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STATE OF ARIZONA  
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER' S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona  
May 21, 2002  
2: 00 p. m

PREPARED FOR:  
ARIZONA INDEPENDENT  
REDISTRICTING COMMISSION

REPORTED BY:  
LISA A. NANCE, RPR, CCR  
Certified Court Reporter  
Certificate No. 50349

1           The State of Arizona Independent Redistricting  
2 Commission convened in Public Session on May 21, 2002,  
3 at 2:00 o'clock p.m., at the Wyndham Buttes Resort,  
4 Kachina Ballroom, 2000 Westcourt Way, Tempe, Arizona, in  
5 the presence of:

6

7 APPEARANCES:

8

CHAIRMAN STEVEN W. LYNN

9

VICE CHAIRMAN ANDI MINKOFF

10

COMMISSIONER JAMES R. HUNTWORK

11

COMMISSIONER DANIEL R. ELDER

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COMMISSIONER JOSHUA M. HALL

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Phoenix, Arizona

2 ADDITIONAL APPEARANCES:

3

4 LISA T. HAUSER, Commission Counsel

5 JOSE de JESUS RIVERA, Commission Counsel

6 MARGUERITE MARY LEONI, Counsel

7 ADOLFO ECHEVESTE, IRC Executive Director

8 LOU JONES, IRC Staff

9 KRISTINA GOMEZ, IRC Staff

10 DR. FLORENCE ADAMS, NDC, Consultant

11 DR. ALAN HESLOP, NDC, Consultant

12 DOUG JOHNSON, NDC, Consultant

13 BRUCE CAIN, Federal Court Special Master

14 LISA A. NANCE, RPR, CCR, Court Reporter

15

16 SPEAKERS FROM THE PUBLIC:

17 REPRESENTATIVE RICHARD MIRANDA, DISTRICT 22

18 JIM HARTDEGEN, CITY OF CASA GRANDE AND  
CASA GRANDE CHAMBER

19

AARON KIZER, ARIZONA MINORITY COALITION

20

21 SCHEDULED SPEAKERS:

22 DOUG JOHNSON

23 DR. FLORENCE ADAMS

24

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Public Session  
Phoenix, Arizona  
May 21, 2002  
2:22 o'clock p.m.

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P R O C E E D I N G S

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CHAIRMAN LYNN: Good afternoon. We'll call the recessed session from yesterday back into order.

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For the record, roll call.  
Mr. Elder?  
COMMISSIONER ELDER: Here.  
CHAIRMAN LYNN: Ms. Minkoff?  
COMMISSIONER MINKOFF: Here.  
CHAIRMAN LYNN: Mr. Hall?  
COMMISSIONER HALL: Here.  
CHAIRMAN LYNN: Mr. Huntwork?  
COMMISSIONER HUNTWORK: Here.  
CHAIRMAN LYNN: And the Chairman is present.  
All five members are present.  
I want to issue a formal apology to anyone that might have been in the room at 8:00 o'clock in the morning thinking we might start at 8:00. Unfortunately, when we broke at 9:00 o'clock in the evening, there

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weren't a lot of people here. Those that were here knew we were starting at 2:00, but there were not a lot here. The hotel still listed the meeting at 8:00 o'clock. If you were here at 8:00, I hope you had breakfast. It's

5 been here since 7:00. I'm not sure if it's fit for  
6 anything but looking at now.

7                   Anyway, I do apologize for any  
8 inconvenience that may have caused. We'll try to do a  
9 better job of notification for when we meet at  
10 subsequent sessions.

11                   Ladies and gentlemen, if you wish to  
12 provide public comment, please fill out a speaker slip,  
13 they are outside the door, and we'll be happy to take  
14 you.

15                   I think for the purposes of clarity today,  
16 and appropriate comment, what might be best is to get a  
17 report from the consultants with potential  
18 recommendations for solving the Department of Justice  
19 suggestions and then to take public comment relative to  
20 those, those choices that we may have within the context  
21 of fixing the problems.

22                   So without objection, we'll do it in that  
23 order. And it seems to make sense to do it that way.

24                   Mr. Johnson, whenever you are ready. And  
25 I don't want to rush you to get there, but if you would

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1 walk us through your deliberations based on the criteria  
2 and instructions that were issued last evening, and then  
3 we'll -- I think what we may want to do, Mr. Johnson, is  
4 look at areas of the state one at a time. And you may  
5 have alternatives, more than one, for one part of the  
6 state or not.

7                   Perhaps we ought to concentrate on one  
8 area of the state, get some questions to you relative to  
9 what the impacts are, and then move on to another part  
10 of the state. And then at the conclusion of that  
11 presentation, we'll take some input from the audience,  
12 if there is any, without objection.

13                   Mr. Johnson.

14                   MR. JOHNSON: Mr. Chairman, thank you.

15                   I'm pleased to say we did make  
16 considerable progress since the last meeting. And what  
17 I have for you today is three not entirely finished but  
18 fairly finished scenarios for the Commissioners to  
19 review and give NDC some feedback on the choices that  
20 they -- each scenario will present to you.

21                   Just as a little refresher, let me walk  
22 through the instructions given last night.

23                   The first was to look at the five  
24 districts the Department of Justice mentioned and  
25 obviously attempt to address the concerns the Department

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1 of Justice raised in those areas.

2                   As we reviewed the language of the letter,  
3 and specifically what they were asking, we can conclude  
4 that there are actually five districts that they  
5 questioned but really four problems that they raised.  
6 They mentioned both Districts 13 and 14, but the issue  
7 was division of the existing district between those two.

8 So there are really four problems we had to address that  
9 involved five districts.

10 So I have looked at those and drawn these  
11 options based on each of those questions and some  
12 considerations for you to look at and give me further  
13 instruction on.

14 Also, there was the instruction to use the  
15 new registration and AQD data bases in this process. I  
16 have done that. They are incorporated into this system.

17 Just purely on time considerations, I do  
18 not have the spread sheets for you, but I can bring up  
19 the details as we go through this, and we'll have spread  
20 sheets as soon as possible.

21 Also, there was the instruction to attempt  
22 to keep the precincts together as much as possible while  
23 addressing DOJ concerns, and indeed I did receive from  
24 Maricopa County their precinct file; and I have  
25 attempted to follow the precincts where I could.

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1 One of the steps I needed to take, go back  
2 in where possible, match nicks, corners, a block here,  
3 block there in Maricopa. I also have not had a chance  
4 in Pima to compare to their precinct map. That's  
5 something I would take the time to do later today.

6 We have not yet received anything from  
7 Pinal County. Should that arrive, I'll also look at  
8 that.

9 The last instruction related to line

10 drawing was to take into account the types of changes  
11 suggested by the Coalition in their presentation  
12 yesterday.

13 Believe me, I certainly welcome any  
14 thoughts from anyone on the options and ideas for  
15 addressing this job.

16 As I walk through the different areas and  
17 questions, I will note the specific suggestions of the  
18 Coalition and have those incorporated.

19 CHAIRMAN LYNN: Mr. Johnson, I think the  
20 instruction was not only the Coalition, all speakers,  
21 speakers from other jurisdictions and groups that spoke.

22 MR. JOHNSON: That's correct. I had not  
23 yet read my next line. That's correct, other speakers  
24 that appeared as well.

25 So let me jump into the maps.

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1 There are three maps I'll be showing you,  
2 labeled 1A, 1B, and 2A. Let me start in Pima County  
3 because all three maps are identical down there.

4 Let me zoom in and walk the map along as I  
5 show you these areas.

6 COMMISSIONER ELDER: In other words, by  
7 that comment, there are no options in Pima County?

8 MR. JOHNSON: There are options for you to  
9 consider there. I've incorporated one approach in all  
10 three tests. I have some questions and additional

11 instructions I'm seeking from you.

12 Also, given the DOJ's statement they're  
13 looking for us to fix three of the four, the Pima County  
14 is one you may choose not to do, if that's the  
15 Commission's interest.

16 Let me start by showing the districts as  
17 they were adopted by the Commission back in November so  
18 we're all on the same page and put the numbers on here.

19 As you can imagine, there was not a  
20 plethora of time available. This is not the most  
21 polished presentation I've ever given. We'll get the  
22 information to you.

23 The Commission, as you can remember,  
24 adopted three, really four districts in the urban Tucson  
25 area, 26, 27, 28, and 29. There you go. 25 is also

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1 kind of moving around the outside of all of these  
2 districts but is not in play in the DOJ letter or in any  
3 of the options that I'm showing you.

4 District 27, as adopted by the Commission,  
5 was just under 43 percent Hispanic voting age. District  
6 29, as adopted by the Commission, was 45 percent  
7 Hispanic voting age. The other districts were very  
8 small percentages.

9 The Department of Justice looked at this.  
10 And in the current districts, there's only one  
11 majority-minority district, I believe it's District 10.  
12 And a majority of old District 10's population ended up

13 in District 29. So they analyzed that district, and  
14 they objected to it in their letter.

15 It's interesting to note, and this is how  
16 Section Five works, there was one district, so they  
17 analyzed one district.

18 District 29 as approved by the Commission  
19 is actually higher in voting age than District 27, but  
20 that's the way this process works.

21 So the first thing I did was to look at  
22 the big picture and what we might do to address the  
23 DOJ's concerns. Obviously given that 27 is a  
24 majority-minority voting age district, I did not want to  
25 take minority voting age population out of that, if I

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1 could avoid doing that.

2 I looked at districts in the area 26, 28,  
3 30 is on the east side here, but there really wasn't any  
4 communities or population that would help us address the  
5 DOJ's concerns. So that turned us to 27. And as the  
6 Coalition discussed in their presentation yesterday, one  
7 area that they suggested we look at is the area between  
8 the 19 freeway and the border of District 29. So that's  
9 where I started.

10 As you can see, it's a fairly small  
11 geographic area between the district of the November 9th  
12 plan and the freeway. It is very dense. And I first  
13 moved that into 29. That, however, was not enough

14 population to address the Department of Justice's  
15 concern, so I had to go further west.

16 I show you -- to address the Department's  
17 concerns and meet the bench mark, which in this district  
18 was 55.3 percent Hispanic voting age, I went past the  
19 freeway over to the river.

20 The river met the criteria of 106 of being  
21 a geographic feature we could look at. There's also  
22 discussion in the record of the community traditionally  
23 extending over to the river.

24 That was the next step I looked at and  
25 ended up taking in the area from the river east down to

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1 the top part of the Tohono O'odham Reservation and  
2 nature river there.

3 Let me identify that for you. The Census  
4 area wasn't labeled.

5 CHAIRMAN LYNN: I think it's Valencia.

6 COMMISSIONER ELDER: Valencia was labeled.

7 MR. JOHNSON: I'll put some names on here  
8 so we can see.

9 It's just north of Bilby and south of  
10 Ushinton, Drexel, Drexel Road there.

11 I focused more on drawing maps than  
12 polishing the presentation.

13 Once I took that area in and did some  
14 trade-offs in the east, actually met the Department of  
15 Justice bench mark. The tradeoff in the east, naturally

16 put population in. Take population out to meet the  
17 population requirements, this took place northeast of  
18 the Air Force Base. I'll put the old lines on again.

19 The area that NDC is suggesting we trade  
20 off is a little different than what the Coalition  
21 presented yesterday. They had suggested looking at the  
22 east side of District 29. And while technically this  
23 isn't the far eastern side, if you look to the east of  
24 the Air Force Base, there's very little population in  
25 that strip.

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1 This is the northeast section.

2 The other difference between the  
3 Coalition's suggestion and --

4 Keep in mind, as the Coalition suggested,  
5 they only had a couple hours between the ruling and  
6 their appearing here. We definitely appreciate the  
7 detail they were able to give.

8 They mentioned probably looking to move  
9 population from 29 into 30. Obviously, since the anglo  
10 population came from 27, it eventually has to get back  
11 there. So rather than moving from 29 into 20 over to 28  
12 and back into 27, one of the items that was discussed  
13 last night was minimizing the number of districts that  
14 are changed in order to minimize the number of districts  
15 that the justices, or the Department of Justice, needs  
16 to review. So this change takes place directly from 29

17 to 28 and then follows through with some population  
18 moving from 28 into 27.

19 This final change involves part of Flowing  
20 Wells that previously was in 28. And Flowing Wells is a  
21 Census designated place, not an incorporated city, is  
22 already split. Take the southern portion of that, and  
23 take the very northwestern corner of Tucson that was in  
24 28, and we move that into 27. We also move our line.

25 When we adopted it, it just barely went

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1 around the University area, for a number of reasons.  
2 And there had been testimony asking us to move it  
3 slightly to the east and slightly to the north, because  
4 those are very University dominated areas. Since now we  
5 needed to move population, that is where we went with  
6 that.

7 In terms of meeting the Department of  
8 Justice's objection, there's a lot of flexibility in  
9 this area.

10 So if, if the Commission's preference  
11 would be move further east around University, not as far  
12 east up north, we could do that, if that's the  
13 Commission's desire.

14 There's more flexibility in this area than  
15 there is in the rest of the switch.

16 So that is the entirety of the changes  
17 drawn to address the Department of Justice's objection  
18 to 29.

19                   Again, just to summarize, it has -- it  
20 adds areas around the I-19 freeway into 29. It drops  
21 areas that were in the northeast corner of 29 into 28,  
22 and rotates counterclockwise into 27.

23                   If anyone has any questions, I'll be happy  
24 to address them.

25                   CHAIRMAN LYNN: Doug, before we take

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1 questions, just so we're clear, I think you said it  
2 before, could you once again tell us what it does to  
3 Hispanic VAP in 29, which is the issue? What do the  
4 changes result in?

5                   MR. JOHNSON: The bench mark district,  
6 Hispanic bench mark of 55.3. As adopted, 29 had  
7 Hispanic voting age of 45.1. We now get it back to just  
8 slightly over the bench mark of 55.36 as opposed to  
9 55.32.

10                   CHAIRMAN LYNN: What does that do when it  
11 ripples through to our District 27?

12                   MR. JOHNSON: 27 changes from 42.96  
13 Hispanic voting age to 32.87 voting age. Bench mark,  
14 just for reference, for that district, was only 16  
15 percent.

16                   CHAIRMAN LYNN: Hispanic voting age  
17 despite which way.

18                   MR. JOHNSON: I don't have it in front of  
19 me, Pasqua Yaqui, both 10 and where described, total

20 minority --

21 CHAIRMAN LYNN: Minority influenced --

22 COMMISSIONER ELDER: 28?

23 MR. JOHNSON: 28 was extremely low total  
24 minority population and remains so. I don't have exact  
25 figures in front of me.

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1 COMMISSIONER ELDER: About balance, shifts  
2 from one end to the other?

3 MR. JOHNSON: Yes. Again, I'll get spread  
4 sheets as soon as I can.

5 CHAIRMAN LYNN: Mr. Elder and then  
6 Ms. Minkoff.

7 COMMISSIONER ELDER: Doug, zoom in from  
8 the bottom where you made changes below the I-19 symbol  
9 up to the river.

10 There is an area to the south there that  
11 is called Mid Vail Park. And there's a bunch of new  
12 developments in that area. Are the demographics such  
13 we're not diluting Hispanics by taking those in? And it  
14 would be -- darn, I can't see precinct numbers from  
15 here.

16 MR. JOHNSON: Those are population  
17 numbers.

18 Demographics of this area are overwhelming  
19 Hispanic as of the Census time.

20 COMMISSIONER ELDER: Move north about five  
21 miles. Keep going north to where we pick up the river

22 and Flowing Wells area.

23                   Okay. The things I'm a little concerned  
24 with there are right at the edge of the University. By  
25 picking up three blocks there, that's probably the

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1 strongest neighborhood there that is in this whole  
2 valley. That's the Sam Hughes District, a strong  
3 district, very cohesive, almost to the house. I would  
4 rather see, really, any area besides that being split  
5 from a community of interest standpoint. That's --  
6 there is no line, there is no edge, it's so cohesive,  
7 they'd feel alienated from the balance of the community  
8 with the University.

9                   I suggest we look at Campbell Avenue as  
10 being the dividing line at that point.

11                   As we go north, you added in from some  
12 arbitrary alignment over to First, and that made sense,  
13 I think, because that is a fairly good barrier from the  
14 way barriers work in Tucson. But then as you go further  
15 north, as we drag down, now go to the west more, to make  
16 up population I was discussing, east a ways, University,  
17 the Sam Hughes neighborhood, what is the population in  
18 that sort of quad where it says Ruthrauff Road to  
19 Flowing Wells?

20                   Go to the right. Keep going right.  
21 Bring --

22                   MR. JOHNSON: Here.

23 COMMISSIONER ELDER: That area right  
24 there. Is there enough population in there? My sense  
25 is it's Hispanic if not more so than this area here.

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1 This is the Arizona Inn, and it's anglo. This is the  
2 Dell, most of Sam Hughes is professors and people from  
3 the University, and it's anglo. So it seems if looking,  
4 trying to keep this as high a population percentage, on  
5 the edge Hispanic, this area or taking in both of those,  
6 may very well offset population there and give us the  
7 percentages we're looking for.

8 MR. JOHNSON: Commissioner, if I might.  
9 There is considerable flexibility where we take, move.  
10 Flexibility, we can use Campbell, if that makes sense,  
11 and it sounds like it does. The concern I have on  
12 Flowing Wells, we're preferring to keep this within 27,  
13 28, 29, rather than going out and changing 26, which  
14 leads to additional DOJ review and Justice review. We  
15 could take areas from the east of First Street in to  
16 balance population, if that makes sense. To go to 26  
17 opens up a can of worms.

