

1 **ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

2
3
4
5 Thursday, August 18, 2011
6 10:08 a.m.

7
8 **Location**

9 Holiday Inn Commerce
10 777 North Pinal Avenue
11 Casa Grande, Arizona 85122

12
13 **Attending**

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

24 **PREPARED BY:**

25 AZ Litigation Support, LLC
 Michelle D. Elam, CR
 Certified Reporter
 CR No. 50637

1 Casa Grande, Arizona
2 August 18, 2011
3 10:08 a.m.

4 CHAIRPERSON MATHIS: This meeting of the
5 Arizona Independent Redistricting Commission will
6 now come to order.

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

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

11 (Pledge was recited.)

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

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

18 Vice Chair Freeman.

19 VICE CHAIR FREEMAN: Here.

20 CHAIRPERSON MATHIS: Vice Chair Herrera.

21 VICE CHAIR HERRERA: Here.

22 CHAIRPERSON MATHIS: Commissioner
23 McNulty.

24 COMMISSIONER MCNULTY: Here.

25 CHAIRPERSON MATHIS: Commissioner Stertz.

1 COMMISSIONER STERTZ: Here.

2 CHAIRPERSON MATHIS: We have a quorum.

3 Other folks at the table are our legal
4 counsel. We have Mary O'Grady and Joe Kanefield.

5 Our mapping consultants, three members of
6 that team. Ken Strasma, Willie Desmond, and Andrew
7 Drechsler.

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

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

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

23 So I think that concludes introductions.

24 We will move into the next item on the
25 agenda, which is presentation, discussion of

1 alternative grid maps. Possible adoption of
2 Congressional and Legislative grid maps.

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

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

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

24 So that's what we are going to be talking
25 about now.

1 So is it Mr. Strasma will be up next
2 or --

3 KEN STRASMA: Yes.

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

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

8 UNIDENTIFIED SPEAKER: No. Turn it more
9 towards --

10 KEN STRASMA: Is that better?

11 Hello. Okay. And please, if I drop off,
12 just wave me down and let me know. I want to make
13 sure everyone can hear.

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

18 UNIDENTIFIED SPEAKER: Louder.

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

21 KEN STRASMA: Thank you.

22 Is that better?

23 UNIDENTIFIED SPEAKER: Yes.

24 KEN STRASMA: Okay. The grid maps are
25 intended to be equal in population and to the extent

1 possible, compact and contiguous. We made no
2 attempt to satisfy any of the other criteria.
3 That's what happens next, the process we are about
4 to launch into, the adjustments to meet the other
5 criteria.

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

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

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

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

25 A common theme in these is the first

1 districts look nice and square and the final ones
2 where we're basically taking all of the space that
3 was left are the ones that look very odd.

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

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

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

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

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

1 the area of the district to the area of an enclosing
2 circle.

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

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

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

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

25 In the cases of all except the perimeter

1 score here, values closer to 1 indicate that the
2 district is more compact.

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

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

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

16 In terms of --

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

19 KEN STRASMA: These are miles.

20 And in terms of equal population, there
21 are different standards that we have to meet for
22 Congressional and Legislative. For Congressional,
23 the standard has to be plus or minus one person. So
24 we met that standard in the grid maps. And so they
25 are identical because the population doesn't divide

1 evenly by nine. There always will be one
2 Congressional district that's overpopulated by one.

3 In the Legislative district, the
4 districts are considerably latitude. We set the
5 goal of being one plus or minus 5 percent on the
6 Legislative district.

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

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

15 VICE CHAIR HERRERA: Madame Chair.

16 CHAIRPERSON MATHIS: Mr. Herrera.

17 VICE CHAIR FREEMAN: I don't think my mic
18 is working. It is working.

19 With the Congressional grid maps, you
20 created two grid maps and I think both of them have
21 three border districts. Is that correct?

22 KEN STRASMA: Correct.

23 VICE CHAIR HERRERA: Is there a reason
24 why you were able -- why you were not able to create
25 a map that had only two borders, at least to give us

1 some options as opposed to three?

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

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

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

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

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

22 KEN STRASMA: Yes.

23 VICE CHAIR HERRERA: You have.

24 KEN STRASMA: Yes.

25 VICE CHAIR HERRERA: And you have spoken

1 to commissioners on the phone as well regarding
2 that?

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

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

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

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

22 KEN STRASMA: I believe so.

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

25 VICE CHAIR HERRERA: I'm not referring to

1 executive session. I'm just saying a commissioner
2 could have called them and that's not executive. So
3 we can --

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

7 UNIDENTIFIED SPEAKER: We can't hear you.

8 UNIDENTIFIED SPEAKER: We can't hear the
9 questions.

10 JOSEPH KANEFIELD: Sorry, folks.

11 I was just cautioning against -- we just
12 need to be careful about not waiving our Legislative
13 Privilege on some of these deliberations about the
14 map-drawing process are within the scope of the
15 Privilege. So we just want to guard against that.
16 I'm not saying that's happened.

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

23 KEN STRASMA: And if I may make a
24 suggestion, part of the agenda for today's meeting
25 will be to be soliciting direction from the

1 Commission for work that we'll be doing over the
2 course of the weekend and presenting Monday. And I
3 think that would be an excellent topic for us to
4 investigate. What would it look like if we took the
5 same approach but attempted to make two border
6 districts instead of three.

7 VICE CHAIR HERRERA: Okay. I appreciate
8 it.

9 COMMISSIONER MCNULTY: Madame Chair,
10 Mr. Strasma, I'm going to ask you what we should ask
11 you about these maps.

12 What -- given that we have them up here
13 and that they are the starting point -- or one of
14 them will be, whichever one we choose, are there any
15 principles or pieces of data, you know, that we
16 could understand from looking at these maps? For
17 example, the way precincts were built into them or
18 voting blocs were built into them? Not the
19 methodology but just what makes up these various
20 districts that would be helpful to illustrate the
21 kinds of things we'll be asking you to do going
22 forward.

23 And if the answer to that is "no," that
24 you'll be explaining that at a later time, that's
25 fine. But if there's something we can use these

1 for, you know, for our own education and for the
2 public other than just the starting point, it might
3 be good to do that.

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

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

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

19 CHAIRPERSON MATHIS: Any other questions?

20 VICE CHAIR FREEMAN: Madame Chair.

21 CHAIRPERSON MATHIS: Commissioner
22 Freeman.

23 VICE CHAIR FREEMAN: Well, certainly
24 option two looks like an easier jumping-off point
25 for us just based on the look and feel of the maps.

1 And I also wanted to point out that was
2 brought to my attention this morning in the Casa
3 Grande Dispatch; they have published the option one
4 and option two Congressional maps but they have them
5 reversed. They have -- from what we have. I want
6 to make sure -- and I was also told the Arizona
7 Republic likewise switched the number.

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

13 CHAIRPERSON MATHIS: Thank you.

14 Comments from other commissioners?

15 COMMISSIONER STERTZ: Madame Chair.

16 CHAIRPERSON MATHIS: Mr. Stertz.

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

22 And I've had the opportunity over the
23 last week and a half to work in the Maptitude
24 software with both options one and two and looking
25 at certain options.

1 I personally am going to give a
2 recommendation, I think that option two fits -- fits
3 well. It is workable in both Legislative and
4 Congressional district mapping. And I was
5 actually -- frankly, I was surprised because I
6 thought it was going to be the other way around.

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

14 CHAIRPERSON MATHIS: Thank you,
15 Mr. Stertz.

16 Other -- is that a motion?

17 COMMISSIONER STERTZ: Yes, Madame Chair.

18 CHAIRPERSON MATHIS: Okay. Is there a
19 second?

20 VICE CHAIR FREEMAN: I'll second.

21 VICE CHAIR HERRERA: Before we --

22 CHAIRPERSON MATHIS: Okay. Discussion?

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

25 UNIDENTIFIED SPEAKER: Can't hear you.

1 VICE CHAIR HERRERA: Again, I just want
2 to voice my concern about the look of the map. And
3 focusing on Congressional one and two with the --
4 what some of the members of -- the commissioners'
5 desire to have three border districts and having
6 both of them have border districts -- I understand
7 it's a grid map, but it is a starting point. It is
8 important, as Mr. Stertz -- Commissioner Stertz had
9 mentioned, we are discussing and debating grid maps.

10 So I will not be supporting it, but I
11 just wanted to make sure that my concerns were on
12 the record.

13 CHAIRPERSON MATHIS: Thank you.

14 Comments from other commissioners?

15 VICE CHAIR FREEMAN: Madame Chair.

16 CHAIRPERSON MATHIS: Mr. Freeman.

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

25 This was supposed to be an arbitrary

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

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

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

12 VICE CHAIR HERRERA: Madame Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE CHAIR HERRERA: Just a quick
15 comment.

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

1 make sure.

2 CHAIRPERSON MATHIS: Other comments?

3 Oh, sorry.

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

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

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

9 UNIDENTIFIED SPEAKER: Still can't hear
10 you.

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

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

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

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

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

1 vote.

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

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

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

13 UNIDENTIFIED SPEAKER: No. You need to
14 speak up.

15 UNIDENTIFIED SPEAKER: You need to speak
16 up.

17 JANET REGNER: Can you hear me now?

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

22 UNIDENTIFIED SPEAKER: You're unreadable.

23 UNIDENTIFIED SPEAKER: We can't hear you.

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

1 could speak.

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

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

10 We have stated the demographics, the
11 communities of interest of Coconino County in that
12 testimony that was heard in Flagstaff earlier this
13 month. And I would just remind you that there are
14 134,421 people living in the county. A nearly
15 16 percent increase since 2000. 27 percent of that
16 population is of Native American descent.
17 30 percent of that population has a college degree,
18 a higher percentage than the overall percentage for
19 the state of Arizona.

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

22 Coconino County is the second largest
23 county in the nation second to San Bernardino County
24 and larger than the country of Switzerland and
25 70 percent of the county's population is of voting

1 age.

2 With that as background, the five-member
3 board made of Chairwoman, Lena Fowler, Supervisors
4 Carl Taylor, Liz Archuleta and Matt Ryan have
5 several comments on Legislative and Congressional
6 redistricting.

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

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

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

22 This could include the eastern Arizona
23 counties that Coconino County is currently aligned
24 with through the Regional Council of Governments.
25 Those would be Coconino County, Navajo County,

1 Apache County, and Yavapai County.

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

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

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

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

23 By way of brief explanation, the Northern
24 Arizona region has worked diligently and continues
25 to work together on effective economic development

1 measures. There is strong and collective interests
2 in regional economic development draws to keep the
3 community together.

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

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

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

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

24 We value the unique landscapes and have
25 an ethical obligation to the land. Forest

1 industries are a significant economic potential for
2 the region. For the past several years, the county
3 has been working diligently on the four forest
4 restoration initiative. Four national forests
5 actively engaged in a collaborative landscape scale
6 initiative designed to restore fire adapted
7 ecosystems. And given the fires this summer, need I
8 say more.

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

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

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

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

1 languages, and cultural practices.

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

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

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

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

22 If there is anything we can do to be of
23 assistance in the weeks and months ahead, please do
24 not hesitate to contact the Coconino County Board of
25 Supervisors.

1 Thank you so much for your time.

2 CHAIRPERSON MATHIS: Thank you.

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

6 Have you filled out a request to speak
7 form?

8 TERESA MARTINEZ: I did.

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

11 TERESA MARTINEZ: Teresa Martinez.

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

14 TERESA MARTINEZ: I gave it to her late.

15 CHAIRPERSON MATHIS: Okay. Got it.
16 Teresa Martinez from Casa Grande.

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

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

23 In all respect to Coconino County,
24 wherever she may be, I can appreciate her concern
25 about higher education, about keeping that together.

1 Again, this is off the cuff. This is just a couple
2 of notes.

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

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

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

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

24 We also would like to have our own
25 Congressman or woman, but sometimes that's just not

1 possible. So my hats off to you on keeping your
2 ground on starting on an arbitrary map from the
3 starting place. Good for you.

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

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

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

20 In regards to the grid maps, I don't have
21 any heartburn with two, personally. I would like to
22 say in communities of interest, I know you get the
23 whole racial thing. You like to keep Hispanics
24 together, what to keep -- that's not what I'm
25 talking about. I'm talking about rural America.

1 Casa Grande has more in common with
2 Globe, Arizona, with Chino Valley than they do Tempe
3 or Chandler.

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

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

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

22 We have a slightly Democratic edge.
23 Again, I'm not a professional, I'm not a lawyer, I'm
24 not a science person who looks at numbers all day
25 long. I'm just eyeballing it, okay? So I could be

1 wrong.

2 But I believe CD1 leans Democrat, and
3 it's competitive. I think it's based on the value
4 and the performance of the congressman or woman who
5 takes that.

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

9 Thank you.

10 CHAIRPERSON MATHIS: Thank you.

11 Were there other members of the public?

12 Senator Al Melvin, please come up.

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

15 AL MELVIN: Yes. Al Melvin. I'm now in
16 my third year as an Arizona State Senator
17 representing LD26.

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

21 When this was put on the ballot by
22 Mr. Peterson, a Democratic -- later a Democratic
23 candidate for the U.S. Senate and the money that he
24 placed behind this ballot measure, it was sold to
25 the people as an Independent Redistricting

1 Commission rather than the 90 duly elected
2 Legislators in the Arizona State Legislature. So
3 now we are dealing with that institution here in
4 this room.

