear me all right?
    UNIDENTIFIED SPEAKER: Yeah.
    JERRY REEVES: I'm a retired controller U of A Foundation, and I lived in -- both in Pima and now I live in Pinal County, and I have a question on the calculation. I think you guys did a nice job. I'm not trying to pick on you or anything. I'm just trying to understand it.
    UNIDENTIFIED SPEAKER: Stand under the mic.
    JERRY REEVES: What's that?
    UNIDENTIFIED SPEAKER: Stand up to the mic.
    JERRY REEVES: Okay. On your standard deviation, standard error of the mean and those calculations, when you did the calculations for the standard deviation and the relative mean for plan two, did you consider this in your data when you calculated that or did you just consider it on the total population?
    VICE CHAIR HERRERA: Sir, I don't think this is the time for them to address your questions.
Unfortunately, it's just a time for you to speak and be heard.

JERRY REEVES: Okay.

VICE CHAIR HERRERA: But if -- the attorney might disagree with me.

CHAIRPERSON MATHIS: Ms. O'Grady.

MARY O'GRADY: Madame Chair, if it's on an agenda item, you can respond. It's simply when it's not -- when the public comment is not on the agenda we are more limited.

CHAIRPERSON MATHIS: Great. So you can respond.

KEN STRASMA: In answer to your question, no, the racial numbers were not taken into account for the numbers that were published for the grid maps. Only the total population was looked at for that.

JERRY REEVES: So when you do the new calculations, you will consider the -- this information?

KEN STRASMA: Yes. Going forward we will now begin looking at voting population and the racial percentages.

CHAIRPERSON MATHIS: Thank you.

Any other comments from the public?
Okay. And from commissioners, any questions?

Is there more to present on this, Mr. Strasma?

KEN STRASMA: We only had a couple more maps showing where these districts are in the state. LD2, the majority Native American district and before existing majority Hispanic districts.

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: Maybe this isn't the time, but I would like to see if in the next -- maybe when we meet on Monday and we are discussing maps, that we show the prison population and to see how that is going to affect going forward. Because I would like to have that information and how that figures into the maps before we come up with a first draft.

KEN STRASMA: And a good point, Commissioner. We have heard that from a number of public comments and are in the process of compiling the locations of the prisons and the total population. I'm not sure if we'll have that information by Monday, but we are working on it.

VICE CHAIR FREEMAN: And it doesn't have
to be by Monday. As long as we do it before we finish with the grid map. But also the breakdown of the race, ethnicity, origin of the prisoners. I think that might be helpful as well.

KEN STRASMA: And that will be available.

VICE CHAIR HERRERA: Perfect. Okay.

COMMISSIONER MCNULTY: Madame Chair, just a follow-up question on that.

How is that data -- how are those populations reflected in these numbers that we were just looking at?

KEN STRASMA: The prison population is reflected in these numbers under current law. And the way the census is conducted, people are counted where they slept the night of April 1st, 2010. So prisoners are counted where they are incarcerated. And that shows -- so that shows up in the census numbers for the bloc in which the prison is located.

COMMISSIONER MCNULTY: And how are they reflected in the baseline, in the benchmark data?

KEN STRASMA: They are reflected in the baseline in that it is a nuance. We are looking at voting-age population, and the reason that's looked at as a distinction from total population is you
have to be over 18 to vote and the distinction that
had been raised in public comments is that the
prisoners by in large cannot vote. And so it is a
racial count of nonvoting eligible population.

VICE CHAIR HERRERA: Madame Chair, one
more question.

If you can let me know or if you know,
what have other states done that have faced -- that
are going into the same situation or have gone
through the same situation in terms of a Commission
redistricting and facing with a prison population.
Can you give us examples of what other states have
done to make it fair and distribute the prison
population to all districts? I don't know. I just
want to see what examples you have, if any.

KEN STRASMA: And I'll answer it to the
best of my recollection about this and then defer to
legal counsel, if they know.

I know there have been at least proposals
in New York and other states to count population at
their address at the time that they were
incarcerated. I do not know offhand if that is
current law in any states or if it's just proposed.

Also a suggestion that has come up in
public comments is if that were not an option in
Arizona, to look at minimizing the number of prisons that were in the same district, is one of the suggestions that's come from the public in Arizona.

VICE CHAIR HERRERA: Thank you.

JOSEPH KANEFIELD: Madame Chair, the issue of prison and voting, we intend to discuss it in a little bit more detail on Monday when we will have Bruce Adelson, our voting rights consultant will be here.

VICE CHAIR HERRERA: Thank you.

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Yes. I'm sorry.

COMMISSIONER STERTZ: That's okay.

In regards to competitiveness and the Voters Rights Act, is it my understanding that the issue of competitiveness is not to be taken into consideration as it pertains to the Voting Rights Act?

KEN STRASMA: I'll defer to legal counsel on that.

JOSEPH KANEFIELD: Madame Chair, Commissioner Stertz, that is correct.

COMMISSIONER STERTZ: Thank you.

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.
VICE CHAIR HERRERA: I think we'll have the voting rights expert coming. Is Bruce Adelson our voting rights expert?

MARY O'GRADY: So are we, Mr. Herrera.

VICE CHAIR HERRERA: I apologize. I did not -- you are experts at so many things, I can't keep track.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER MCNULTY: Madame Chair, can I ask another question?

CHAIRPERSON MATHIS: Sure.

COMMISSIONER MCNULTY: At what point -- I know it's obvious in the abstract in these numbers where the popular vote -- where the population growth has occurred in the last ten years. I think it would be helpful at some point for you just to kind of walk us through that on a map.

And what would be the appropriate point in which to do that?

KEN STRASMA: That's something we can prepare for Monday, go through the maps showing the areas of population growth.

CHAIRPERSON MATHIS: Thank you.

Other questions or comments on these?

Did you have any more to present for us?
KEN STRASMA: We are done, Madame Chair.

CHAIRPERSON MATHIS: Thank you very much for that.

It's -- the time is 12:23. Our next item on the agenda is item V, which is 45-minutes review -- or estimated time review, discussion, and possible action on definitions.

I've heard a number of people say they were hungry, so I'm open to whether we break for lunch now or we do that after this next agenda item.

Anybody have any preferences?

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: I'll let you decide. I have complete faith in you.

CHAIRPERSON MATHIS: Okay. I'm kind of wanting to go now, frankly. So if -- I'll just go ahead and make that call then.

It's 12:24 p.m. We'll exit -- take a recess. If we could try to shoot for half-hour, I realize that's ambitious, but if we could, that would be great. And I realize that we may go into 45 minutes. Okay. 45 minutes. All right. We'll be back.

Thank you.
A recess was taken from 12:24 p.m. to 1:29 p.m."

CHAIRPERSON MATHIS: We'll enter back into public session.
Can you hear me?
There we go.
We'll enter back into public session.
The time is 1:29 p.m. and we are at agenda item V, review, discussion, and possible action on definitions regarding constitutional criteria for redistricting.

As I think everybody is pretty familiar -- we have talked about this at our last meeting. The last Commission did adopt some definitions that are available on the -- through our website you can get to their website, the previous Commission's definitions. And we have a printout of those in front of us and I believe we were going to go into greater discussion and detail today on these.

We've gotten a lot of public input on those criteria from that first round of hearings and different folks told us what they thought their communities of interest are and what competitiveness means and everything else. So that kind of opened
the floor for discussions.

I didn't know if legal counsel had something for us on this first. If they did and wanted to say anything, you're welcome to.

JOSEPH KANEFIELD: Madame Chair, we had covered yesterday the overview, so we don't have anything to add other than what we talked about yesterday.

CHAIRPERSON MATHIS: Okay. Great.

So I open the floor to commissioners to kind of give us your thoughts on what you're thinking with regard to definitions.

VICE CHAIR HERRERA: Madame Chair, I think we first need to decide if we are going to go that route before we start talking about definitions. It's something that we will -- need to agree to do, if it's necessary. Once we open that hurdle or agree going forward, then I guess we do the next step which is -- if we agree on the definitions, then we'll work on that. I think we need a debate, or at least have that conversation if you want to have definitions.

CHAIRPERSON MATHIS: Okay. Thoughts from other commissioners?

Mr. Stertz.
COMMISSIONER STERTZ: Madame Chair, for the purposes of doing a quick recap, Joe, Mr. Kanefield, could you -- in regards to the litigation that took place under the last Commission where definitions were -- when were they adopted by the Commission, when was it -- when were they contested in court and when was the -- what was the decision of the Appellate Court as it pertained to definitions?

JOSEPH KANEFIELD: Madame Chair, Commission Stertz, the Court of Appeals decision was issued in October of 2005. We had talked yesterday and the Commission asked if I could find out when the Commission was ordered to adopt the definitions, and I apologize because of the late meeting yesterday I haven't had a chance to do that, but I can quickly recap what the Court of Appeals held.

And this was, again, reversing the lower court, which had held that the Commission had violated the Protection Clause of the United States Constitution by operating without definitions for certain key terms.

On appeal, the Court of Appeals held that the Commission did not have to -- was not in violation of the Equal Protection Clause by not
having definitions in place. The court noted and I read some of this language yesterday, I'll just repeat it.

In noting that the standards and guiding the Commission -- let me -- let me back up here.

The court noted that although the existence of standards may aid the Commission in reaching an agreement, standards do not guarantee anonymity and anonymity is not mandated, and that -- there's a lot of language in the opinion talking about the discretion of the Commission, the need for some flexibility given the different variables and factors that the Commission has to consider, and that again, the court didn't -- held that the Commission was not in violation of Equal Protection by not having definitions in place.

And then I also indicated that the opinion on this topic said that this is not to say that the Commission can ignore any of the constitutional criteria, can favor one criteria without considering the others or can apply or interpret them in a way that no rational Commission would.

So the court did set forth this rational standard, rational basis standard that would be
applied to Commission decisions in a legal challenge.

But I think what -- the case fairly stood for was that the Commission was not in violation of Equal Protection Clause by not having definitions in place.

And the definitions that exist are definitions that were ordered by the lower court as a result of the challenge of the lower court agreeing with the challengers, but those definitions were essentially nullified by the Court of Appeals in holding that the lower court was in error in reaching its decision.

VICE CHAIR HERRERA: And, Joe, can you -- what position did the Supreme Court of Arizona take on the ruling by the Appellate Court?

JOSEPH KANEFIELD: Madame Chair, Commissioner Herrera, if I recall correctly, this opinion was not reviewed by the Supreme Court. It was the Court of Appeals remanded the case back to the lower court, then went back up and the Supreme Court eventually did address some of the challenges raised.

But this issue on equal protection with respect to the definitions was not addressed in the
Arizona Supreme Court opinion. This opinion -- the Court of Appeals opinion still stands as good law, at least with respect this issue. There's some other issues holding to the case that the Supreme Court clarified or disagreed with, but on this one they did address that in their opinion.

VICE CHAIR HERRERA: I guess what I was getting at is the Supreme Court disagreed with the Appellate Court on their definition or the importance of, let's just say competitiveness. So they took issue with that. And they addressed that but they did not address the issue of the definitions but they could have; is that correct?

JOSEPH KANEFIELD: Madame Chair, Commissioner Herrera, I would have to go back and look at what the issues were before the Supreme Court. I just know from the opinion they didn't address this issue and I don't know if that means that the issue wasn't raised on appeal or if the court just decided not to address it because it didn't have to. So I would have to go back.

CHAIRPERSON MATHIS: Thank you.

Other questions or comments?

VICE CHAIR HERRERA: Madame -- oh, go ahead. I'm sorry.
COMMISSIONER MCNULTY: Mr. Kanefield, as I recall, the Court of Appeals specifically talked about the fact that the Constitution sets out six criteria and that we are to weigh those criteria and to do in a reasonable, rational way but that we aren't required to have separate definitions in order to do that.

JOSEPH KANEFIELD: Madame Chair, Commissioner McNulty, I think that is correct. I'm looking here at the opinion I've got in front of me. I just want to make sure I'm not misrepresenting, misreading.

That clearly was the argument of the challenger in that case, that standards were absolutely necessary and not having standards -- that by not having standards, the Commission would run afoul of the protection clause on appeal.

Obviously, as I already stated, the Court of Appeals disagreed with that argument and reversed the lower court's ruling. And I read you the relevant language from the opinion.

VICE CHAIR HERRERA: And you're referring to -- I think we're reading from the same one. Is that correct? From the same --

JOSEPH KANEFIELD: Yes, I'm reading from
the Court of Appeals decision that was issued on October 21st, 2005.