18 COMMISSIONER ELDER: Steve, do you  
19 remember what the population is in there? I can't see  
20 the roads enough. That's Speedway -- must be Grant  
21 Road.

22 CHAIRMAN LYNN: Numbers --

23 COMMISSIONER ELDER: Demographics, what  
24 kind of character? Strong -- South Point High School --

25 CHAIRMAN LYNN: Back to your point.

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1 COMMISSIONER ELDER: This is more  
2 University related, medical school related, pulling into  
3 that area, not as objectionable as Sam Hughes.

4 CHAIRMAN LYNN: The key thing,  
5 configuration you have there, you have split Sam Hughes.  
6 You either need to take Sam Hughes all the way west or  
7 all the way east and keep it together. That's clear.  
8 That's a very strong community of interest. Beyond  
9 that, making it whole, I think -- I'm fairly comfortable  
10 I think, the way the configuration goes to the north. I  
11 think it makes some sense, first as a dividing line. To  
12 the west there's a lot of commercial property. To the  
13 east it starts being apartments and a mix of commercial  
14 and residential east of the racetrack. So, you know,  
15 that area seems right. I would agree, though, the Sam  
16 Hughes problem needs to be looked at. And it's probably  
17 a relatively minor population issue that you could trade  
18 out anywhere along the border that made sense without  
19 damaging the demographics you are trying to achieve.

20 COMMISSIONER ELDER: I think my sense is  
21 if you added in this area into twenty -- the west one.

22 COMMISSIONER ELDER: 27.

23 COMMISSIONER MINKOFF: 27.

24 COMMISSIONER ELDER: -- and took this area  
25 out, it would improve demographics and voting age

1 Hi spani cs.

2 My sense is this is, without looking at  
3 the precincts, I bet it's 98 percent anglo.

4 CHAIRMAN LYNN: I don't know.

5 COMMISSIONER ELDER: And this area here,  
6 probably 70 percent, 60 percent.

7 CHAIRMAN LYNN: Quite a mix. Look at  
8 those adjustments in terms of the borders.

9 MR. JOHNSON: If I can say, in this area,  
10 as you are describing, the demographics are essentially  
11 the same throughout the area, whatever communities make  
12 sense.

13 Can I ask one question? The Sam Hughes  
14 neighborhood, is the eastern border Country Club?

15 CHAIRMAN LYNN: It is.

16 MR. JOHNSON: I guess that's one  
17 instruction to look for. Does that make sense, move  
18 east or west?

19 CHAIRMAN LYNN: Campbell on west, Country  
20 Club on the east, and essentially Speedway on the north  
21 and Broadway on the south.

22 COMMISSIONER ELDER: Yeah, Sam Hughes.  
23 And then you pick up what I call the Arizona Inn  
24 neighborhood, which is the area north of that square  
25 mile north of that.

1                   CHAIRMAN LYNN:   Speedway, where there's  
2 the Sam Hughes square mile.

3                   COMMISSIONER ELDER:   An equivalent for you  
4 folks, Encanto.

5                   COMMISSIONER MINKOFF:   Encanto.

6                   COMMISSIONER ELDER:   As strong, defined,  
7 as that is.

8                   CHAIRMAN LYNN:   Ms. Minkoff.

9                   COMMISSIONER MINKOFF:   My concern, I  
10 reread the DOJ letter, and they list the  
11 majority-minority districts. And they list 27 as one of  
12 those majority-minority districts. And it appears to me  
13 from the statistics that you've given us that we have  
14 solved the problem with 29 and we have bumped up the  
15 minority population in 29 to make it acceptable, but  
16 we've done it at the expense of 27. And so I'm not sure  
17 what we've accomplished because 27, in our current  
18 statistics, 27 and 29 in our adopted districts are  
19 within about a percentage point of each other, very,  
20 very close in total minority population, in voting age  
21 population. 29 is actually about two and a half percent  
22 higher than 27. They are happy with 27, not happy with  
23 29. But if we bump up 29 like this, it's virtually all  
24 at the expense of 27. And we now have 27 way below 50  
25 percent.

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1 COMMISSIONER HALL: Where do we get 27 in  
2 reference to the letters as minority-majority?

3 COMMISSIONER MINKOFF: The DOJ letter, 10  
4 districts, top of page three.

5 CHAIRMAN LYNN: Not majority minority.  
6 They say --

7 COMMISSIONER MINKOFF: Minority voters  
8 able to elect candidates of interest.

9 CHAIRMAN LYNN: Minority candidates of  
10 interest, or -- combination or the two.

11 COMMISSIONER MINKOFF: Seems to me they'll  
12 look at 29, yeah, did a good job there, are able to  
13 elect there. Look at what you did to 27, not able to  
14 elect there.

15 COMMISSIONER HALL: Well --

16 COMMISSIONER MINKOFF: And I don't -- I  
17 guess I'm asking for a legal opinion more than asking --

18 MR. RIVERA: Ms. Minkoff, the reason you  
19 are here today is for an interim plan.

20 COMMISSIONER MINKOFF: Right.

21 MR. RIVERA: An interim plan goes through  
22 approval through the court and not the Justice  
23 Department.

24 COMMISSIONER MINKOFF: Are the judges  
25 going to look at this and say: Hey, wait a minute.

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1                   MR. RIVERA: Well, what judges -- if I  
2 could guess what judges were going to do on a daily  
3 basis, I would be a wealthy, wealthy, wealthy man. If  
4 you are looking at --

5                   MS. HAUSER: You already are.

6                   MR. RIVERA: With friends, with  
7 friendship.

8                   The only question you have to answer, I  
9 think, are the questions Justice asks specifically on  
10 that district, to improve those districts on an interim  
11 plan.

12                   COMMISSIONER MINKOFF: Then let me ask a  
13 theoretical hypothetical. If we came up with something  
14 where all five of districts were rock solid districts so  
15 minorities could elect candidates of choice and did so  
16 at the expense of every other minority district in the  
17 state, that would be okay, and we ended up with these  
18 five, no others; is that what you are saying?

19                   MR. RIVERA: No.

20                   COMMISSIONER MINKOFF: I didn't think so.  
21 That's my concern.

22                   COMMISSIONER HALL: Andi, in order to bump  
23 numbers in districts, it is automatically going to  
24 affect other Hispanic districts, we know.

25                   COMMISSIONER MINKOFF: I understand that.

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1                   COMMISSIONER HALL: Same happens in 13,  
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2 14, and 15. When we bump numbers in those districts,  
3 this is the point we've been making for months now and  
4 others have been unwilling to listen to, when we bump  
5 numbers in other districts, it will lower numbers in  
6 other districts. That's the reality. Your point is  
7 well-taken; but, nevertheless, it is the direction of  
8 DOJ.

9 CHAIRMAN LYNN: And, further, in this  
10 instance, in particular, the characterization  
11 Mr. Johnson made of surrounding districts is such that  
12 we don't have any other voices in terms of target  
13 districts from which to move population. None of the  
14 other districts contain sufficient population to move  
15 from in order to achieve bench mark.

16 COMMISSIONER MINKOFF: I understand that.  
17 I'm not saying do it another way, find  
18 another way to bump up 29 and don't take it from 27,  
19 because you can only find people where there are people.  
20 My question is is this a doable fix or does the fix  
21 cause so many other problems it doesn't make it  
22 practicable?

23 CHAIRMAN LYNN: Let's try to get an  
24 answer, if there is one, either from the attorneys or  
25 from Mr. Johnson with respect to the proposed solution

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1 to this particular district as identified by DOJ and,  
2 again, understanding the Court is making a determination

3 instead of DOJ in this instance.

4 Anybody, either the attorneys or  
5 Mr. Johnson, want to weigh in on Ms. Minkoff's question?

6 MR. JOHNSON: Let me say one thing on the  
7 demographic front and have the attorneys more on the  
8 legal side of it.

9 Commissioner Minkoff is correct, 27 does  
10 drop from being total minority-majority. Voting  
11 age-wise, the minority populations combined are minority  
12 of the adopted district and will drop down to a little  
13 over 43 percent under this fix. The one difference I  
14 would note is that in Tucson, currently in the north,  
15 two 2000 districts, one majority-minority district; as  
16 opposed to taking an existing one down, we're creating  
17 one. But the legal trade-offs I'll leave for the  
18 attorneys.

19 CHAIRMAN LYNN: Ms. Hauser, Mr. Rivera,  
20 comment?

21 MS. HAUSER: No.

22 CHAIRMAN LYNN: Okay.

23 CHAIRMAN LYNN: Mr. Huntwork.

24 COMMISSIONER HUNTWORK: Thank you.

25 Are there any substantial Hispanic

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1 populations in the Tucson Metropolitan area not in 27 or  
2 29, putting aside the goal of keeping the simple, is  
3 there -- are we missing anything? Are the only  
4 populations of a size that impact DOJ issues in district

5 25, which are the border district, so they would raise a  
6 whole different set of issues there because currently  
7 Arizona has a border district and bench mark?

8 MR. JOHNSON: Of course, I'm always open  
9 to ideas and innovative thinking. During the public  
10 comment period, I'd certainly welcome those ideas.

11 COMMISSIONER HUNTWORK: What about if we  
12 ideas, when would you welcome those ideas? Is this the  
13 time?

14 CHAIRMAN LYNN: Mr. Huntwork, we're always  
15 welcome to give ideas.

16 Mr. Huntwork, do you have one?

17 COMMISSIONER HUNTWORK: I do. It's sort  
18 of off the wall. You have to pan out to even begin to  
19 talk about this.

20 If you look back up at the areas in 26  
21 that we are -- this map shows going up into Pinal  
22 County, but --

23 (Cellphone noise.)

24 COMMISSIONER HUNTWORK: It's not that bad  
25 of an idea.

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1 COMMISSIONER ELDER: Sorry about that.  
2 It's off now. Excuse me. I apologize.

3 COMMISSIONER HUNTWORK: This is -- I guess  
4 musical accompaniment.

5 Suppose we took 25 up and over with a

6 branch and picked up those communities in order to add  
7 them as additional minority in 25 and used some minority  
8 population in 25 that is in the -- closer into the  
9 Tucson Metropolitan area to strengthen 29 without taking  
10 that population from 27. And then we'd have to do  
11 something. We'd put that into 29, find an area in 29, I  
12 suppose into 28 --

13 COMMISSIONER HALL: What about 23, then?  
14 You are saying take Oracle, San Manuel to 25?

15 COMMISSIONER HUNTWORK: Yeah.

16 COMMISSIONER HALL: Then what do you do  
17 when you need numbers for 23?

18 COMMISSIONER HUNTWORK: You could even  
19 do --

20 CHAIRMAN LYNN: We haven't gotten there  
21 yet. There is an inter-relationship -- the brown  
22 district north is 23, also on the list.

23 COMMISSIONER HUNTWORK: Right.

24 CHAIRMAN LYNN: The relationship between  
25 whatever fix you're talking about in Tucson as relates

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1 to 23.

2 COMMISSIONER HUNTWORK: Right.

3 CHAIRMAN LYNN: But what might that do --

4 CHAIRMAN LYNN: Let's figure out if there  
5 are any other questions on 29 at the moment. When you  
6 get to 23, let's revisit that, see how they articulate,  
7 Jim. I think they do. That's the time to figure out

8 how they work together.

9 COMMISSIONER HUNTWORK: Okay.

10 COMMISSIONER ELDER: Doug, what magnitude  
11 is the number of Sixth Street over to the river, to the  
12 river, in 29, 10,000 people, 20,000 people, or --

13 MR. JOHNSON: Hang on one second and I can  
14 find out.

15 COMMISSIONER ELDER: I'm trying to get an  
16 idea how many people are we looking to balance out that  
17 shift, I guess.

18 MR. JOHNSON: This is a rough number, not  
19 exactly. We're looking for 28,500 people.

20 COMMISSIONER ELDER: See, Jim, even with  
21 San Manuel and everything added in the world there, it's  
22 maybe 10, 12 thousand, not 28. But maybe pick up some  
23 in Southern Pinal, or something, or Marana, rotate it  
24 around, possibly.

25 CHAIRMAN LYNN: Mr. Johnson, with this

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1 suggested correction, what happens with total population  
2 deviation in the districts? How are they affected with  
3 these shifts?

4 MR. JOHNSON: Let me get the exact numbers  
5 with these shifts.

6 First, for comparison, the districts that  
7 the Commission adopted were -- I don't know if you can  
8 read that -- 27 was off by three-hundreds of a point.

9 28 and 29 were offsetting by about 1.7 percent  
10 deviation, so fairly close. The new districts under  
11 this plan, 27 is off by .66 percent, so a slight  
12 increase but not very significant. And then 28 and 29  
13 are off by three percent and two-and-a-half percent  
14 respectively, so they go up.

15 CHAIRMAN LYNN: But they are well within  
16 tolerances in terms of deviation.

17 MR. JOHNSON: They are well within the  
18 rule of thumb, yes, thank you.

19 CHAIRMAN LYNN: Other questions on the  
20 Tucson portion of the, of the report before we move on  
21 to District 23? And we can always come back. If not,  
22 let's move to District 23 and look at that.

23 Mr. Johnson.

24 MR. JOHNSON: District 23 had two general  
25 points in the Department of Justice's letter. One was

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1 the simple fact Oracle and San Manuel had been in a  
2 district that elect Hispanics and in the adopted plan  
3 were in a district that no longer adopted Hispanics.  
4 Other reduction, adopted Hispanic age.

5 The first step was obvious, as the  
6 Coalition said yesterday, putting Oracle, San Manuel, in  
7 District 23. Did that. Also as discussed throughout  
8 the process and as the Coalition raised yesterday, we  
9 did the Saddlebrooke community, retirement community,  
10 not a heavy Hispanic community, in 26. Took towns of

11 Oracle, San Manuel, and some areas right around them  
12 that had population. That put people into 23.

13 The tradeoff for that, the Coalition  
14 yesterday had discussed using Gold Canyon, labeled by  
15 the Census Bureau as Gold Camp, for some reason. I  
16 looked at that option, and that's a viable option. What  
17 I ran into, simply moving Gold Canyon into districts 19  
18 and/or 22 is not enough of an offset for Oracle and San  
19 Manuel. You'd also need to take a smaller than shown  
20 here slice of Apache Junction into 19 and 22. So rather  
21 than show you that piece here which Coalition described  
22 to you I did another option for you to consider leaving  
23 Gold Canyon in Pinal County, taking all the offset from  
24 Apache Junction just north of the Apache Junction area.  
25 Apache Junction is a cross county city in our adopted

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1 plan. It was split on the county line. This would  
2 simply be moving that split to the east and making it  
3 obviously a larger division. I should emphasize that  
4 while this is one shown, we can certainly do Gold Canyon  
5 and much a smaller piece of Apache Junction.

6 CHAIRMAN LYNN: Mr. Johnson, would you  
7 remind the Commission, I know you talked about the DOJ  
8 objection, but the solution here is aiming at returning  
9 to a bench mark figure. Would you remind us what that  
10 is?

11 MR. JOHNSON: Oh, yes. This is two parts,

12 returning to bench mark and offsetting the condition of  
13 Oracle, San Manuel.

14 The bench mark district was 30 percent,  
15 actually 30.18 percent Hispanic voting age. The  
16 district that was adopted was 25.72 Hispanic voting age.  
17 And I have a couple more changes I'll show you before I  
18 get a final figure. This population, I should note,  
19 whether it's Gold Canyon and Apache Junction or just  
20 Apache Junction, then gets added into 19 or to 22, added  
21 completely into one or other. It then makes that one  
22 outside of central deviation ranges.

23 So there's this narrow strip on the edge  
24 of 19 and 22 that is, in this case, traded from 19 to  
25 22. If we were to use Gold Canyon it would go the other

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1 way, and that spreads the deviation out and between  
2 those two districts and gets us within the rule of thumb  
3 numbers.

4 CHAIRMAN LYNN: And does that strip  
5 follow, is it done that way to follow a school district  
6 or is it just the way the population follows?

7 MR. JOHNSON: It was done that way to try  
8 to follow a major road, major border there. As you can  
9 see, that's Apache Trail, a Main Street there. It's a  
10 clear street with -- as I looked at it here, you have a  
11 lot of dense blocks below, less dense blocks above, and  
12 it flips in the eastern edge.

13 CHAIRMAN LYNN: It actually improves that

14 edge?

15 MR. JOHNSON: Yes. Makes the border  
16 between those two more compact.

17 I was mainly concentrating on compaction,  
18 but it's nice the way it works out. I concentrated on  
19 21 and 22, no changes in 18 or 19.

20 COMMISSIONER MINKOFF: Doug, does that  
21 mean 19 or 22 are overpopulated? You put population in,  
22 haven't taken any out?

23 MR. JOHNSON: Yes. Both of them have  
24 grown in population. 19 goes up 4.49 percent. 22 goes  
25 up 4.61 percent.

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1 COMMISSIONER MINKOFF: How many people is  
2 that?

3 MR. JOHNSON: About 7,000 people.

4 COMMISSIONER MINKOFF: Uh-huh.

5 Do we have any other districts that are  
6 that large a deviation?

7 MR. JOHNSON: You do in these tests, in  
8 Maricopa.

9 COMMISSIONER MINKOFF: I'm not talking  
10 about these tests, I mean our adopted plan.

11 MR. JOHNSON: No. The total deviation in  
12 the adopted plan is 6,000 -- about 6,500 people. 3,500  
13 of that was the underpopulation of the Northern  
14 District. So the largest district over is going to be

15 about 3,000 over it.