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

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

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

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

22 If it wasn't for this Commission, 90 duly
23 elected Legislators would be doing this job. Now it
24 hinges on you as the one Independent out of five.
25 And what did that get us?

1 It got us a mapping company with close
2 ties to the Obama campaign. And to me and to the
3 eyes of many people in this state, this Commission
4 and its work is tainted. And it comes back to you
5 and this mapping company to do the right thing for
6 the 6.5 million people in the state. To me it is
7 already swung hard left --

8 VICE CHAIR HERRERA: Madame Chair --

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

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

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

16 Thank you, ma'am.

17 CHAIRPERSON MATHIS: Thank you.

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

24 CHAIRPERSON MATHIS: Right. Yeah, if we
25 could get public comment on the grid map

1 alternatives, that's what we're taking public
2 comment on right now.

3 So we have two people raising their hand.

4 Let me -- Mary, do you want to go first?

5 And Mary Kortsen, member of Casa Grande's
6 council.

7 MARY KORTSEN: Correct. I'm a member of
8 the city council but I am here just as a member.

9 And I know Ms. Martinez and we are on the
10 same -- at this point in time we're on the same
11 basis.

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

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

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

23 Is that better?

24 UNIDENTIFIED SPEAKER: Yes.

25 MARY KORTSEN: My concern is the Pima

1 County component. Again, what Ms. Martinez
2 expressed as a the commonality, I totally agree.
3 Even though we come maybe from different
4 philosophies, we still come together that this would
5 be a good way to do this, that we need to stay
6 inside that area.

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

13 Thank you.

14 CHAIRPERSON MATHIS: Thank you.

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

18 Representing self from Pima.

19 MOHUR SIDHWA: Mohur Sidhwa --

20 UNIDENTIFIED SPEAKER: In the mic,
21 please.

22 MOHUR SIDHWA: Hello?

23 UNIDENTIFIED SPEAKER: Speak up.

24 MOHUR SIDHWA: Okay. I was going to talk
25 about an entirely different issue, but while I was

1 listening, it occurred to me that candidates and
2 politicians go where voters are and the money is.

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

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

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

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

22 That's kind of what I had to say.

23 Thank you.

24 CHAIRPERSON MATHIS: Thank you.

25 Anyone else want to speak on the grid map

1 alternatives?

2 Please come up.

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

5 RITA NADER: Yes.

6 CHAIRPERSON MATHIS: You can tell us your
7 name.

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

13 I'm representing myself as a 59-year --
14 59-year Pinal County resident and a Casa Grande
15 resident. That -- because I am on the board, I am
16 very familiar with what happens in Pinal County and
17 where our linkages are.

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

22 You go over the mountain, you have a
23 totally different area in the Aravaipa area and then
24 we come close to Gila County and we have very close
25 linkages with Gila County.

1 Many of our organizations are Pinal/Gila
2 and we also have some linkages in the Aravaipa area.
3 They are very closely related to Graham.

4 And so I would like to see Pinal County
5 -- and then when you talk about San Tan Valley with
6 81,000 -- 83,000 people, whatever it is, it comes
7 from the Coolidge -- from Florence. It's in the
8 Florence school district and aligned there, but in
9 San Tan, there's a line that on one side it's Pinal
10 County and the other side it's Maricopa.

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

15 UNIDENTIFIED SPEAKER: Ak-Chin.

16 RITA NADER: Ak-Chin. It slipped me.
17 I'm sorry.

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

22 I represent on the college district --
23 the district that I represent is -- we have to have
24 -- we have to satisfy the same requirements that you
25 are satisfying. We had to have our redistricting

1 done by the Ben Washington from the judicial
2 committee.

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

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

15 So thank you.

16 CHAIRPERSON MATHIS: Thank you.

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

19 Please.

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

22 CHAIRPERSON MATHIS: Yes, please.

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

25 UNIDENTIFIED SPEAKER: Get up close to

1 the mic.

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

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

6 CHRISTINE BAUSERMAN: Yes.

7 CHAIRPERSON MATHIS: I just don't have
8 it.

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

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

21 There's no way the Indians are going to
22 be represented fairly here at all. I mean, Pima
23 County and Tucson are down in the bottom and that's
24 where all of the people live, so that's where
25 everyone is going to campaign and they are not going

1 to care what's going on on the other side north of
2 the Grand Canyon.

3 You have districts here that you can walk
4 across in a day and then you have districts you
5 would have to spend two nights to transverse from
6 top to bottom. That's just not -- you know, no one
7 is going to go up there and represent them.

8 So that's all.

9 Thank you.

10 CHAIRPERSON MATHIS: Thank you.

11 Anyone else from the public?

12 Please come up.

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

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

25 However, the reason I am in favor of

1 option two is because my community of interest is
2 central Pinal County, which includes the communities
3 of Casa Grande, Eloy, Florence, Coolidge, and the
4 Gila River Indian community.

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

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

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

18 CHAIRPERSON MATHIS: Thank you.

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

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

24 So are there thoughts from commissioners
25 on this? I -- we're not done with discussion on

1 this motion yet. And I guess my only thought is I
2 was of the assumption, and I could be completely
3 wrong, so please correct me, mapping consultants, is
4 that the grid map is just a starting point and it
5 doesn't really foreclose options for anything in the
6 future.

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

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

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

24 So any other thoughts from other
25 commissioners?

1 COMMISSIONER MCNULTY: My only other
2 thought is that we did this to be a clinical process
3 and to be completely objective and sort of arbitrary
4 as the starting point. And so my preference would
5 be to toss a coin for one of these two maps. I
6 think that continues the --

7 UNIDENTIFIED SPEAKER: No way.

8 UNIDENTIFIED SPEAKER: No.

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

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

17 VICE CHAIR FREEMAN: Madame Chair.

18 CHAIRPERSON MATHIS: Mr. Herrera.

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

1 Literally random.

2 CHAIRPERSON MATHIS: Okay. Comments from
3 other commissioners?

4 COMMISSIONER STERTZ: Madame Chair.

5 CHAIRPERSON MATHIS: Mr. Stertz.

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

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

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

21 So -- but we do have to have a starting
22 point that meets with the criteria as laid out in
23 the Constitution. As I have said over and over
24 again, it is incumbent upon us to follow the outline
25 in the Constitution.

1 The mapping consultant has suggested to
2 us that option number two in regards to compactness
3 and equal population has a stronger leaning than
4 option number one, and I would -- I'm going to just
5 reiterate that going with number two allows us to
6 not take an arbitrary and capricious approach to
7 this so that we can go ahead and move forward.

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

13 CHAIRPERSON MATHIS: Thank you.

14 Thoughts from anyone else?

15 VICE CHAIR HERRERA: Madame Chair.

16 CHAIRPERSON MATHIS: Mr. Herrera.

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

23 When you have commissioners that have
24 expressed their opinion, whether it be one or two or
25 three in preference, I don't know what else, but

1 definitely the three border districts -- and to me
2 that's a concern.

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

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

15 CHAIRPERSON MATHIS: Mr. Freeman.

16 VICE CHAIR FREEMAN: Thank you, Madame
17 Chair.

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

24 But one question I would like to ask
25 Mr. Strasma is in our hearing in which we decided on

1 the approaches for the development of the grid maps,
2 you laid out the methodology you would employ to
3 generate these maps.

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

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

10 VICE CHAIR FREEMAN: Thank you.

11 CHAIRPERSON MATHIS: Could you all hear
12 that?

13 UNIDENTIFIED SPEAKER: No.

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

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

20 CHAIRPERSON MATHIS: Thank you.

21 Okay. Other discussion on this matter?

22 COMMISSIONER MCNULTY: Madame Chair.

23 CHAIRPERSON MATHIS: Commissioner
24 McNulty.

25 COMMISSIONER MCNULTY: I have no doubt

1 but that Strategic Telemetry did this in accordance
2 with our instructions and did not deviate from that.
3 No doubt whatsoever.

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

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

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

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

1 Congressional maps.

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

10 Thank you.

11 CHAIRPERSON MATHIS: Thank you.

12 Other discussion?

13 All in favor?

14 ("Aye.")

15 VICE CHAIR HERRERA: ("Nay.")

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

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

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

22 KEN STRASMA: Thank you.

23 CHAIRPERSON MATHIS: All right. So next
24 item on the agenda is presentation, discussion, and
25 summary of first round public hearings. And I don't

1 know if that's Mr. Bladine who is going to be
2 leading that discussion.

3 ANDREW DRECHSLER: I will be doing that.

4 CHAIRPERSON MATHIS: Sorry,
5 Mr. Drechsler.

6 ANDREW DRECHSLER: Thank you very much,
7 Commissioners.

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

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

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

1 as well.

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

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

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

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

22 A total attendance, this is a rough
23 estimate, but we figured it was about 2,250. We had
24 an actual sign-in sheets of 1,395. And how I came
25 -- how we came up with the total attendance number

1 is just talking to the commissioners and the staff,
2 we feel like approximately 60 percent of the people
3 who showed up actually filled out a sign-in sheet.
4 So that's where we came up with the estimated 2,250.

5 Total comments that were vocalized during
6 the public hearings is 595. We -- I did a quick
7 count of unique speakers because we had a number of
8 different individuals who showed up at different
9 hearings and spoke a number of different times, so
10 we have 531 unique speakers. And that's an
11 approximation.

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

16 Yes.

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

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

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

25 ANDREW DRECHSLER: Just the yellow

1 sheets. People who vocalized -- who came in and
2 they spoke, whether it was about their community of
3 interest, whether Voting Rights Act, whatever the
4 criteria or something else.

5 COMMISSIONER MCNULTY: I'm sorry, I'm not
6 following the difference between those two lines.
7 The total comments and the total number of comments.

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

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

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

23 So looking at round one, the people who
24 spoke at round one, we broke them down by city, the
25 number of attendees who signed in, number of people

1 that requested to speak, total number of comments
2 recorded.

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

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

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

22 So the point is nobody was denied --
23 nobody who wanted to speak was denied to speak
24 because we cut off the meeting or anything like
25 that.

1 So the meetings ranged from -- I think
2 the shortest one was just under an hour to longest
3 one was almost four hours.

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

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

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

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

25 And again, there were -- one individual

1 could have covered up to six different -- six
2 different criteria. So they would have been counted
3 in that six different criteria.

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

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

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

25 At the same time as somebody commented on

1 competitiveness that I guess you could consider that
2 it wasn't important, here are some of the comments
3 that we received on that.

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

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

16 VICE CHAIR HERRERA: Madame Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

18 VICE CHAIR HERRERA: Is this a slide or a
19 presentation that you will be doing at every meeting
20 or is it just for today?

21 ANDREW DRECHSLER: It's just for today.

22 VICE CHAIR HERRERA: Could you bring it
23 back up?

24 ANDREW DRECHSLER: I can. I don't know
25 what happened.

1 VICE CHAIR HERRERA: I just want to point
2 something out.

3 Was that the end of your presentation?

4 ANDREW DRECHSLER: No, it's not.

5 VICE CHAIR HERRERA: So you still had to
6 turn it on anyway?

7 ANDREW DRECHSLER: Yeah.

8 KEN STRASMA: It's a new projector, too.

9 VICE CHAIR HERRERA: Take it back.

10 ANDREW DRECHSLER: Commissioner Herrera.

11 VICE CHAIR HERRERA: Perfect.

12 UNIDENTIFIED SPEAKER: Madame Chair, do
13 you want to call for a tech break?

14 CHAIRPERSON MATHIS: Yeah, sure, we could
15 do that.

16 We'll recess for a few minutes. Let me
17 get the time.

18 It's 11:19 in the morning. We'll go into
19 recess for five or ten minutes.

20 (A recess was taken from 11:19 a.m. to
21 11:38 a.m.)

22 CHAIRPERSON MATHIS: We'll go ahead and
23 enter back into public session now.

24 The time is 11:38, and we are continuing
25 in the presentation and hopefully the projector is

1 going to work for us.

2 ANDREW DRECHSLER: Thank you very much,
3 Madame Chair.

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

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

9 VICE CHAIR HERRERA: Thank you.

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

15 ANDREW DRECHSLER: Higher importance and
16 lower importance.

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

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

24 VICE CHAIR HERRERA: I just want -- I do
25 think redistricting is important to everyone,

1 whether it be, you know, first on their list, second
2 on their list. I think it's important for most of
3 the voters, if not all of the voters in Arizona.

4 ANDREW DRECHSLER: Yes. Point
5 well-taken.

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

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

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

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

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

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

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

24 Communities of interest. As I mentioned,
25 we had 265 comments on them. And it really ranged

1 across the board, as you will see here. You know,
2 there was those who expressed that partisanship
3 should not be -- has no factor in defining a
4 community of interest.

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

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

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

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

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

24 Oro Valley is a community of interest.

25 And somebody mentioned -- they brought up

1 a newspaper description of a newspaper that serves
2 the Oro Valley area.