VICE CHAIR HERRERA: Sure.

Now, the -- I guess the defendants were the Arizona Independent Commission, which included the five commissioners back in 2000 and 2009, which included the attorney, Lisa Hauser, representing the Commission, correct?

JOSEPH KANEFIELD: Madame Chair, Commissioner Herrera, yes, the defendant was the -- one of the defendants was the Commission. There were other defendants, secretaries of states, some other individuals. And the counsel for the Commission last round was Lisa Hauser and Jose Jesus Rivera.

VICE CHAIR HERRERA: So both the Republican attorney and the Democratic attorney along with the two Republican commissioners, two Democratic commissioners, and the Independent commissioner agreed that the definitions were not needed and fought the Arizona Minority Coalitions for request for definitions?

JOSEPH KANEFIELD: Madame Chair, Commission Herrera, that was the decision of the Commission.
VICE CHAIR HERRERA: Okay. So there was a bipartisan effort, I would say, by the Commission.

I guess what I am getting at is, you know, we had Lisa Hauser that is -- had applied to be the attorney for this Commission and was almost chosen. And somebody that -- you have at least two commissioners on -- that are sitting on this Commission now that hold her in high regard, that she opposed definitions, and I would say I agree with her.

I think the Arizona Court of Appeals gave the Commission discretion to draw maps as the commissioners determined it should be done.

Now, according to the Court of Appeals, the adding definitions will curtail the Commission's discretion and make it more challenging to draw the maps. The IRC, us, should not do anything that could hamstring our flexibility.

I think our flexibility is really important when we are drawing maps. And let's remember that the IRC still has to adhere to the constitutional criteria. We have six of them that we cannot ignore and we will not ignore.

The IRC is a Legislative body. So for us to legislate fairly, we should have the same
flexibility as Legislators by applying the Constitution to work -- when we do the work but also having the flexibility and discretion to do so.

So I -- the Arizona Court of Appeals rejected the arguments in Arizona Minority Coalition for Fair Redistricting that we have to come up with definitions, and I would agree with that ruling and that is a ruling.

So I would prefer not to come up with definitions. We do have that six criteria that we need to adhere, so we are following some standards. So my choice is not to put ourselves in a box, limit ourselves, and go forward without the definitions.

CHAIRPERSON MATHIS: Thoughts from other commissioners?

COMMISSIONER MCNULTY: I had expressed a couple thoughts yesterday. I agree that it's very important to have flexibility. I expect that we all have perspective on definitions, in particular competitiveness and communities of interest. And my own thought is that it makes sense to have a discussion about those. The mapping folks are going to need some direction about what our perspective is.

I don't know whether we can, you know,
reach agreement on one definition. And if we were
to reach agreement on a definition of some kind, it
would need to be an extremely flexible definition.

But at the same time, you know, I'm
willing to discuss my thoughts about how to approach
those things. I think that would be important,
based on all of the input we have received over the
last few months and my reading of the statute -- the
Constitution.

CHAIRPERSON MATHIS: Thank you.

Mr. Freeman.

VICE CHAIR FREEMAN: I would agree with
Commissioner McNulty, whether we ultimately adopt
definitions or not, I don't think we should be doing
it at this stage. I think we should hear more from
counsel and the mapping consultant and the public on
these issues.

I mean, there is an argument that
definitions help the public, they help the public
measure what we are doing versus the standards we've
set for ourselves. The Constitution language
provides its own flexibility and that all of the six
criteria are to be adhered here to the extent
practical. So there's a little bit of wiggle room
here.
But I agree, we don't want to set definitions that put us in a box if we ultimately decide to go that route.

So at this point, I think we should keep this as an agenda item to come up at the next meetings and encourage if the public wants to have a comment on that, I would encourage them to come talk to us and let us know what they think about the six constitutional criteria and what they mean.

CHAIRPERSON MATHIS: Okay. Thank you.

Other comments from other commissioners?

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I think that we have reached a consensus.

CHAIRPERSON MATHIS: Wow. That's great.

I agree. I mean, I just -- when I look at the last definition of competitiveness and that they, you know, actually used JudgeIt scores as the standard to measure competitiveness, I'm certainly in no sense ready today to decide what measure to use. I don't even know what all of them are.

So we are definitely in the very early stages. And we definitely, I think, would all like to maintain flexibility to the extent practicable,
to use something from the Constitution, but also not be arbitrary and capricious.

So I think that it makes sense to -- also I like Mr. Freeman's comment about getting more input from the public. It's going to be an important area to hear from you on. So please feel free at future meetings and today to talk about that.

I'm happy to take public comment now, if you have it on this particular item.

VICE CHAIR HERRERA: Madame Chair, just one more comment before you go --

CHAIRPERSON MATHIS: Sure. Mr. Herrera.

VICE CHAIR HERRERA: I know the definitions are on our website. I just can't remember if the old definitions from the previous Commission are in the 2001, 2010 website; is that correct? I just wanted to make sure they are not located within the new website.

CHAIRPERSON MATHIS: Correct. Okay. So, yes, if you have some public comment -- it looks like we have a couple people who would like to speak.

ONITA DAVIS: And I did fill one out.

CHAIRPERSON MATHIS: Okay. Thank you.
Onita Davis.

ONITA DAVIS: O-n-i-t, as in Tom, a, as in apple, D-a-v-i-s.

I would like to make a comment about how we are looking at communities of interest since we are going to take another look at how you are not defining it.

To assume that the stated definition of community of interest is erroneous based on preferred personal concerns, concerns me.

The definitions have been adopted and cover a broad array of factors. And I know we are having a discussion here as to whether you will follow those definitions.

But my point is that I think the definitions try to cover a lot of factors so that people can immediately identify with them and say ah, yeah, that's something that I think should go into a community of interest.

To assume that a community of interest must be homogeneous in race, culture, or ethnicity is a fallacy. And I know some people have spoken and said, for example, that the only true community of interest would be, for example, the Navajo, and I disagree with that. I don't think you have to be
homogeneous with your neighbors in order to be a community of interest.

To walk that path is to relegate those who do not meet that criteria into an inferior position. That should not be what process is about.

For example, to assume that school districts should be an important factor in defining a community of interest but religious not makes no sense to me.

I'm retired. I don't have any kids in the schools. I did not choose where I live based on the school district. So that should not be the only relevant factor for me in terms of determining a community of interest.

After all, if you really want to be specific, there are also religious schools. There are charter schools, there are private schools that transcend what school districts represent.

I tried to look at other factors when I determined where I would live and that's how I defined community of interest when I first spoke to the Commission.

We should use all of the factors to really leverage communities of interest, to make sure that people feel that their thoughts and what
they consider to be important have not been cast aside because some people feel they are not important.

Finally, the argument against using voter registration and election results to draw inferences about competitiveness -- I know that I started off talking about community of interest, but I'm switching -- I'm sequeing right now.

I do not have a deep and abiding faith in using polling as a substitute for using voter registration and election results to look at competitiveness. I know that that has been suggested.

You know, random polling is not, to me as an Independent a way to really figure out what people are thinking because it's too subjective. If you interview a man or woman on the street, that man or woman could choose to tell you anything. Could tell you what they think you want to hear, could tell you what they think might be important at that moment.

Statistically speaking, I would rather see you use hard data than to use something like polling that can be easily manipulated through the selection of pools or through human whims.
I do not think such a method should be used to gather data for or from Independents. Let the election results illustrate the voting pattern.

If a candidate runs on a platform that the people embrace, that candidate is going to be elected. And if the people don't embrace it or they don't approve of the candidate's performance, the candidate will not win the next time around. That's competitiveness. Let's stop trying to socially engineer the process.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Mr. Cantelme, if you could spell your name for the record and state where you are from.

DAVID CANTELME: My last name is spelled C-a-n-t-e-l-m-e. I'm from Cave Creek, Arizona, and I represent The Fair Trust.

UNIDENTIFIED SPEAKER: Speak up.

DAVID CANTELME: Okay. I'll say that all over again.

My last name is spelled C-a-n-t-e-l-m-e. I'm from Cave Creek, Arizona, and I represent The Fair Trust.

Madame Chair, members of the Commission, I hadn't intended to speak today, but since the
subject came up, I thought I might give you a few brief comments.

I agree it is wise to defer on making decisions on definitions. My recommendation, and it's only that yesterday, was that you do at some point adopt definitions but that they be published in advance so that the public would have an opportunity to comment on them so it could be fairly debated, and I still suggest that to you.

Let me give you a few reasons why I suggest that you do adopt definitions and why I think it's beneficial to the state and to the residents of the state and for that matter, to you commissioners.

One of your charges, of course, is to do your work impartially and as you see it, and that's always difficult to achieve because we are all individuals. But I think having definitions will give some assurance to the folks of the state that first, you've achieved uniform treatment. That doesn't mean that you don't have hard decisions to make because you do have hard decisions to make and that ultimately means that somebody is going to be disappointed.

But by the use of uniform standards, at
least the residents of the state can say the process was fair. It wasn't subjective; it was objective.

And second, and this again helps you in your performance of your work, in my opinion, is transparency. If there are definitions and we all know what the rules of the game are and they are going to be applied uniformly and with reasoned distinctions. That aids confidence in the decisions that the Commission ultimately makes.

I agree flexibility is important. It's a big state and you have to take your decisions and fit it to all of the needs of the state and it is very diverse, but I think it's really essential, and this is just common sense, it's not really one side or the other, but I think it's essential that all residents in all corners of the state have confidence that they have been treated fairly and definitions will assure that process because everybody then knows what the rules of the road are, what the rules of the game are. And if a decision is called against them, because you are umpires in a sense, at least we know what the rules are on which you are making your calls.

Now, I agree with Mr. Kanefield, this issue was litigated. The Court of Appeals made its
decision and its decision was that you have discretion, but nonetheless, I would say that it is a wise exercise of that discretion to get standards, adopt them after public comment, not such strict definitions that you are in a straightjacket, but fair definitions that can be applied flexibly but evenly, and I think that's the true key, to be applied evenly around the state.

And I sincerely believe that if you do that, you'll find that you engendered an awful lot more confidence in your results than if it's a decision made without standards. I'm not going to say I know it when I see it kind of a standard, but it cannot be subjective; it should be objective based on evidence, based on reason, and based on reasoned distinctions.

Thank you so much again for the opportunity to speak to you.

CHAIRPERSON MATHIS: Thank you.

And, Mr. Cantelme, if you would fill out a request to speak form for us so that we have that.

DAVID CANTELME: You bet.

CHAIRPERSON MATHIS: You can do that with Mr. Bladine. That would be great.

Given that there are different measures
of compactness, is there someone else -- I'm sorry. Lynne St. Angelo, from Oro Valley.

LYNNE ST. ANGELO: Lynn St. Angelo, L-y-n-n-e, S-t, period, A-n-g-e-l-o. I'm speaking about the -- I wanted to speak of this anyway on the definitions, but I also have a comment I would like to make about the presentation.

I would like to see in the presentation data that you are giving back to the public included in the numbers. Those people who were sending in e-mails, letters, the blue forms as also -- be a part of comments. They can't maybe be at a meeting and speak or maybe they don't like to speak in public and they are afraid to do that, so they are turning their comments in in different ways, I would like to see those numbers tallied as well.

Maybe you could do it as a separate -- but totally they should be equal weight, I would think, to people who are speaking for or against something.

And also where you put people showing that they have spoken for or against the same exact thing, if two people spoke against it and a hundred people spoke for, that kind of matters, too.

Anyway, that's just a random comment.
On the definitions, I wanted to speak about community of interest in that the last meeting, it was brought up that things like your religious affiliation or where you go to church maybe wasn't a good measure for community of interest because school district people -- everyone in the school district cares about who that Legislator is who represents them because of the school budget. Money comes from the state for the schools.

And if that were the criteria -- again, we don't know what the criteria is for community of interest, how you are going to view that, I would argue very strongly that where you go to church is a community of interest, and a great example just happened in Oro Valley. And it was St. Mark's Catholic Church came to the Oro Valley town council meeting and they filled the complete room and out all of the doors because they have 3,000 families that attend that church in the northwest side of Tucson and Oro Valley and all of that surrounding area up there.

And they testified, they had their people testify, saying I moved here with my family because I was offered this great biomedical job on Oro
Valley -- we have a great biomedical, technical park, one of the largest I think in the state, and before I came, I looked to see if there was a church, a Catholic church that was going to be like a cathedral like I'm used to where I'm from.