16 COMMISSIONER MINKOFF: So we've doubled  
17 that.

18 MR. JOHNSON: Yes.

19 One question for the Commission and it's  
20 counsel to address: When I was doing this, I was  
21 looking to stay within the 10 percent rule of thumb and  
22 touch as few districts as possible. It would be  
23 possible to reduce deviations by spreading through more  
24 districts. That would be a question for counsel to  
25 address and advise us on. I took the approach of

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1 touching as few districts as possible.

2 CHAIRMAN LYNN: Comments or questions  
3 on --

4 There's more to this solution?

5 MR. JOHNSON: Yes. There's one more piece  
6 to this.

7 After I've done those changes, the  
8 district was still not up to the bench mark. It was up  
9 to about 28.6 percent. The options that I looked at,  
10 actually started with the Coalition's suggestions last  
11 night, looking at Miami, that was a heavy Hispanic  
12 community, and the Globe area next to it. But as they  
13 described last night, the challenges of trading it off  
14 they had not yet addressed. As I looked at it, I could  
15 not find a tradeoff that worked without disrupting the  
16 whole map and sending all districts back to DOJ for

17 review.

18                   Obviously, as I knew before, while I was  
19 open to ideas and suggestions on that, failing that, I  
20 took their suggestion, what Senator Rios suggested,  
21 similar to what the Commission did in the Congressional  
22 map, and extended the district past its adopted Gila  
23 River border into Avondale.

24                   This is actually where the existing  
25 district goes, as Senator Rios mentioned last night.

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1 Let me show that on the map. The black lines here are  
2 the existing District 7.

3                   COMMISSIONER ELDER: Existing area  
4 adopted.

5                   MR. JOHNSON: Existing Senator through  
6 2000, District 7.

7                   What I did was generally follow the border  
8 in here. I also added in the southern Avondale portion  
9 to reduce the city splits involved. There's virtually  
10 no population in that part of Avondale. I more or less  
11 came up the district lines here, also compared it to the  
12 Maricopa precinct lines, followed that same line.

13                   One question for the Commission to address  
14 is how far up to go. I went, when drawing this map and  
15 attempting to meet Department of Justice, that bench  
16 mark, I went up to Western Avenue over here on the west  
17 side.

18 As you can see, District 7 extended  
19 further up, just past the 10 freeway. This area in our  
20 adopted plan all moved from the old District 7 into  
21 District 14, which was a majority-minority district,  
22 also.

23 The challenge, when I was drawing this,  
24 that I faced, with the changes I've made in Maricopa in  
25 this test, this area is no longer in a majority-minority

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1 district. So similar to this --

2 This raised in my mind a concern I wanted  
3 to share with the Commission. DOJ objected to Oracle  
4 moving from a majority-minority district to non  
5 minority-majority district. Let me share two concerns.  
6 Number one, to meet bench mark in 23, going to Western  
7 gets us to 30.24 percent Hispanic voting age,  
8 six-hundredths of a percent over bench mark. We can --  
9 that leaves us with a deviation of a positive 1.4  
10 percent in District 23. In another map I'm going to  
11 show you, actually drew it all the way top to follow  
12 that line so District 23 extends and takes in all old  
13 District 7 population. That gets us to essentially a  
14 four percent deviation, increases Hispanic percentage to  
15 30.94.

16 The question before the Commission, and I  
17 welcome your instruction on, is whether to stop at  
18 Western where we meet the bench mark or continue up and  
19 take in the rest of that population, even though a

20 little deviation.

21 COMMISSIONER HALL: Seven-tenths of a  
22 percent, is that right?

23 MR. JOHNSON: Yes.

24 COMMISSIONER HALL: If I understood you  
25 correctly, that is your concern in adding that northern

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1 piece to 23, that it would no longer be part of a  
2 majority-minority district?

3 MR. JOHNSON: If we do not add it.

4 COMMISSIONER HALL: Do not add it, right.

5 MR. JOHNSON: If we don't add it to 23, it  
6 moves from a district electing Senator Rios to a  
7 district well below majority minority population. It's  
8 a question -- tradeoff, the deviation.

9 COMMISSIONER HALL: What district is that,  
10 12?

11 MR. JOHNSON: Now would be in district 12,  
12 yes.

13 COMMISSIONER HALL: No, I'm saying under  
14 the Commission's plan.

15 MR. JOHNSON: Commission's plan, 14.

16 COMMISSIONER HALL: Which wasn't  
17 precleared.

18 MR. JOHNSON: Was a majority-minority  
19 district. Given the testimony in the record, believe  
20 that's correct, it would be precleared. Given changes

21 to address DOJ, it drops out of that.

22 CHAIRMAN LYNN: Other questions on --

23 Does that complete the report on 23?

24 MR. JOHNSON: Yes.

25 CHAIRMAN LYNN: Other questions on 23?

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1 Mr. Huntwork, do you want to reintroduce  
2 your suggestion or?

3 COMMISSIONER HUNTWORK: Thank you.

4 I really would like to see the rest of the  
5 changes, too.

6 This is now up to 14, 15 --

7 CHAIRMAN LYNN: Central Phoenix?

8 COMMISSIONER HUNTWORK: I'd like to see  
9 everything.

10 CHAIRMAN LYNN: Then we'll return to that.

11 Other questions relative to 23 only at  
12 this time.

13 Mr. Elder.

14 COMMISSIONER ELDER: Yes, Mr. Chairman.

15 We've had two districts in the state that  
16 could never pass the compactness test in the '94  
17 alignment. And in looking at 23, and wanting to add  
18 north of Northern, or not Northern, north of Western,  
19 excuse me, just exacerbates that problem. If we can  
20 make the goal out in that end, I would go for the  
21 compactness unless there's some community of interest or  
22 something else.

23                   It just seems like it's -- I know that  
24 district has lived with one of the weirdest alignments  
25 ever. I don't know whether done by the court or

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1 Legislature, but it's not right in the way it mixes -- I  
2 just can't see a community of interest in 23. It just  
3 doesn't fit together. So holding it as compact, not  
4 going any further northwestern, would seem to make  
5 sense.

6                   CHAIRMAN LYNN: Other comments or  
7 questions?

8                   Ms. Leoni.

9                   MS. LEONI: Mr. Johnson, could you tell us  
10 whether the portion of territory north of Western is  
11 part of the City of Avondale?

12                  MR. JOHNSON: Let me highlight the city  
13 here on the screen.

14                  This, as you are all familiar at this  
15 point, the West Valley is not known for it's compact  
16 cities. Let me highlight this.

17                  Yes. That -- that area is part of the  
18 City of Avondale. I should mention also I looked at the  
19 Maricopa precincts, I suspect, because it is a city  
20 line. Precincts also follow that unusual shape there.  
21 That's not a concern or factor in this decision.

22                  MS. LEONI: Doug, a follow-up question on  
23 that.

24 How much of the city -- is the City of  
25 Avondale now split between our districts?

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1 MR. JOHNSON: Yes. In the adopted plan  
2 it's split between two districts. Actually, the city  
3 came in and established an extended record requesting a  
4 two-way split at the freeway. Under this, it's a  
5 three-way split using freeway as the main border between  
6 the split.

7 CHAIRMAN LYNN: Mr. Hall.

8 COMMISSIONER HALL: I wonder, Mr. Elder's  
9 recommendation, Mr. Huntwork's recommendation, we look  
10 at the Maricopa County impact and then maybe come back  
11 and evaluate.

12 CHAIRMAN LYNN: Without objection,  
13 Mr. Johnson, if you move to the central Maricopa portion  
14 of the map. Again, just to stay on target, we are  
15 looking at districts 13, 14, and 15.

16 MR. JOHNSON: The major area and the  
17 driving force behind me doing the three options for you  
18 to review today. And other than the Avondale change, in  
19 all three changes districts 23 and 29 are the same in  
20 all three options.

21 In Maricopa, because the number of  
22 districts and nature of the area, it's a little more  
23 challenging, so I drew the three options for the  
24 Commission to consider.

25 Let me start with where we were in the

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1 adopted plan. In the adopted plan, District 12 was 29  
2 percent, so the one in the far west was 29 percent  
3 Hispanic voting age. And then 13 was 51 percent  
4 Hispanic voting age. 14 was 50.6 percent Hispanic  
5 voting age, 15 was 43.6 percent Hispanic voting age. I  
6 believe, off the top of my head, it was  
7 majority-minority voting age. And 16, as adopted, was  
8 13.36 black voting age and 59.45 Hispanic voting age.

9 COMMISSIONER HALL: 13 point what?

10 MR. JOHNSON: 13.36 and 59.45.

11 COMMISSIONER HALL: What is our target?  
12 What is our bench mark?

13 MR. JOHNSON: Based on the letter, I was  
14 looking at, in doing these tests, and I'll defer to  
15 legal counsel as to exactly what you should use to  
16 decide, I was using two different targets. In the -- in  
17 this map I'm going to show you first, I attempted to  
18 address all the problems that the DOJ listed, the  
19 challenges between 13 and 14 and the challenges in  
20 District 15. The Department of Justice has raised the  
21 concern in, with districts 13 and 14, that the bench  
22 mark district was 65 percent Hispanic voting age and  
23 that we had reduced those, as I described, in an attempt  
24 to make two districts. When I only attempted to fix 13  
25 and 14, I followed the letter, their letter, and aimed

1 for the 65 percent bench mark. When I went to fix all  
2 of the issues that they raised in their letter, it was  
3 not possible to get to 65 percent, that I found in my  
4 tests in the new District 14, so I scaled back a little  
5 bit.

6 The Department of Justice precleared  
7 District 16 at 59.45 percent. So in my tests I'm about  
8 to show you where I addressed all concerns, I aimed at  
9 59.45 percent in each one.

10 I should note, also, a couple of guiding  
11 issues I had in mind as I did this were, as throughout  
12 this process, the AURs that the Commission had adopted.  
13 Let me show them quickly to you here. I'll show you a  
14 red line around them.

15 This is the Hispanic AUR that was adopted.  
16 Then there was the Isaac School District that requested  
17 to be unified, a much smaller area we had unified in the  
18 entire District 14. And -- I don't have my map of them,  
19 but the historic districts, also, were significant  
20 concern, primarily located in District 15, although I  
21 think the very end, I think, were in 14. I tried to  
22 keep all testimony and that feedback in mind as I drew  
23 this. But as you are about to see there's a reason we  
24 drew the districts and the Commission adopted the  
25 districts the way it did. And the plan adopted November

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1 9th obviously aimed to meet the community requests,  
2 comply with other criteria as best as possible.

3                   Given the concerns raised by Department of  
4 Justice, obviously some of those things have to change.  
5 So this map addresses all of the concerns that  
6 Department of Justice raised.

7                   I would note that the Department in its  
8 letter really raised four concerns and asked the  
9 Commission to address three of them, or at least three  
10 of them, so we may not have to go to this extreme, if  
11 that's your choice. And the next two options I'll show  
12 you don't touch 15, so they're a little more compact, a  
13 little more in line with your adopted plan.

14                   Starting east, District 15 in this plan  
15 drops a little bit around the edge into District 11  
16 around the eastern edge. Let me zoom in. So it's just  
17 a little bit north up to Camelback. That primarily  
18 was -- it helped a little bit in meeting Department of  
19 Justice objections to move pieces up there and moved all  
20 the way up in an attempt to not disturb any pieces in  
21 that area. Then between Seventh Street and 19th Street,  
22 District 13 comes out, takes section of what was 15.  
23 And 15 extends to the west south of McDowell and picks  
24 up the Isaac School District.

25                   The somewhat unusual shape extending to

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1 the north in the western edge is in order to keep the  
2 district unified.

3 One small portion of Isaac School District  
4 taken out in this version, a not very dense area of  
5 population, was done solely to comply with Maricopa  
6 County precincts is the reason for that change.

7 So that's the effect on 15.

8 Oh, I should note, also, the old 15 came  
9 down the freeway, and in this map it comes down to Van  
10 Buren Street. That is both for demographic reasons to  
11 meet the requirements of the letter, also for  
12 compactness in order to not have juts down and not have  
13 a very narrow corridor.

14 It does not impact the African American  
15 voting percentage of District 16 and actually was one of  
16 the ideas discussed by the Coalition last night, part of  
17 the idea discussed by the Coalition last night.

18 I'll continue on here.

19 To make-up coming down into 16, 16 comes  
20 up into old 14, up into Van Buren Street to the Southern  
21 edge of Isaac School District.

22 Big changes are over in 14 and 13.

23 CHAIRMAN LYNN: Mr. Hall.

24 COMMISSIONER MINKOFF: I think you have it  
25 misnumbered.

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1 COMMISSIONER HALL: He changed the  
2 numbers.

3 MR. JOHNSON: I'm sorry. Numbers are  
4 showing up on old districts.

5 (Dr. Heslop and Dr. Adams arrive.)

6 CHAIRMAN LYNN: Mr. Chairman.

7 COMMISSIONER HALL: Mr. Hall.

8 COMMISSIONER HALL: So, Doug, this is the  
9 fix-all solution.

10 MR. JOHNSON: Right.

11 COMMISSIONER HALL: I'm wondering if we  
12 can all safely agree that it may be more than we need,  
13 if there is such a thing as too much.

14 So I'm wondering, Mr. Chairman, I welcome  
15 input from my fellow Commissioners, I wonder if we may  
16 want to look at the next idea or --

17 Please.

18 CHAIRMAN LYNN: Before we do that,  
19 Ms. Leoni wants to jump in. Let's do that.

20 MS. LEONI: Thank you, Mr. Chairman.

21 Mr. Johnson, could you give us percentages  
22 in the fix-all plan.

23 MR. JOHNSON: Certainly. After this is  
24 drawn, District 12 is 31 percent Hispanic voting age.  
25 That's the dark brown district coming in from the west

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1 here. District 13 which is now rotated around to the  
2 north and east ends up at 24.95 percent Hispanic voting

3 age. District 14, which is kind of stretched east  
4 and -- I'm sorry, west and northwest up into Glendale  
5 and down into Tolleson, ends up at 59.64 Hispanic voting  
6 age. District 15, which I was just describing, ends up  
7 at 59.88 Hispanic voting age. And District 16 is only  
8 slightly changed. It goes up to 59.52 voting age and up  
9 to 13.77 percent black voting age.

10 COMMISSIONER HALL: Thank you.

11 CHAIRMAN LYNN: Comments from Commissioner  
12 Huntwork.

13 COMMISSIONER HUNTWORK: Well,  
14 Mr. Chairman, I'm thinking on the one hand this does a  
15 lot of -- makes a lot of odd-shaped lines. On the other  
16 hand, it solves a lot of problems, too. And rather than  
17 take it off the table, I just think, again, we need to  
18 see everything before we begin to discuss things one at  
19 a time. So really in response to what Mr. Hall said, I  
20 guess, let's see the next plan. I'm not taking this one  
21 off the table. This does some interesting things.

22 CHAIRMAN LYNN: Ms. Leoni.

23 MS. LEONI: Thank you, Mr. Chairman.

24 Mr. Johnson, you called this the fix-all  
25 district; and what did you mean by that?

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1 MR. JOHNSON: The Department of Justice  
2 raised four problem areas involving five districts in  
3 its letter, and this addresses all four problem areas

4 getting them up either to the bench mark or, in the case  
5 of new District 14, up to the level at which 16 was  
6 precleared.

7 MS. LEONI: Okay. So the fix-all  
8 didn't -- I had misunderstood you. That doesn't  
9 indicate that this is intended be a fix for District 13  
10 they identified. You are combining 13 and 14 as a  
11 single problem.

12 MR. JOHNSON: Correct. The objection they  
13 spelled out in their letter is we had taken an existing  
14 district and divided it between 13 and 14. That's the  
15 objection to both of them, as I read it.

16 MS. LEONI: Thank you.

17 CHAIRMAN LYNN: Comments or questions from  
18 the Commission.

19 Mr. Elder.

20 COMMISSIONER ELDER: Mr. Chairman, thank  
21 you.

22 Mr. Johnson, I'm getting to feel not  
23 knowing what Phoenix looks like, for some reason, or the  
24 valley, because it looks like we have totally lost a  
25 kind of economics synergism, economics, agriculture,

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1 high urban. 14 is an example. 13 goes from retirement  
2 communities and goes across barriers and edges.

3 If we look at compactness, contiguity, any  
4 of those, it just seems like -- and maybe I need to ask  
5 a question of counsel.

6 Are we only to be looking at the Section  
7 Two and Five issues and none of the other things that  
8 we've been dealing with for the last nine months? Is  
9 that where we're supposed to be going?

10 COMMISSIONER HUNTWORK: Mr. Chairman.

11 CHAIRMAN LYNN: Let me give counsel a  
12 chance to respond if they wish to and then I'll take  
13 Mr. Huntwork.

14 MS. HAUSER: Mr. Chairman, Mr. Elder,  
15 obviously under Proposition 106 the voting rights  
16 compliance is an absolute. The other criteria are to be  
17 satisfied to the extent practicable. In looking at  
18 options, all of which satisfy on some level, or we think  
19 satisfy the DOJ objection, you can look at the other  
20 criteria, but your ultimate goal is to satisfy the  
21 objection. You can look at compactness. You can look  
22 at contiguity and those kind of things, but you must  
23 satisfy the objection.