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

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

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

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

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

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

19 Create three border districts.

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

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

25 Keep tri-cities together.

1 Create a river district.

2 Casa Grande, we had keep Pinal County
3 intact.

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

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

8 Yavapai County as one community of
9 interest.

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

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

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

16 UNIDENTIFIED SPEAKER: Hopi.

17 Clearly not from Arizona.

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

20 Keep Legislative District 5 together.

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

23 Flagstaff, don't separate Flagstaff.

24 Create two rural districts.

25 Don't put Prescott with Flagstaff, as we

1 covered before with -- 5 individuals discussed that.

2 South Tucson, keep Congressional District
3 8 together.

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

7 Move Tucson to Congressional District 7.

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

11 Put Tonopah Valley together with three
12 individuals on that.

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

16 Keep two border districts; we had 4.

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

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

21 Keep -- those who wanted to keep
22 Legislative Districts 30 and Congressional District
23 8 intact.

24 Discussed -- and there were three
25 individuals who discussed how to address the prison

1 population and there were three individuals who
2 talked about Oro Valley being a community of
3 interest.

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

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

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

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

25 So this is an example -- we were able to

1 work with the Catalyst just to test it out to see if
2 this was something that was going to be a usable
3 system. And you can see it's really a good
4 documentation where we are going to be able to
5 capture and categorize everybody who has commented
6 in the process from the very beginning.

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

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

23 COMMISSIONER MCNULTY: I have a question.

24 Buck, do you purposely give me the ones
25 with no batteries or what?

1 If we -- is there a place on here, for
2 example, to keep my COI together?

3 ANDREW DRECHSLER: Yes.

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

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

14 COMMISSIONER MCNULTY: Or the yellow
15 sheet?

16 ANDREW DRECHSLER: Exactly.

17 COMMISSIONER MCNULTY: What about the
18 transcript?

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

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

24 ANDREW DRECHSLER: And that's the
25 conclusion of the public input.

1 CHAIRPERSON MATHIS: Thank you.

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

5 COMMISSIONER STERTZ: Madame Chair.

6 CHAIRPERSON MATHIS: Yes, Mr. Stertz.

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

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

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

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

25 ANDREW DRECHSLER: Yes, and we did spend

1 a lot of time working on this form, working with
2 Catalyst to make sure that once we had this large
3 data, you know, dump into there, that we have a
4 system in place that we can go in and categorize it
5 and working with the IRC staff to make sure that
6 it's categorized in a proper way.

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

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

23 ANDREW DRECHSLER: Correct.

24 COMMISSIONER STERTZ: Thank you.

25 ANDREW DRECHSLER: You're welcome.

1 CHAIRPERSON MATHIS: Other comments or
2 questions?

3 Mr. Freeman.

4 VICE CHAIR FREEMAN: A question about the
5 database.

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

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

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

20 ANDREW DRECHSLER: I think that's a great
21 idea. And one of the things that we like about
22 Catalyst is their flexibility to make changes to
23 this database. So that's definitely something that
24 -- we don't have all -- all of the boxes on the
25 left-hand side -- it scrolls down. This is just a

1 static screen, but it does have a number of
2 different categories. And we have white maps,
3 support maps, but I think breaking it down in terms
4 of they like specific Congressional or Legislative
5 district, that's something that we can definitely
6 add and I think that's a good idea.

7 CHAIRPERSON MATHIS: Other comments?
8 Questions?

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

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

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

20 ANDREW DRECHSLER: Correct.

21 COMMISSIONER MCNULTY: And we would need
22 that information.

23 ANDREW DRECHSLER: Correct.

24 CHAIRPERSON MATHIS: Other comments?
25 Questions?

1 Okay. Thank you for that presentation,
2 Mr. Drechsler. It's super exciting to kind of see
3 the statistics aggregated on what happened in that
4 first round of public hearings.

5 So I think we'll move on -- that's agenda
6 item III. We'll move on to IV, which is
7 presentation regarding current Legislative and
8 Congressional districts for the purpose of
9 explaining the benchmarks for Section 5 analysis.

10 KEN STRASMA: So as we move from the grid
11 maps, now that we have our grid map's starting
12 point, we need to adjust them to meet various
13 criteria. One of the most important is meeting the
14 criteria for DOJ preclearance.

15 There is going to be a presentation
16 Monday getting into the details of this, but for our
17 first start, the Department of Justice likes for us
18 to look at the baseline, which is to say the
19 population of the current districts as of the last
20 census.

21 So this --

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

25 Would you be willing to do that, legal

1 counsel, just so everyone has context?

2 MARY O'GRADY: Sure.

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

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

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

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

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

24 There's obviously more information that
25 we'll be giving the Commission as things unfold and

1 the analysis of Section 5 is much deeper than simply
2 the demographics statistics, but this is often I
3 think what people look at initially. They look at
4 how many minority -- majority/minority districts you
5 have in the district.

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

11 CHAIRPERSON MATHIS: Thank you.

12 Sorry, I just wanted to provide that.

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

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

21 And Monday's presentation will get into
22 more detail on the nitty-gritty of how that will be
23 defined, but essentially for a starting point, we
24 want to make sure that any majority/minority
25 district is preserved.

1 These are the numbers for the district --
2 Congressional districts where there are two
3 districts that are majority voting Hispanic.

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

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

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

20 If you have a community that is younger
21 on average -- has more people under 18 -- it has
22 lesser voting strength. That's why although for
23 equal population we look at total population, for
24 the other considerations we tend to look at
25 voting-age population.

1 Another issue to flag is that the census
2 categorizes Hispanic as an origin rather than a
3 race. So there is one count, which is "yes" or "no"
4 is an individual Hispanic. Then anyone who either
5 is or is not Hispanic also has a race definition.

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

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

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

1 category and the numbers in those.

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

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

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

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

22 Moving to the Legislative plans, we've
23 highlighted here the four districts that are
24 majority voting age Hispanic and the one district,
25 LD2, which is majority Native American.

1 So in terms of retrogression, the first
2 cut is we need to make sure that we preserve that
3 same number of majority Hispanic and the majority
4 Native American districts.

5 There is a couple things to point out as
6 well. There are two districts that are very close
7 to 50 percent Hispanic, which we'll have to consider
8 as well. And it's also important to look at the
9 voting age non-Hispanic white number. The district
10 which is under 50 percent voting age non-Hispanic
11 White, merits special consideration, even if no one
12 of the major categories by itself is above the
13 50 percent threshold.

14 COMMISSIONER MCNULTY: Say that again,
15 please.

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

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

24 They'll do an analysis sometimes of
25 whether the minority groups vote together and end up

1 electing the candidate of choice. So I do think
2 it's useful that when you do look down that White
3 non-Hispanic voting age to note district -- in
4 addition to the District 15 and I would count
5 District 25 are also majority combined minority
6 populations.

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

14 So when I look at this -- just looking at
15 these numbers without doing the deeper electoral
16 analysis that's part lot of the voting rights
17 analysis, looking at perhaps six, although
18 recognizing that two of them are very marginal in
19 terms of majority Hispanic districts. Perhaps two
20 others that have significant Latino population but
21 also have some combined minority --
22 majority/minority, recognizing that there needs to
23 be a deeper analysis to see if there truly is that
24 sort of crossover voting that some of the other
25 analysis that you do based on election data.

1 And then looking at the one majority
2 Native American district and maintaining that to
3 avoid retrogression.

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

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

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

11 COMMISSIONER MCNULTY: Which one were you
12 looking at?

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

17 COMMISSIONER MCNULTY: Six total.

18 MARY O'GRADY: Six total.

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

21 MARY O'GRADY: Legislative District 6?

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

24 MARY O'GRADY: No.

25 COMMISSIONER MCNULTY: So let's look at

1 15, and please just walk me through the minorities
2 that are comprising the majority there.

3 MARY O'GRADY: And I haven't backed out,
4 but what I am looking there is at the White
5 non-Hispanic number, which of that is less than
6 50 percent than the combined minority is going to be
7 50 percent or more. So I think that's a number to
8 keep in mind.

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

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

21 And the same if you look down at 25,
22 Legislative District 25, it has a significant
23 Hispanic population at 40.9 and the White
24 non-Hispanic, 50.29. So it's just under a majority
25 combined minority district.

1 And there you have, it looks like, it
2 gets it's additional numbers from a combination but
3 you do have 4.8 percent Native American there. But
4 again, it would require that deeper analysis to see
5 if it is an effective minority district, but it's
6 worth for the first cut to pay attention to that --
7 I think to pay attention to that number.

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

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

23 COMMISSIONER MCNULTY: Mr. Strasma, at
24 what point will we see the data on multiple races,
25 and is that likely to change these benchmarks in any

1 way?

2 KEN STRASMA: It is not likely to change
3 it significantly. It's a fairly small percentage of
4 people who check multiple races. We left it at just
5 this for purposes of simplicity.

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

9 VICE CHAIR HERRERA: Madame Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

11 VICE CHAIR HERRERA: I have a question.
12 I don't know if it's directed at Mr. Strasma, but we
13 talked quite a bit about -- we talked about
14 retrogression but there was an opposite term that we
15 haven't covered, is that correct, that is the
16 opposite of retrogression when it comes to minority
17 districts?

18 KEN STRASMA: Commissioner, are you
19 referring to packing?

20 VICE CHAIR HERRERA: Can you explain
21 that?

22 KEN STRASMA: Yes.

23 So although this is a simple baseline to
24 determine have we made the ability of the community
25 to elect their candidates of choice any worse.

1 So although our first benchmark is making
2 sure that we are at the same percents, if above a
3 certain level, and that's deeper analysis that we've
4 been talking about is going to determine what that
5 level is, more minority population does not change
6 the district's ability to elect their candidate of
7 choice.

8 So just hypothetically speaking, an
9 80 percent Hispanic district is no more likely to
10 elect a Hispanic representative than a 65 percent
11 Hispanic district. And the Department of Justice
12 will look at that and conclude that the 15 percent
13 additional Hispanic population is not being used in
14 any way to allow that community a greater ability to
15 elect their candidate of choice; and therefore,
16 should have been in a different district, especially
17 if there is a neighboring district that is below 50
18 percent and that 15 percent could have been put into
19 that district.

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

24 VICE CHAIR HERRERA: And packing is
25 something that is -- that is -- just like

1 retrogression, packing is also seen by the
2 Department of justice as a big no-no; is that
3 correct?

4 KEN STRASMA: I believe that is the
5 technical term.

6 MARY O'GRADY: No-no.

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

14 So one of the things that we'll do as we
15 dig deeper, as I mentioned, maintaining the
16 majority/minority districts doesn't necessarily mean
17 you maintain, for example, a district that's
18 68.27 percent. It may not be necessary electorally
19 to maintain it at that number.

20 But that's one of the refined things
21 you'll -- we'll get to. But you definitely want to
22 make sure that you maintain effective -- the same
23 number of effective minority/majority districts --
24 minority districts that you had before. And
25 sometimes you have effective minority districts

1 without a majority voting-age population. But I
2 think the first cut is maintaining the
3 majority/minority districts that we started out with
4 even though the exact percentages may vary, as long
5 as they are effective districts.

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

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

21 CHAIRPERSON MATHIS: Okay. Thank you.

22 Other comments or questions on this?

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

25 CHAIRPERSON MATHIS: We can do that. I'm

1 open to that.

2 Do you have a comment?

3 JAMES MARCH: I have a quick comment.

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

7 JAMES MARCH: I have actually on another
8 subject.

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

12 JAMES MARCH: Am I on?

13 UNIDENTIFIED SPEAKER: No.

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

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

23 I would like to point out on this
24 document in particular that it should be troubling
25 the number of districts -- Legislative districts

1 that are just under 50 percent Latino population.
2 Like the second from the bottom, line 29,
3 49 percent. Two up from that line, 47, 49 percent.

4 The high number of these ranging from
5 38 percent to 49 are actually more than the four
6 that were marked out as going to be over the
7 50 percent mark.

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

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

19 Thank you.

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

23 JAMES MARCH: I understand this is not
24 your doing. I understand that. This is from ten
25 years ago. I'm just saying that this looks like an

1 example of what not to do in an least some of of its
2 elements. This is not an accusation against you.
3 I'm just showing you what to look for.

4 CHAIRPERSON MATHIS: Thank you.

5 Ms. O'Grady.

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

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

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

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

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

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

24 Please come up. I don't know if you have
25 a request to speak form, so you can tell us -- and

1 please spell your name into the microphone. Our
2 court reporter reminded me.

3 JERRY REEVES: My name is Jerry Reeves.
4 Can you hear me all right?

5 UNIDENTIFIED SPEAKER: Yeah.

6 JERRY REEVES: I'm a retired controller U
7 of A Foundation, and I lived in -- both in Pima and
8 now I live in Pinal County, and I have a question on
9 the calculation. I think you guys did a nice job.
10 I'm not trying to pick on you or anything. I'm just
11 trying to understand it.

12 UNIDENTIFIED SPEAKER: Stand under the
13 mic.

14 JERRY REEVES: What's that?

15 UNIDENTIFIED SPEAKER: Stand up to the
16 mic.

17 JERRY REEVES: Okay. On your standard
18 deviation, standard error of the mean and those
19 calculations, when you did the calculations for the
20 standard deviation and the relative mean for plan
21 two, did you consider this in your data when you
22 calculated that or did you just consider it on the
23 total population?