I saw St. Mark's and I saw their building and it's not much now, but they were going to build this beautiful cathedral. And so for me, that is the reason I moved here is because that is my community. That's where my kids go to Sunday school, that's where they participate in all of these activities, Boy Scouts is there.

And so many, many families testified that this is their community. So I will argue something like that, you cannot discount that as part of a reason for community. That to them was a huge part of a community and why they came to Arizona was because of that community. That was that important to them.

And so that was what I wanted to say.

I also wanted to ask if, because the mapping company hasn't been on board, to measure some of the meetings that came before that. We had a good Oro Valley meeting where we had, like, 30 people speak on communities of interest and
competitiveness, that that is not going to show up I guess in the measurements because it was too early, but they were also unique people speaking on the same things we are now measuring, and I would just think maybe there is a way to go back and maybe look at some of those.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Yes, I think it would, since it was brought up. Mr. Strasma has a comment on what you just asked, Ms. St. Angelo.

KEN STRASMA: Thank you for that comment. I did want to clarify that we have gone back to the transcripts of those earlier meetings and those are included.

CHAIRPERSON MATHIS: Thank you.

Do we have other comments?

Mohur Sidhwa.

MOHUR SIDHWA: Yes. This is about definitions.

As you all know, I'm pretty blunt. Definitions can put you in a box and will leave you open to lawsuits from both sides of the aisle if you are not careful. I've heard veiled as well as unveiled suggestions to threat as to
lawsuits. I have a sneaky suspicion you guys went for that mapping company -- I forget the name -- Midwest -- whatever because all -- the most expensive because you wanted to pick your battles and certainly you didn't want to fight over that, perhaps.

So just kind of keep that in mind because the moment you have a definition and it's written down, they will parse it from here to kingdom come and back if you are not careful and then we'll get into trouble all over again and this process will take forever.

The second thing with regards to comments, if they are online, just make sure they are not Astro Turfed. Just something to keep in mind, that they are from unique people.

That's all I have to say.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Other comments?

Betty Bengtson, I think I have a request to speak for you.

BETTY BENGTSON: Actually, you don't. I really hadn't planned to speak today. Betty Bengtson, B-e-t-t-y, B-e-n-g-t-s-o-n.
But since we're talking about the definitions and whether you adopt them or not, I really like the point made in the definitions for -- I'm sorry, for communities of interest by the previous Commission which talked about groups of people in a defined geographic area with concerns about common issues that would benefit from common representation.

And I just want to remind everybody that we are talking about Legislative and Congressional districts. We are not talking about other kinds of groups that one might have.

One of the previous speakers spoke about the Catholic church in Oro Valley. I'm sure in that same area, that same neighborhood of people who attend St. Mark's, 3,000 families, there perhaps are another 3,000 families who attend another church and you may have different -- different interests -- different interests in that area.

So what you need to be focusing on is this issue of common representation in the state or national Legislative process.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Mr. Muratore.
STEVE MURATORE: Thank you, Madame Chair, Commissioners.

I just wanted to say I agree very much with what Ms. Sidhwa had to say and wanted to emphasize the point that this Commission yesterday made what I believe is an adverse decision based on a threat that Mr. Cantelme made in writing to sue this Commission, which now has cost apparently some $50,000 in increased costs on the online mapping software.

I think everything he says should be taken as something that alludes to additional meaning.

We know that -- its obvious that adopting definitions will put a straightjacket, put you in a box, you know, however you want to define or illustrate the concept of limits. But the key thing is that you know what Fair Trust and David Cantelme wants to do is put you in a situation where he can sue you.

Please don't let yourself do it again.

CHAIRPERSON MATHIS: Thank you.

Other comments from the public?

I think the idea is that we were going to talk about definitions.
So Mr. Cantelme.

DAVID CANTELME: Members of the Commission, I've never threatened you in any way, shape, or form, in any form, any time. The letter is on file with Ms. O'Grady and Mr. Kanefield. I never said that. That's an absolute lie to accuse me of that.

CHAIRPERSON MATHIS: Thank you.
Are there other comments on definitions?

VICE CHAIR HERRERA: Madame Chair, do you want to give Muratore a chance to respond? How are we going to do this back and forth?

CHAIRPERSON MATHIS: I didn't -- Muratore -- we'll do it in writing.

CHAIRPERSON MATHIS: Okay. Thank you. Sorry. You'll have to tell me your name.

DARYL MELVIN: Good afternoon, Commissioners. First I would like to thank you for your service to the state and the work that you are doing here today.

My name is Daryl Melvin. I represent the city of Flagstaff. And my last name is spelled M-e-l-v-i-n.

And first I would like to just comment with regard to the second round of public hearings
that will be scheduled and approved through the Commission. And I certainly would want to welcome and invite the commissioners to come back to Flagstaff. I think the community has a lot of information they would like to share. I know distance is difficult for some of our members in the communities in Northern Arizona, so I think it would be a great opportunity if we could work with the Commission to help facilitate some of the logistics to getting the Commission to return to Northern Arizona.

With regard to some of the discussion today on values -- or excuse me with regards to the criteria, the city has identified some of the values that we would like to share with the Commission with regard to its position in terms of the redistricting outcome.

First, with regard to one of their foremost values is to remain compliant with the Voters Rights Act and representation of Native American population in Northern Arizona.

In addition, we would like to ensure that we maximize competitiveness for the districts across the state, and certainly including Flagstaff in such a district.
Flagstaff can be placed in a district whose community share our same interests with regard to transportation, economics, governance, and natural resource interests. And we would also look at the value of placing Flagstaff whole within a single Legislative district.

So again, I appreciate the opportunity to speak with you here today and look forward to speaking with you in the future.

CHAIRPERSON MATHIS: Thank you.

Other comments from the public on definitions?

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: If you don't have any comments from the public on definitions, I just want to again confirm that the Commission does have standards that without adopting definitions, we still have standards that we need to abide by, and those six standards are those six criteria that we have to abide by.

So I would disagree with people that say that no definitions equals no standards because we do have those standards and we will abide by those standards. I just wanted to clarify.
CHAIRPERSON MATHIS: Thank you.

Yeah, I just wanted to comment on that, too, just competitiveness and the compactness. I know there are different tests that can be used, different measures, and it would be good to know what those are, what are our options even because I don't know what they are. And maybe a presentation can be made and I don't know if that's a legal or a mapping consultant presentation, but it would just be interesting to know what our options are because we are going to have to utilize one of those and then apply it uniformly across all of these districts.

KEN STRASMA: We would be happy to present on those topics Monday if you would like.

CHAIRPERSON MATHIS: That would be great. I think -- I should look at our commissioners.

VICE CHAIR HERRERA: That's fine.

CHAIRPERSON MATHIS: Okay. And maybe you all know a lot of these tests already, but I know I don't and I would love to just know what my menu of options are.

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Yes.

COMMISSIONER STERTZ: As a clar- -- point
of clarification, you mentioned definition of competitiveness and compactness?

    CHAIRPERSON MATHIS: Yeah. I mean, aren't there two different --

    COMMISSIONER STERTZ: Compactness has a series of tests that have been sort of spread throughout the industry. You use three different tests in the compactness criteria at a minimum of three different styles of tests.

    In regards to competitiveness, I am unaware of any standardization nationally that's been used as a criteria for competitiveness. Maybe Mr. Strasma could explore that for a moment.

    CHAIRPERSON MATHIS: Sure. The last Commission I thought used JudgeIt scores or whatever, and I don't know if there are other measures to --

    KEN STRASMA: The last Commission did use a program called JudgeIt. I am unclear based on that definition what exact score they were talking about because there is more than one output from the JudgeIt program.

    I feel this is something where we can present various different measures of how it can be looked at and either seek direction from the
Commission as to whether or not there is one or if there are a number of different measures just with competitiveness as perhaps we do with compactness that we don't adopt one, but rather say under measures A, B, and C, here is how these potential districts stack up. And, you know, we would not have a single recommendation, but we can present options and some of the numbers underlying them in terms of competitiveness.

I'd also highlight a difference -- the old definition has a bright line within 7 percent on the JudgeIt score. Some of the criteria are binary, a bright line. It is or is not competitive, compact, et cetera, while others might be defined as it's more or less competitive or compact or whatever you're looking at. And, you know, your hands certainly aren't tied in choosing one or the other approach.

CHAIRPERSON MATHIS: Great.
Ms. McNulty.
COMMISSIONER MCNULTY: Madame Chair, I would like to make a couple comments about competitiveness.
From my perspective, the Constitution requires that we favor competitive districts
provided that we don't cause substantial detriment to the others.

So in my -- and when I think about competitiveness, I think about it in terms that several of the members of the public have submitted to us that when you look at the district, you don't know what the outcome of an election is going to be. It's not more likely than not that one party or the other is going to be successful in that district with the result that both parties are going to be motivated to field qualified candidates.

And so in my mind, what we're -- and that's sort of a case-by-case analysis. I think we kind of have to look at -- clearly we have to start with the federal criteria, we have to look at the quality population of the Voting Rights Act, we have to build in all of the others, but in the process of doing that, I will be wanting to try to favor competitiveness and I think it will be the measure that we'll need to analyze that district by district.

I agree with the -- I believe someone just said this a minute ago, it might be Ms. Davis, that election data gives us hard data in which to analyze that. And so one of the things that I'll be
asking you is how we would create a measurement based on election data in Arizona for certain elections that would be good indicators that we could rely on.

So I guess I see it as breaking into a couple of pieces the overall concept of what competitiveness is and then the methodology that we use in a particular case to see what the makeup of the district is and how likely we are to having achieved it.

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Kanefield and Ms. O'Grady, could you please give us a clarification as to party registration and voting history data being excluded from the initial phase of the mapping process?

MARY O'GRADY: Certainly, Madame Chair, Commissioners.

That data is excluded from the initial phase of the mapping process. We are done with the initial phase of the mapping process. That was in preparation of the grid and those factors aren't necessarily part of the analysis of the other constitutional factors, which is the phase we are in.
now, adjusting the grid for the other factors such as the Voting Rights Act and competitiveness.

And so that sort of political information is now appropriately considered. It was in the initial phase, which was the grid, we could not consider it.

Does that help?

COMMISSIONER STERTZ: It does.

Has that question been tested in the courts yet? I'm wondering because I was the under the impression that the -- after reading extensively in 106 and the criteria around it that the registration voting history would only be used as a test for compliance with the goals, not as criteria to design the goals.

MARY O'GRADY: Madame Chair, Commissioner Stertz, let me see. I'm looking at the constitutional language.

"Party registration voting and history shall be excluded from the initial phase of the mapping process but may be used to test maps for compliance with the above goals."

So the only exclusion is -- so that's precisely what we're talking about. It's excluded in the grid phase, which is the initial phase. It's
included to do -- to figure out how the remaining mapping that you do measures up to these other constitutional criteria.

    Now, last -- and I don't have the references in front me in terms of the litigation, but last time around that was one of the arguments that the Commission used for having excluded consideration of competitiveness in the early phases of the mapping process because the prior Commission argued that it should be excluded in the early phases.

    That's not the case, and through litigation that was I think clear that that was not the case. They -- all the criteria are relevant once we begin the adjustments of the grid. And this data has to be concerned -- considered when you're doing those adjustments because it has to be part of the voting rights analysis; it has to be the part of the competitive analysis.

    COMMISSIONER STERTZ: As a test for compliance?

    MARY O'GRADY: Right.

    COMMISSIONER STERTZ: As a test for compliance, not as a -- I was getting the impression from some of the earlier dialog that it was going to
be used as a basis for design rather than as a test for compliance.

MARY O'GRADY: Madame Chair, Commissioner Stertz, I wouldn't -- I don't think that that --
that's not a distinction that's real meaningful I think in terms of the exercise that the Commission goes through.

Footnote 10, for example, you're supposed to make a record -- or excuse me, that's not the footnote. That's the reference where they say we're going to consider all constitutional goals before advertising it for public comment. So that's -- but in terms of how you develop it, you've got to consider these factors when you're giving the direction and making your record regarding why the map looks the way it looks.

So what they say on that point is that "The efforts the Commission" -- "Efforts by the Commission to develop a detailed record of the subject matter of their deliberations and to state clearly the reasons for reaching its conclusions will assist the public in understanding the Commission's decisions and help with judicial review."

So the idea is as you go, if you are
making an adjustment for competitiveness, you make it clear that's why you're making that adjustment and with the other factors, Voting Rights Act, etc.

CHAIRPERSON MATHIS: Other comments from other commissioners?