24 COMMISSIONER ELDER: So it's a numbers  
25 issue and it has nothing to do with whether the person

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1 or the community at, say, the north end of 14 has even  
2 heard of communities and social structures and things  
3 that make it a cohesive unit in the southern part, in  
4 Tolleson. That doesn't make any difference. Is that  
5 what we're coming down to for objections to DOJ?

6 MS. HAUSER: If that, Mr. Chairman,

7 Commissioner Elder, if that is the only way to fix the  
8 DOJ objection, the answer to your question is yes. But  
9 you are looking at a number of alternatives. And you  
10 can evaluate all of them in terms of how they address  
11 the DOJ objection. And if they all -- if they all, in  
12 your opinion, address those objections, then you can  
13 supposedly make your decision based on how they also  
14 impact the other criteria and the public testimony that  
15 you received and all of the other factors.

16 CHAIRMAN LYNN: Mr. Huntwork.

17 COMMISSIONER HUNTWORK: I was actually  
18 wanting to maybe clarify that discussion or head it off  
19 at the pass, to a certain extent, because, Commissioner  
20 Elder, I think one of the reasons this solves problems  
21 is because it unites communities a little bit. It  
22 definitely sacrifices compactness, but I'm not, just  
23 from looking at it quickly, I'm not prepared to say that  
24 it does damage to communities of interest. It might do  
25 a better job. It's something we need to just take a

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1 deep breath, look at what options are, and look at in  
2 more detail. I'm not sure your premise was completely  
3 accurate in looking at this particular map.

4 CHAIRMAN LYNN: I wonder if it might not  
5 be more instructive before we start looking at what  
6 might be a disadvantage to any of them, should we look  
7 at it comparatively.

8 Ms. Minkoff.

9 COMMISSIONER MINKOFF: Comment or  
10 question: First of all, relative to the communities of  
11 interest represented in these districts, we've got a  
12 number of districts throughout the Phoenix area when you  
13 have to put 171,000 people in a district, there are  
14 going to be a lot of districts disparate. Paradise  
15 Valley is in a district that goes over to 119th Avenue,  
16 includes Sunnyslope, about as different as can be.  
17 District 12, new Estrella communities in it, and other  
18 areas of Glendale, two totally different. We've done  
19 that throughout Phoenix. I could point to almost every  
20 district we have and show you very, very few of them  
21 represent one community and most represent a multitude  
22 of them.

23 My question about this particular fix is  
24 one of the AURs that we tried very, very hard to be  
25 sensitive to, and we already compromised somewhat in

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1 terms of creating 16 the way that we did, is the  
2 historic District AUR. And it looks to me that by  
3 going, I guess you've gone up to McDowell on 15, that  
4 the historic district is just carved right down the  
5 middle between what you've called 13 and 15. And  
6 honestly, Doug, if you look at the earlier map, not to  
7 confuse, just what you call 13 in terms of what you call  
8 on the map and 13 and 14, so -- I can show you later on,  
9 but it's very confusing to me using those numbers, but

10 if you will, the yellow district and gray district, it  
11 looks to me like the historic neighborhoods are not  
12 together at all and are pretty much divided between  
13 those two districts; is that correct?

14 MR. JOHNSON: Definitely.

15 COMMISSIONER MINKOFF: Are some of them  
16 also in the brown district?

17 MR. JOHNSON: I think they generally stop  
18 just before the districts right here. But they are  
19 right there, at least three districts.

20 CHAIRMAN LYNN: Mr. Johnson, can we move  
21 without objection to other suggestions you have for the  
22 Central Phoenix area?

23 MR. JOHNSON: Sure. Let me do one quick  
24 map before this, the number of districts touched or  
25 changes in any way so 9 and 10 in this map are

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1 completely unchanged and all options are unchanged.

2 This is only one of three where District  
3 11 changes, also. Part of the reason for that is I can  
4 meet the objections without touching them and,  
5 obviously, those districts incorporated some of the  
6 decisions the Commission wanted to make before, so I  
7 attempted to keep them.

8 Let me bring up option 1A.

9 COMMISSIONER HALL: If memory serves me  
10 correctly 10, for example, is a competitive district; is  
11 that right?

12 MR. JOHNSON: Right. By AQD and other  
13 measurements, yes, a competitive district.

14 1A is one of two maps I drew to present to  
15 you that does not address the DOJ's concerns about  
16 District 15, leaves District 15 completely as adopted,  
17 and addresses the concerns of District 13 and 14.

18 Let me show you 15 here.

19 The two options I'm going to present now  
20 are two different ways to present the 13, 14 question.  
21 In this case, actually in both cases, the southern half  
22 of District 14 as adopted by the Commission stays  
23 essentially intact, the eastern border stays intact  
24 because 16, 15 is unchanged. 16 also stays exactly as  
25 adopted in both of these two options. District 14 in

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1 this option extends to the west, goes down into  
2 Tolleson, and picks up Tolleson and the north Avondale  
3 areas.

4 This gets it, actually, in this map and  
5 the following map that only address the 13, 14 question,  
6 back up to the bench mark of the current districts. The  
7 bench mark was 65 percent Hispanic voting age. And in  
8 this plan, District 14 ends up at 66-and-a-half percent  
9 Hispanic voting age.

10 Other changes that result, again, District  
11 13 rotates to the northeast and there are changes to  
12 District 12, although much smaller than in the previous

13 example.

14 In this case, Districts 9, 10, 11, 15, and  
15 16 are all unchanged in the adopted plan. In this case  
16 we do not address the concerns raised by DOJ in District  
17 15.

18 COMMISSIONER HALL: What percentage in 13?

19 MR. JOHNSON: In 13, it actually goes from  
20 51.19 as adopted down to 33.1, in this plan. District  
21 12 stays essentially the same, goes from 29 percent  
22 Hispanic voting age as adopted to 39.12 Hispanic voting  
23 age.

24 COMMISSIONER HALL: 13, 14 don't change.

25 MR. JOHNSON: Right.

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1 COMMISSIONER HALL: Taken Hispanic  
2 population from 13 to 14.

3 MR. JOHNSON: Yes.

4 COMMISSIONER HALL: So, I'm thinking out  
5 loud here, Doug, bear with me, with the two changes we  
6 previously discussed in Southern Arizona, with this one,  
7 that would be three total; is that right?

8 MR. JOHNSON: By my count, yes.

9 COMMISSIONER HALL: Of fixes.

10 MR. JOHNSON: I'd defer to the attorneys  
11 to give an official opinion. That's my count.

12 COMMISSIONER HALL: I welcome anyone to  
13 answer that question who feels so inspired.

14 MR. JOHNSON: Yes.

15 COMMISSIONER HALL: In previous, in the  
16 previous solution, proposed solution, we were going to  
17 have five total; is that right?

18 MR. JOHNSON: For problems they raised,  
19 all five districts.

20 COMMISSIONER HALL: Five districts would  
21 have been fixed, quote, unquote.

22 MR. JOHNSON: 13, percentages actually  
23 goes down, tend to see it as all four problems are  
24 addressed.

25 COMMISSIONER HALL: I see.

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1 COMMISSIONER HALL: Previous percentage  
2 was 59, here it's 65.

3 MR. JOHNSON: Yes.

4 CHAIRMAN LYNN: Other comments or  
5 questions on this particular suggestion before we  
6 move --

7 One more, is that correct, Mr. Johnson?

8 Any more questions, Ms. Minkoff?

9 COMMISSIONER MINKOFF: My only question,  
10 when discussing earlier the changes to 23, and there was  
11 one option that pulled 23 into the West Valley, does  
12 that impact this at all, decisions whether or not to do  
13 that?

14 CHAIRMAN LYNN: It is included.

15 COMMISSIONER MINKOFF: It is included.

16 MR. JOHNSON: The primary piece included  
17 in this, where it goes through Gila River. The only  
18 change, instruction, is this corner you can see right up  
19 here, the old District 7 extending up, this shows very  
20 well that that now goes into District 12; and the option  
21 is to go back into 23. But, essentially, it's the same  
22 in each.

23 CHAIRMAN LYNN: Other comments or  
24 questions on this option? If not, Mr. Johnson, if you  
25 go into the last option.

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1 As you are doing that, I should, again,  
2 mention that on order of the federal court, federal  
3 court ordered a Special Master to oversee the  
4 proceeding. He is Professor Cain. If you would  
5 identify yourself. If in keeping with the federal  
6 order, he is not to be approached by anyone. He is  
7 observing on behalf of the court. Unless he makes an  
8 attempt to ask a question, refrain contacting him. I  
9 hate say that that. I'm sure he's a perfectly nice guy.  
10 The Court ordered observation be at arm's-length.

11 Appreciate that.

12 Thank you, sir.

13 MR. JOHNSON: This description, to be very  
14 brief, is very similar to other options you've seen, the  
15 difference being, again, the southern half of adopted  
16 District 14 stays intact.

17 This time, instead of stretching down to  
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18 Tolleson, it stretches up into southeast Glendale. The  
19 tradeoff between these two, what I'm attempting to  
20 illustrate in both of these for you, is that Tolleson,  
21 Litchfield Park, we had testimony they wanted to stay  
22 together. This map achieves that. However, we also had  
23 testimony from the Coalition about the relationship of  
24 southeast Glendale to the rest of the Hispanic community  
25 in Phoenix being tied together. So this achieves both

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1 of those goals.

2                   The tradeoff is this is a sixth split of  
3 Glendale. So we had five in the adopted plan and six in  
4 this. I should note competing plans in the lawsuit had  
5 seven splits of Glendale. We've done our best to meet  
6 the cities' needs while meeting the other requirements.

7                   I'd also note District 13, the yellow one  
8 in this case, has a somewhat elongated shape. When I  
9 originally drew this test, it did not look like that.  
10 Glendale did ask if we did have to split it, it be a  
11 significant portion, or preferably a majority portion of  
12 a Legislative district. 13 stretches to the west. It's  
13 an attempt at a less-than-perfect solution for the city  
14 to meet one of their requests. That's part of reason  
15 for Glendale being shaped that way.

16                   When you go to Tolleson to avoid an  
17 additional split of Glendale, splitting Tolleson and  
18 Litchfield Park, that's the option laying in front of

19 you.

20 CHAIRMAN LYNN: And percentages achieved  
21 by this solution?

22 MR. JOHNSON: This solution, very similar  
23 to the previous one, 12, however, is higher. It goes up  
24 to 35.77 percent. 13 goes down relative to the other  
25 approach. It is at 29.8 percent. And 14 is essentially

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1 the same. It's 65.3 percent Hispanic voting age.

2 COMMISSIONER MINKOFF: Can you give me  
3 those numbers again?

4 MR. JOHNSON: 35.77 in District 12.  
5 District 13 is 29.82. And District 14 is 65.3.

6 I should note that these maps, I have done  
7 a lot of work on them and attempted to keep all our  
8 criteria in mind as we worked on this in addition to  
9 work with Maricopa County precincts. They are not  
10 finished; however, with additional instruction from you,  
11 and some additional time, I'd like to revisit them.  
12 Primarily I need to run city splits and county splits to  
13 make sure there are no inadvertent problems and do more  
14 work on precincts, major roads, all fine-tuning.

15 CHAIRMAN LYNN: Mr. Hall.

16 COMMISSIONER HALL: In option two, Doug,  
17 am I safe in assuming 9, 10, 11, and 15 and 16 are  
18 unaffected?

19 MR. JOHNSON: Correct.

20 CHAIRMAN LYNN: Ms. Minkoff.

21 COMMISSIONER MINKOFF: Yeah.  
22 Doug, there was some testimony from the  
23 West Valley cities, Buckeye, Goodyear, Avondale,  
24 Tolleson, Litchfield Park, they all wanted to be in the  
25 same district. In this change, have you put all of them

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1 except Avondale in the same district? Are they all now  
2 in District 12?

3 MR. JOHNSON: Yes. And actually a  
4 significant portion of Avondale is in there as well.

5 COMMISSIONER MINKOFF: Okay. Even though  
6 that was not a Justice Department concern, that's an  
7 added benefit of this plan in terms of some other things  
8 that we were asked to consider.

9 CHAIRMAN LYNN: Mr. Hall.

10 COMMISSIONER HALL: Is 16 the only  
11 district in which African Americans have an influence of  
12 significant proportion?

13 MR. JOHNSON: The information that I had  
14 was the racial block voting report from Dr. Handley.  
15 And she had cited where they did elect on fairly regular  
16 basis in that district, and that was the only one where  
17 that was a pattern.

18 CHAIRMAN LYNN: Other questions on this  
19 option?

20 What might be useful, at this point we're  
21 coming up on about an hour and a half of testimony. I

22 think we need to give Lisa Nance a it bit of a break.  
23 My suggestion would be that we take a short break. That  
24 at the conclusion of the break, we might want to hear  
25 from the public based on anything that they may have

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1 seen in this presentation and then return to our own  
2 deliberations and can questions on the options. If that  
3 makes sense, we'll, without objection, follow that  
4 procedure.

5 Mr. Elder.

6 COMMISSIONER ELDER: I don't know whether  
7 our plotting capabilities are available to us. Is there  
8 any way that we can see all three of, like, the Maricopa  
9 county plans side by side or -- I don't know if that is  
10 capable. During the break we can see that, this works  
11 here, over here it's a little awkward, and at least be  
12 able to discuss them in tandem?

13 MR. JOHNSON: Yes. I can bring them up on  
14 the screen side by side. We -- Tim Johnson from  
15 Maricopa County has just brought us a color printer. We  
16 haven't had a chance to print them for you yet. I can  
17 bring them up on the screen for you.

18 CHAIRMAN LYNN: Without objection, a  
19 10-minute break, then we'll resume public comment.

20 I might add, those that wish to comment  
21 and haven't filled out a public comment slip, I'd ask  
22 you to do so.

23 (Recess taken.)

24 CHAIRMAN LYNN: The Commission will come  
25 to order.

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1 At this point we'd like to invite public  
2 comment on suggested alternatives presented this  
3 afternoon.

4 I have two speaker slips. I'd like to ask  
5 anyone else that would like to speak to bring their  
6 speaker forward slip forward or give it to one of the  
7 staff.

8 The first speaker this afternoon is  
9 Representative Richard Miranda from District 22, current  
10 District 22.

11 Representative Miranda.

12 REPRESENTATIVE MIRANDA: Do I need to  
13 state my name?

14 CHAIRMAN LYNN: Go ahead.

15 REPRESENTATIVE MIRANDA: I'd like to keep  
16 this real brief.

17 I did like the two maps presented for  
18 Maricopa County, first two. If anything, I like the  
19 going attitude of keeping Avondale, Cashion, and  
20 swinging into West Phoenix. I think traditionally it is  
21 a community of interest and always has been. Tolleson,  
22 Cashion, and lower part of Avondale is heavily Hispanic,  
23 socially identifies with West Phoenix. I think that is  
24 a good start.

25

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The third map, which I think was 1C, is

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1 one I would not like to see that happen. That takes the  
2 communities of Tolleson and Cashion and puts it into, I  
3 believe, 12. I would not, not advocate or would not  
4 approve of that type of, you know, that direction.

5 So -- but I like the idea of keeping Tolleson, Cashion,  
6 and the part of Avondale and moving into West Phoenix.

7                   The other part that I did want to say is I  
8 know that Fowler School District is one of the feeder  
9 schools going into Tolleson High and has asked -- is in  
10 the midst of drafting a letter again stating they'd like  
11 to be in that area. It is a community of interest, and  
12 they've been going to that school and identifying with  
13 Tolleson. I do know, I've talked with some people, it's  
14 my understanding they've drafted a letter. I've got to  
15 tell them it has to be very, very soon so you can  
16 understand that.

17                   I know Isaac School District is drafting  
18 something up, and I'll call them and tell them that they  
19 need to do that very, very quickly. Whether they can do  
20 it tonight and present it, give it to you tomorrow, I  
21 don't know if that is going to happen.

22                   With that, basically the idea of keeping,  
23 like I state one more time, Cashion, Tolleson, Avondale,  
24 swinging into West Phoenix is a good direction. I  
25 haven't seen the Coalition. Next morning I have a

1 graduation to go to.

2 Those are my thoughts.

3 I'll talk to Fowler School District and  
4 Isaac School District and let them know they have to get  
5 something in tomorrow.

6 CHAIRMAN LYNN: Thank you. I know it was  
7 difficult for you to get here and stay here.

8 Can you stay?

9 COMMISSIONER ELDER: Representative  
10 Miranda, looking at Western Avenue as the breakdown,  
11 western edge, as a break point, are there any edges that  
12 separate, divide, or is it a pretty homogeneous --

13 REPRESENTATIVE MIRANDA: Avondale,  
14 Goodyear sort of go in and out. There are areas that  
15 are specifically Hispanic areas, one called Los Leagas,  
16 Lower Buckeye and 127th Avenue. That area has always  
17 been known as that, a heavily Hispanic area. The  
18 current maps keeps it in with 13. Those students, some  
19 students also go to school in Cashion, Littleton -- not  
20 Littleton -- Under Down Junior High, they go there, and  
21 from there go to Tolleson High.

22 I hope that answers the question.

23 COMMISSIONER ELDER: It does.

24 This is a growth area. I guess the  
25 question is more maybe an intellectual one. That

1 freeway was not there 10 years ago or even six years  
2 ago, maybe eight years ago, somewhere in that range. I  
3 wanted to know what happened when you took the community  
4 and put a freeway through it. Is it still a viable  
5 community, socialize together, work, the whole thing?