24 VICE CHAIR HERRERA: Sir, I don't think
25 this is the time for them to address your questions.

1 Unfortunately, it's just a time for you to speak and
2 be heard.

3 JERRY REEVES: Okay.

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

6 CHAIRPERSON MATHIS: Ms. O'Grady.

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

11 CHAIRPERSON MATHIS: Great. So you can
12 respond.

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

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

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

24 CHAIRPERSON MATHIS: Thank you.

25 Any other comments from the public?

1 Okay. And from commissioners, any
2 questions?

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

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

9 VICE CHAIR HERRERA: Madame Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

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

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

25 VICE CHAIR FREEMAN: And it doesn't have

1 to be by Monday. As long as we do it before we
2 finish with the grid map. But also the breakdown of
3 the race, ethnicity, origin of the prisoners. I
4 think that might be helpful as well.

5 KEN STRASMA: And that that will be
6 available.

7 VICE CHAIR HERRERA: Perfect. Okay.

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

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

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

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

22 KEN STRASMA: They are reflected in the
23 baseline in that it is a nuance. We are looking at
24 voting-age population, and the reason that's looked
25 at as a distinction from total population is you

1 have to be over 18 to vote and the distinction that
2 had been raised in public comments is that the
3 prisoners by in large cannot vote. And so it is a
4 racial count of nonvoting eligible population.

5 VICE CHAIR HERRERA: Madame Chair, one
6 more question.

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

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

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

24 Also a suggestion that has come up in
25 public comments is if that were not an option in

1 Arizona, to look at minimizing the number of prisons
2 that were in the same district, is one of the
3 suggestions that's come from the public in Arizona.

4 VICE CHAIR HERRERA: Thank you.

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

10 VICE CHAIR HERRERA: Thank you.

11 COMMISSIONER STERTZ: Madame Chair.

12 CHAIRPERSON MATHIS: Yes. I'm sorry.

13 COMMISSIONER STERTZ: That's okay.

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

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

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

23 COMMISSIONER STERTZ: Thank you.

24 VICE CHAIR HERRERA: Madame Chair.

25 CHAIRPERSON MATHIS: Mr. Herrera.

1 VICE CHAIR HERRERA: I think we'll have
2 the voting rights expert coming. Is Bruce Adelson
3 our voting rights expert?

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

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

8 CHAIRPERSON MATHIS: Thank you.

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

11 CHAIRPERSON MATHIS: Sure.

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

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

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

23 CHAIRPERSON MATHIS: Thank you.

24 Other questions or comments on these?

25 Did you have any more to present for us?

1 KEN STRASMA: We are done, Madame Chair.

2 CHAIRPERSON MATHIS: Thank you very much
3 for that.

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

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

11 Anybody have any preferences?

12 VICE CHAIR HERRERA: Madame Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

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

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

19 It's 12:24 p.m. We'll exit -- take a
20 recess. If we could try to shoot for half-hour, I
21 realize that's ambitious, but if we could, that
22 would be great. And I realize that we may go into
23 45 minutes. Okay. 45 minutes. All right. We'll
24 be back.

25 Thank you.

1 A recess was taken from 12:24 p.m. to
2 1:29 p.m.)

3 CHAIRPERSON MATHIS: We'll enter back
4 into public session.

5 Can you hear me?

6 There we go.

7 We'll enter back into public session.
8 The time is 1:29 p.m. and we are at agenda item V,
9 review, discussion, and possible action on
10 definitions regarding constitutional criteria for
11 redistricting.

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

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

1 the floor for discussions.

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

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

9 CHAIRPERSON MATHIS: Okay. Great.

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

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

23 CHAIRPERSON MATHIS: Okay. Thoughts from
24 other commissioners?

25 Mr. Stertz.

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

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

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

23 On appeal, the Court of Appeals held that
24 the Commission did not have to -- was not in
25 violation of the Equal Protection Clause by not

1 having definitions in place. The court noted and I
2 read some of this language yesterday, I'll just
3 repeat it.

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

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

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

24 So the court did set forth this rational
25 standard, rational basis standard that would be

1 applied to Commission decisions in a legal
2 challenge.

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

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

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

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

24 But this issue on equal protection with
25 respect to the definitions was not addressed in the

1 Arizona Supreme Court opinion. This opinion -- the
2 Court of Appeals opinion still stands as good law,
3 at least with respect this issue. There's some
4 other issues holding to the case that the Supreme
5 Court clarified or disagreed with, but on this one
6 they did address that in their opinion.

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

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

22 CHAIRPERSON MATHIS: Thank you.

23 Other questions or comments?

24 VICE CHAIR HERRERA: Madame -- oh, go
25 ahead. I'm sorry.

1 COMMISSIONER MCNULTY: Mr. Kanefield, as
2 I recall, the Court of Appeals specifically talked
3 about the fact that the Constitution sets out six
4 criteria and that we are to weigh those criteria and
5 to do in a reasonable, rational way but that we
6 aren't required to have separate definitions in
7 order to do that.

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

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

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

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

25 JOSEPH KANEFIELD: Yes, I'm reading from

1 the Court of Appeals decision that was issued on
2 October 21st, 2005.

3 VICE CHAIR HERRERA: Sure.

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

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

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

23 JOSEPH KANEFIELD: Madame Chair,
24 Commission Herrera, that was the decision of the
25 Commission.

1 VICE CHAIR HERRERA: Okay. So there was
2 a bipartisan effort, I would say, by the Commission.

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

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

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

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

24 The IRC is a Legislative body. So for us
25 to legislate fairly, we should have the same

1 flexibility as Legislators by applying the
2 Constitution to work -- when we do the work but also
3 having the flexibility and discretion to do so.

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

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

14 CHAIRPERSON MATHIS: Thoughts from other
15 commissioners?

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

25 I don't know whether we can, you know,

1 reach agreement on one definition. And if we were
2 to reach agreement on a definition of some kind, it
3 would need to be an extremely flexible definition.

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

10 CHAIRPERSON MATHIS: Thank you.

11 Mr. Freeman.

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

18 I mean, there is an argument that
19 definitions help the public, they help the public
20 measure what we are doing versus the standards we've
21 set for ourselves. The Constitution language
22 provides its own flexibility and that all of the six
23 criteria are to be adhered here to the extent
24 practical. So there's a little bit of wiggle room
25 here.

1 But I agree, we don't want to set
2 definitions that put us in a box if we ultimately
3 decide to go that route.

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

10 CHAIRPERSON MATHIS: Okay. Thank you.

11 Other comments from other commissioners?

12 COMMISSIONER STERTZ: Madame Chair.

13 CHAIRPERSON MATHIS: Mr. Stertz.

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

16 CHAIRPERSON MATHIS: Wow. That's great.

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

23 So we are definitely in the very early
24 stages. And we definitely, I think, would all like
25 to maintain flexibility to the extent practicable,

1 to use something from the Constitution, but also not
2 be arbitrary and capricious.

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

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

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

13 CHAIRPERSON MATHIS: Sure. Mr. Herrera.

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

20 CHAIRPERSON MATHIS: Correct. Okay.

21 So, yes, if you have some public
22 comment -- it looks like we have a couple people who
23 would like to speak.

24 ONITA DAVIS: And I did fill one out.

25 CHAIRPERSON MATHIS: Okay. Thank you.

1 Onita Davis.

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

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

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

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

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

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

1 homogeneous with your neighbors in order to be a
2 community of interest.

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

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

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

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

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

23 We should use all of the factors to
24 really leverage communities of interest, to make
25 sure that people feel that their thoughts and what

1 they consider to be important have not been cast
2 aside because some people feel they are not
3 important.

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

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

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

22 Statistically speaking, I would rather
23 see you use hard data than to use something like
24 polling that can be easily manipulated through the
25 selection of pools or through human whims.

1 I do not think such a method should be
2 used to gather data for or from Independents. Let
3 the election results illustrate the voting pattern.

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

11 Thank you.

12 CHAIRPERSON MATHIS: Thank you.

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

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

18 UNIDENTIFIED SPEAKER: Speak up.

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

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

24 Madame Chair, members of the Commission,
25 I hadn't intended to speak today, but since the

1 subject came up, I thought I might give you a few
2 brief comments.

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

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

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

25 But by the use of uniform standards, at

1 least the residents of the state can say the process
2 was fair. It wasn't subjective; it was objective.

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

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

24 Now, I agree with Mr. Kanefield, this
25 issue was litigated. The Court of Appeals made its

1 decision and its decision was that you have
2 discretion, but nonetheless, I would say that it is
3 a wise exercise of that discretion to get standards,
4 adopt them after public comment, not such strict
5 definitions that you are in a straightjacket, but
6 fair definitions that can be applied flexibly but
7 evenly, and I think that's the true key, to be
8 applied evenly around the state.

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

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

19 CHAIRPERSON MATHIS: Thank you.

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

22 DAVID CANTELME: You bet.

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

25 Given that there are different measures

1 of compactness, is there someone else -- I'm sorry.
2 Lynne St. Angelo, from Oro Valley.

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

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

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

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

25 Anyway, that's just a random comment.

1 On the definitions, I wanted to speak
2 about community of interest in that the last
3 meeting, it was brought up that things like your
4 religious affiliation or where you go to church
5 maybe wasn't a good measure for community of
6 interest because school district people -- everyone
7 in the school district cares about who that
8 Legislator is who represents them because of the
9 school budget. Money comes from the state for the
10 schools.

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

23 And they testified, they had their people
24 testify, saying I moved here with my family because
25 I was offered this great biomedical job on Oro

1 Valley -- we have a great biomedical, technical
2 park, one of the largest I think in the state, and
3 before I came, I looked to see if there was a
4 church, a Catholic church that was going to be like
5 a cathedral like I'm used to where I'm from.

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

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

20 And so that was what I wanted to say.

21 I also wanted to ask if, because the
22 mapping company hasn't been on board, to measure
23 some of the meetings that came before that. We had
24 a good Oro Valley meeting where we had, like, 30
25 people speak on communities of interest and

1 competitiveness, that that is not going to show up I
2 guess in the measurements because it was too early,
3 but they were also unique people speaking on the
4 same things we are now measuring, and I would just
5 think maybe there is a way to go back and maybe look
6 at some of those.

7 Thank you.

8 CHAIRPERSON MATHIS: Thank you.

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

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

16 CHAIRPERSON MATHIS: Thank you.

17 Do we have other comments?

18 Mohur Sidhwa.

19 MOHUR SIDHWA: Yes. This is about
20 definitions.

21 As you all know, I'm pretty blunt.

22 Definitions can put you in a box and will
23 leave you open to lawsuits from both sides of the
24 aisle if you are not careful. I've heard veiled as
25 well as unveiled suggestions to threat as to

1 lawsuits. I have a sneaky suspicion you guys went
2 for that mapping company -- I forget the name --
3 Midwest -- whatever because all -- the most
4 expensive because you wanted to pick your battles
5 and certainly you didn't want to fight over that,
6 perhaps.

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

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

17 That's all I have to say.

18 Thank you.

19 CHAIRPERSON MATHIS: Thank you.

20 Other comments?

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

23 BETTY BENGTON: Actually, you don't. I
24 really hadn't planned to speak today. Betty
25 Bengtson, B-e-t-t-y, B-e-n-g-t-s-o-n.

1 But since we're talking about the
2 definitions and whether you adopt them or not, I
3 really like the point made in the definitions for --
4 I'm sorry, for communities of interest by the
5 previous Commission which talked about groups of
6 people in a defined geographic area with concerns
7 about common issues that would benefit from common
8 representation.

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

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

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

23 Thank you.

24 CHAIRPERSON MATHIS: Thank you.

25 Mr. Muratore.

1 STEVE MURATORE: Thank you, Madame Chair,
2 Commissioners.

3 I just wanted to say I agree very much
4 with what Ms. Sidhwa had to say and wanted to
5 emphasize the point that this Commission yesterday
6 made what I believe is an adverse decision based on
7 a threat that Mr. Cantelme made in writing to sue
8 this Commission, which now has cost apparently some
9 \$50,000 in increased costs on the online mapping
10 software.

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

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

21 Please don't let yourself do it again.

22 CHAIRPERSON MATHIS: Thank you.

23 Other comments from the public?

24 I think the idea is that we were going to
25 talk about definitions.

1 So Mr. Cantelme.

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

8 CHAIRPERSON MATHIS: Thank you.

9 Are there other comments on definitions?

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

13 CHAIRPERSON MATHIS: I didn't --

14 Muratore -- we'll do it in writing.

15 CHAIRPERSON MATHIS: Okay. Thank you.

16 Sorry. You'll have to tell me your name.

17 DARYL MELVIN: Good afternoon,

18 Commissioners. First I would like to thank you for
19 your service to the state and the work that you are
20 doing here today.

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

24 And first I would like to just comment
25 with regard to the second round of public hearings

1 that will be scheduled and approved through the
2 Commission. And I certainly would want to welcome
3 and invite the commissioners to come back to
4 Flagstaff. I think the community has a lot of
5 information they would like to share. I know
6 distance is difficult for some of our members in the
7 communities in Northern Arizona, so I think it would
8 be a great opportunity if we could work with the
9 Commission to help facilitate some of the logistics
10 to getting the Commission to return to Northern
11 Arizona.

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

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

22 In addition, we would like to ensure that
23 we maximize competitiveness for the districts across
24 the state, and certainly including Flagstaff in such
25 a district.