VICE CHAIR FREEMAN: Madame Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE CHAIR FREEMAN: Just a point of clarification with counsel.

What you're saying is that the commencement of the mapping process is the same thing as the initial phase of the mapping process?

MARY O'GRADY: Getting back to the constitutional language --

Madame Chair, Commissioner Freeman, so the question is is the commencement of the mapping process the same as the initial phase?

VICE CHAIR FREEMAN: Yes, because the Constitution uses two different terms. It uses commencement of the mapping process shall be the creation of grid maps and then later on it talks about the initial phase of the mapping process.

Do you see that?

MARY O'GRADY: Yeah, I see what you mean
there.

We can go back to the court opinion, but it's real clear is that when they talked about four phases, the grid map phase, which is the initial phase, the adjustment of the grid map, publication of the draft map for comment, and then Certification. We are in that second phase, which includes consideration of all of the factors, which under the analysis necessarily requires voter registration and voting history as part of that analysis.

So I would say in that analysis, the initial phase --

VICE CHAIR FREEMAN: Different words were used in the Constitution but you say they mean the same thing, in essence?

MARY O'GRADY: Yes, in this context.

CHAIRPERSON MATHIS: Other questions or comments?

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I am still challenged on the concept of using data to test for compliance of whether or not the designs that are being made by the Commission are meeting goals or
whether or not those -- that data is used for the
creation of those maps in lieu of testing.

Getting to the place of -- you have a
cart before the horse question, in my mind, that I'm
questioning of whether or not we are going to move
forward by utilizing the public's information and
our judgment based on the six criteria of the
Constitution. Then looking at those decisions and
then testing those decisions with the data rather
than utilizing the data to create the designs to, in
my opinion, to steer the mapping in a particular
direction.

MARY O'GRADY: Madame Chair, Commissioner
Stertz, respectfully, I think that puts too much
emphasis on the word "test" and necessarily doesn't
lead to a proper analysis of the voting rights
issues or the competitiveness in terms of
considering the six factors in providing the
direction.

I think what's critical under the court's
analysis is that the record be clear as to why the
maps that the -- any adjustments to the grid are
made based on these constitutional factors and -- so
that you are focusing on, you know, what the
adjustments that the Constitution are relevant under
our Constitution. And for voting rights, that necessarily includes voter registration and voting history data and for competitiveness it also does. And it's going to be a back and forth where you may want to say, for example, I want to make sure that we have two majority Hispanic districts in developing the map. And it's going to be an ongoing process of using -- of using the data -- all of the data, the census data and the political data to develop maps.

COMMISSIONER STERTZ: Let me explore this a bit further.

In discussion of voting history, in noncompetitive districts, for example, CD4 and CD7, the amount of -- and this alludes to something that goes back to voter -- packing, that there's going to be -- the amount of people in the noncompetitive districts have a tendency not to vote in those districts.

And how are you going to utilize that data of voter history as a criteria in noncompetitive districts that we are being designed to and asked to meet criteria under the Voters Rights Act? Because you're using that data as a preliminary test, not as a criteria to test the
MARY O'GRADY: Okay. I think I see what you're saying in terms of the voting rights analysis. That's part of the test for compliance when you dig down into the analysis, and which we haven't gotten there. We'll have more discussion of election data later. Obviously, now what we are working off of is census data and public testimony is the factual information we have available right now.

I envision there being some testing to see if this is going to be an effective minority district, which would require an analysis of the elections and then you would go back and make some modifications and do more analysis.

I don't think I'm answering your question, but it's a combination of testing and modification based on the Commission's direction. And I don't have any preconceived notions of how you all are going to do that back-and-forth process, but I think that's how it works. So that at the end, you end up with something that you've analyzed the six criteria, tested it against these criteria, and come up with a draft that is up for public review, again, focusing on the constitutional criteria.
COMMISSIONER STERTZ: Madame Chair, this will lead me to my -- go ahead.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER MCNULTY: I may get you off track, but I want to segue from one of your questions to another question that I expect Mr. Adelson will talk about Monday or we can ask him about, but is it the case that in the voting rights analysis we do some analysis of -- I don't even know what the words I want -- like if it's effective voting rate and we look at the degree to which people simply aren't participating in the process and that factors in somehow to that analysis?

MARY O'GRADY: Absolutely.

Madame Chair, Commissioners, you would look at racially polarized voting, which we've talked about before in terms of the voting patterns there, you'll look at turnout, you'll look at election results and see how minority candidates have fared in different precincts and different electoral districts and look at all of that to figure out -- you'll probably look -- you'll look if there's a high minority rate but they are all in a prison, that would come into the assessment as to whether -- what these numbers reflect is truly
reflective of a minority district.

So all of those factors are necessarily considered as part of the deeper voting rights analysis. So we'll do some of that along the way, but I think the first blush is often, you know, kind of looking at where the numbers are, like we've been talking about today.

COMMISSIONER MCNULTY: Perhaps we'll talk in a little more detail about that on Monday?

MARY O'GRADY: Madame Chair, Commissioner McNulty, yeah, what we won't be able to do necessarily is lay out -- and we will have more discussion on election data Monday that might help further that discussion because you're not going to get all of the data that might be relevant to all of the analysis of all of the different configurations. I think it's going to be as you sort of drill down on particular areas.

COMMISSIONER MCNULTY: It seems to me that that's true of each of these concepts. It's like anything else in the law, really until you have the case in front of you, it's a little hard to understand all of the parameters and it will be a lot easier once we start looking up particular -- we look at maps and areas to flush this out.
MARY O'GRADY: Absolutely.

Madame Chair, Commissioner McNulty, and that's part of the reason the agenda is structured like this. We probably will have repetitive agenda items because it is going to be thinking about all of these things as a process.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Again, going back to competitiveness and noncompetitive districts. By design, the majority/minority district are not competitive districts. And we -- by current data as we have been given -- it appears as there may be an expansion of those Legislative districts, at least as they appear currently in the current configuration.

I'm hoping that we are going to continue to have definitions as an ongoing discussion item. I think that it was discussed earlier that if you -- you'll -- if it flies and quacks, it's probably a duck. So we sort of know those.

But as -- now knowing that we are going to be utilizing data not as a test but as a design criteria, I am very hesitant to not move forward
without some very specific and very bracketed
definitions of how to move forward.

If we were going to be using it as a
test, if we were going to be using it as a design
criteria, which is what you are saying it is, that's
your interpretation of this constitutional language.

MARY O'GRADY: Madame Chair, Commissioner
Stertz, that is on an ongoing process. You don't
have to -- you can use it as a test. You can use it
as design criteria at the end of the day. But these
are the criteria, and at the end of the day, we need
a record that reflects why the map -- why you
adjusted the grid based on these constitutional
criteria to reach a different -- to reach whatever
outcome you come to.

But I think how you use the data that's
available is up to you, but it's all relevant to
these constitutional factors.

COMMISSIONER STERTZ: Thank you. I would
appreciate it if we're going to continue to explore
this as we move forward.

CHAIRPERSON MATHIS: Yes, we will.
And you will be presenting us some
information on Monday, too, on this?

That's great.
VICE CHAIR FREEMAN: Madame Chair, and building upon what Commissioner McNulty asked for in a previous comment, in addition to developing options for us and discussing options on the issue of competitiveness, I think it might be helpful if we look back at the criteria developed by the last Commission and see -- test how good of fortune tellers they were. Ten years is a long time. Different issues come before the public; different candidates run; parties recruit differently; and were the districts that they defined competitive, competitive; did they stay competitive; were other districts noncompetitive under their definition that became competitive and vice versa.

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: The problem with using those definitions -- those folks -- the definition that they used ten years ago, those districts could have become competitive despite the definition or despite what the Commission did ten years ago, people moving in, people moving out. So I wouldn't necessarily agree basing the -- whether they were correct or not -- on the definition or what they did ten years ago because
ten years is a long time and a lot changes in ten years. So I don't know if I would be in agreement with that.

CHAIRPERSON MATHIS: Comments from other commissioners?

COMMISSIONER STERTZ: Yeah, Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: As a -- I think that what you will find is that over the ten-year period after the last Commission mapped these that you'll find that their design criteria for quote, unquote, competitiveness by definition, that there actually was -- you'll find some interesting results that I'll be looking forward to you sharing.

I've actually gone back and done a ten-year analysis of the Congressional districts and Legislative districts and found that the previous Commission did a relatively good job in having both Republicans and Democrats that were in -- that were actually voted in or out of quote, unquote, noncompetitive districts. So I'm looking forward to seeing your analysis on that.

CHAIRPERSON MATHIS: Okay. Thank you.

Other comments from other commissioners?

Okay. I think we will move on to the
next agenda item, then.

Item VI, discussion with mapping consultant and legal counsel on possible adjustments to the Congressional grid map and possible direction to the mapping consultant for the development of alternative Congressional maps to be brought back to the Commission at a future meeting.

And I don't know if there's a reason that Congressional is addressed first or Legislative second. Maybe it's just because there's fewer Congressional.

Okay. So did you want to start that, Mr. Strasma?

KEN STRASMA: That was exactly our thought, that perhaps it would be easier to bite off the one with fewer districts first.

We do not have a preconceived notion as to the agenda for -- subagenda for this section.

This is where we're seeking direction in terms of what you would like us to look at. This could take the form of, you know, we have the mapping software up on the screen here. If the commissioners want to try things out as we go now, our first working session, we can try things out.

If you want to present more general
direction, and the example we raised this morning was what would it be if we were to take this grid and adjust it to cause there to be two border districts rather than three, that would be a type of general direction that we'd be happy to work on over the weekend and present results on Monday.

We also discussed the fact that the grid will need to be adjusted for Voting Rights Act, DOJ criteria. So now that we know that we are working off of grid two, we can load up the racial population and show that behind this grid and get some input from the commissioners as to how you would like us to proceed with that.

Obviously, the Commission will direct us as you decide. One suggestion I would throw out in terms of how -- what form the direction should take this afternoon would be to be fairly general. That you don't need to take votes and come to a conclusion, but rather that anything that the Commission is interested in seeing, toss that out there and we'll try to explore as many possibilities as necessary.

VICE CHAIR HERRERA: Madame Chair.
CHAIRPERSON MATHIS: Mr. Herrera.
VICE CHAIR HERRERA: I would like if you
I could proceed with the -- creating -- see what the map would look like if you create two border districts. I think that's pretty general. So if you could work on that, that would be good.

KEN STRASMA: Does the Commission prefer to have that as a to-do for us to work on over the weekend and report back and or would you like to be working through that process now? Or should we perhaps go through a list of things you would like us to look at and then decide if you want to work through any of them as a group?

CHAIRPERSON MATHIS: That sounds good, a list that we all input to.

Mr. Stertz.

COMMISSIONER STERTZ: Our first criteria -- our first criteria has been met. You've developed a grid map and we've adopted a grid map.

Our second criteria is that we prepare -- and that this grid map is adjusted for compliance with the 1965 Voting Rights Act. The concept of moving off of that for any other purpose at this point, to me, I'm not exactly sure what the desired effect would be, other than to go backwards.

CHAIRPERSON MATHIS: Okay. Thoughts from other commissioners?
Ms. McNulty.

COMMISSIONER MCNULTY: Madame Chair, a few items I would like to see.

The -- I would like to see this -- I would like to spend some time with this grid map in the context of the underlying detail understanding what this -- where the density is within each of these districts and, you know, what the actual geography is, where the streets are, where the town boundaries are, that kind of thing.

I would like a little time with that so I become really familiar with that -- you know, that picture in my mind that I talked about so long ago when we interviewed you all.

I would like to see in addition the concentrations of voting rights voters, where the voting -- you know, where the voting rights districts -- not with boundaries but with concentrations of population both in terms of Hispanic voters and Native American voters. And I'm not sure if we have a black district in South Phoenix, but if that's -- I would like to understand where those concentrations are.

In terms of districts along the -- this whole notion of border districts, my own perspective
is that I would like to see these minority populations -- I would like to see a district in which these minority populations are --

JOSEPH KANEFIELD: Madame Chair --

COMMISSIONER MCNULTY: -- together.

JOSEPH KANEFIELD: Ms. McNulty, can you be more specific for the record?

COMMISSIONER MCNULTY: I'm pointing from the southwest corner of the state at the Colorado where San Luis is along the border through the Tohono O'odham Nation and into Santa Cruz County.

And it's extremely cool that you can do all of these things just like that. I would like something in color that I can look at and think about over the --

KEN STRASMA: Shall we bring that up now?