6 REPRESENTATIVE MIRANDA: My opinion, I  
7 think the lower, south of the freeway, is largely  
8 Hispanic. If you want to talk about the price of homes  
9 in that area, it is not as high, definitely not as high  
10 as the price of new housing developments north of the  
11 freeway. That's relatively a very new development area.  
12 Cold Water, some of the others, have golf courses,  
13 things like that. South of the freeway, they just  
14 barely built Los Leagas Park. It doesn't even have a  
15 bathroom facility. It's -- it's a largely Hispanic  
16 area.

17 You know, it has trouble, I'll tell you,  
18 identifying with the area north of the freeway.

19 COMMISSIONER ELDER: Thank you.

20 CHAIRMAN LYNN: Other questions, questions  
21 or comments for Representative Miranda?

22 REPRESENTATIVE MIRANDA: Thank you.

23 CHAIRMAN LYNN: The second, last speaker  
24 slip I have at this time, is from Jim Hartdegen.

25 MR. HARTDEGEN: Mr. Chairman,

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1 Commissioners, thank you very much.

2                   One thing I found out 11 years ago, life  
3 could always be better, but life could always be worse.  
4 Map 2A on a temporary basis, I guess, at this point, I'm  
5 fairly pleased with it. I think our friends from the  
6 west have done a good job. And, Mr. Elder, on your  
7 comment about the Avondale area, I'm very familiar with  
8 it, it used to be in my old Legislative district. I  
9 think I-10 is a good split. There's a world of  
10 difference between the north and south side of it, if  
11 that's the area you look at.

12                   There is, for your information, looking  
13 for straws to go back and tell people I'm working for  
14 why I feel the way I feel, we have a community of  
15 interest between Casa Grande and Avondale. Avondale has  
16 a Home Depot, we do too in Casa Grande now. We do have  
17 something of interest in common with each other. I  
18 think it's the same store, go to either store and not  
19 get lost. But for a temporary basis, I think this plan  
20 is good, is probably more than I could expect.

21                   Thank you.

22                   CHAIRMAN LYNN: Thank you, Mr. Hartdegen.

23                   Are there other members of the public that  
24 wish to be heard at this time? If not, we'll close  
25 public comment.

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1 I have one question for Mr. Johnson before  
2 we engage in a general discussion.

3 I just want to get this clear in my mind.  
4 The -- in terms of -- and let me try it without musical  
5 accompaniment at this time.

6 In terms of total -- I want to say this  
7 right -- majority-minority districts, our adopted maps  
8 contain how many total majority-minority districts?

9 MR. JOHNSON: I actually believe Ms. Leoni  
10 has that right in front of her. I'll defer to her.

11 CHAIRMAN LYNN: Ms. Leoni.

12 Ms. Hauser.

13 MS. HAUSER: Mr. Chairman, it's nine.

14 Nine total majority minority.

15 CHAIRMAN LYNN: Nine total. And the bench  
16 mark that would be applicable for DOJ review is how  
17 many?

18 MS. HAUSER: Eight.

19 CHAIRMAN LYNN: All right. Then it is my  
20 understanding, then, that the solutions that we would  
21 ultimately order should, at a minimum, maintain the  
22 eight. And maybe that's just my opinion, but it seems  
23 like that makes sense.

24 Mr. Hall?

25 MS. HAUSER: Mr. Chairman, let me clarify

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1 that. Based on not just the raw numbers, because based

2 on the raw numbers, the bench mark would appear to be  
3 10, but what DOJ has said is that there are eight  
4 districts under their analysis in which minority voters  
5 currently have the ability to elect candidates of their  
6 choice. So what we need are eight districts in which  
7 minority candidates have the opportunity to elect  
8 candidates of choice.

9 CHAIRMAN LYNN: All right. So the  
10 district, what they are talking about is eight districts  
11 that effectively offer that opportunity to minority  
12 voters.

13 MS. HAUSER: That's correct.

14 CHAIRMAN LYNN: Thank you.

15 Comments or questions from the Commission?

16 Mr. Huntwork.

17 COMMISSIONER HUNTWORK: I would like to  
18 draw a couple starting thoughts here now that we've seen  
19 everything, seen all of the options.

20 Firstly, the solution in Tucson didn't  
21 impress me very much because we were clearly trading  
22 from one basket to another. And even at the risk of, as  
23 Commissioner Minkoff pointed out, of debilitating one of  
24 the districts that it appears to me that DOJ had looked  
25 at with approval, if -- furthermore, any solutions down

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1 there would have to be fairly heroic. In one I was  
2 beginning to suggest bringing communities in Pinal  
3 County down and trading population in the Phoenix area,

4 and so on. So the -- it is, looks to me as if the  
5 so-called fix-all plan in Central Phoenix, plus  
6 suggested fixes to District 23, really make positive  
7 strides towards solving these problems without  
8 cannibalizing areas where we did a good job anywhere.

9           The fix-all plan -- one other thing about  
10 the so-called fix-all plan. Maybe we can come up with  
11 another name for it. There is an area in the central  
12 corridor of Central Phoenix that comes down to basically  
13 McDowell Road, Seventh Street on one side, 19th Street  
14 on the other. I'm very familiar with it. I happen to  
15 live in it. Really not demographically similar to the  
16 rest of the areas mixed with originally. This plan  
17 comes down, it's this yellow box to the right, and takes  
18 it out of District 15, moves it north where there's much  
19 more compatibility. And that really is why the  
20 demographics are better in all three remaining  
21 districts. It is kind of taking out that population, if  
22 you will, that didn't belong there, according to a  
23 community of interest analysis. It does break the  
24 historic districts into, into two pieces, but that also  
25 reserves, within that area, a very important segment of

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1 the so-called historic district area, including all of  
2 Encanto, all of Alvarado, a large area of homes from a  
3 similar area that move north through that central  
4 corridor. So it's not bad. And it certainly, this plus

5 23, I think, would begin to address the problems, get to  
6 the numbers that we need, without doing this shell game  
7 down in Tucson.

8 CHAIRMAN LYNN: Mr. Hall.

9 COMMISSIONER HALL: What is the total  
10 majority-minority percentage presently of 27?

11 MR. JOHNSON: In 27, as adopted by the  
12 Commission?

13 COMMISSIONER HALL: As adopted.

14 MR. JOHNSON: Voting age --

15 COMMISSIONER HALL: No, total  
16 majority-minority percentage.

17 MR. JOHNSON: 59.56.

18 COMMISSIONER HALL: 29?

19 MR. JOHNSON: 60.74.

20 COMMISSIONER HALL: 23.

21 MR. JOHNSON: 44.83.

22 COMMISSIONER HALL: 12?

23 MR. JOHNSON: 43.74.

24 COMMISSIONER HALL: 13?

25 MR. JOHNSON: 67.85 percent.

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1 COMMISSIONER HALL: 14?

2 MR. JOHNSON: 67.46.

3 COMMISSIONER HALL: 15?

4 MR. JOHNSON: 62.75.

5 COMMISSIONER HALL: 16?

6 MR. JOHNSON: 81.63.

7 COMMISSIONER HALL: So here's my  
8 questions, and -- with respect to Mr. Lynn's comment  
9 relative to -- which I think is very important that we  
10 keep our eye on the ball as in reference to the DOJ  
11 letter, that retrogression is evaluated on a statewide  
12 basis, so -- they have a problem with 29, correct?

13 MS. HAUSER: Correct.

14 COMMISSIONER HALL: But the total majority  
15 minority percentage in 29 is over 69 percent with a VAP  
16 Hispanic percentage of 45 percent. But yet, that, what  
17 the proposed alternative Mr. Huntwork just alluded to,  
18 you know, we're talking about 59 percent. So it -- are  
19 they looking at Hispanic numbers or total  
20 majority-minority numbers? See --

21 MS. HAUSER: Mr. Chairman, Commissioner  
22 Hall, they are looking at Hispanic VAP.

23 COMMISSIONER HALL: So in 29, it's 45  
24 percent, which is certainly well below a high 50 number  
25 which appears to be what they like, and 27 is 43. So

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1 with respect to Mr. Huntwork and Ms. Minkoff's concern  
2 of utilizing Hispanic voters in 27 to strengthen 29, 27  
3 is, from a Hispanic standpoint, well below, from that  
4 standpoint, isn't it?

5 MS. HAUSER: Mr. Chairman, let me clarify  
6 something. 27 is not a district being objected to.  
7 It's also not a district DOJ is counting to be one the

8 Hispanics to have an effective opportunity to elect. If  
9 you look at the letter on page -- on page two, in the  
10 last paragraph on that page, it -- about the middle of  
11 the paragraph, there's a line where you see -- a line  
12 that says Districts 5, 7, 8, 10, 11, 12, and 23.

13 COMMISSIONER HALL: Correct.

14 MS. HAUSER: And 3 is listed a couple  
15 lines above, a Native American District.

16 COMMISSIONER HALL: Eight total.

17 MS. HAUSER: Those are the eight  
18 districts.

19 COMMISSIONER HALL: Right.

20 MS. HAUSER: DOJ has determined, if you  
21 look down another few lines, in these eight districts  
22 our analysis indicates minority voters in these  
23 districts have the ability to elect their candidates of  
24 choice.

25 COMMISSIONER HUNTWORK: Those are old

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1 district numbers.

2 MS. HAUSER: Correct.

3 COMMISSIONER HUNTWORK: Old district  
4 numbers, not new district numbers.

5 MS. HAUSER: I understand.

6 COMMISSIONER HUNTWORK: She's talking to  
7 elect 13 to 16, 25 to 25, 27 through 29, of these, 13,  
8 15, 23, and 29 are questionable, means 27 is one of  
9 them, not questionable.

10 MS. HAUSER: Exactly.

11 COMMISSIONER HUNTWORK: So they are  
12 counting 27.

13 MS. HAUSER: You have to look. It's --  
14 it's difficult because our districts don't translate  
15 smoothly from old to new. If you look at where District  
16 27 -- District 10 is the one that aligns most closely  
17 with District 29. So --

18 COMMISSIONER HUNTWORK: That may be why  
19 they are objecting to 29. But it doesn't change the  
20 fact that 27 is one of the five that we start with in  
21 the new list toward the eight that we have to achieve.  
22 To be specific, what we have approval for is to 16 --

23 MS. HAUSER: 24, 25, and 27.

24 COMMISSIONER HUNTWORK: 24, 25, and 27.  
25 And we can't screw up 27.

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1 COMMISSIONER HALL: Can I -- I don't have  
2 the pinky on this.

3 COMMISSIONER HUNTWORK: I want to make  
4 sure we're on the corner on this.

5 COMMISSIONER HALL: What is confusing on  
6 this, maybe you can help me understand, if you step in  
7 DOJ's mind, I concur with that analysis, why, then, are  
8 they saying that when the voting age population for  
9 Hispanics in 27 is 43 percent? Because, and if I may  
10 speculate, I welcome -- is it because the total

11 majority-minority percentage is 59.56? Or --

12 Marguerite, tell me if I'm asking the  
13 wrong questions.

14 MS. LEONI: Commissioner Hall, could you  
15 repeat the question?

16 COMMISSIONER HALL: What I'm trying to  
17 understand with respect to Mr. Huntwork's concern, of  
18 harming 27 in fixing 29, which I think may well be a  
19 legitimate concern, I'm just trying to understand it,  
20 they, then, as I read the letter, 27 is good for -- in  
21 which minority voters will be able to elect candidates  
22 of their choice, they are not saying Hispanic voters,  
23 just saying any minority voter, total minority-majority  
24 voter is 59.56 even though Hispanic VAP population is  
25 only 43 percent.

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1 MS. LEONI: Commissioner Hall, it's a  
2 unique district which includes the Tohono O'odham  
3 Reservation which in the past has elected Hispanics and  
4 Native Americans.

5 COMMISSIONER HALL: Racial block voting  
6 there.

7 MS. HAUSER: Cohesiveness.

8 MS. LEONI: No.

9 COMMISSIONER HALL: Not --

10 MS. LEONI: Frequency of different  
11 coalitions of cohesiveness of voters in that district.

12 I don't think you can take that one and

13 say that is what DOJ is looking for.

14 COMMISSIONER HALL: Right. I understand.

15 MS. LEONI: As we configured that  
16 district, that district is acceptable. There are  
17 different configurations in different parts of the state  
18 depending on voting patterns.

19 COMMISSIONER HALL: You concur that  
20 pursuant to instructions to Mr. Johnson last night that  
21 we would want to not harm 27?

22 MS. LEONI: I would concur with that.

23 COMMISSIONER HALL: Thank you.

24 CHAIRMAN LYNN: Ms. Minkoff.

25 COMMISSIONER MINKOFF: I have a question,

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1 really, about --

2 CHAIRMAN LYNN: Microphone.

3 COMMISSIONER MINKOFF: Which I'm trying to  
4 understand.

5 Existing District 7 is probably close to  
6 our District 23. That is one of the districts we're  
7 wrestling with. There's probably a closer correlation  
8 there than any of the other districts we're dealing  
9 with. They maintain that, on page two, where they list  
10 all of those districts, the seven districts, including  
11 District 7, where Hispanic persons are a majority and  
12 five districts, voting age population majority, and yet  
13 later on they say that District 7, in only 30 some

14 percent, 30 point --

15 COMMISSIONER HALL: Don't list 7 as one of  
16 the five.

17 COMMISSIONER MINKOFF: -- Hi spani cs.  
18 Explain to me, is there a mistake here?

19 COMMISSIONER HALL: Don't list 7 as one of  
20 the five.

21 CHAIRMAN LYNN: Ms. Hauser.

22 COMMISSIONER MINKOFF: Not 7, now 23.

23 CHAIRMAN LYNN: Ms. Hauser.

24 MS. HAUSER: Mr. Chairman, Ms. Minkoff,  
25 the situation with District 7 is also unique. And given

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1 the consistent ability to elect in District 7, it is  
2 nonetheless counted as effective for Hi spani cs even  
3 though it is in the 30 percent range.

4 COMMISSIONER MINKOFF: I understand that.  
5 That was the way I understood it. But looking at the  
6 letter they sent us, they say Hi spani c persons are a  
7 majority.

8 COMMISSIONER HALL: Of 7.

9 COMMISSIONER HUNTWORK: They do. Doesn't  
10 say voting age. Not voting age majority.

11 MS. HAUSER: Of the majority.

12 (Reporter interrupts and requests speakers  
13 limit comments to be given one at a time.)

14 CHAIRMAN LYNN: I think that probably is  
15 useful more than just for Lisa's purposes. Let's try

16 one at a time. Ask questions and/or make comments. And  
17 let's try to direct those questions to individuals so we  
18 get answers.

19 Ms. Hauser.

20 MS. HAUSER: Mr. Chairman, it's a mistake  
21 in the letter. Hispanics are not a majority. They are  
22 in a majority district. There is no Hispanic majority  
23 in District 7. They're making a broader point, at that  
24 the spot in the letter.

25 COMMISSIONER MINKOFF: Is District 7,

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1 current District 7, a majority-minority district?

2 MS. HAUSER: Yes.

3 COMMISSIONER MINKOFF: 30 percent  
4 Hispanics, a large enough proportion of Native  
5 Americans, et cetera, total population in the district,  
6 voting age, above 50 percent or total population?

7 MS. HAUSER: Just total population. Not  
8 even VAP. But it's a very effective district,  
9 nonetheless.

10 COMMISSIONER MINKOFF: That I know.

11 CHAIRMAN LYNN: Mr. Hall.

12 COMMISSIONER HALL: So we need to fix  
13 three, or rehabilitate three, or whatever the  
14 appropriate word, is that right? And so --

15 MS. HAUSER: At minimum.

16 COMMISSIONER HALL: I'm thinking out loud.

17 If we have to harm 27 to fix 29, and if we don't fix 29,  
18 then we fix -- and if we fix 23, then we have to fix two  
19 in Maricopa, is that right?

20 MS. HAUSER: That was a little --

21 COMMISSIONER HUNTWORK: 27 and 29 offset  
22 one another.

23 COMMISSIONER HALL: Don't fix 29 because  
24 we harm 27, fix 23, we fix one. Has to be at least two  
25 fixed in Maricopa, correct?

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1 MS. HAUSER: That's correct.

2 COMMISSIONER HALL: And, Mr. Johnson, your  
3 last option, if I'm -- only fix one. The last two only  
4 fixed one in Maricopa, correct?

5 MR. JOHNSON: Right.

6 COMMISSIONER HUNTWORK: One plan with two  
7 in Maricopa.

8 COMMISSIONER HALL: Fixes all three in  
9 theory. If 59 is good enough, Hispanic VAP.

10 COMMISSIONER HUNTWORK: Yeah.

11 COMMISSIONER HALL: Either due two or  
12 three, last two only doing one. If we don't want to  
13 harm 27, that is off the table.

14 COMMISSIONER HUNTWORK: Uh-huh.

15 CHAIRMAN LYNN: Let's see if we get  
16 everybody to understand that. And let me try.

17 Dan, I'll get you in in just a second.

18 COMMISSIONER ELDER: One quickie. I want

19 to know what you mean by "harm 27." If the numbers  
20 shift or translate, or don't want to go in there, have  
21 DOJ redo them at 27, or try to keep it whole?

22 COMMISSIONER HALL: Right.

23 COMMISSIONER ELDER: Or if the percentages  
24 stay the same.

25 COMMISSIONER HALL: They don't. You have

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1 to take Hispanic percentages from 27 to fix 29. It's  
2 rob Peter to pay Paul.