1 Flagstaff can be placed in a district
2 whose community share our same interests with regard
3 to transportation, economics, governance, and
4 natural resource interests. And we would also look
5 at the value of placing Flagstaff whole within a
6 single Legislative district.

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

10 CHAIRPERSON MATHIS: Thank you.

11 Other comments from the public on
12 definitions?

13 VICE CHAIR HERRERA: Madame Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

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

22 So I would disagree with people that say
23 that no definitions equals no standards because we
24 do have those standards and we will abide by those
25 standards. I just wanted to clarify.

1 CHAIRPERSON MATHIS: Thank you.

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

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

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

18 VICE CHAIR HERRERA: That's fine.

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

23 COMMISSIONER STERTZ: Madame Chair.

24 CHAIRPERSON MATHIS: Yes.

25 COMMISSIONER STERTZ: As a clar- -- point

1 of clarification, you mentioned definition of
2 competitiveness and compactness?

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

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

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

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

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

23 I feel this is something where we can
24 present various different measures of how it can be
25 looked at and either seek direction from the

1 Commission as to whether or not there is one or if
2 there are a number of different measures just with
3 competitiveness as perhaps we do with compactness
4 that we don't adopt one, but rather say under
5 measures A, B, and C, here is how these potential
6 districts stack up. And, you know, we would not
7 have a single recommendation, but we can present
8 options and some of the numbers underlying them in
9 terms of competitiveness.

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

19 CHAIRPERSON MATHIS: Great.

20 Ms. McNulty.

21 COMMISSIONER MCNULTY: Madame Chair, I
22 would like to make a couple comments about
23 competitiveness.

24 From my perspective, the Constitution
25 requires that we favor competitive districts

1 provided that we don't cause substantial detriment
2 to the others.

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

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

22 I agree with the -- I believe someone
23 just said this a minute ago, it might be Ms. Davis,
24 that election data gives us hard data in which to
25 analyze that. And so one of the things that I'll be

1 asking you is how we would create a measurement
2 based on election data in Arizona for certain
3 elections that would be good indicators that we
4 could rely on.

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

11 COMMISSIONER STERTZ: Madame Chair.

12 CHAIRPERSON MATHIS: Mr. Stertz.

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

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

20 That data is excluded from the initial
21 phase of the mapping process. We are done with the
22 initial phase of the mapping process. That was in
23 preparation of the grid and those factors aren't
24 necessarily part of the analysis of the other
25 constitutional factors, which is the phase we are in

1 now, adjusting the grid for the other factors such
2 as the Voting Rights Act and competitiveness.

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

7 Does that help?

8 COMMISSIONER STERTZ: It does.

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

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

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

23 So the only exclusion is -- so that's
24 precisely what we're talking about. It's excluded
25 in the grid phase, which is the initial phase. It's

1 included to do -- to figure out how the remaining
2 mapping that you do measures up to these other
3 constitutional criteria.

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

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

20 COMMISSIONER STERTZ: As a test for
21 compliance?

22 MARY O'GRADY: Right.

23 COMMISSIONER STERTZ: As a test for
24 compliance, not as a -- I was getting the impression
25 from some of the earlier dialog that it was going to

1 be used as a basis for design rather than as a test
2 for compliance.

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

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

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

25 So the idea is as you go, if you are

1 making an adjustment for competitiveness, you make
2 it clear that's why you're making that adjustment
3 and with the other factors, Voting Rights Act, et
4 cetera.

5 CHAIRPERSON MATHIS: Other comments from
6 other commissioners?

7 VICE CHAIR FREEMAN: Madame Chair.

8 CHAIRPERSON MATHIS: Mr. Freeman.

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

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

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

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

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

24 Do you see that?

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

1 there.

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

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

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

17 MARY O'GRADY: Yes, in this context.

18 CHAIRPERSON MATHIS: Other questions or
19 comments?

20 COMMISSIONER STERTZ: Madame Chair.

21 CHAIRPERSON MATHIS: Mr. Stertz.

22 COMMISSIONER STERTZ: I am still
23 challenged on the concept of using data to test for
24 compliance of whether or not the designs that are
25 being made by the Commission are meeting goals or

1 whether or not those -- that data is used for the
2 creation of those maps in lieu of testing.

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

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

20 I think what's critical under the court's
21 analysis is that the record be clear as to why the
22 maps that the -- any adjustments to the grid are
23 made based on these constitutional factors and -- so
24 that you are focusing on, you know, what the
25 adjustments that the Constitution are relevant under

1 our Constitution. And for voting rights, that
2 necessarily includes voter registration and voting
3 history data and for competitiveness it also does.

4 And it's going to be a back and forth
5 where you may want to say, for example, I want to
6 make sure that we have two majority Hispanic
7 districts in developing the map. And it's going to
8 be an ongoing process of using -- of using the
9 data -- all of the data, the census data and the
10 political data to develop maps.

11 COMMISSIONER STERTZ: Let me explore this
12 a bit further.

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

20 And how are you going to utilize that
21 data of voter history as a criteria in
22 noncompetitive districts that we are being designed
23 to and asked to meet criteria under the Voters
24 Rights Act? Because you're using that data as a
25 preliminary test, not as a criteria to test the

1 design.

2 MARY O'GRADY: Okay. I think I see what
3 you're saying in terms of the voting rights
4 analysis. That's part of the test for compliance
5 when you dig down into the analysis, and which we
6 haven't gotten there. We'll have more discussion of
7 election data later. Obviously, now what we are
8 working off of is census data and public testimony
9 is the factual information we have available right
10 now.

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

16 I don't think I'm answering your
17 question, but it's a combination of testing and
18 modification based on the Commission's direction.
19 And I don't have any preconceived notions of how you
20 all are going to do that back-and-forth process, but
21 I think that's how it works. So that at the end,
22 you end up with something that you've analyzed the
23 six criteria, tested it against these criteria, and
24 come up with a draft that is up for public review,
25 again, focusing on the constitutional criteria.

1 COMMISSIONER STERTZ: Madame Chair, this
2 will led me to my -- go ahead.

3 CHAIRPERSON MATHIS: Ms. McNulty.

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

14 MARY O'GRADY: Absolutely.

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

1 reflective of a minority district.

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

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

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

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

1 MARY O'GRADY: Absolutely.

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

7 CHAIRPERSON MATHIS: Thank you.

8 COMMISSIONER STERTZ: Madame Chair.

9 CHAIRPERSON MATHIS: Mr. Stertz.

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

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

23 But as -- now knowing that we are going
24 to be utilizing data not as a test but as a design
25 criteria, I am very hesitant to not move forward

1 without some very specific and very bracketed
2 definitions of how to move forward.

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

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

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

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

22 CHAIRPERSON MATHIS: Yes, we will.

23 And you will be presenting us some
24 information on Monday, too, on this?

25 That's great.

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

15 VICE CHAIR HERRERA: Madame Chair.

16 CHAIRPERSON MATHIS: Mr. Herrera.

17 VICE CHAIR HERRERA: The problem with
18 using those definitions -- those folks -- the
19 definition that they used ten years ago, those
20 districts could have become competitive despite the
21 definition or despite what the Commission did ten
22 years ago, people moving in, people moving out.

23 So I wouldn't necessarily agree basing
24 the -- whether they were correct or not -- on the
25 definition or what they did ten years ago because

1 ten years is a long time and a lot changes in ten
2 years. So I don't know if I would be in
3 agreement with that.

4 CHAIRPERSON MATHIS: Comments from other
5 commissioners?

6 COMMISSIONER STERTZ: Yeah, Madame Chair.

7 CHAIRPERSON MATHIS: Mr. Stertz.

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

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

23 CHAIRPERSON MATHIS: Okay. Thank you.
24 Other comments from other commissioners?

25 Okay. I think we will move on to the

1 next agenda item, then.

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

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

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

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

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

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

25 If you want to present more general

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

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

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

23 VICE CHAIR HERRERA: Madame Chair.

24 CHAIRPERSON MATHIS: Mr. Herrera.

25 VICE CHAIR HERRERA: I would like if you

1 could proceed with the -- creating -- see what the
2 map would look like if you create two border
3 districts. I think that's pretty general. So if
4 you could work on that, that would be good.

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

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

14 Mr. Stertz.

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

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

24 CHAIRPERSON MATHIS: Okay. Thoughts from
25 other commissioners?

1 Ms. McNulty.

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

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

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

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

24 In terms of districts along the -- this
25 whole notion of border districts, my own perspective

1 is that I would like to see these minority
2 populations -- I would like to see a district in
3 which these minority populations are --

4 JOSEPH KANEFIELD: Madame Chair --

5 COMMISSIONER MCNULTY: -- together.

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

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

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

16 KEN STRASMA: Shall we bring that up now?

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

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

24 KEN STRASMA: Commissioner McNulty had
25 said -- don't go so fast -- how can we learn, so

1 with that in mind, perhaps I'll provide some
2 commentary while he's doing this.

3 CHAIRPERSON MATHIS: That would be good.

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

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

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

21 WILLIE DESMOND: The color isn't coming
22 up.

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

1 right now.

2 COMMISSIONER STERTZ: Those are the
3 census blocs.

4 Mr. Strasma.

5 KEN STRASMA: Commissioner Stertz.

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

9 KEN STRASMA: That's correct.

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

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

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

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

25 COMMISSIONER STERTZ: So by Monday we'll

1 have the data available to us not just in this
2 format but also available to us so that we'll be
3 able to have it for our own utilization on your own
4 systems?

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

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

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

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

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

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

25 COMMISSIONER STERTZ: What layer is it

1 because I could not find that layer.

2 KEN STRASMA: The census population?

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

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

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

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

19 There we go. That box.

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

25 Scrolling down here, we are looking at

1 18-plus and -- why don't we do Hispanic, 18-plus.

2 WILLIE DESMOND: That was the percentage.

3 KEN STRASMA: And these are both raw
4 numbers and percentages. I think Hispanic.

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

13 WILLIE DESMOND: Green shows up well.

14 KEN STRASMA: That's good.

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

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

23 WILLIE DESMOND: Should I go even more?

24 KEN STRASMA: Sure.

25 As you'll notice, these numbers popped

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

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

14 COMMISSIONER MCNULTY: What's the scale
15 here that we're --

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

18 WILLIE DESMOND: 7.26 miles.

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

22 Correct. Good point.

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

25 WILLIE DESMOND: Maybe if I go statewide

1 they would be able to see it a little more.

2 KEN STRASMA: So there what Willie has
3 done is removed the lines to make it a little less
4 busy and then we're able to see just the
5 concentrations of population.

6 WILLIE DESMOND: Is there a particular
7 area we should zoom in on or some other thematic
8 type of color you want to use or should we just go
9 to the next -- the next thing you guys are
10 interested to explore?

11 COMMISSIONER MCNULTY: Let's just look at
12 the white areas for fun.

13 KEN STRASMA: Okay. Just a point of
14 clarification, are you saying zoom in on the areas
15 that are white on the current map?

16 COMMISSIONER MCNULTY: Yes.

17 KEN STRASMA: Okay. So zoom in on the
18 areas with no Hispanic population.

19 Is this the Native American area? Do you
20 want to switch the thematic to map by Native
21 American population?

22 WILLIE DESMOND: I believe that's the
23 Goldwater range.

24 COMMISSIONER MCNULTY: Right. That's my
25 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 Is there anything else?

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

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

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

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

24 WILLIE DESMOND: Actually, it's not.

25 KEN STRASMA: Thank you.

1 Willie just corrected me. The grid map
2 is not current.

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

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

8 WILLIE DESMOND: Should I close this?

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

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

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

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

20 KEN STRASMA: Right.

21 VICE CHAIR HERRERA: Yeah.

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

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

1 instructive.

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

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

11 VICE CHAIR FREEMAN: Okay. Great.

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

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

24 VICE CHAIR HERRERA: Madame Chair.

25 COMMISSIONER MCNULTY: Slowly, please.

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

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

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

8 (A recess was taken from 2:52 p.m. to
9 3:08 p.m.)

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

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

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

24 VICE CHAIR HERRERA: Sure.

25 I have something else that I would like

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

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

16 VICE CHAIR FREEMAN: Madame Chair.

17 CHAIRPERSON MATHIS: Mr. Freeman.

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

1 you.

2 CHAIRPERSON MATHIS: Mr. Herrera.

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

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

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

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

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

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

25 VICE CHAIR HERRERA: Correct, because I

1 want to respect the Voting Rights Act to making sure
2 that the majority/minority sort, that there's no
3 retrogression, but I don't want to increase them any
4 more. Just keeping them at the percentages that
5 they are at now.

6 KEN STRASMA: Okay. Understood.

7 COMMISSIONER STERTZ: Madame Chair.

8 CHAIRPERSON MATHIS: Mr. Stertz.

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

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

15 COMMISSIONER STERTZ: It was actually on
16 your PowerPoint presentation.

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

19 CHAIRPERSON MATHIS: Okay. Other
20 comments?

21 Ms. McNulty.

22 COMMISSIONER MCNULTY: I have a question
23 on public comment, do we have -- I think we've
24 received a number of maps, not a lot of maps but a
25 few maps from people. I'm remembering one that was

1 submitted by something called Greater Arizona
2 Success, something like that, when we were up north
3 and there was -- there were kind of rural areas on
4 the east and west side. Two rural districts, one
5 kind of -- that I think tracked or was consistent
6 with a river district and the one on the east side
7 of the state. I would not like to lose track of
8 those ideas and maybe show those.