COMMISSIONER MCNULTY: I'm not sure we need to bring it up right now. I think what we were doing is each of us were giving some things that we were hoping --

CHAIRPERSON MATHIS: But it might not be bad for an example just for everybody to kind of see what this is capable of.

KEN STRASMA: Commissioner McNulty had said -- don't go so fast -- how can we learn, so
with that in mind, perhaps I'll provide some commentary while he's doing this.

CHAIRPERSON MATHIS: That would be good.

KEN STRASMA: What he's doing now is what's referred to as adding a layer. As I said, when we have done trainings with the commissioners you can think of the maps as sort of like a stack of transparencies, each one with different colored lines that stack up on top of each other and referred to as layers.

Census tracts are a layer. Within census tracts there are census bloc groups. Within census bloc groups are census blocs. And in an urban area, census bloc is much like a city block. It's the smallest unit of geography the census unit defines.

We're adding the census tract because that's about the smallest area that would be visible in this part of the state. So Willie is adding the census bloc geography and then is going to shade it based on Hispanic population.

WILLIE DESMOND: The color isn't coming up.

KEN STRASMA: Oh, if you could see Willie's laptop, you would see a beautiful-colored map. The colors aren't coming through on the screen.
right now.

COMMISSIONER STERTZ: Those are the census blocs.

Mr. Strasma.

KEN STRASMA: Commissioner Stertz.

COMMISSIONER STERTZ: You have not loaded the -- anything other than census tracts in the data fields that are currently distributed, correct?

KEN STRASMA: That's correct.

COMMISSIONER STERTZ: When will the fields be able to be populated that are relevant to the Voter Rights Act? When will we have that data available to us?

KEN STRASMA: We will know the answer to that question on Monday.

COMMISSIONER STERTZ: Are you still sorting through the precinct issues?

KEN STRASMA: We are still sorting through the scrambled precinct data. We'll speak to that in much greater length on Monday. We are waiting on information from a few counties still which is why I'm not able to give you a firm deadline now. We are hoping that today and tomorrow the last missing information will be in.

COMMISSIONER STERTZ: So by Monday we'll
have the data available to us not just in this
format but also available to us so that we'll be
able to have it for our own utilization on your own
systems?

KEN STRASMA: That is my hope. I don't
want to guarantee it until the information is all
in.

COMMISSIONER STERTZ: Assuming that you
got all of the data that's come in from outside
sources?

KEN STRASMA: Assuming that we get the
data by Friday.

COMMISSIONER STERTZ: So the first piece
of our discussion of census tracts based on the
Voting Rights Act are not available to us at this
time?

KEN STRASMA: Well, we are able to
measure the percent voting age population by
Hispanic and Native American. So the very first
rough cut, yes, we can at this point.

What we can't do is any deeper analysis
of the ability of the committee to elect their
candidate of choice until the electoral data is
married up with the census data.

COMMISSIONER STERTZ: What layer is it
because I could not find that layer.

KEN STRASMA:  The census population?

COMMISSIONER STERTZ:  Yes.  I've got census population but I don't have the sublayer in regards to voting age population by race.

KEN STRASMA:  Okay.  Let's put that on our to-do list for now.  Once we get the colors figured out, if the Commission and the public agree, we'll just walk through the process for adding those different layers.

Commissioner Stertz, if we are back up projecting and if you would like, we will go through the steps.  Having added the census layer, I just asked Willie to go back so we can show how to get the racial information.

He's right now going to create what's called a thematic map.  The little box up at the top, red, green and blue is the button for that.

There we go.  That box.

Okay.  And then he's selecting from the fields.  This is where we're able to pick from all of the available census fields.  There are hundreds of them because of the combinations of multiple racial categories.

Scrolling down here, we are looking at
18-plus and -- why don't we do Hispanic, 18-plus.

    WILLIE DESMOND: That was the percentage.
    KEN STRASMA: And these are both raw numbers and percentages. I think Hispanic.

So we are going to be mapping the percent of the population in the census tract the percentage age of voting population that is of Hispanic origin. As we discussed this morning, that can be white/Hispanic, African American/Hispanic or any other combination. Setting the number of different intervals, the number of different colors to show and here selecting the color scheme.

    WILLIE DESMOND: Green shows up well.
    KEN STRASMA: That's good.

Okay. So here you can see in the legend on the bottom that shows what the ranges are. So the darkest red is 80 percent and the above Hispanic voting age population. The white is zero. The lightest color is zero to 20. So this allows you to see where the concentrations are.

Why don't you zoom in on an urban area. You'll see more detail is available as one zooms in.

    WILLIE DESMOND: Should I go even more?
    KEN STRASMA: Sure.

As you'll notice, these numbers popped
up, they weren't visible a moment before. Some of
these layers have what's called an auto scale
attached to them that they will be labeled only at a
particular scale. If these labels for the census
tract were turned on at a statewide level, it would
be nothing but a sea of numbers. You couldn't see
anything. But when you zoom in sufficiently, the
numbers pop up.

I believe this is the total population
number, is what it defaults to. So the color
shading is what percentage of the voting age
population is Hispanic and the number is the
population in that census bloc.

COMMISSIONER M CNULTY: What's the scale
here that we're --

KEN STRASMA: Just moving a window in
order to see the scale.

WILLIE DESMOND: 7.26 miles.

KEN STRASMA: Just to repeat for the
folks, one inch is 7.2 miles at this particular
scale.

Correct. Good point.

And another way of putting that is it's 1
to 460,000.

WILLIE DESMOND: Maybe if I go statewide
they would be able to see it a little more.

KEN STRASMA: So there what Willie has

done is removed the lines to make it a little less

busy and then we're able to see just the

concentrations of population.

WILLIE DESMOND: Is there a particular

area we should zoom in on or some other thematic

type of color you want to use or should we just go

to the next -- the next thing you guys are

interested to explore?

COMMISSIONER MCNULTY: Let's just look at

the white areas for fun.

KEN STRASMA: Okay. Just a point of

clarification, are you saying zoom in on the areas

that are white on the current map?

COMMISSIONER MCNULTY: Yes.

KEN STRASMA: Okay. So zoom in on the

areas with no Hispanic population.

Is this the Native American area? Do you

want to switch the thematic to map by Native

American population?

WILLIE DESMOND: I believe that's the

Goldwater range.

COMMISSIONER MCNULTY: Right. That's my

point. There's no population there essentially, is
1 that correct, or very little?

2 WILLIE DESMOND: Yeah, there's no
3 Hispanic population.

4 KEN STRASMA: And reflecting the fact
5 that it's, I believe, zero or very little
6 population.

7 Can you do the info tool and get up the
8 population?

9 So zero population.

10 COMMISSIONER MCNULTY: So that's going to
11 be wildlife refuge and the Cofa probably.

12 WILLIE DESMOND: For instance next to it
13 is 1467 people total.
14
15 Is there anything else?

16 COMMISSIONER MCNULTY: So -- Madame
17 Chair, can I ask a couple of questions?

18 If we want to look at this material over
19 the next few days, do we have what we need to do
20 this on our computers now?

21 KEN STRASMA: Yeah, everything you are
22 seeing now is loaded on your laptops.

23 COMMISSIONER MCNULTY: Would you mind
24 just kind of starting from boot-up to --

25 WILLIE DESMOND: Actually, it's not.

25 KEN STRASMA: Thank you.
Willie just corrected me. The grid map is not current.

COMMISSIONER MCNULTY: That's right, they are not.

KEN STRASMA: And we could volunteer -- if you have time after this meeting, we would be happy to load the grid maps on anyone's computers.

WILLIE DESMOND: Should I close this?

KEN STRASMA: Would the commissioners like us to close and go through from start to this point again or --

COMMISSIONER MCNULTY: I would like that if others can tolerate it.

CHAIRPERSON MATHIS: I can, but how do you all feel?

VICE CHAIR HERRERA: Yeah, I'm okay with doing that but we'll need -- because I would like to do it on my own on Friday and you would need to upload some information, correct, the grid map?

KEN STRASMA: Right.

VICE CHAIR HERRERA: Yeah.

COMMISSIONER MCNULTY: Is that a waste of your time to do that?

VICE CHAIR FREEMAN: No. No. No, I would be happy to do that. I think it would be
instructive.

The grid map, though, option two, that was adopted today, that -- I can pull that down because I'm not going to be able to see you tomorrow. I'm going to be out of town. But I can pull that off of the Commission's website, load that onto my laptop and then I would have the information that we have here?

WILLIE DESMOND: Or we could load it up for you right now.

VICE CHAIR FREEMAN: Okay. Great.

KEN STRASMA: And just to clarify for any members of the public who are using Maptitude, there are Maptitude files of the grid map available on the AIRC website. So those can be downloaded and loaded onto your computer. And we would be happy to help the commissioners load it after this meeting or they would be able to do it on their own, as Commissioner Freeman has suggested.

So now Willie is closing out, so we'll show -- from the start -- he's gone to the start menu and clicked the Maptitude for redistricting icon.

VICE CHAIR HERRERA: Madame Chair.

COMMISSIONER McNULTY: Slowly, please.
VICE CHAIR HERRERA: Before we go forward, does everyone want to take a five-minute break? I would appreciate it, if at all.

CHAIRPERSON MATHIS: Sure. We can take a five-minute break.

It's 2:52, so just we'll enter into recess for five minutes.

(A recess was taken from 2:52 p.m. to 3:08 p.m.)

CHAIRPERSON MATHIS: Okay. We'll enter back into public session. The time is 3:08 p.m.

We were talking about doing a short tutorial on this, but given the amount of agenda items that I am looking at that are still left on our agenda, I'm thinking maybe we should do some more what-ifs with the mapping consultant just to get -- see different things that maybe we've heard from public comment or things from commissioners that they would like to see.

And maybe if we can't get to them all today, we can at least generate the list and then maybe get to some of these other agenda items if people would be agreeable to that.

VICE CHAIR HERRERA: Sure.

I have something else that I would like
to see for the Congressional map. When we went to Bullhead City and also Yuma, especially at the northern part, they talked about the river district, and I would like to see a river district with Bullhead City, Lake Havasu, some other towns up in the area, obviously Yuma, but not all of Yuma, what I want to see is go up probably to Pacific Avenue -- I'm pretty familiar with Yuma and I would say that putting a border district that takes all of Yuma, including Gadsden and San Luis wouldn't make much sense. So if you create a border that goes through those areas up to that area, cut it off at Pacific Avenue in Yuma to see what it would look like.

   CHAIRPERSON MATHIS: Okay. Other things for the wish list?

   VICE CHAIR FREEMAN: Madame Chair.

   CHAIRPERSON MATHIS: Mr. Freeman.

   VICE CHAIR FREEMAN: As a theoretical exercise and sticking with the constitutional criteria, I would like to see a Congressional map that maximizes respect for county lines and perhaps as a corollary to that, I don't know if this would yield the same result or not, but one that maximizes respect for county lines while dividing any one county no more than one time, if that makes sense to
CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: I would like also to see a map that creates as many competitive districts as possible using the previous election results, especially in 2010, since 2010 was a really bad year for Democrats, and I would like to see that compared to the number -- to the registration -- party registrations.

So creating a map -- a Congressional map that creates as many competitive districts as possible.

KEN STRASMA: And just to clarify, that will be a longer term to do because of the --

VICE CHAIR HERRERA: Sure. And I wasn't expecting that on Monday. I would definitely love to see that.

And keeping the majority/minority districts at the percentage that they are now. Obviously, not decreasing them but also not increasing them.

KEN STRASMA: And just to clarify, was that a further clarification of the as many competitive districts as possible map?

VICE CHAIR HERRERA: Correct, because I
I want to respect the Voting Rights Act to making sure that the majority/minority sort, that there's no retrogression, but I don't want to increase them any more. Just keeping them at the percentages that they are at now.

KEN STRASMA: Okay. Understood.

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Since we're going through the exercise going to two districts, we've also heard four districts as an opportunity across the Southern border, so let's add that as well.

VICE CHAIR HERRERA: That's actually the first time I've ever heard of four districts.

COMMISSIONER STERTZ: It was actually on your PowerPoint presentation.

VICE CHAIR HERRERA: Really? I must have dozed off.

CHAIRPERSON MATHIS: Okay. Other comments?

Ms. McNulty.

COMMISSIONER MCNULTY: I have a question on public comment, do we have -- I think we've received a number of maps, not a lot of maps but a few maps from people. I'm remembering one that was
submitted by something called Greater Arizona Success, something like that, when we were up north and there was -- there were kind of rural areas on the east and west side. Two rural districts, one kind of -- that I think tracked or was consistent with a river district and the one on the east side of the state. I would not like to lose track of those ideas and maybe show those.