3 CHAIRMAN LYNN: Let's be clear about what  
4 Mr. Hall just said. Assuming for the moment that of the  
5 alternatives offered we not consider a fix to District  
6 29, just assuming for the moment, and the reason would  
7 be ostensibly because of damage to 27 because of the  
8 overall review, and we accept the alternative for  
9 District 23, then our obligation is to fix at least two  
10 districts in Maricopa County. And of the alternatives  
11 offered, only one of those alternatives for Maricopa  
12 County fixes at least two districts in Maricopa. It in  
13 fact fixes all three. Did I state that correctly?

14 COMMISSIONER HALL: With the assumption  
15 that the percentage of the fix is acceptable.

16 CHAIRMAN LYNN: Is acceptable. Exactly.

17 Now, if I remember correctly, I'd take a  
18 head nod from any member of the Coalition here, correct  
19 me if I'm wrong, I believe in last night's testimony you

20 were looking to achieve a percentage in districts in  
21 Maricopa of 57 percent, minimum. Is that accurate? I  
22 believe I heard that last evening. I want to be clear  
23 about that.

24 MR. KIZER: We're conferring in our  
25 answer.

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1 CHAIRMAN LYNN: Absolutely. This is not  
2 any kind -- I want to be sure what I heard. My  
3 recollection is that. I want to confirm that.

4 COMMISSIONER HUNTWORK: I just wanted to  
5 clarify total population or voting age population.

6 COMMISSIONER HALL: Hispanic VAP.

7 CHAIRMAN LYNN: That was a question  
8 relative to Hispanic voting age population.

9 Mr. Gallardo?

10 MR. GALLARDO: With respect to District  
11 14, we did look, in trying to fix the Maricopa County  
12 particular district, we were shooting at a minimum of 57  
13 percent. On the other two districts that I believe you,  
14 too, are, the Commission is referring to, we'd like to  
15 keep those changes as minimal as possible.

16 CHAIRMAN LYNN: Minimal changes to 13, 14,  
17 15, 57 percent.

18 MR. GALLARDO: 57 percent in order to make  
19 that a stronger minority-majority district.

20 COMMISSIONER HALL: Mr. Gallardo, while  
21 you are up there and I have you on the spot, would you

22 be willing to comment on the discussion that just  
23 occurred relative to districts 27 and 29?

24 MR. GALLARDO: You know, I'm not too  
25 familiar with the southern part of Arizona.

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1 Are you able to comment?

2 No. We would have to refer it back to  
3 other members of the Coalition.

4 COMMISSIONER HALL: But as a matter of  
5 logic, would --

6 MR. RIVERA: We'll take judicial notice of  
7 that.

8 MR. KIZER: Mr. Chairman, Commissioner  
9 Hall, Aaron Kizer speaking on behalf of the Coalition.

10 You know, there is logic to what you say  
11 about robbing from Peter to pay Paul in terms of taking  
12 minorities out of 27 to beef up 29. And really the  
13 impact of that really didn't dawn on me today until this  
14 meeting, until we had this discussion.

15 We were, as I said yesterday, looking to  
16 move west into 27. But that may -- you are right, that  
17 may just create another problem.

18 You know, just to give you an idea where  
19 the Coalition is at, we are drafting maps even now. I  
20 called her at the office, they're doing that now. We're  
21 trying to download your three maps to see if we can  
22 start looking at those. Obviously we can't comment on

23 them until we see the demographics. Just looking at the  
24 maps doesn't tell us anything.

25 In terms -- we're meeting at 7:30 in the

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1 morning. That's probably the first time as a Coalition  
2 we'll really as a group be able to start looking at the  
3 maps and make sense as a consensus out of them. I  
4 indicated to Chairman Lynn I'll be here with our maps  
5 and your map.

6 I think the analysis of your map, if we  
7 start at 7:30, will take longer than that. We're  
8 looking at late morning before we can get back to you.

9 One of the things in talking to Jose is  
10 we're looking at an interim plan, one possibility, just  
11 for the 2002 election, not the final map to be  
12 precleared with Justice subject to litigation in January  
13 with our trial, we may want to agree to some -- take an  
14 approach -- a minimalistic approach, make minimal  
15 changes. I believe if we go together to court in good  
16 faith, subject to the Special Master's review of what we  
17 agreed to, I think with minimal good faith changes, we  
18 might be able get our map you adopted by the court, may  
19 not have to do radical changes, deep cuts. It may be  
20 able to be something we can work out tomorrow.

21 COMMISSIONER HALL: So, just to follow up  
22 on that comment, because I personally, speaking as one  
23 person, I think that that certainly is a limited  
24 solution. The fact of the matter is we have to by mid

25 afternoon tomorrow be pulling things together to be

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1 ready by 9:00 a.m. Thursday morning. That's why I'm  
2 trying to move things along to put a scope around when  
3 and where. If there is a fix to 23, and my opinion on the  
4 fix to 23 seems to be amenable, and if we don't touch 29  
5 in effort not touch 27, and at a minimum two districts  
6 in Maricopa County, and we have to give Mr. Johnson  
7 direction on that tonight. He either has three or one.  
8 So I understand the time lines and crunches you guys are  
9 under. We welcome it --

10 MR. KIZER: A2, that, I welcome that. My  
11 comment was look to 15 as a primary source for Hispanic  
12 voters, minority voters to move into 14 or 13. So that  
13 may be where we were looking to get. Because, again,  
14 the problem is with 16, the same problem with tapping  
15 into 27, a district here precleared, already below bench  
16 mark. If you drop it more, there may be problems with  
17 Justice. But the good news is, that's why talked about  
18 a possible two percent drop at 16, since this is an  
19 interim map, it won't have to go back to Justice, if I  
20 understand the law, and again my discussion with Jose.

21 Let's say, for example, you lowered 16 two  
22 percent voting age population, put that into 13, 14,  
23 took some out Hispanics out of 13 or 14, a double swap,  
24 could maybe beef up districts with minimal impact to  
25 adjacent districts and one who drops the most might be

1 15, but might get us there. So that's some of the  
2 minimalistic approach I'm suggesting might take care of  
3 raising two other districts besides 23, get us over the  
4 hump. We might be able to go into court together.

5 COMMISSIONER HALL: But do we want to run  
6 the risk of a possible objection from the African  
7 American community.

8 MR. KIZER: That's why 16 --

9 CHAIRMAN LYNN: Drop two percent?

10 MR. KIZER: African Americans would love a  
11 drop of two percent.

12 CHAIRMAN LYNN: To that point, Mr. Kizer,  
13 the hope would be that we would arrive at some of the  
14 same conclusions about some of the same problems. And  
15 we've already begun that discussion.

16 If you would be so kind as to take back to  
17 the Coalition the kind of discussions we're having  
18 today, to help that factor into the discussions that the  
19 Minority Coalition is having about its own mapping, and  
20 we will do the same with whatever information you  
21 provide to us from that discussion, it seems as though  
22 the way you describe moving population among districts  
23 13, 14, and 15, and perhaps 16, to some extent, that's  
24 one stream of logic. And the other stream of logic is  
25 the solution that was presented earlier today that

1 addresses all of the Phoenix districts simultaneously,  
2 that between those two streams of logic there may be a  
3 solution that would satisfy both of our interests in  
4 terms of returning to the court with something that is  
5 mutually agreeable.

6 MR. KIZER: Yes, Mr. Chairman.

7 The concern I saw when I saw your -- was  
8 that the --

9 COMMISSIONER HALL: Doug, do you mind  
10 pulling that up, again, please.

11 MR. KIZER: Was that the fix-all?

12 The changes were so dramatic, for us it  
13 just brings in -- we have to bring in so many more  
14 Coalition members into the picture, for example,  
15 Tolleson -- well -- yeah, see -- it is just such a  
16 reorientation that it would require a lot of study on  
17 our part to even give you a meaningful review of it.  
18 And one actually, it isn't the one that struck me the  
19 most. One took Tolleson to 12. I know the Mayor of  
20 Tolleson is a Coalition member. I know someone said,  
21 maybe Doug said, Tolleson has a special interest on the  
22 west side. As I remember, Tolleson wanted to be on the  
23 west side congressionally, Legislatively with Phoenix.  
24 See, changes like that, have to go see who's affected,  
25 things like that. That's why I say these changes

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1 possibly might be a way to go for an interim plan.

2                   The best I can tell you is that, you know,  
3 late morning tomorrow we may have comments for you. I  
4 apologize for the delay. What I'm told is we're pretty  
5 much finalized on our map but we didn't want to bring it  
6 down yet, we're still working on it; plus we wanted to  
7 see yours and see if we could adjust ours overnight and  
8 see if we could come closer rather than further on ours.  
9 That's where we are.

10                   MR. RIVERA: Mr. Chairman.

11                   CHAIRMAN LYNN: Mr. Rivera.

12                   MR. RIVERA: The only problem I see from a  
13 legal viewpoint, we're under certain orders by the court  
14 that we're supposed to exchange these by 9:00 o'clock  
15 Thursday morning. I guess is the Coalition really  
16 willing to waive the 9:00 o'clock Thursday morning  
17 deadline. To exchange maps, on our side, until you say  
18 you have your map all ready, move back to Thursday noon  
19 to be able to accommodate you.

20                   MR. KIZER: Sure.

21                   MR. RIVERA: You say come in at noon,  
22 won't have anything ready until evening; can't meet the  
23 9:00 o'clock schedule.

24                   MR. KIZER: We can move back the 9:00 a.m.  
25 schedule. It's so we have time to prepare for the

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1 court. Move back --

2 Jose, we already agreed to move back the  
3 hearing date from Tuesday to Wednesday, another 24  
4 hours. We might push back that.

5 MR. RIVERA: The only request I have, I'd  
6 request if you do that, your side get court approval so  
7 we do that.

8 MR. KIZER: Which part of that?

9 MR. RIVERA: The part to move to noon  
10 Thursday. Although we stipulate, the court might not be  
11 able to. So I ask somebody do that. Since we're up  
12 here, I'd ask the Coalition get some kind of motion to  
13 the court or response to the court asking us to be able  
14 to exchange those Exhibits and pleadings we had do on  
15 Thursday morning to noon Thursday and both look at each  
16 other's maps.

17 MR. KIZER: We'll take that  
18 responsibility.

19 CHAIRMAN LYNN: Ms. Leoni wanted get in.  
20 Mr. Hall is not finished.

21 Ms. Leoni, go ahead.

22 MS. LEONI: Mr. Kizer, if I understand the  
23 Coalition's experimentation right now, you'd look at a  
24 fix that involves 14, 16, and 15?

25 MR. KIZER: 13, 14, 15, and 16.

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1 MS. LEONI: Which to do you increase in  
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2 percentages?

3 MR. KIZER: 13 and 14.

4 MS. LEONI: Can you give just ballpark,  
5 you are looking -- I guess 57, 15, 14; what are you  
6 looking at for 13?

7 MR. KIZER: I've not seen our map. I've  
8 been down here while it's being drafted. I don't know  
9 our numbers. I don't actually know the numbers in 14 or  
10 13 at this stage.

11 CHAIRMAN LYNN: Mr. Hall.

12 COMMISSIONER HALL: Well, we didn't pick  
13 59 out of a hat. We just -- for example, 27, total  
14 majority minority-majority was 59.6. We felt in more  
15 than one case DOJ had approved that number as -- I think  
16 16 is also 59 Hispanic VAP, is it not?

17 CHAIRMAN LYNN: 59.45.

18 COMMISSIONER HALL: That's correct. We  
19 wanted to be -- presumably the Court will look at it the  
20 same way. I guess my question is for whomever wants to  
21 answer, if we were to utilize a 57 number, what  
22 assurance is there that is something the court would  
23 approve on interim basis?

24 MR. KIZER: My own feeling is that -- most  
25 of the adverse parties in the lawsuit are out now due to

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1 the DOJ ruling. Navajos dismissed, Hopi s dismissed,  
2 several other plaintiffs are out now. So the real issue

3 is if the Coalition and the IRC can narrow their  
4 differences, either agreeing on one map or having two  
5 maps but where the differences are substantially  
6 reduced, it then makes it much easier for court to reach  
7 a decision. Obviously if we come in with a stipulated  
8 map, chances are whether they'll approve it, I think the  
9 real question, we know the court can not approve it if  
10 it falls below the bench mark set by Justice. Whether  
11 the court will be real gung ho about that issue on an  
12 interim map remains to be seen because once we get past  
13 2002 elections, whatever you do on a permanent basis has  
14 to go back be and be precleared. That's where the test  
15 will be. They may look at the task as having -- you  
16 really have two tasks now, one, to get an interim map  
17 for the 2004 elections under severe pressure from the  
18 County Recorders to do precincts balloting, and they may  
19 have a different standard of review than one of a  
20 permanent fix that may have more significant differences  
21 for the IRC than what a permanent fix would.

22 COMMISSIONER HALL: You are saying you  
23 are willing to stipulate on behalf of your clients that  
24 13 through 15, 57 percent is sufficient for Hispanic  
25 voting age population?

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1 MR. KIZER: No, I can't make that  
2 stipulation now. I don't know what our direction was  
3 today on our map, because I haven't seen it. All I can  
4 tell you is tomorrow will be -- I'll be prepared to

5 answer both, comment on your three options, which your  
6 three options not finalized, either. Doug will make  
7 changes, too.

8 We probably won't start looking until  
9 morning. Doug has to put them on the website and the  
10 demographics. Once you do that, we can look at your  
11 map, look at our changes in light of your changes, see  
12 if we can agree on those mutually and get back to you  
13 and say: Here's where we are.

14 COMMISSIONER HALL: We're trying to give  
15 Doug specific direction on that.

16 In light of that, it's my opinion,  
17 Mr. Chairman, we probably move on the 59 number, we  
18 don't have any indication for anything else, that that  
19 would be indicated.

20 CHAIRMAN LYNN: Well, let's see where we  
21 go with that.

22 Ms. Minkoff, you had questions as well.

23 According to DOJ, there are five districts  
24 in play, as it were, and we have to fix at least three  
25 of them, 13, 14, 15, 23, 29. I'm hearing a lot of

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1 concern for a fix of 29.

2 Mr. Kizer, I presume you are sharing  
3 concerns you are hearing from us, that fixing 29 might  
4 imperil 27. That doesn't seem like the best solution  
5 for the statewide goal we're trying to achieve. I'm

6 hearing a sense of support for the fix of 23, not  
7 specifics, necessarily, but at least the approach to the  
8 fix for 23. If, in fact, we decide that 29 is not a  
9 workable fix, and 23 is a workable fix, then we're left  
10 with the need to fix two of the three Phoenix districts,  
11 13, 14, and 15. And looking at the proposals that Doug  
12 gave us, alternatives two and three did nothing for  
13 District 15. It stayed the same, right, Doug?

14 MR. JOHNSON: Actually, can I clarify one  
15 thing?

16 COMMISSIONER MINKOFF: Yeah.

17 MR. JOHNSON: One thing I will agree on, I  
18 know it's not, may not be characterizing this right,  
19 when I was doing these changes and options, what I was  
20 looking at is specific objections of Department of  
21 Justice, which said fix 13, 14, fix 15. I think what  
22 the Coalition has done is used another clause in the  
23 letter where they said you can pick, as we've looked at  
24 it, fix three of four or make another one effective. I  
25 think what the Coalition has done, I may characterize

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1 this wrong, have characterized it wrong, they're fixing  
2 14 and 13. It's a little different twist on the  
3 approach, it sounds like.

4 COMMISSIONER MINKOFF: But one you did.  
5 Alternative two and alternative three did not fix 15.

6 MR. JOHNSON: Right.

7 COMMISSIONER MINKOFF: Both of those,

8 looking at numbers you gave us, you did fix the district  
9 you numbered as 14. It goes up to around 65 percent in  
10 both of those plans. However, District 13 drops down to  
11 33 and 29 percent. So both of those alternatives have  
12 really only fixed one district. Seems to me, unless  
13 we're willing to go into Tucson, those alternatives are  
14 no longer viable.

15                   Basically what we're left with is the fix  
16 all, which is not a fix-all, drops 13 to 25 percent  
17 Hispanic population, fixes 13, 14, alternative 1 or some  
18 variation of that, or something along the same lines the  
19 Coalition may bring to us.

20                   It seems to me we have to fix two  
21 districts in Maricopa County, and neither alternative  
22 two or three do that. And so it seems to make sense to  
23 focus our attention on alternative 1, on something the  
24 Coalition may bring us, or on some merging of those  
25 options. But we basically are in a situation we have to

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1 fix two districts in Maricopa County and the last two  
2 alternatives didn't do it for us. Is that correct?

3                   MR. JOHNSON: Yes. If the determination  
4 is we have to fix two in Maricopa, right. Of the three  
5 options I presented, 1 does it.

6                   Thankfully, the joy of the public process,  
7 you get ideas. The Coalition's idea could be a good  
8 option.

9 COMMISSIONER ELDER: Could you flip to  
10 number 1.

11 CHAIRMAN LYNN: Mr. Huntwork has an idea.  
12 Mr. Kizer, thank you for your indulgence  
13 in taking questions. I think we should note you are in  
14 an unofficial official position in the sense you've been  
15 here with us. I know you haven't had the opportunity to  
16 speak with your colleagues with the Coalition. We  
17 understand that. We're not doing this for any purpose  
18 other than to get information to be moving down the same  
19 road as best we can. I appreciate your indulgence if  
20 you wouldn't mind indulging Mr. Huntwork with a  
21 question.