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

15 Oh, and Willie has just brought it up.

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

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

20 WILLIE DESMOND: Not at this time.

21 COMMISSIONER MCNULTY: Not easily?

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

1 all of them, though.

2 COMMISSIONER MCNULTY: I would like to do
3 that.

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

6 CHAIRPERSON MATHIS: Any other maps that
7 people would like to propose what-ifs for now?

8 Mine was the river district and that got
9 covered.

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

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

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

22 CHAIRPERSON MATHIS: Yeah, 18-plus.

23 WILLIE DESMOND: -- or all?

24 CHAIRPERSON MATHIS: And prison
25 populations you don't have in this data yet; is that

1 right?

2 KEN STRASMA: That's correct. We are
3 still in the process of identifying the census blocs
4 with prisons. We hope to have that soon, but it's
5 not loaded yet.

6 CHAIRPERSON MATHIS: Okay.

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

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

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

23 So these are all of the tribal lands as
24 defined in the census. If we were to zoom in, we
25 would be able to label Hopi versus Navajo, et

1 cetera.

2 WILLIE DESMOND: This is Gila River, Salt
3 River. So you can see -- well, maybe you can't see
4 very easily.

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

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

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

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

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

20 WILLIE DESMOND: Just one second.

21 That is Hopi.

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

24 WILLIE DESMOND: That is Navajo.

25 CHAIRPERSON MATHIS: And then can you

1 show population densities just out of curiosity?

2 WILLIE DESMOND: Density?

3 CHAIRPERSON MATHIS: Yeah, where they are
4 located.

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

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

12 So let me add that border. I apologize.

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

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

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

24 Okay. Is there anything else? Do you
25 want me to click on another one or --

1 CHAIRPERSON MATHIS: Go ahead.

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

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

16 Another point that's come up in public
17 comments at various times is that in addition to the
18 federal tribal lands, there is property that's been
19 purchased by tribes outside of the tribal lands that
20 they would like included in the same districts as
21 tribal lands. And we've reached out to some of
22 those organizations to try to get a list of the
23 addresses of those properties. We don't have that
24 currently, but that is something that's been brought
25 up and that we are researching.

1 COMMISSIONER MCNULTY: Do we know if
2 there are populated -- I mean, if folks are actually
3 living on those acquired lands?

4 KEN STRASMA: I do not know.

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

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

11 So as you can see here, the one darker
12 gray, I believe that's 20 to 40 percent voting age
13 Native American. So add the scale that we set
14 statewide, there's only the one area that shows up.

15 We could reset the scale for just
16 Flagstaff if we wanted to have more detail about
17 where the concentrations of Native American
18 population is in Flagstaff.

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

24 What he's doing now is changing the color
25 of the census tract borders to make them show up a

1 little better and making them more narrow.

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

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

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

11 VICE CHAIR HERRERA: Madame Chair.

12 CHAIRPERSON MATHIS: Mr. Herrera.

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

18 KEN STRASMA: Okay.

19 CHAIRPERSON MATHIS: Ms. O'Grady.

20 MARY O'GRADY: Madame Chair, maybe it's
21 already on the list, in terms of seeing what-ifs as
22 far as our grid map, which is not splitting any
23 Indian reservations and also creating two voter --
24 two majority voting age Hispanic districts and
25 perhaps if you are doing a river district, do a

1 river district that also includes those other
2 components, not splitting Indian reservations and
3 not -- if you're doing a statewide thing with the
4 river district or you're doing a statewide with two
5 border districts or three border districts, include
6 things that don't split reservations and also
7 include two majority/minority districts.

8 Does that make sense?

9 CHAIRPERSON MATHIS: Sure. It does to
10 me.

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

16 CHAIRPERSON MATHIS: We need to discuss
17 that.

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

22 MARY O'GRADY: Madame Chair, yes.

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

25 CHAIRPERSON MATHIS: Other thoughts from

1 other commissioners?

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

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

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

20 VICE CHAIR HERRERA: On the border.

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

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

25 CHAIRPERSON MATHIS: Are you okay with

1 that, Mr. Stertz?

2 COMMISSIONER STERTZ: Let's just clarify
3 what you're saying.

4 There are 17 named tribes in the state of
5 Arizona. And the goal is to not bifurcate any one
6 those while breaking the state into nine
7 Congressional districts?

8 KEN STRASMA: That was my understanding.

9 So we are not saying we will try to put
10 them all in the same district, which would not be
11 possible, not easy, but that we will not try to
12 split -- try to not split any one.

13 COMMISSIONER STERTZ: I think it's an
14 admirable goal, but I don't think that it should be
15 a baseline criteria.

16 VICE CHAIR HERRERA: But we're doing
17 what-if scenarios. It may or may not work, but I
18 think we should see if it's a possibility. It makes
19 sense.

20 KEN STRASMA: Okay. So let's put that as
21 a what-if to explore for Monday, as Commissioner
22 Stertz said, but not a baseline.

23 COMMISSIONER MCNULTY: These are all
24 what-ifs to explore.

25 VICE CHAIR HERRERA: And you got the two

1 districts on the border, the what-if?

2 KEN STRASMA: Yes.

3 CHAIRPERSON MATHIS: Any others.

4 COMMISSIONER STERTZ: And four districts
5 on the border for what-ifs?

6 VICE CHAIR HERRERA: Did somebody say
7 that earlier?

8 COMMISSIONER STERTZ: I recall that.

9 CHAIRPERSON MATHIS: So we got two and
10 four.

11 Anything else for now?

12 Okay. Do we want to look at Legislative
13 districts?

14 COMMISSIONER MCNULTY: My thought is that
15 if we can get a handle on where all of the
16 population is through this process, I think that's a
17 good first start and we'll be much more efficient in
18 working on the Legislative districts and today is
19 not the day to start there.

20 COMMISSIONER STERTZ: I happen to agree
21 with Commissioner McNulty. We've given a full plate
22 for the ST team to get their arms around, and they
23 are going to be able to develop -- we are going to
24 learn some things now over the next four days
25 ourselves with the mapping software that you

1 delivered to us and we are going to learn a lot
2 after you deliver us some comprehensive maps.

3 My question is, as you are developing
4 these and you are ready to send them, are they going
5 to be posted on the site for -- prior to Monday
6 review or are you going to hold these back to
7 present on Monday?

8 KEN STRASMA: As with everything, my
9 answer is as the Commission directs. My
10 recommendation would be not to release them ahead of
11 Monday. I feel that these are better presented when
12 I have a chance to describe them and then we'll make
13 them available on the website shortly after the
14 meeting. But because we are exploring what-ifs, I
15 fear there may be some danger of some
16 misunderstanding if they are put up on the website
17 without the explanation and discussion that would go
18 with them.

19 COMMISSIONER STERTZ: Can they be
20 distributed to staff and to the five commissioners
21 for individual and not distributed for review so
22 that we can have appropriate questions for you and
23 have appropriate preparation time?

24 KEN STRASMA: I would be happy to
25 distribute any that we have done in sufficient

1 time -- ahead of time. I do anticipate a late night
2 Sunday night, so we won't necessarily have all of
3 these.

4 If it's okay with the commissioners,
5 we'll distribute to the Commission and staff
6 anything that we have done, you know, say by midday
7 Sunday.

8 COMMISSIONER STERTZ: Whatever you are
9 going to be presenting on Monday, Mr. Strasma, it
10 will be great for us to see in as much time in
11 advance as possible.

12 KEN STRASMA: Okay. We will do our best.

13 COMMISSIONER STERTZ: That would be
14 perfect. Thank you.

15 CHAIRPERSON MATHIS: Thank you.

16 COMMISSIONER MCNULTY: But on the other
17 hand, it would be better to get it done by Monday
18 than not to have it at all. I'm kind of easy either
19 way. And these are what-ifs, not adjustments.

20 VICE CHAIR HERRERA: Madame Chair, I
21 would stress, Mr. Strasma, if it is a late night on
22 Sunday and is not possible, then I think we'll
23 understand because today is Thursday already. So
24 you won't have quite a -- you won't have that much
25 time to -- you have a lot of work ahead of you. So

1 it may not be possible for you to give us that
2 information on Sunday. If it is, that would be
3 great, and if not, we'll look at the information on
4 Monday.

5 KEN STRASMA: I appreciate that, and I do
6 not anticipate being able to work through all of
7 these what-ifs by Monday and we will give you -- we
8 will present the what-ifs that are done and give you
9 a status on the others.

10 CHAIRPERSON MATHIS: Okay. Any other
11 questions on agenda items VI and VII before we move
12 on?

13 Okay. Item VIII, notification and
14 approval of staff and legal counsel's participation
15 in a Pinal Partnership Meeting, September 16th,
16 2011.

17 I believe a law firm invited the
18 Commission or something and maybe counsel, too, to
19 come to this partnership. Maybe Mr. Bladine has the
20 background.

21 RAY BLADINE: Madame Chairman, sometime
22 ago we talked about trying to inform you when we had
23 requests to speak or requests to speak came into
24 commission members.

25 Sometime ago we started a spreadsheet

1 that we were going to keep track of it and we never
2 followed through.

3 Since this item was a request to meet
4 with the Pinal Partnership, I think we also had
5 recently for the East Valley Partnership, we thought
6 we would bring this one on so you would all know
7 about it.

8 My thought going forward would be to
9 reactivate the concept we had before. Basically
10 send you out the requests we've had like this. If
11 someone wants to participate, let us know.

12 If you think it's something we shouldn't
13 do, let us know but not bring them forward
14 necessarily on each agenda, but I thought this time
15 since it was coming up that we bring it forward.

16 So we just want to make sure that there's
17 no objection for staff and/or either counsel to
18 attend this, and, of course, if a commissioner would
19 want to do that, that's -- we would welcome that
20 also.

21 VICE CHAIR HERRERA: Madame Chair, if my
22 memory serves me correctly, I think we had this
23 conversation before in the past where we were -- you
24 were approached by the Cattle Association or --

25 CHAIRPERSON MATHIS: Farm Bureau.

1 VICE CHAIR HERRERA: So, yeah, the Farm
2 Bureau and we had authorized the staff to take those
3 without having to bring them to the -- at the
4 committee -- at the Commission hearings and just
5 send out an e-mail if anybody wants to participate.
6 I could be wrong, but I thought that's what we had
7 decided.

8 CHAIRPERSON MATHIS: I can't recall. I
9 know that on that Farm Bureau one we actually had an
10 agenda item where we discussed it as a Commission
11 and determined who might be able to represent us.

12 VICE CHAIR FREEMAN: That's correct.

13 CHAIRPERSON MATHIS: Okay. And so -- and
14 I think that's -- I think -- I'm fine either way,
15 whether we do this on an agenda item, but we need to
16 be notified, all of us, and we can each decide if we
17 want to go or not.

18 In this case, is this a formal invitation
19 where someone has actually given us some --

20 RAY BLADINE: Yes, they sent us a letter
21 requesting -- I think it -- I'm not sure whether it
22 first came into legal counsel or us, but there have
23 been a number of contacts made by the group and
24 actually they had asked a couple of months ago for
25 us to attend but it conflicted with one of the

1 Commission meetings, so we did not attend at that
2 time but we thought we should try this time.

3 CHAIRPERSON MATHIS: Okay. So could you
4 maybe -- could the letter go out to all of us --

5 RAY BLADINE: Certainly.

6 CHAIRPERSON MATHIS: -- so we can see
7 what the date is and what they are asking? Unless
8 you know.

9 RAY BLADINE: I'm trying to remember.
10 It's like the 12th of September or 15th. We'll get
11 the letter out so you will all know. And it's
12 basically to just present really what the Commission
13 is, is my understanding, and perhaps an update.

14 But I'll get you the letter and then if
15 somebody has some concerns, if they would just let
16 me know, then we'll deal with them. And if we need
17 to come back and actually have a decision made,
18 we'll bring it back to you.

19 JOSEPH KANEFIELD: Madame Chair.

20 CHAIRPERSON MATHIS: Mr. Kanefield.

21 JOSEPH KANEFIELD: I guess from the legal
22 counsel's perspective, I would like a little more
23 guidance because we do get these requests and I do
24 anticipate we may get others. And if -- I mean, I'm
25 happy to go to these things and give the legal --

1 high-level legal overview that we've given to you
2 all or not, but I don't want to do it without
3 direction of the Commission because you are paying
4 for me to do this kind of stuff and if there's other
5 business at hand -- so I'm happy to do it -- I don't
6 know how Mary feels about it.

7 And I think the thinking was with this
8 one, they had specifically invited me and Mary, so I
9 personally wanted the direction from the Commission
10 whether you would like me to attend this or not.
11 And I'm not asking one way or the other, just would
12 like to know your understanding if you send me out
13 to do these things, I am working on behalf of the
14 Commission.

15 CHAIRPERSON MATHIS: It wouldn't be pro
16 bono?

17 JOSEPH KANEFIELD: It would not be pro
18 bono.

19 CHAIRPERSON MATHIS: I thought I would
20 try that.

21 RAY BLADINE: Madame Chair --

22 VICE CHAIR HERRERA: If this is not pro
23 bono, I would recommend if we do send an attorney or
24 attorney, that it just be one.