KEN STRASMA: Okay. And we do have, I believe, about a half dozen maps that have been submitted so far, some of them in computerized format where we can load them up quickly, others are pdfs or pictures of the map that we will have to re-create in Maptitude.

Oh, and Willie has just brought it up.

WILLIE DESMOND: This is the pdf of the Greater Arizona Success.

COMMISSIONER MCNULTY: So is that something that could be loaded onto --

WILLIE DESMOND: Not at this time.

COMMISSIONER MCNULTY: Not easily?

WILLIE DESMOND: I'm sure we could reach out to them and ask for a file that they created it in. You know, if they used one of the -- there's a couple mapping programs. We can load up files from
all of them, though.

COMMISSIONER MCNULTY: I would like to do that.

WILLIE DESMOND: We'll have to reach out to them and see if we can get that.

CHAIRPERSON MATHIS: Any other maps that people would like to propose what-ifs for now? Mine was the river district and that got covered.

I would be interested, though, in seeing -- I don't know if it's possible to see the Indian tribes just today. Is there a way to show around the state the different tribes and the reservation?

KEN STRASMA: Sure. If you would like, what Mr. Desmond could do is bring up a thematic map showing the percent Native American population and then add on top of that the line showing tribal lands.

WILLIE DESMOND: Would you prefer 18-plus Native American --

CHAIRPERSON MATHIS: Yeah, 18-plus.

WILLIE DESMOND: -- or all?

CHAIRPERSON MATHIS: And prison populations you don't have in this data yet; is that
KEN STRASMA: That's correct. We are still in the process of identifying the census blocs with prisons. We hope to have that soon, but it's not loaded yet.

CHAIRPERSON MATHIS: Okay.

WILLIE DESMOND: Just for the sake of time, maybe Ken can talk while I do this and just kind of explain to you the process we are going through here.

KEN STRASMA: So Mr. Desmond has added the thematic map being of non-Hispanic/Native American. The darker -- the greater the concentration is the darkest, 80 percent plus.

Now what he's going to do is add the layer that actually shows the reservations and the tribal lands. So that's a new layer that's showing up there. The dots are how it was displayed by default. He's changing it to a dashed line and going to change the color to make it show up a little better. It's also possible here to change the width of the border to make them easier to see.

So these are all of the tribal lands as defined in the census. If we were to zoom in, we would be able to label Hopi versus Navajo, et
WILLIE DESMOND: This is Gila River, Salt River. So you can see -- well, maybe you can't see very easily.

Up here is the Gila -- the Gila River Arizona area. Salt River Fort McDowell. Let me move it around a little bit.

Is there an area of the state you want me --

CHAIRPERSON MATHIS: Sure. Let's look at the northeast corner. I'm curious. There's tribal up there.

WILLIE DESMOND: So you can see -- and if we click on the information, you can see which reservation it is. So this is the Hopi -- Hopi, sorry, the Navajo Nation, Arizona.

CHAIRPERSON MATHIS: Including that little circle that's there to the left? What is that?

WILLIE DESMOND: Just one second.

That is Hopi.

CHAIRPERSON MATHIS: And what's the circle inside the circle?

WILLIE DESMOND: That is Navajo.

CHAIRPERSON MATHIS: And then can you
show population densities just out of curiosity?

WILLIE DESMOND: Density?

CHAIRPERSON MATHIS: Yeah, where they are located.

WILLIE DESMOND: Yes. I'm just going to show you this by census tract. Just trying to make it a little easier to see different census tracts.

So all of these tracts that are this dark black are 80 percent and above Native American. If we click on the individual ones, you are able to see the specific percentage.

So let me add that border. I apologize.

So if we just pick one at random -- I'm sorry, again, another little lesson. I'm in the wrong.

So if we go to census tract, now I click on this area, we can see.

Okay. You can see that there are 4,180 people here. If you wanted to look specifically at the Native American population, non-Hispanic/Indians are 3,997 of them. There's 95 people of Hispanic origin, 2 people of three races. You could go through -- there's hundreds of fields.

Okay. Is there anything else? Do you want me to click on another one or --
CHAIRPERSON MATHIS: Go ahead.

KEN STRASMA: I was going to make another couple comments on this topic.

Some of the speakers have mentioned and we see when we do maps, you can do a map -- I won't go through it now -- but showing dot density, where there are dots where the population is. And that brings up the counterintuitive at first result that Maricopa County has, you know, a very large Native American population just because there are so many people there. So the population is not dense, can't be used to make a majority/minority Native American district. But a large share of the state's population is there just by virtue of its sheer size.

Another point that's come up in public comments at various times is that in addition to the federal tribal lands, there is property that's been purchased by tribes outside of the tribal lands that they would like included in the same districts as tribal lands. And we've reached out to some of those organizations to try to get a list of the addresses of those properties. We don't have that currently, but that is something that's been brought up and that we are researching.
COMMISSIONER MCNULTY: Do we know if there are populated -- I mean, if folks are actually living on those acquired lands?

KEN STRASMA: I do not know.

COMMISSIONER MCNULTY: Okay. Maybe we saw this when we were zoomed out, but does this display show the Native American population, for example, of Flagstaff?

KEN STRASMA: Can you zoom in on Flagstaff for me?

So as you can see here, the one darker gray, I believe that's 20 to 40 percent voting age Native American. So add the scale that we set statewide, there's only the one area that shows up. We could reset the scale for just Flagstaff if we wanted to have more detail about where the concentrations of Native American population is in Flagstaff.

What Mr. Desmond is doing now is he's adding more intervals. So you'll see a finer gridation of the color. It's probably kind of hard to see, but the darker the area, the higher the percent Native American.

What he's doing now is changing the color of the census tract borders to make them show up a
little better and making them more narrow.

Is there anything else the commissioners would like us to look at while we are here? Further direction?

I'm very pleased with the long to-do list we now have to bring back. I can't promise that it will be for Monday, but there's certainly lots of good things for us to look at.

I do know we had on the agenda a separate item for Legislative. Did we want to move to that?

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: One more item on the -- looking at Congressional District 1, the way it is now, if we could shape Congressional district taking out Yavapai to see what it would look like, the Yavapai area of Prescott.

KEN STRASMA: Okay.

CHAIRPERSON MATHIS: Ms. O'Grady.

MARY O'GRADY: Madame Chair, maybe it's already on the list, in terms of seeing what-ifs as far as our grid map, which is not splitting any Indian reservations and also creating two voter -- two majority voting age Hispanic districts and perhaps if you are doing a river district, do a
river district that also includes those other components, not splitting Indian reservations and not--if you're doing a statewide thing with the river district or you're doing a statewide with two border districts or three border districts, include things that don't split reservations and also include two majority/minority districts.

Does that make sense?

CHAIRPERSON MATHIS: Sure. It does to me.

KEN STRASMA: If I could get clarification, is that a consensus direction from the Commission that all of these that we try to do should meet those two tests or unless directed otherwise?

CHAIRPERSON MATHIS: We need to discuss that.

COMMISSIONER MCNULTY: Which is to say we would not split a reservation and there would be two majority/minority districts. Is that what you were saying?

MARY O'GRADY: Madame Chair, yes.

COMMISSIONER MCNULTY: Okay. I think we need to--that's something we need to do.

CHAIRPERSON MATHIS: Other thoughts from
other commissioners?

VICE CHAIR HERRERA: Madame Chair, I had mentioned already as long as when we are creating the two majority/minority districts, we don't increase the number of the Hispanic voting population. Keep it at the same levels as they currently are.

COMMISSIONER MCNULTY: They wouldn't necessarily be the same on each display. There might different ways to approach that that you might want to show us. Majority/minority districts based on the concentrations of population.

KEN STRASMA: So I know from Commissioner Herrera's earlier requests, we have the map that does not increase the population concentrations and as a -- I gather as a separate issue, there is the direction to attempt in all of these what-ifs, to not split any reservations and to always maintain at least two districts?

VICE CHAIR HERRERA: On the border.

CHAIRPERSON MATHIS: I'm okay with that. Everybody else?

COMMISSIONER MCNULTY: I am. And these are just what-ifs for now.

CHAIRPERSON MATHIS: Are you okay with
that, Mr. Stertz?

COMMISSIONER STERTZ: Let's just clarify what you're saying.

There are 17 named tribes in the state of Arizona. And the goal is to not bifurcate any one of those while breaking the state into nine Congressional districts?

KEN STRASMA: That was my understanding. So we are not saying we will try to put them all in the same district, which would not be possible, not easy, but that we will not try to split -- try to not split any one.

COMMISSIONER STERTZ: I think it's an admirable goal, but I don't think that it should be a baseline criteria.

VICE CHAIR HERRERA: But we're doing what-if scenarios. It may or may not work, but I think we should see if it's a possibility. It makes sense.

KEN STRASMA: Okay. So let's put that as a what-if to explore for Monday, as Commissioner Stertz said, but not a baseline.

COMMISSIONER MCNULTY: These are all what-ifs to explore.

VICE CHAIR HERRERA: And you got the two
districts on the border, the what-if?

KEN STRASMA: Yes.

CHAIRPERSON MATHIS: Any others.

COMMISSIONER STERTZ: And four districts on the border for what-ifs?

VICE CHAIR HERRERA: Did somebody say that earlier?

COMMISSIONER STERTZ: I recall that.

CHAIRPERSON MATHIS: So we got two and four.

Anything else for now?

Okay. Do we want to look at Legislative districts?

COMMISSIONER MCNULTY: My thought is that if we can get a handle on where all of the population is through this process, I think that's a good first start and we'll be much more efficient in working on the Legislative districts and today is not the day to start there.

COMMISSIONER STERTZ: I happen to agree with Commissioner McNulty. We've given a full plate for the ST team to get their arms around, and they are going to be able to develop -- we are going to learn some things now over the next four days ourselves with the mapping software that you
delivered to us and we are going to learn a lot after you deliver us some comprehensive maps.

My question is, as you are developing these and you are ready to send them, are they going to be posted on the site for -- prior to Monday review or are you going to hold these back to present on Monday?

KEN STRASMA: As with everything, my answer is as the Commission directs. My recommendation would be not to release them ahead of Monday. I feel that these are better presented when I have a chance to describe them and then we'll make them available on the website shortly after the meeting. But because we are exploring what-ifs, I fear there may be some danger of some misunderstanding if they are put up on the website without the explanation and discussion that would go with them.

COMMISSIONER STERTZ: Can they be distributed to staff and to the five commissioners for individual and not distributed for review so that we can have appropriate questions for you and have appropriate preparation time?

KEN STRASMA: I would be happy to distribute any that we have done in sufficient
time -- ahead of time. I do anticipate a late night Sunday night, so we won't necessarily have all of these.

If it's okay with the commissioners, we'll distribute to the Commission and staff anything that we have done, you know, say by midday Sunday.

COMMISSIONER STERTZ: Whatever you are going to be presenting on Monday, Mr. Strasma, it will be great for us to see in as much time in advance as possible.

KEN STRASMA: Okay. We will do our best.

COMMISSIONER STERTZ: That would be perfect. Thank you.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER MCNULTY: But on the other hand, it would be better to get it done by Monday than not to have it at all. I'm kind of easy either way. And these are what-ifs, not adjustments.

VICE CHAIR HERRERA: Madame Chair, I would stress, Mr. Strasma, if it is a late night on Sunday and is not possible, then I think we'll understand because today is Thursday already. So you won't have quite a -- you won't have that much time to -- you have a lot of work ahead of you. So
it may not be possible for you to give us that information on Sunday. If it is, that would be great, and if not, we'll look at the information on Monday.

KEN STRASMA: I appreciate that, and I do not anticipate being able to work through all of these what-ifs by Monday and we will give you -- we will present the what-ifs that are done and give you a status on the others.

CHAIRPERSON MATHIS: Okay. Any other questions on agenda items VI and VII before we move on?

Okay. Item VIII, notification and approval of staff and legal counsel's participation in a Pinal Partnership Meeting, September 16th, 2011.

I believe a law firm invited the Commission or something and maybe counsel, too, to come to this partnership. Maybe Mr. Bladine has the background.

RAY BLADINE: Madame Chairman, sometime ago we talked about trying to inform you when we had requests to speak or requests to speak came into commission members.

Sometime ago we started a spreadsheet
that we were going to keep track of it and we never
followed through.