22 COMMISSIONER HUNTWORK: No.

23 CHAIRMAN LYNN: Let me ask if there are  
24 any other comments from Mr. Kizer or comments for him.

25 MR. KIZER: I would like to add one thing.

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1 To my knowledge, all of our maps have been dealing with  
2 29. I don't recall any of us focusing on the issue of  
3 the impact on 27, which I think is a legitimate concern  
4 I have to take back.

5 During the break I did brief the other  
6 attorneys and some of our Coalition members as to what  
7 took place so far. I've given them some briefing.  
8 That's where I got the briefing of where we're at on the  
9 maps and the time frame I can get back to you.

10 CHAIRMAN LYNN: As Mr. Johnson indicated,  
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11 the more we discuss things, the more comes to light, and  
12 it's helpful to both parties. You have things you're  
13 doing in Maricopa County you may want to pursue in terms  
14 of identifying other districts that may satisfy the  
15 objections. We've raised an issue with District 29 that  
16 may be useful in your discussions as well.

17 Other comments or questions for Mr. Kizer?

18 I don't want keep you there any longer  
19 than you need to be.

20 We appreciate your willingness to answer  
21 those questions. Thank you, Mr. Kizer, very much.

22 Mr. Huntwork.

23 COMMISSIONER HUNTWORK: I just want to  
24 make an observation about the appearance of this map and  
25 why it does what it does. I think it might shed some

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1 light and provide some direction.

2 COMMISSIONER HALL: Before you do, can we  
3 get an official name for this map? What is it?

4 CHAIRMAN LYNN: What test number?

5 MR. JOHNSON: 2A or DOJ 2A.

6 COMMISSIONER HUNTWORK: Map 2A. The  
7 problem with 1 is that our District 13 had some fairly  
8 substantial nonminority areas in it. There's a lot  
9 of -- it goes quite far north and, of course, with some  
10 exception, the boundary lines relatively east-west; so  
11 as you go further north, you get more anglo and less

12 Hispanic, generally speaking. What this map does is  
13 take those anglo areas of 13 and combine them with that  
14 area in 15 which also had relatively low minority  
15 population, which then concentrates the minority  
16 population in those remaining three districts. That's  
17 how it fixes, if you will, those remaining three  
18 districts. That configuration there, of 13, as a  
19 nonminority district, is what beefs up the other  
20 districts. To try to make 13 into a minority district  
21 is much more difficult than to combine a min -- areas of  
22 13 with minority areas of 14 and then, then fix the  
23 other districts.

24 I just wanted to try to -- I don't know if  
25 that helps or not, but it certainly helps my

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1 understanding of why this works and some of the other  
2 things don't.

3 CHAIRMAN LYNN: Mr. Hall.

4 COMMISSIONER HALL: Thank you,  
5 Mr. Chairman.

6 MR. RIVERA: A Dallas revolt.

7 CHAIRMAN LYNN: Mr. Hall.

8 Ms. Minkoff is here if you need  
9 assistance.

10 COMMISSIONER HALL: I concur with that.  
11 I'm just trying to get a tally.

12 So just for the sake of discussion, Doug,  
13 if we took the 23, the proposed amendments to 23,

14 without the proposed amendments to 29, and added these  
15 proposed amendments, what would be our total tally of  
16 majority-minority districts?

17 MR. JOHNSON: I believe that would give us  
18 eight. Give me one moment. I can pull it up.

19 COMMISSIONER MINKOFF: This scenario?

20 COMMISSIONER HALL: Give us eight, if we  
21 go down?

22 MR. JOHNSON: Oh. You are not doing -- if  
23 not doing the Tucson change?

24 COMMISSIONER ELDER: Uh-huh.

25 MR. JOHNSON: Should give us nine. Let me

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1 confirm that.

2 Let me ask counsel, talking  
3 majority-minority districts or majority-minority voting  
4 age.

5 COMMISSIONER HUNTWORK: That is your  
6 question, isn't it?

7 COMMISSIONER HALL: Both.

8 MR. JOHNSON: Okay. If looking at the  
9 screen, the way I count total minority, where  
10 non-Hispanic whites not 50 percent, total population,  
11 we'd end up with eight. But note that 23 is not among  
12 those, and DOJ is saying 23 is effective. For voting  
13 age, I believe we end up with five. But again, 23 is  
14 not among them.

15 COMMISSIONER HALL: Right.

16 MR. JOHNSON: I'm sorry, those were the  
17 numbers with the Tucson fix. So we'd end up with one  
18 more than that. So we have six voting age.

19 COMMISSIONER HALL: Is it nine and six or  
20 eight and six?

21 MR. JOHNSON: Eight and six. 27 -- even  
22 with the fix, 27 remains majority minority, however not  
23 majority minority voting age.

24 COMMISSIONER HALL: But effective pursuant  
25 to DOJ's analysis.

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1 MR. JOHNSON: For effective definition, I  
2 have to turn to counsel.

3 COMMISSIONER HALL: I'm just, based on the  
4 letter.

5 CHAIRMAN LYNN: The letter left it  
6 untouched so assume effective.

7 Did you get an answer, Mr. Hall?

8 Other questions or comments from the  
9 counsel -- from the Commission to the consultant?

10 COMMISSIONER ELDER: As far as giving  
11 direction?

12 CHAIRMAN LYNN: Comments, question, or  
13 direction.

14 MR. JOHNSON: Mr. Chairman, if I may, I  
15 know the Commission has other items on the agenda. If  
16 it wants to address those, by the time you finish on

17 those topics, I could be back to you with spread sheets  
18 on the different alternative, if that would help.

19 CHAIRMAN LYNN: Mr. Huntwork?

20 COMMISSIONER HUNTWORK: Well, I think we  
21 need to, in the interest of time, and not having a false  
22 start here, we need to face the question of what we  
23 would do to create two districts instead of three in  
24 the -- in this plan 2A, how would we adjust that. My  
25 own reaction to this is that I like the three. I really

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1 think this is an excellent breakdown of the communities  
2 of interest. My analysis would be that we would head in  
3 that direction. But you look at the issues that are in  
4 the lawsuit, ironically enough, it's the Minority  
5 Coalition that appears to be saying don't concentrate so  
6 much, don't make so many. We have kind of a  
7 counterintuitive tension going on here with this  
8 discussion. And in order to arrive at an agreement, we  
9 need to analyze an approach that has the -- that fixes  
10 two districts and not three.

11 They are going to say -- they are going to  
12 be looking at the state law issues. They are going to  
13 be looking at the competitive issue that they have  
14 raised, in the state case; and I would expect them, even  
15 in the federal court, to be objecting to a plan that  
16 creates an extra majority-minority district or creates  
17 percentages that they feel are too high. This is very

18 ironic and counterintuitive, but that is really what is  
19 going on here. So can we not, should we not ask Doug to  
20 come back to us with his recommendation for the best way  
21 to create two districts in Maricopa County, one less  
22 district?

23 CHAIRMAN LYNN: And perhaps --

24 COMMISSIONER HALL: Is that a motion?

25 COMMISSIONER HUNTWORK: Well, if it takes

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1 a motion to give him that direction, I'd so move.

2 COMMISSIONER HALL: I second it.

3 CHAIRMAN LYNN: Let me make sure everyone,  
4 including myself, understands that motion. Inherent in  
5 that motion I think is a sense of agreement on 23 and 29  
6 as previously discussed. Is that correct?

7 COMMISSIONER HUNTWORK: Not necessarily.

8 CHAIRMAN LYNN: I don't mean on the  
9 specific fix, but I mean on the concept that 29 might  
10 not be viable because of 27.

11 COMMISSIONER HUNTWORK: Right.

12 CHAIRMAN LYNN: And because the general  
13 parameters of the 23 suggestion might be acceptable.

14 COMMISSIONER HUNTWORK: Absolutely,  
15 although we have to see what the options are to decide  
16 whether we go with three in Maricopa and not 23 or two  
17 in Maricopa plus 23, but one piece is missing from our  
18 matrix and that is a two-district fix in Maricopa  
19 County.

20 CHAIRMAN LYNN: Okay.

21 Mr. Hall.

22 COMMISSIONER HALL: But I think that we  
23 are at a point where we need to narrow our focus. And  
24 wouldn't you agree that -- I think that we need to agree  
25 at this time whether or not we want him to fix 23,

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1 whether or not we want him to fix 29. Pursuant to your  
2 point, Mr. Chairman, it gives a building block of  
3 instruction with respect to Maricopa County.

4 COMMISSIONER HUNTWORK: Mr. Chairman, I  
5 think that I want to fix 23. I need to see what the  
6 two-district fix is in Maricopa County so I can fit that  
7 into the matrix. If we fix 23, I know there's going to  
8 be a lot of pressure from the Coalition to only tamper  
9 with two districts in Maricopa County. I can't really  
10 make a decision until I know what the alternatives are.

11 CHAIRMAN LYNN: So the intent of the  
12 motion clearly is to direct the consultant to work on  
13 options for fixing two districts in Maricopa County so  
14 as to give us alternatives from which to choose based on  
15 whatever decisions we might make in other parts of the  
16 state.

17 COMMISSIONER HUNTWORK: Correct. Yes.

18 CHAIRMAN LYNN: Discussion on the motion?

19 COMMISSIONER ELDER: Call the question.

20 CHAIRMAN LYNN: The question has been

21 called for.

22 If there is no further discussion, all in  
23 favor of the motion say "aye."

24 COMMISSIONER ELDER: "Aye."

25 COMMISSIONER HUNTWORK: "Aye."

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1 COMMISSIONER HALL: "Aye."

2 COMMISSIONER MINKOFF: "Aye."

3 CHAIRMAN LYNN: Chair votes "Aye."

4 Motion carries unanimously and is so  
5 ordered.

6 Other instructions?

7 Mr. Elder and then Mr. Hall.

8 COMMISSIONER ELDER: I guess a general  
9 comment for Doug in the Maricopa County area.

10 One of my objections when I first made the  
11 statement, I guess when we first saw it, was that it was  
12 really circuitous. I think one of the things besides  
13 the rural and urban content that we had during our  
14 hearings around the state was I really don't know what  
15 district I'm in, am I in this district, am I in that  
16 district. And if there is the option of making it more  
17 compact, if you can trade some of these ins and outs  
18 equally and it doesn't affect the voting age, the  
19 majority-minority aspects of it, I would like to see  
20 these things smoothed out, if we can, to where it's a  
21 very definable I'm south of McDowell and vote in  
22 district so and so, that would help. We have areas we

23 do have edges, looks like only half a mile south of the  
24 freeway, that if there's a way of getting the freeway to  
25 be a barrier, school district, so kids, mothers want to

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1 play, get together, that's a context. Just take it into  
2 account for me when making a choice, if not based on  
3 numbers, trying to get back to previous goals in the  
4 process.

5 MR. JOHNSON: Commissioners, I certainly  
6 agree and will strive very hard to keep all the record  
7 in mind as we go through this.

8 COMMISSIONER ELDER: It was very prominent  
9 down the Safford area, diagonal pieces, didn't vote,  
10 didn't participate, didn't know where they were, sent  
11 all the fliers, if know where to vote. That's all the  
12 numbers, that's not what counts in Washington.

13 CHAIRMAN LYNN: Mr. Hall.

14 COMMISSIONER HALL: I'd just like, if we  
15 get some those of like image, move closer to each other.

16 I'd like to make a motion, Mr. Chairman,  
17 we do not make any corrections to District 29.

18 CHAIRMAN LYNN: Is there a second?

19 COMMISSIONER MINKOFF: Second.

20 CHAIRMAN LYNN: It's been moved and  
21 seconded that we instruct no changes be made to District  
22 29.

23 Discussion on the motion?

24

Mr. Elder.

25

COMMISSIONER ELDER: Mr. Chairman, by an

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1 affirmative motion on the vote, does that take it off  
2 the table?

3 CHAIRMAN LYNN: Well, anything can be  
4 revisited, obviously. I think in terms of what we're  
5 doing at the moment is instructing the consultant as to  
6 where they need to concentrate their efforts in the time  
7 remaining during the meeting.

8 I take the motion to mean we're  
9 instructing the consultant at this point not to do any  
10 further work on District 29. And I'm getting head nods.  
11 I think that's what it meant.

12 COMMISSIONER HALL: That's correct.  
13 Obviously we're in the process of receiving feedback  
14 from the Coalition. We -- hey, somebody may have some  
15 better ideas. I guess what I'm trying to do at this  
16 time is to minimize what is on Mr. Johnson's plate  
17 because the fact of the matter is we have a fast  
18 approaching deadline.

19 So to restate what Mr. Lynn said, the  
20 intent of motion is, I'd be happy to amend the motion  
21 with the provision of the second to state I would move  
22 Mr. Johnson, at this time, would not spend any  
23 additional time or effort or energy with respect to any  
24 amendments to District 29.

25 CHAIRMAN LYNN: Is that acceptable to the  
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1 second?

2 COMMISSIONER MINKOFF: Fine with me.

3 CHAIRMAN LYNN: Thank you, Ms. Minkoff.

4 Mr. Elder?

5 COMMISSIONER ELDER: I guess I go back to  
6 the, you know, the tentative, my first comment. There  
7 were things in that shift in 29 that cleaned up edges,  
8 made them definable, gave communities of interest.  
9 There are things there -- we may find up in the Phoenix  
10 area that we're really having to work hard to mess this  
11 thing up. If we then have a fallback, yes, this is  
12 still a viable solution, have data in which to make the  
13 judgment, then it seems as though we should at least  
14 keep it on the table, at least have numbers crunched,  
15 know where we are, not take it off the table now so we  
16 don't have data. Don't have data, these didn't work,  
17 now need this and don't have the information to deal  
18 with.

19 CHAIRMAN LYNN: Mr. Huntwork and then  
20 Ms. Minkoff.

21 COMMISSIONER HUNTWORK: Mr. Chairman, I'll  
22 support the motion as it's been revised. I've looked at  
23 that and felt very strongly, as I said before, that it  
24 looked like a shell game to me. And I still feel that  
25 way. Obviously, we'll keep our ears open. There may be

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1 further comment from the public and even, indeed, from  
2 our consultants; so if something changes, we'll be quick  
3 to respond to that. It sure does not look to me like a  
4 viable way to solve the problem. All we're doing is  
5 moving people around from one category to another in a  
6 zero sum game.

7 CHAIRMAN LYNN: Ms. Minkoff.

8 COMMISSIONER MINKOFF: Mr. Chairman, as it  
9 was described to us, the adjustment in Tucson took  
10 District 27 down to a Hispanic population below 35  
11 percent. At that level, I just think it does so much  
12 damage to that district that it's not worth pursuing.  
13 However, understanding Mr. Elder's concerns, Doug, do  
14 you already have the demographic data on that fix? I  
15 mean, have you already run those numbers or is that  
16 going to take time?

17 MR. JOHNSON: Are you referring to the fix  
18 in the option presented or a fix described earlier?

19 COMMISSIONER MINKOFF: I'm referring to  
20 this kind of sheet we always get on all of the districts  
21 for the fix that you did in Tucson. Do have you this  
22 already?

23 MR. JOHNSON: No. It's partially created.

24 COMMISSIONER MINKOFF: Well, let's live  
25 without it. If you had it, I'd suggest printing it up

1 and bringing it to us; but you have enough other things  
2 to do with your time.

3 CHAIRMAN LYNN: You seconded the motion  
4 and are speaking in favor of it.

5 Ready for question?

6 All in favor, signify "aye. "

7 COMMISSIONER HALL: "Aye. "

8 COMMISSIONER MINKOFF: "Aye. "

9 COMMISSIONER HUNTWORK: Aye.

10 CHAIRMAN LYNN: Opposed, "no"?

11 COMMISSIONER ELDER: "No. "

12 CHAIRMAN LYNN: Majority voted  
13 affirmatively, and the motion carries.

14 At this time, Mr. Johnson, if you'd  
15 concentrate your efforts elsewhere other than District  
16 29.

17 Other instructions to Mr. Johnson?

18 I wonder if -- I don't want to lose this  
19 point, and perhaps it needs to be a specific  
20 instruction. I'd ask for an affirmative motion.

21 If in looking at the Phoenix districts to  
22 achieve the two-district remedy that we've already  
23 instructed, if the coalition's approach of looking at  
24 other districts strikes you as an alternative that  
25 should be explored, I would like to at least have the

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1 freedom to do that. If that takes a motion, I would ask  
2 one be made.

3 COMMISSIONER MINKOFF: Does it take a  
4 motion?

5 CHAIRMAN LYNN: Do you feel you have that  
6 instruction already, Mr. Johnson?

7 MR. JOHNSON: Mr. Chairman, as with -- as  
8 I develop these options, I took a lot of the Coalition's  
9 comments into account. As I develop the second option  
10 for you, I'll take what feedback they've been able to  
11 provide and additional feedback they can provide into  
12 account.

13 CHAIRMAN LYNN: Perhaps as an ongoing  
14 instruction from yesterday, as public comments made from  
15 the Coalition and others, any of those you feel can be  
16 helpful, useful, or meaningful in what we're trying to  
17 achieve, please incorporate those in your work.

18 Other instructions to Mr. Johnson?

19 All right, Mr. Johnson. And again, an  
20 estimate will be fine, but for the purposes of  
21 scheduling, given what we have asked of you this  
22 afternoon, could you give me an estimate as to when you  
23 might be able to return to us with results of some of  
24 the work we have asked you to do, some or all?