25 CHAIRPERSON MATHIS: Right.

1 VICE CHAIR HERRERA: But I would like to
2 look at that information because I don't think we
3 received that information on that particular
4 request.

5 RAY BLADINE: We will forward the
6 information. And I think that two good points are
7 raised, the cost of doing this and quite frankly, as
8 we get back into second round mapping, there's not
9 going to be a lot of staff time or attorney time
10 available to go to outside groups.

11 We're really going to have to put our
12 effort to staff your hearings first. So if we can
13 do them, we'll tell you about them. We may decline
14 some and tell you we declined it. And if you
15 disagree, you can tell us.

16 But we are getting stretched in terms of
17 being able to add additional discussions besides
18 doing the public hearings that you all, I know, want
19 us to do.

20 CHAIRPERSON MATHIS: Okay.

21 COMMISSIONER STERTZ: Madame Chair.

22 CHAIRPERSON MATHIS: Mr. Stertz.

23 COMMISSIONER STERTZ: Mr. Bladine, when
24 these requests come in, it might also be appropriate
25 to offer to the five commissioners to be able to

1 cover it as well. Maybe one of the five of us, as
2 Mr. Freeman had done with the Cattleman's
3 Association, to go out and speak with them, give
4 them an overview of status of what the Commission's
5 activities are, in general terms.

6 RAY BLADINE: Absolutely.

7 CHAIRPERSON MATHIS: Ms. McNulty.

8 COMMISSIONER MCNULTY: Madame Chair,
9 Mr. Bladine, I'm almost concerned that we are even
10 before the second round hearings, we are pretty full
11 up, I think, between now and then just doing the job
12 that we are doing here and it would be important not
13 to make a commitment that would subsequently
14 preclude legal counsel from being available to us or
15 disappoint somebody because we weren't able to do
16 that or something else like that.

17 RAY BLADINE: Good point. Okay.

18 COMMISSIONER MCNULTY: So I would be --
19 although I think, you know, we want to be available,
20 there are just some human limits on what we all can
21 do, and I think we've about hit the point where we
22 all need to be in a room like this doing this work.

23 RAY BLADINE: I understand.

24 CHAIRPERSON MATHIS: I agree with
25 Mr. Stertz, though. I think that the staff

1 shouldn't reject outright any of these offers
2 just -- I think you should send it to all of the
3 commissioners and then we get back to you if any of
4 us can attend or how we want to proceed. But I
5 think we should at least know of all of them.

6 RAY BLADINE: Absolutely. I think
7 there's a couple on my desk that came in, like,
8 yesterday and the day before. When I get back to
9 the office tomorrow, I'll forward them to you so you
10 know what they are.

11 CHAIRPERSON MATHIS: Okay. Thank you.

12 Any other comments?

13 Mr. Freeman.

14 VICE CHAIR FREEMAN: By the way, it was
15 the Arizona Farm Bureau that Linda and I were going
16 to try to go and it turned out I was able to go
17 because of my schedule.

18 It was just about a 20-minute talk about
19 redistricting 101 and Prop 106. I think they
20 really appreciated it. It was a high-level talk but
21 it was important just to impart those basics, and I
22 think they really appreciated it.

23 So I agree, we all are going to be
24 terribly time-crunched here over the next couple of
25 months. I wouldn't want to foreclose the

1 opportunity to reach out and speak with anyone.

2 And I think you're going to convey that
3 the Commission is busy, but certainly if one of us
4 were -- or a member of the staff or somebody can do
5 it, then I'm all for us doing it. And I would at
6 least like to have the opportunity to say yes or no
7 as to whether I could do it.

8 RAY BLADINE: Madame Chair, clearly, we
9 will not reject anything without giving you guys
10 first opportunity to look at them if we don't think
11 we could cover them.

12 And I also hear the comment that it's
13 going to be somewhat difficult to figure out because
14 your hearings aren't set, and if we set some of
15 these, we could potentially have a conflict, but
16 we'll do our best to keep you informed and make you
17 a part of that decision.

18 CHAIRPERSON MATHIS: Thank you.

19 Any other comments on this one?

20 Okay. Agenda item IX, legal advice and
21 direction to counsel regarding public records
22 request. The Commission may vote to go into
23 executive session which will not be open to the
24 public for the purpose of obtaining legal advice and
25 providing direction to counsel.

1 Ms. O'Grady.

2 MARY O'GRADY: Madame Chair,
3 commissioners, we're still in the process of
4 responding to significant public records request
5 from Senator Biggs, Representative Proud, Christian
6 Palmer, and I think we might have a few others, but
7 those are the significant ones and we are making
8 progress. We are still waiting for some documents
9 from staff and commissioners.

10 So that's the status. And beyond that in
11 terms of legal advice, if we could go into executive
12 session, I would appreciate that and we can advise
13 you on some issues that we are dealing with.

14 CHAIRPERSON MATHIS: Okay. Any comments
15 or questions on this?

16 VICE CHAIR HERRERA: Madame Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

18 VICE CHAIR HERRERA: What I would like --
19 I hate to add more of a burden to the staff, but I
20 would like to see when these requests are made for
21 requests for material, that it does take the staff
22 and our attorneys time that they may otherwise be
23 doing things that truly might help the Commission.

24 So I would like to see how much time they
25 are dedicating to these requests by Andy Biggs,

1 David Cantelme, anybody that's making these requests
2 because it is taking time away from the staff.

3 We are trying to schedule or move forward
4 with the maps, schedule public hearings, and so I
5 want to be cautious of that. Because when we as a
6 staff, as a Commission request information from the
7 staff, we need to keep that in mind that our staff
8 members, including our attorneys, are busy doing
9 other things and, unfortunately, that they are being
10 asked to do by members and, you know, Legislators,
11 other individuals.

12 So I would like to know how much time
13 this is taking the staff to put that information
14 together and also costs, if at all possible --

15 COMMISSIONER STERTZ: Madame Chair.

16 VICE CHAIR HERRERA: -- because it is --

17 COMMISSIONER STERTZ: Sorry.

18 VICE CHAIR HERRERA: It is burdensome.

19 And I wish we could avoid it, but obviously, it's
20 not going to happen. But I would like to see what
21 costs are in terms of man-hours and also dollars, if
22 at all possible.

23 CHAIRPERSON MATHIS: Mr. Stertz.

24 COMMISSIONER STERTZ: Madame Chair, for
25 counsel, could you give us a quick brief overview of

1 the legal requirements of the Freedom of Information
2 Act as it pertains to the AIRC, very, very briefly
3 about the reason why and why we respond and why it
4 is incumbent upon us to respond?

5 MARY O'GRADY: Madame Chair, Commissioner
6 Stertz, it's -- under State law it's called the
7 Public Records Law. The Law, they refer to it as
8 the Freedom of Information Act, and it requires that
9 we maintain records that are -- that we receive or
10 create in the course of your responsibilities as
11 public officials and that if they are requested, we
12 are obligated to provide those, make those available
13 promptly.

14 And -- but "promptly" has some -- you
15 know, it's based on those -- whatever circumstances
16 you're confronted with. There's no, like, three-day
17 time frame. It's based on whatever the
18 circumstances are.

19 But you do have an obligation to provide
20 those, subject to privileges and confidentiality
21 provisions and some limitations on when disclosure
22 is -- would harm the best interest of the State.

23 So there's some legal analysis in terms
24 of whether certain documents need to be disclosed.
25 There might be some redaction involved if you're

1 dealing with attorney/client privilege documents.

2 But at the end of the day, you have to do
3 that review and respond to the request as promptly
4 as possible.

5 COMMISSIONER STERTZ: And as a follow-up
6 question, do you -- in your actions in working with
7 other commissions and other public bodies, do you
8 believe that the level of requests that have been
9 made so far have been onerous?

10 MARY O'GRADY: Madame Chair, Commissioner
11 Stertz, yes.

12 COMMISSIONER STERTZ: Thank you.

13 VICE CHAIR HERRERA: Madame Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 VICE CHAIR HERRERA: I also want to --
16 for the record, that the majority of people,
17 individuals making the requests are of a certain
18 political persuasion, which to me it is not
19 individuals from both parties or individuals that
20 are Independent.

21 It's individuals from a certain political
22 party that are creating this work for the Commission
23 that -- you know, I don't know what they are looking
24 for, I really don't. We have disclosed all of the
25 information they want.

1 And even with some of the public records
2 request, there was a certain individual that is
3 requesting -- that has requested information like
4 three or four times. I think three times. Sort of
5 requesting the same thing, not understanding that
6 the staff and the attorneys, you know, they are
7 overwhelmed. And any time people make those
8 requests, it takes away from the important work that
9 we need to do.

10 So when commissioners ask the staff for
11 help on this and this or whatever, because I think
12 we do that as a Commission and you can, the staff is
13 there to help us out, but keep that in mind, that
14 there's other individuals asking our staff to --
15 busy work.

16 And I just -- I want to make sure that we
17 don't forget about that. It's so easy to forget
18 when other people are making those requests that we
19 tend to forget, okay, I need something, I need your
20 help now with this and tend to forget about the
21 other requests being made of the -- of our attorneys
22 and also of our staff.

23 CHAIRPERSON MATHIS: Thank you.

24 Mr. Kanefield.

25 JOSEPH KANEFIELD: Madame Chair, just to

1 build a little bit on what Mary was saying, the
2 public records law is what it is and we do have an
3 obligation to comply with it no matter who is
4 requesting those records.

5 I dealt with quite a few public records
6 requests as counsel to the governor and the
7 secretary of state. So I'm familiar with kinds of
8 requests and I concur with Mary with respect to the
9 promptly requirement that while we are obligated to
10 properly respond, that doesn't mean giving the
11 resources and upon the obligations upon the body
12 that exist at the time.

13 Senator Biggs has set his -- he has filed
14 his request and he filed it again, a second request,
15 to which I responded to let him know, assure him
16 that we are working on it, that we are not having
17 just pushed it aside and are ignoring it.

18 But the request -- his request along with
19 the others have amounted to us and our teams having
20 to go through several thousand pages of e-mails.
21 And I don't even know if we've gotten everyone's
22 documents, frankly, at this point.

23 So we're doing our best to make sure we
24 screen those for things like the attorney/client
25 privilege privacy and other issues that -- there are

1 some exceptions to the public record law. So we
2 have to do that. So we are getting close and we do
3 intend to respond as promptly as we possibly can,
4 and hopefully that will be very soon.

5 VICE CHAIR HERRERA: Madame Chair, as I
6 said before in my comments that -- this is taking up
7 a lot of our time, including our attorneys. When
8 people ask for public records requests, they don't
9 pay for the attorneys time, for our time, staff
10 time, they pay for the copy of the materials,
11 correct? That's all they pay.

12 And although they are entitled to make
13 those requests, again, this is causing -- costing
14 the taxpayers money and I want to know how much, for
15 the record, this is costing us. Every time somebody
16 makes a request and our attorneys, the staff, even
17 us have to put some time into gathering the
18 documents, there is money associated with this that
19 is costing the taxpayers' money.

20 So I would like to, again, make sure that
21 the staff is able to put that together. Again, I
22 hate to burden them with more work, but this is
23 important because I think the public needs to know
24 how much we are spending on this.

25 CHAIRPERSON MATHIS: Legal counsel, is

1 that something you guys track already through time
2 matters or whatever? Do you actually have
3 identification not just for IRC work, but is it
4 detailed to public records requests? Could you
5 easily pull that?

6 JOSEPH KANEFIELD: Madame Chair, for my
7 firm, it's easy for me to separate out public
8 records request as a separate straight matter. I
9 haven't done that yet but it would not be any issue
10 for me to do that and separate out any -- the
11 Attorney General inquiry, you know, that kind of
12 thing so you can see exactly the time my firm is
13 billing for these respective matters.

14 CHAIRPERSON MATHIS: That would be great.
15 I think that's a reasonable request.

16 Is that the same for you, Ms. O'Grady.

17 MARY O'GRADY: Madame Chair, sure we
18 could separate that out prospectively. We haven't
19 sent out separate matters previously.

20 CHAIRPERSON MATHIS: Okay. And for
21 staff, I don't know how that would work for
22 Mr. Bladine.

23 Mr. Kanefield.

24 JOSEPH KANEFIELD: Madame Chair, on my
25 billings when you get them, I keep detailed -- a

1 detailed record of what I'm working on. So you can
2 ascertain the work from the task, but they are not
3 separated out now. So I can go back and try to do
4 that, but certainly do that going forward.

5 CHAIRPERSON MATHIS: Okay. I think it's
6 worth doing.

7 Mr. Bladine.

8 RAY BLADINE: In answer to your question,
9 it would be a little harder for us. We can try to
10 take a look at specifically what we've done. But,
11 for example, while I've been sitting back here
12 today, I've been going through my e-mails on part of
13 that request because that was really the only time I
14 could do it.

15 I have told staff and conferred with
16 legal counsel that our first priority has been to
17 make sure that we keep you on track and that's why
18 we have been somewhat tardy in getting information
19 out.