Since this item was a request to meet
with the Pinal Partnership, I think we also had
recently for the East Valley Partnership, we thought
we would bring this one on so you would all know
about it.

My thought going forward would be to
reactivate the concept we had before. Basically
send you out the requests we've had like this. If
someone wants to participate, let us know.

If you think it's something we shouldn't
do, let us know but not bring them forward
necessarily on each agenda, but I thought this time
since it was coming up that we bring it forward.

So we just want to make sure that there's
no objection for staff and/or either counsel to
attend this, and, of course, if a commissioner would
want to do that, that's -- we would welcome that
also.

VICE CHAIR HERRERA: Madame Chair, if my
memory serves me correctly, I think we had this
conversation before in the past where we were -- you
were approached by the Cattle Association or --

CHAIRPERSON MATHIS: Farm Bureau.
VICE CHAIR HERRERA: So, yeah, the Farm Bureau and we had authorized the staff to take those without having to bring them to the -- at the committee -- at the Commission hearings and just send out an e-mail if anybody wants to participate. I could be wrong, but I thought that's what we had decided.

CHAIRPERSON MATHIS: I can't recall. I know that on that Farm Bureau one we actually had an agenda item where we discussed it as a Commission and determined who might be able to represent us.

VICE CHAIR FREEMAN: That's correct.

CHAIRPERSON MATHIS: Okay. And so -- and I think that's -- I think -- I'm fine either way, whether we do this on an agenda item, but we need to be notified, all of us, and we can each decide if we want to go or not.

In this case, is this a formal invitation where someone has actually given us some --

RAY BLADINE: Yes, they sent us a letter requesting -- I think it -- I'm not sure whether it first came into legal counsel or us, but there have been a number of contacts made by the group and actually they had asked a couple of months ago for us to attend but it conflicted with one of the
Commission meetings, so we did not attend at that time but we thought we should try this time.

CHAIRPERSON MATHIS: Okay. So could you maybe -- could the letter go out to all of us --

RAY BLADINE: Certainly.

CHAIRPERSON MATHIS: -- so we can see what the date is and what they are asking? Unless you know.

RAY BLADINE: I'm trying to remember.

It's like the 12th of September or 15th. We'll get the letter out so you will all know. And it's basically to just present really what the Commission is, is my understanding, and perhaps an update.

But I'll get you the letter and then if somebody has some concerns, if they would just let me know, then we'll deal with them. And if we need to come back and actually have a decision made, we'll bring it back to you.

JOSEPH KANEFIELD: Madame Chair.

CHAIRPERSON MATHIS: Mr. Kanefield.

JOSEPH KANEFIELD: I guess from the legal counsel's perspective, I would like a little more guidance because we do get these requests and I do anticipate we may get others. And if -- I mean, I'm happy to go to these things and give the legal --
high-level legal overview that we've given to you all or not, but I don't want to do it without direction of the Commission because you are paying for me to do this kind of stuff and if there's other business at hand -- so I'm happy to do it -- I don't know how Mary feels about it.

And I think the thinking was with this one, they had specifically invited me and Mary, so I personally wanted the direction from the Commission whether you would like me to attend this or not. And I'm not asking one way or the other, just would like to know your understanding if you send me out to do these things, I am working on behalf of the Commission.

CHAIRPERSON MATHIS: It wouldn't be pro bono?

JOSEPH KANEFIELD: It would not be pro bono.

CHAIRPERSON MATHIS: I thought I would try that.

RAY BLADINE: Madame Chair --

VICE CHAIR HERRERA: If this is not pro bono, I would recommend if we do send an attorney or attorney, that it just be one.

CHAIRPERSON MATHIS: Right.
VICE CHAIR HERRERA: But I would like to look at that information because I don't think we received that information on that particular request.

RAY BLADINE: We will forward the information. And I think that two good points are raised, the cost of doing this and quite frankly, as we get back into second round mapping, there's not going to be a lot of staff time or attorney time available to go to outside groups.

We're really going to have to put our effort to staff your hearings first. So if we can do them, we'll tell you about them. We may decline some and tell you we declined it. And if you disagree, you can tell us.

But we are getting stretched in terms of being able to add additional discussions besides doing the public hearings that you all, I know, want us to do.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Bladine, when these requests come in, it might also be appropriate to offer to the five commissioners to be able to
cover it as well. Maybe one of the five of us, as Mr. Freeman had done with the Cattleman's Association, to go out and speak with them, give them an overview of status of what the Commission's activities are, in general terms.

RAY BLADINE: Absolutely.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER MCNULTY: Madame Chair, Mr. Bladine, I'm almost concerned that we are even before the second round hearings, we are pretty full up, I think, between now and then just doing the job that we are doing here and it would be important not to make a commitment that would subsequently preclude legal counsel from being available to us or disappoint somebody because we weren't able to do that or something else like that.

RAY BLADINE: Good point. Okay.

COMMISSIONER MCNULTY: So I would be -- although I think, you know, we want to be available, there are just some human limits on what we all can do, and I think we've about hit the point where we all need to be in a room like this doing this work.

RAY BLADINE: I understand.

CHAIRPERSON MATHIS: I agree with Mr. Stertz, though. I think that the staff
shouldn't reject outright any of these offers
just -- I think you should send it to all of the
commissioners and then we get back to you if any of
us can attend or how we want to proceed. But I
think we should at least know of all of them.

RAY BLADINE: Absolutely. I think
there's a couple on my desk that came in, like,
yesterday and the day before. When I get back to
the office tomorrow, I'll forward them to you so you
know what they are.

CHAIRPERSON MATHIS: Okay. Thank you.
Any other comments?
Mr. Freeman.

VICE CHAIR FREEMAN: By the way, it was
the Arizona Farm Bureau that Linda and I were going
to try to go and it turned out I was able to go
because of my schedule.

It was just about a 20-minute talk about
redistricting 101 and Prop 106. I think they
really appreciated it. It was a high-level talk but
it was important just to impart those basics, and I
think they really appreciated it.

So I agree, we all are going to be
terribly time-crunched here over the next couple of
months. I wouldn't want to foreclose the
opportunity to reach out and speak with anyone.

   And I think you're going to convey that
the Commission is busy, but certainly if one of us
were -- or a member of the staff or somebody can do
it, then I'm all for us doing it. And I would at
least like to have the opportunity to say yes or no
as to whether I could do it.

   RAY BLADINE: Madame Chair, clearly, we
will not reject anything without giving you guys
first opportunity to look at them if we don't think
we could cover them.

   And I also hear the comment that it's
going to be somewhat difficult to figure out because
your hearings aren't set, and if we set some of
these, we could potentially have a conflict, but
we'll do our best to keep you informed and make you
a part of that decision.

   CHAIRPERSON MATHIS: Thank you.

   Any other comments on this one?

   Okay. Agenda item IX, legal advice and
direction to counsel regarding public records
request. The Commission may vote to go into
executive session which will not be open to the
public for the purpose of obtaining legal advice and
providing direction to counsel.
Ms. O'Grady.

MARY O'GRADY: Madame Chair, commissioners, we're still in the process of responding to significant public records request from Senator Biggs, Representative Proud, Christian Palmer, and I think we might have a few others, but those are the significant ones and we are making progress. We are still waiting for some documents from staff and commissioners.

So that's the status. And beyond that in terms of legal advice, if we could go into executive session, I would appreciate that and we can advise you on some issues that we are dealing with.

CHAIRPERSON MATHIS: Okay. Any comments or questions on this?

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: What I would like -- I hate to add more of a burden to the staff, but I would like to see when these requests are made for requests for material, that it does take the staff and our attorneys time that they may otherwise be doing things that truly might help the Commission.

So I would like to see how much time they are dedicating to these requests by Andy Biggs,
David Cantelme, anybody that's making these requests because it is taking time away from the staff.

We are trying to schedule or move forward with the maps, schedule public hearings, and so I want to be cautious of that. Because when we as a staff, as a Commission request information from the staff, we need to keep that in mind that our staff members, including our attorneys, are busy doing other things and, unfortunately, that they are being asked to do by members and, you know, Legislators, other individuals.

So I would like to know how much time this is taking the staff to put that information together and also costs, if at all possible --

COMMISSIONER STERTZ: Madame Chair.

VICE CHAIR HERRERA: -- because it is --

COMMISSIONER STERTZ: Sorry.

VICE CHAIR HERRERA: It is burdensome.

And I wish we could avoid it, but obviously, it's not going to happen. But I would like to see what costs are in terms of man-hours and also dollars, if at all possible.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Madame Chair, for counsel, could you give us a quick brief overview of
the legal requirements of the Freedom of Information Act as it pertains to the AIRC, very, very briefly about the reason why and why we respond and why it is incumbent upon us to respond?

MARY O'GRADY: Madame Chair, Commissioner Stertz, it's -- under State law it's called the Public Records Law. The Law, they refer to it as the Freedom of Information Act, and it requires that we maintain records that are -- that we receive or create in the course of your responsibilities as public officials and that if they are requested, we are obligated to provide those, make those available promptly.

And -- but "promptly" has some -- you know, it's based on those -- whatever circumstances you're confronted with. There's no, like, three-day time frame. It's based on whatever the circumstances are.

But you do have an obligation to provide those, subject to privileges and confidentiality provisions and some limitations on when disclosure is -- would harm the best interest of the State.

So there's some legal analysis in terms of whether certain documents need to be disclosed. There might be some redaction involved if you're
dealing with attorney/client privilege documents.

But at the end of the day, you have to do that review and respond to the request as promptly as possible.

COMMISSIONER STERTZ: And as a follow-up question, do you -- in your actions in working with other commissions and other public bodies, do you believe that the level of requests that have been made so far have been onerous?

MARY O'GRADY: Madame Chair, Commissioner Stertz, yes.

COMMISSIONER STERTZ: Thank you.

VICE CHAIR HERRERA: Madame Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: I also want to -- for the record, that the majority of people, individuals making the requests are of a certain political persuasion, which to me it is not individuals from both parties or individuals that are Independent.

It's individuals from a certain political party that are creating this work for the Commission that -- you know, I don't know what they are looking for, I really don't. We have disclosed all of the information they want.
And even with some of the public records request, there was a certain individual that is requesting -- that has requested information like three or four times. I think three times. Sort of requesting the same thing, not understanding that the staff and the attorneys, you know, they are overwhelmed. And any time people make those requests, it takes away from the important work that we need to do.

So when commissioners ask the staff for help on this and this or whatever, because I think we do that as a Commission and you can, the staff is there to help us out, but keep that in mind, that there's other individuals asking our staff to -- busy work.

And I just -- I want to make sure that we don't forget about that. It's so easy to forget when other people are making those requests that we tend to forget, okay, I need something, I need your help now with this and tend to forget about the other requests being made of the -- of our attorneys and also of our staff.

CHAIRPERSON MATHIS: Thank you.

Mr. Kanefield.

JOSEPH KANEFIELD: Madame Chair, just to
build a little bit on what Mary was saying, the public records law is what it is and we do have an obligation to comply with it no matter who is requesting those records.

I dealt with quite a few public records requests as counsel to the governor and the secretary of state. So I'm familiar with kinds of requests and I concur with Mary with respect to the promptly requirement that while we are obligated to properly respond, that doesn't mean giving the resources and upon the obligations upon the body that exist at the time.

Senator Biggs has set his -- he has filed his request and he filed it again, a second request, to which I responded to let him know, assure him that we are working on it, that we are not having just pushed it aside and are ignoring it.

But the request -- his request along with the others have amounted to us and our teams having to go through several thousand pages of e-mails. And I don't even know if we've gotten everyone's documents, frankly, at this point.

So we're doing our best to make sure we screen those for things like the attorney/client privilege privacy and other issues that -- there are
some exceptions to the public record law. So we have to do that. So we are getting close and we do intend to respond as promptly as we possibly can, and hopefully that will be very soon.

VICE CHAIR HERRERA: Madame Chair, as I said before in my comments that -- this is taking up a lot of our time, including our attorneys. When people ask for public records requests, they don't pay for the attorneys time, for our time, staff time, they pay for the copy of the materials, correct? That's all they pay.

And although they are entitled to make those requests, again, this is causing -- costing the taxpayers money and I want to know how much, for the record, this is costing us. Every time somebody makes a request and our attorneys, the staff, even us have to put some time into gathering the documents, there is money associated with this that is costing the taxpayers' money.

So I would like to, again, make sure that the staff is able to put that together. Again, I hate to burden them with more work, but this is important because I think the public needs to know how much we are spending on this.