20 But I've worked at it at home in the
21 evening and that doesn't cost you anything but we
22 are doing the best we can to meet it and we'll try
23 to identify some hours. We've had people on our
24 staff going through the records. Quite frankly, I
25 think the bulk of the man-hours will be with the

1 attorneys because they've also helped go through
2 some of the documentation simply because we haven't
3 had the time to do it. But we'll get you an
4 estimate as best we can.

5 CHAIRPERSON MATHIS: Okay. And maybe
6 just kind of monitor it going forward.

7 RAY BLADINE: Certainly.

8 VICE CHAIR HERRERA: And Madame Chair,
9 one last thing.

10 Any of the public records -- refresh my
11 memory if they included Strategic Telemetry
12 releasing any information or having to gather some
13 information.

14 So I'm assuming that there's also people
15 outside of the agency, SPO, ADOA that have been
16 involved in this that they've had to be involved
17 because they were included in this and they are also
18 spending some of their time as well, including
19 possibly Strategic Telemetry.

20 So I want to make sure that we gather as
21 accurate data as possible because I want to make
22 sure that the public understands what's happening
23 and where we are spending our money and hopefully
24 how we can save the taxpayers some money.

25 I know my fellow Republicans and the both

1 of you are just as concerned about spending money
2 wisely as I am.

3 CHAIRPERSON MATHIS: Okay. Any other
4 comments?

5 VICE CHAIR FREEMAN: Madame Chair.

6 CHAIRPERSON MATHIS: Mr. Freeman.

7 VICE CHAIR FREEMAN: I'm also in
8 agreement with some rather lofty speeches that were
9 made when this Commission began about the openness
10 and transparency of this Commission.

11 This Commission is sort of a unique
12 animal and it's under a lot of scrutiny. And if
13 there are people out there in the public who want to
14 exercise their rights under the law to obtain public
15 records, then they have a right to do that.

16 I agree, we should always be mindful of
17 costs and track costs associated with complying with
18 public records request. It does take me a little
19 bit of time, but when I got the first most expansive
20 request, I spent about 15 minutes and forwarded all
21 e-mails I had in my AIRC account to staff for
22 review. It took me about 15 minutes.

23 I still have a few hard copy items in my
24 office that I have not yet scanned and located and
25 sent to you, but compared to the e-mail, most of

1 those are redundant of the e-mails.

2 So I think we should do it. If it
3 becomes -- it gets to the point where we -- I would
4 imagine with respect to the most -- once we have a
5 response to the most expansive requests, if somebody
6 submits a rather -- an identical request, it's not
7 going to be too burdensome for us to duplicate that
8 and send that out to that individual and charge them
9 for the copies.

10 So I think once we get it done, it may
11 get easier going forward, but it's an important
12 thing that we do, to discharge that legal duty.

13 If it becomes too burdensome and gets to
14 the point where we need to add another staff person,
15 that's something I assume Mr. Bladine will raise
16 that red flag and alert us to that.

17 And I don't know if we are close to that
18 yet, but let me know. But I think it's something we
19 should do. These are legal rights people are
20 exercising and we should discharge our duties under
21 law.

22 VICE CHAIR HERRERA: Madame Chair, one
23 last comment, if I may.

24 CHAIRPERSON MATHIS: Mr. Herrera.

25 VICE CHAIR HERRERA: My intent was not to

1 say that we shouldn't honor these requests because
2 we should. They have a right to make those
3 requests, but I wanted to point out what the facts
4 are, and the facts are we are spending quite a bit
5 of money on this. And it's, again, coming from a
6 certain political party.

7 Those are the facts. I'm not making them
8 up, and I'm not recommending to the staff that we
9 not honor these requests. We should. We should
10 honor them as promptly as we can. But again, we
11 need to make part -- this part of the public record,
12 what's going on. And it is important. It is
13 important that the public knows where some of our
14 money is going to.

15 CHAIRPERSON MATHIS: Okay.

16 Ms. McNulty.

17 COMMISSIONER MCNULTY: Ms. O'Grady,
18 Mr. Kanefield, do we need to gather all of the
19 information and send it in one package or are you
20 going to send it in a serial fashion?

21 The reason I ask the question is that I
22 see Senator Biggs', you know, third request come in
23 and I gathered up everything I had in e-mail and
24 hard copy and sent it to you immediately upon
25 receipt of the first request and I do get a little

1 concerned that -- to make sure that you have
2 everything you need because I don't want, you know,
3 the Senator to think that I'm ignoring his request
4 because you haven't been able to gather everything.

5 JOSEPH KANEFIELD: Madame Chair,
6 Commissioner McNulty, there is one legal issue that
7 we would like to talk with you about in executive
8 session, if you would indulge us, and we believe
9 that it could resolve this and might be able to
10 expedite this and get these records to these folks.

11 CHAIRPERSON MATHIS: Okay. Any other
12 discussions?

13 MARY O'GRADY: Madame Chair, since we
14 have two items that might be executive session
15 items, maybe we have a motion that we go in on both
16 so we don't have to go in and go out. Whatever your
17 preference is on that.

18 COMMISSIONER STERTZ: Madame Chair.

19 CHAIRPERSON MATHIS: Mr. Stertz.

20 COMMISSIONER STERTZ: The last item on
21 the agenda is the call for public comment. So my
22 suggestion would be that we have a small -- we have
23 a very small amount of folks here in the audience,
24 that we have a limited amount of public comment and
25 then we can release the audience and go into

1 executive session.

2 VICE CHAIR HERRERA: I agree.

3 CHAIRPERSON MATHIS: That's a good idea.

4 So we'll go ahead and jump to item XI on
5 the agenda, call for public comment.

6 I've got three request to speak forms and
7 if any of you spoke earlier and want to speak again,
8 you are welcome to do so.

9 So let me just read these. James Kerney,
10 representing self, is he here.

11 Okay. We may have lost James.

12 Greg Scheiffer, Senior. It might be Greg
13 Schueller, too.

14 And Pete Bengtson.

15 PETE BENGTSON: Hello. My name is Pete
16 Bengtson, B-e-n-g-t-s-o-n.

17 Sorry to -- I'm late today. I didn't sit
18 in on the first hour. You may have discussed this
19 earlier, but I don't want to give you the impression
20 I'm just talking competitive district.

21 I wanted to talk about prison stuff
22 today.

23 I hadn't paid any attention or been aware
24 of the problem with prisons in Arizona and how that
25 affects the one person, one vote rule and the

1 minority calculations that need to be done.

2 I would like to see -- let me first say
3 I'm not sure that you guys can do much about that as
4 part of this Redistricting Commission. You've got
5 the six guidelines, you got State law and whatnot,
6 but I would like to ask that you direct Strategic
7 Telemetry to add the prison populations so that they
8 can be identified in mapping software.

9 When the maps come out for us, the
10 general public to look at, I would like to be able
11 to use the mapping software to see how the
12 Legislative and Congressional districts change, if I
13 drop out the prison population or might want to draw
14 additional maps with prison population dropped out.

15 I also think it should be kept for the
16 long term. We had a talk -- one of the speakers
17 yesterday from ASU, has -- a professor political
18 science department, and I can see this would be a
19 great resource for studies of redistricting issues
20 with and without prison populations.

21 So that's my comment on prisons, and I'll
22 talk about something else next time.

23 Thank you.

24 CHAIRPERSON MATHIS: Thank you.

25 JAMES MARCH: Madame Chair, you should

1 have a card from me.

2 CHAIRPERSON MATHIS: I do. Mr. March.

3 JAMES MARCH: I'll keep this short.

4 Okay. What he just said about reporting
5 prison populations and prison locations, I would
6 like to repeat that.

7 What I would like to come to you
8 before -- come before you today to ask you is to
9 provide more information from you and your staff out
10 to us on the website and that will help us to more
11 inform public comment back in to you. It will help
12 alleviate the perception that the public comment
13 that has been taken here is a dog-and-pony show. I
14 don't think you intend that at all, but I think
15 allowing a very high-level of discussion between the
16 public and between your people and yourselves would
17 be important to maintain the integrity of the
18 process.

19 I talked to your -- one of your staffers
20 here from the mapping company and he was very
21 clear that you are working on prison locations and
22 populations. That's wonderful.

23 If you could take notes, also put down
24 the racial breakdown of the prisons. That's going
25 to be important to the process.

1 Other things need sort of the same kind
2 of breakdown on the tribal lands. Where they are,
3 what the population is, roughly what the population
4 densities are is going to be necessary.

5 What else?

6 You've got maps over here of Latino
7 breakdowns and Native American breakdowns, which are
8 good, but whoever did those miniscule differences in
9 shades of green, now, come on guys, we need a better
10 defined breakdown. If you have to use different
11 style crosshatches or something, but we need better
12 at-a-glance tools to see -- to present the data in a
13 more readable fashion. That's all.

14 But for the most part, I am very pleased
15 with what you guys are doing and I appreciate the
16 hard work you are doing.

17 I'm very glad to see we are starting out
18 with the map set two, or as the papers called it,
19 map set one. Good Lord, give me a break.

20 Anyways, that's all I'm here to say, is
21 please present more data to us so you get better
22 feedback from us back into the process and make it a
23 more cooperative matter.

24 And with that, I would like to close.

25 Thank you very much, folks.

1 CHAIRPERSON MATHIS: Thank you.

2 Any other members of the public?

3 Mohur Sidhwa.

4 MOHUR SIDHWA: I'm five three and a half,
5 what can I say.

6 We are in Pinal County, right?

7 What Pinal County does, because it has
8 quite a few inmates, it rejects the census bureau's
9 prison count when drawing County Board of
10 Supervisors' districts. Otherwise people who live
11 near the prisons would have a much more political
12 influence than other residents of the county.

13 So if they could see the sense of that,
14 you know, I think perhaps we should definitely take
15 that into account.

16 The town of Buckeye excluding the prison
17 population because by itself, Buckeye would be a
18 district, a whole district by itself. It would have
19 a whole district by itself. So that's just
20 something to keep in mind.

21 Other states have used different methods.
22 I'm sure if you look at the data, Google it --
23 Google it or whatever, small states like Delaware
24 all the way to New York, they have passed
25 legislation to end prison gerrymandering.

1 No district should be given extra
2 representation just because it contains a large
3 prison population.

4 So just something to keep in mind. I had
5 a lot more but I think you are all tired and you
6 guys need to get going with whatever you are doing.

7 But I do want to say that I've pretty
8 much said all the things I have wanted to say over
9 the last month and a half. So while you might see
10 me, I'm not -- I'm going to reserve judgment on all
11 of you because I think I've got sort of -- I think
12 you are all decent people, to tell you the truth,
13 until the end of the process. And if I yell and
14 scream, I yell and scream. But meanwhile, thank you
15 for putting up with us and thank you for doing what
16 you are doing.

17 CHAIRPERSON MATHIS: Thank you.

18 Anyone else from the public?

19 All right. We'll go ahead and -- that's
20 it for the agenda for the rest.

21 So is there a motion to enter executive
22 session for legal advice to discuss items IX, X --
23 IX and X?

24 VICE CHAIR HERRERA: I make a motion.

25 MARY O'GRADY: Madame Chair, and it's

1 legal advice and direction to counsel.

2 CHAIRPERSON MATHIS: Oh, I'm sorry.

3 Legal advice and direction to counsel.

4 VICE CHAIR HERRERA: I still make a
5 motion.

6 CHAIRPERSON MATHIS: Okay. Is there a
7 second?

8 COMMISSIONER MCNULTY: Second.

9 CHAIRPERSON MATHIS: All in favor?

10 ("Aye.")

11 CHAIRPERSON MATHIS: Any opposed?

12 Okay. The motion carries unanimously,
13 and we'll enter into executive session now.

14 The time is 4 -- well, we'll end public
15 session now. It's 4:03 p.m.

16 (Whereupon the public session recessed
17 and executive session ensued.)

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21 (Whereupon the public session resumes.)

22 CHAIRPERSON MATHIS: We will enter back
23 into public session now.

24 The time is 4:52 p.m.

25 We had a good executive session

1 discussing agenda items -- I just wanted to get the
2 numbers right -- IX and X.

3 Is there any motion --

4 VICE CHAIR FREEMAN: Madame Chair.

5 CHAIRPERSON MATHIS: Mr. Freeman.

6 VICE CHAIR FREEMAN: I move that counsel
7 proceed as the Commission directed in executive
8 session as to agenda items IX and X.

9 CHAIRPERSON MATHIS: Is there a second?

10 VICE CHAIR HERRERA: I second that.

11 CHAIRPERSON MATHIS: Any discussion?

12 All in favor?

13 ("Aye.")

14 CHAIRPERSON MATHIS: Any opposed?

15 The motion carries unanimously.

16 And that takes us to the end of our
17 agenda, which is adjournment, and the time now is
18 4:53 p.m.

19 This meeting is adjourned.

20 Thank you.

21 (The meeting concluded at 4:53 p.m.)

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4 I, MICHELLE D. ELAM, Certified Reporter
5 No. 50637 for the State of Arizona, do hereby
6 certify that the foregoing 244 printed pages
7 constitute a full, true, and accurate transcript of
8 the proceedings had in the foregoing matter, all
9 done to the best of my skill and ability.

10
11 WITNESS my hand this 28th day of August,
12 2011.

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16 -----
17 MICHELLE D. ELAM
18 Certified Reporter
19 Certificate No. 50637
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