CHAIRPERSON MATHIS: Legal counsel, is
that something you guys track already through time
matters or whatever? Do you actually have
identification not just for IRC work, but is it
detailed to public records requests? Could you
easily pull that?

JOSEPH KANEFIELD: Madame Chair, for my
firm, it's easy for me to separate out public
records request as a separate straight matter. I
haven't done that yet but it would not be any issue
for me to do that and separate out any -- the
Attorney General inquiry, you know, that kind of
thing so you can see exactly the time my firm is
billing for these respective matters.

CHAIRPERSON MATHIS: That would be great.
I think that's a reasonable request.

Is that the same for you, Ms. O'Grady.

MARY O'GRADY: Madame Chair, sure we
could separate that out prospectively. We haven't
sent out separate matters previously.

CHAIRPERSON MATHIS: Okay. And for
staff, I don't know how that would work for
Mr. Bladine.

Mr. Kanefield.

JOSEPH KANEFIELD: Madame Chair, on my
billings when you get them, I keep detailed -- a
detailed record of what I'm working on. So you can ascertain the work from the task, but they are not separated out now. So I can go back and try to do that, but certainly do that going forward.

CHAIRPERSON MATHIS: Okay. I think it's worth doing.

Mr. Bladine.

RAY BLADINE: In answer to your question, it would be a little harder for us. We can try to take a look at specifically what we've done. But, for example, while I've been sitting back here today, I've been going through my e-mails on part of that request because that was really the only time I could do it.

I have told staff and conferred with legal counsel that our first priority has been to make sure that we keep you on track and that's why we have been somewhat tardy in getting information out.

But I've worked at it at home in the evening and that doesn't cost you anything but we are doing the best we can to meet it and we'll try to identify some hours. We've had people on our staff going through the records. Quite frankly, I think the bulk of the man-hours will be with the
attorneys because they've also helped go through some of the documentation simply because we haven't had the time to do it. But we'll get you an estimate as best we can.

CHAIRPERSON MATHIS: Okay. And maybe just kind of monitor it going forward.

RAY BLADINE: Certainly.

VICE CHAIR HERRERA: And Madame Chair, one last thing.

Any of the public records -- refresh my memory if they included Strategic Telemetry releasing any information or having to gather some information.

So I'm assuming that there's also people outside of the agency, SPO, ADOA that have been involved in this that they've had to be involved because they were included in this and they are also spending some of their time as well, including possibly Strategic Telemetry.

So I want to make sure that we gather as accurate data as possible because I want to make sure that the public understands what's happening and where we are spending our money and hopefully how we can save the taxpayers some money.

I know my fellow Republicans and the both
of you are just as concerned about spending money
wisely as I am.

CHAIRPERSON MATHIS: Okay. Any other
comments?

VICE CHAIR FREEMAN: Madame Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE CHAIR FREEMAN: I'm also in
agreement with some rather lofty speeches that were
made when this Commission began about the openness
and transparency of this Commission.

This Commission is sort of a unique
animal and it's under a lot of scrutiny. And if
there are people out there in the public who want to
exercise their rights under the law to obtain public
records, then they have a right to do that.

I agree, we should always be mindful of
costs and track costs associated with complying with
public records request. It does take me a little
bit of time, but when I got the first most expansive
request, I spent about 15 minutes and forwarded all
e-mails I had in my AIRC account to staff for
review. It took me about 15 minutes.

I still have a few hard copy items in my
office that I have not yet scanned and located and
sent to you, but compared to the e-mail, most of
those are redundant of the e-mails.

So I think we should do it. If it becomes -- it gets to the point where we -- I would imagine with respect to the most -- once we have a response to the most expansive requests, if somebody submits a rather -- an identical request, it's not going to be too burdensome for us to duplicate that and send that out to that individual and charge them for the copies.

So I think once we get it done, it may get easier going forward, but it's an important thing that we do, to discharge that legal duty.

If it becomes too burdensome and gets to the point where we need to add another staff person, that's something I assume Mr. Bladine will raise that red flag and alert us to that.

And I don't know if we are close to that yet, but let me know. But I think it's something we should do. These are legal rights people are exercising and we should discharge our duties under law.

VICE CHAIR HERRERA: Madame Chair, one last comment, if I may.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: My intent was not to
say that we shouldn't honor these requests because we should. They have a right to make those requests, but I wanted to point out what the facts are, and the facts are we are spending quite a bit of money on this. And it's, again, coming from a certain political party.

Those are the facts. I'm not making them up, and I'm not recommending to the staff that we not honor these requests. We should. We should honor them as promptly as we can. But again, we need to make part -- this part of the public record, what's going on. And it is important. It is important that the public knows where some of our money is going to.

CHAIRPERSON MATHIS: Okay.

Ms. McNulty.

COMMISSIONER MCNULTY: Ms. O'Grady, Mr. Kanefield, do we need to gather all of the information and send it in one package or are you going to send it in a serial fashion?

The reason I ask the question is that I see Senator Biggs', you know, third request come in and I gathered up everything I had in e-mail and hard copy and sent it to you immediately upon receipt of the first request and I do get a little
concerned that -- to make sure that you have everything you need because I don't want, you know, the Senator to think that I'm ignoring his request because you haven't been able to gather everything.

JOSEPH KANEFIELD: Madame Chair,

Commissioner McNulty, there is one legal issue that we would like to talk with you about in executive session, if you would indulge us, and we believe that it could resolve this and might be able to expedite this and get these records to these folks.

CHAIRPERSON MATHIS: Okay. Any other discussions?

MARY O'GRADY: Madame Chair, since we have two items that might be executive session items, maybe we have a motion that we go in on both so we don't have to go in and go out. Whatever your preference is on that.

COMMISSIONER STERTZ: Madame Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: The last item on the agenda is the call for public comment. So my suggestion would be that we have a small -- we have a very small amount of folks here in the audience, that we have a limited amount of public comment and then we can release the audience and go into
executive session.

VICE CHAIR HERRERA: I agree.

CHAIRPERSON MATHIS: That's a good idea.

So we'll go ahead and jump to item XI on the agenda, call for public comment.

I've got three request to speak forms and if any of you spoke earlier and want to speak again, you are welcome to do so.

So let me just read these. James Kerney, representing self, is he here.

Okay. We may have lost James.

Greg Scheiffer, Senior. It might be Greg Schueller, too.

And Pete Bengtson.

PETE BENGTSON: Hello. My name is Pete Bengtson, B-e-n-g-t-s-o-n.

Sorry to -- I'm late today. I didn't sit in on the first hour. You may have discussed this earlier, but I don't want to give you the impression I'm just talking competitive district.

I wanted to talk about prison stuff today.

I hadn't paid any attention or been aware of the problem with prisons in Arizona and how that affects the one person, one vote rule and the
minority calculations that need to be done.

I would like to see -- let me first say I'm not sure that you guys can do much about that as part of this Redistricting Commission. You've got the six guidelines, you got State law and whatnot, but I would like to ask that you direct Strategic Telemetry to add the prison populations so that they can be identified in mapping software.

When the maps come out for us, the general public to look at, I would like to be able to use the mapping software to see how the Legislative and Congressional districts change, if I drop out the prison population or might want to draw additional maps with prison population dropped out.

I also think it should be kept for the long term. We had a talk -- one of the speakers yesterday from ASU, has -- a professor political science department, and I can see this would be a great resource for studies of redistricting issues with and without prison populations.

So that's my comment on prisons, and I'll talk about something else next time.

Thank you.

CHAIRPERSON MATHIS: Thank you.

JAMES MARCH: Madame Chair, you should
I have a card from me.

CHAIRPERSON MATHIS: I do. Mr. March.

JAMES MARCH: I'll keep this short.

Okay. What he just said about reporting prison populations and prison locations, I would like to repeat that.

What I would like to come to you before -- come before you today to ask you is to provide more information from you and your staff out to us on the website and that will help us to more inform public comment back in to you. It will help alleviate the perception that the public comment that has been taken here is a dog-and-pony show. I don't think you intend that at all, but I think allowing a very high-level of discussion between the public and between your people and yourselves would be important to maintain the integrity of the process.

I talked to your -- one of your staffers here from the mapping company and he was very clear that you are working on prison locations and populations. That's wonderful.

If you could take notes, also put down the racial breakdown of the prisons. That's going to be important to the process.
Other things need sort of the same kind of breakdown on the tribal lands. Where they are, what the population is, roughly what the population densities are is going to be necessary. What else?

You've got maps over here of Latino breakdowns and Native American breakdowns, which are good, but whoever did those miniscule differences in shades of green, now, come on guys, we need a better defined breakdown. If you have to use different style crosshatches or something, but we need better at-a-glance tools to see -- to present the data in a more readable fashion. That's all.

But for the most part, I am very pleased with what you guys are doing and I appreciate the hard work you are doing.

I'm very glad to see we are starting out with the map set two, or as the papers called it, map set one. Good Lord, give me a break.

Anyways, that's all I'm here to say, is please present more data to us so you get better feedback from us back into the process and make it a more cooperative matter.

And with that, I would like to close.

Thank you very much, folks.
CHAIRPERSON MATHIS: Thank you.

Any other members of the public?

Mohur Sidhwa.

MOHUR SIDHWA: I'm five three and a half, what can I say.

We are in Pinal County, right?

What Pinal County does, because it has quite a few inmates, it rejects the census bureau's prison count when drawing County Board of Supervisors' districts. Otherwise people who live near the prisons would have a much more political influence than other residents of the county.

So if they could see the sense of that, you know, I think perhaps we should definitely take that into account.

The town of Buckeye excluding the prison population because by itself, Buckeye would be a district, a whole district by itself. It would have a whole district by itself. So that's just something to keep in mind.

Other states have used different methods. I'm sure if you look at the data, Google it -- Google it or whatever, small states like Delaware all the way to New York, they have passed legislation to end prison gerrymandering.
No district should be given extra representation just because it contains a large prison population.

So just something to keep in mind. I had a lot more but I think you are all tired and you guys need to get going with whatever you are doing.

But I do want to say that I've pretty much said all the things I have wanted to say over the last month and a half. So while you might see me, I'm not -- I'm going to reserve judgment on all of you because I think I've got sort of -- I think you are all decent people, to tell you the truth, until the end of the process. And if I yell and scream, I yell and scream. But meanwhile, thank you for putting up with us and thank you for doing what you are doing.

CHAIRPERSON MATHIS: Thank you.

Anyone else from the public?

All right. We'll go ahead and -- that's it for the agenda for the rest.

So is there a motion to enter executive session for legal advice to discuss items IX, X -- IX and X?

VICE CHAIR HERRERA: I make a motion.

MARY O'GRADY: Madame Chair, and it's
legal advice and direction to counsel.

    CHAIRPERSON MATHIS:  Oh, I'm sorry.

Legal advice and direction to counsel.

    VICE CHAIR HERRERA:  I still make a

motion.

    CHAIRPERSON MATHIS:  Okay.  Is there a

second?

    COMMISSIONER MCNULTY:  Second.

    CHAIRPERSON MATHIS:  All in favor?

      ("Aye.")

    CHAIRPERSON MATHIS:  Any opposed?

      Okay.  The motion carries unanimously,

      and we'll enter into executive session now.

      The time is 4 -- well, we'll end public

      session now.  It's 4:03 p.m.

      (Whereupon the public session recessed

      and executive session ensued.)

      * * * * * *

      (Whereupon the public session resumes.)

    CHAIRPERSON MATHIS:  We will enter back

      into public session now.

      The time is 4:52 p.m.

      We had a good executive session
discussing agenda items -- I just wanted to get the
numbers right -- IX and X.

Is there any motion --

VICE CHAIR FREEMAN: Madame Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE CHAIR FREEMAN: I move that counsel
proceed as the Commission directed in executive
session as to agenda items IX and X.

CHAIRPERSON MATHIS: Is there a second?

VICE CHAIR HERRERA: I second that.

CHAIRPERSON MATHIS: Any discussion?

All in favor?

("Aye.")

CHAIRPERSON MATHIS: Any opposed?

The motion carries unanimously.

And that takes us to the end of our
agenda, which is adjournment, and the time now is
4:53 p.m.

This meeting is adjourned.

Thank you.

(The meeting concluded at 4:53 p.m.)
I, MICHELLE D. ELAM, Certified Reporter No. 50637 for the State of Arizona, do hereby certify that the foregoing 244 printed pages constitute a full, true, and accurate transcript of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

WITNESS my hand this 28th day of August, 2011.

__________________________
MICHELLE D. ELAM
Certified Reporter
Certificate No. 50637