25 MR. JOHNSON: Mr. Chairman, the first step

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1 will be cleaning up the one option and preparing the  
2 spread sheet so you have a full review of that option in  
3 front of you. That should only take an hour or two, I  
4 believe. Developing a second option is difficult to  
5 estimate. It is certainly an hours measure. I would  
6 expect tomorrow morning to present to you.

7 CHAIRMAN LYNN: Given that that is the  
8 case, if we were to, I'm going back to some earlier  
9 comments, if we were to, whenever we conclude this  
10 evening, agree to reconvene tomorrow morning at, let us  
11 say for the sake of discussion 9:00 a.m., given that  
12 there may already have been some agreement among the  
13 parties in the legal proceedings to extend some of the  
14 deadlines by some amount, and again, I know that that is  
15 not firm, but it's in discussion, would that be  
16 sufficient time for you to explore the two-district  
17 solution option in Maricopa County at this time?

18 MR. JOHNSON: I believe so, yes.

19 One thing that would be very helpful, if  
20 any information is forthcoming, is in terms of drawing a  
21 second option, if we're aiming for 59 percent, it's very  
22 hard to think of a second option unless something  
23 different is done in Avondale or they're doing a  
24 different percentage in our adopted District 13. So if  
25 we can get additional feedback on that, it would be a

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1 great help. But I can certainly purport their plan or  
2 not possible to do a plan with our current guidelines.

3 CHAIRMAN LYNN: One of the viable  
4 responses to our request is you can't get there from  
5 there. We're needing to explore all avenues that might  
6 give us something to work with.

7 Mr. Elder?

8 COMMISSIONER ELDER: Mr. Chairman.

9 When you are going through your, knowing  
10 the decision, would you run the number enough to say it  
11 was knowing because it only came up to 54, 57, 59, and  
12 that was not adequate, so that we have an idea that  
13 we're within a certain percentage point or two that we  
14 can put that into the hats and the decision-making  
15 process. What I'm asking, don't arbitrarily cut off,  
16 say too low, I didn't do it. Tell us how low it was.

17 MR. JOHNSON: If I can't do it at current  
18 guidelines, try to do it somehow.

19 COMMISSIONER ELDER: Or when you stop,  
20 say: Hey, it was this much.

21 MR. JOHNSON: Right.

22 CHAIRMAN LYNN: All right. Then I think  
23 what might be best at this point, if there are no other  
24 instructions for Mr. Johnson, it would be appropriate to  
25 excuse Mr. Johnson.

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1 COMMISSIONER HALL: Well --

2 CHAIRMAN LYNN: Apparently there might be  
3 something for Mr. Johnson.

4 COMMISSIONER HALL: Sitting here thinking  
5 to myself, which is dangerous. This is 2, is it not?

6 COMMISSIONER MINKOFF: Yes.

7 MR. JOHNSON: Yes.

8 COMMISSIONER HALL: We've been assuming  
9 it's 3, but it's 2. This is what you've already done.

10 MR. JOHNSON: As I interpreted the  
11 instruction, you asked me for another version with a  
12 similar result of 2 districts. One thing the  
13 Coalition --

14 COMMISSIONER HALL: I don't think that was  
15 the intent. It certainly wasn't this side of the  
16 table's intent. Maybe I -- because 16 can change,  
17 right?

18 MR. JOHNSON: It changed slightly, but  
19 percentages stayed the same.

20 COMMISSIONER HALL: 14, 15 are two fixes.

21 MR. JOHNSON: Right.

22 COMMISSIONER HALL: And 23 would be the  
23 third.

24 MR. JOHNSON: Right.

25 COMMISSIONER HALL: This is it. Not that

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1 this is it, but this --

2 CHAIRMAN LYNN: This is one version.

3 COMMISSIONER HALL: I was trying to figure  
4 out the confused look on your face. Now I know why it's  
5 there.

6 COMMISSIONER ELDER: No sleep.

7 COMMISSIONER HUNTWORK: Multiple reasons.

8 CHAIRMAN LYNN: But, Mr. Hall, your point  
9 is well-taken in terms of fixing 13 and 14 in this  
10 version.

11 COMMISSIONER HALL: No, 14 and 15.

12 CHAIRMAN LYNN: 14 and 15.

13 COMMISSIONER HALL: 13 dropped to 25  
14 percent.

15 CHAIRMAN LYNN: I think my sense of the  
16 earlier instruction was an attempt to look at additional  
17 options that may be available, that resulted in at least  
18 the same result, meaning that 2 districts in the Phoenix  
19 area would have been brought to a level that would  
20 constitute a remedy, and there might be a different or  
21 better configuration of the districts than currently  
22 presented. If, on the other hand, what that side of the  
23 table is saying is that that may not either be possible  
24 or desirable, we should revisit that instruction and  
25 clarify it.

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1 COMMISSIONER HALL: Well, what I thought  
2 we had said, three versions of the same thing, was that  
3 if we took 29 off, 23 was one, we had three, only needed  
4 2, do 2; don't have three, we only have 2. And for some  
5 reason I was including --

6 Yeah, who's on first.

7 -- for some reason was including in the  
8 logic, including 16. But 16 was not -- it was already  
9 precleared. So -- yeah. I mean I concur we want him to  
10 continue to look at ways to fine-tune, but -- correct me  
11 if I'm wrong, Mr. Huntwork.

12 COMMISSIONER HUNTWORK: You are correct,  
13 absolutely.

14 COMMISSIONER HALL: I --

15 COMMISSIONER HUNTWORK: Furthermore, not  
16 having been the one that made the motion originally, I  
17 agree with Commissioner Hall, and I would also say that  
18 the reason -- for the reasons I stated before, this is  
19 probably the most promising approach to getting this job  
20 done, precisely because of the configuration here of  
21 District 13 which comes down and picks out the  
22 nonminority population and moves them up leaving better  
23 demographics in the two southern districts.

24 I don't know how -- again, maybe it's  
25 possible, but now that I'm counting correctly, this

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1 certainly seems to me to be the most, best approach  
2 based on where people live.

3 CHAIRMAN LYNN: Ms. Minkoff.

4 COMMISSIONER MINKOFF: I actually think  
5 this puts us in the same district, Jim, which would be  
6 interesting. And it also -- that wasn't the objective  
7 of this particular part of the process, but it makes 11  
8 a more homogeneous district as well, takes away some of

9 the western areas of District 11.

10 MR. JOHNSON: Mr. Chairman, if I may.

11 CHAIRMAN LYNN: Mr. Johnson.

12 MR. JOHNSON: My understanding of the  
13 instruction, this is one of two approaches I was going  
14 to review and present. Obviously, as I mention, I need  
15 to clean up precinct lines, and things like that, and do  
16 spread sheets for you.

17 The other thought I had relates to the  
18 Coalition's comments today where instead of -- out of  
19 13, 14, and 15, my approach, and the approach described  
20 in the DOJ letter, was to make 15 effective, and make  
21 either 13 or 14 effective. What the Coalition suggested  
22 was use the other clause in the letter, make 13, 14  
23 effective, 15 would, as done here, drop to be an  
24 influence district. It might turn out to look exactly  
25 like this but different numbers. But I'm hopeful that

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1 there is another approach that would achieve that  
2 similar goal.

3 CHAIRMAN LYNN: Certainly within the scope  
4 of the instructions you have, you can certainly explore  
5 that instruction.

6 COMMISSIONER HALL: You are way ahead of  
7 us as always, Doug.

8 CHAIRMAN LYNN: All right. Then, if --  
9 Mr. Rivera.

10 MR. RIVERA: Can I speak to Mr. Kizer, for  
11 a second? Since he didn't leave like he promised, can I  
12 speak to him, at the podium, so we have a recording? So  
13 when I cross-examine you, I'll have a recording.

14 MR. KIZER: Take your best shot, Jose.

15 MR. RIVERA: Remember, take my best shot.  
16 It's my understanding, you have a rough  
17 draft.

18 MR. KIZER: Yes.

19 MR. RIVERA: You have our drafts. As  
20 Mr. Johnson has done along, you are welcome to copy them  
21 off the website and everything else. Could I suggest  
22 you provide us with whatever rough map you have so we  
23 can incorporate that into Mr. Johnson's research  
24 tonight. Otherwise it might make the presentation  
25 easier tomorrow, we might see if something off the map

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1 can blend into the presentation tomorrow.

2 I'll not hold you to it tomorrow. I'll  
3 stipulate I won't do any cross-examination off that when  
4 we go to trial.

5 It would be nice if we could work on a  
6 cooperative basis, exchanging maps with you, look at  
7 your maps, see if we could get to some common ground.  
8 We'll be happy have a messenger pick it up, if you want  
9 to.

10 MR. KIZER: Let me clarify. I don't have  
11 the maps. My understanding is we're working on maps.

12 They may still be there. They were when I called on the  
13 break. They may still working on them. I don't know to  
14 what extent they are finalized. My understanding is  
15 they're probably close. I don't know that for a fact.

16 MR. RIVERA: My understanding, the  
17 Commission's maps are not finalized. When you get a  
18 draft you think you're comfortable with, give me a call.  
19 We'll pick it up tonight. It'll give Mr. Johnson a lot  
20 of work tonight, tomorrow. Not that he doesn't have  
21 enough tonight. It might be a viable way of approaching  
22 it.

23 CHAIRMAN LYNN: Mr. Kizer, before you  
24 answer, and I know you may not be able to speak for the  
25 people actually drawing the map, I guess the suggestion

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1 is being made here is one of timing as opposed to  
2 anything else. We'll take presentation of your map any  
3 time it is ready. If we don't happen to be in session  
4 remainder of evening because we've asked Mr. Johnson to  
5 draw, anything you can do to expedite his use of your  
6 map in some way for comparison would be helpful, ready  
7 at whatever hour. If you deliver to him, perhaps  
8 exchange information, at that time, with taking our maps  
9 back to your group and giving us what you have, I think  
10 that's what Mr. Rivera is getting at, we'd certainly  
11 appreciate that.

12 MR. RIVERA: That's correct, Mr. Chairman.

13 MR. KIZER: We'll do what we can to  
14 expedite.

15 Two things: How far along, whether I can  
16 find the person that actually has it at this hour, and  
17 are they agreeable to release it. Those are several  
18 hurdles I have to overcome to produce the maps tonight.  
19 I'll do what I can.

20 Again, Jose says we have your map. We  
21 don't. What I have is what is up here. We don't have  
22 the demographics on it. We'd be interested in looking  
23 at the demographics on this map here.

24 Then, you know, really in terms of where  
25 we go from here, if we're looking at the 23 fix, not

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1 moving 29, then this is one possibility we definitely  
2 want to study, what is up here, to study, may want to  
3 look at 13, 14 fix with maybe 15 being the one that is  
4 depleted in terms of dropping Hispanic voters. But  
5 maybe between those two options we may come up with  
6 something.

7 MR. RIVERA: I understand, Mr. Kizer.  
8 Mr. Johnson is working on the demographics even as we  
9 speak.

10 Any information is better no information.

11 Even if you provide us a map, provide  
12 things as they come along, we're happy to do that. If  
13 we work cooperatively as we do this, it's more efficient  
14 and easier for the Master as we work on this.

15 CHAIRMAN LYNN: Thank you, Mr. Kizer. We  
16 appreciate it, as always.

17 We've been at this a long period of time.

18 In terms of agenda, there's one other item  
19 to take up.

20 MS. HAUSER: NDC.

21 CHAIRMAN LYNN: NDC data base. If we  
22 could, I've been asking this for 15 months now, let me  
23 ask one more time for old time's sake. Because the  
24 court reporter needs a break, I'd like to, because of  
25 the hour, we have one more report. And here's the

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1 tradeoff. If you will hold your break to 10 minutes, we  
2 will take that report and probably finish for the  
3 evening in a fairly short period of time. So anything  
4 more than 10 minutes, you are simply delaying dinner and  
5 other activities that you might otherwise undertake this  
6 evening.

7 Take a 10-minute break, reconvene, take  
8 the last item of business, and reconvene for the  
9 evening.

10 (Recess taken.)

11 CHAIRMAN LYNN: As I read the agenda,  
12 attorneys are elsewhere, that's okay, as I read the  
13 agenda, the only item remaining is report from NDC with  
14 respect to the data that we had asked NDC to review and  
15 certify or recertify based on the registration data

16 issue that was previously certified.

17 I understand Dr. Adams is going to make  
18 that presentation. I would ask that she do so at this  
19 time. My understanding is that presentation will take  
20 approximately 10 to 12 minutes and that that plus any  
21 questions that we may have would conclude the business  
22 for this evening.

23 So, Dr. Adams.

24 DR. ADAMS: Yes. Thank you, Chairman  
25 Lynn, Members of the Commission.

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1 Three weeks ago you instructed NDC to  
2 verify five data bases used in the restricting. You  
3 also wanted any errors in the data bases corrected.  
4 When this was done and certain information developed,  
5 you wanted us to rerun certain tests NDC had applied to  
6 its own and other plans. I'm here to report on how we  
7 complied with your instructions.

8 I should begin by describing the general  
9 approach we have used to verify incorrect data. Given  
10 the great importance of assuring complete accuracy, we  
11 gave a six-stage report and division of responsibility  
12 between verification and rebuilding data bases. The  
13 first step was to obtain source documents for all data  
14 bases such as precinct by precinct reports by counties.  
15 The second step was familiarize ourselves with sources  
16 and structure layout of data bases which, as you know,  
17 were created by EDS. The third step, carefully compare

18 the sources compared to data bases. The fourth step was  
19 bring new corrected data base into being. The fifth  
20 step was to post the data base to a secure site. And  
21 then create new a data base.

22 Any time you create a new data base,  
23 there's a potential of creating new error. Bob Walter  
24 or I did the first three stages of verification. Tim  
25 Johnson did the new or corrected data bases or posting

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1 to the website. Bob Walters was responsible for final  
2 reverification. And this division of responsibility,  
3 combined with multiple checks, provides, we believe,  
4 very strong assurance of accuracy.

5 I'd like to summarize the verification  
6 data base by data base.

7 As previously noted, the data base of  
8 demographic data base used with Maptitude software was  
9 completely correct in all respects, and this bears  
10 emphasis for it means you can be assured of the accuracy  
11 of every plan you drew.

12 The second data base, registration data  
13 developed by Election Data Services used in various  
14 competitiveness tests, was found to be inaccurate as we  
15 reported previously. The major problem related to  
16 discrepancies were involving active and inactive voters,  
17 but there were numerous other errors as well. As we  
18 reported to you May 5th, we abandoned this data base.

19 And Tim Johnson has created a whole new registration  
20 data base.

21 The data base has been posted to a secure  
22 website, and Bob Walters completed it's reverification.

23 The third data base, the one called the  
24 AQD data base, it was found to have some inaccuracies.  
25 The major problem was, of course, it contained the

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1 original inaccurate registration data. But two other  
2 very minor inaccuracies were identified in the elections  
3 data. Again, Tim Johnson brought a new data base into  
4 being. He actually corrected the old data base, and he  
5 posted it, again, and Bob Walters reverified it.

6 The fourth data base, so-called Judge It  
7 data base, confronted us with a variety of unexpected  
8 problems. To begin with, we looked at all elections,  
9 both primary and general, for all election years. This  
10 is a data base created, again, by Election Data  
11 Services. And we looked at the elections that we  
12 understood Dr. McDonald to have used. There were a  
13 variety of errors in these elections, mostly quite  
14 minor. And in actuality Dr. McDonald used a 2000  
15 general disaggregated general base and multielection  
16 access data base, access data base.

17 In the 2000 general disaggregated general  
18 base, discovered two areas of missing data elections not  
19 used by Dr. McDonald for his analysis. The only other  
20 inaccuracies in the data he actually used were

21 attributable to rounding errors in the disaggregation  
22 process. Nevertheless, we asked Tim Johnson to correct  
23 the two errors, to rerun the disaggregation at a higher  
24 level of accuracy carrying it two more decimal places.  
25 Tim Johnson has now corrected and reaggregated the data

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1 base and posted it. And, again, Bob Walters is in the  
2 process of reverifying that data base.

3                   The Microsoft access data base custom made  
4 by Dr. McDonald he also used in competitiveness data  
5 base contained one minor transposition error, 51 was a  
6 15, and he has corrected that.

7                   Now, in a moment I will discuss one  
8 further data base that was also used by Dr. McDonald,  
9 and I think you'll recall he also did some racial block  
10 voting analysis. When you charged us with the five data  
11 bases, that was one we neglected to have mentioned, and  
12 it is one we are now in the process of verifying. The  
13 fifth data base, the racial block voting data base, as  
14 used by Lisa Handley, we began by checking the elections  
15 that she had used. First we checked the entire data  
16 base. Then we narrowed it down to the elections she  
17 actually used. Then we found it necessary to look at  
18 the election returns on hundreds of precincts, compare  
19 them with totals from the paper canvass from the  
20 counties, and then compare those totals with the totals  
21 reported by the Secretary of State. Unfortunately we

22 did discover that there were often discrepancies between  
23 county totals, Secretary of State totals, but at the  
24 level of the precincts that were used in the Handley  
25 analysis, the errors that we discovered working late

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1 even into last night seemed relatively minor in most  
2 instances.

3                   We have understood from Dr. Handley, I  
4 should mention this, because it's in my more  
5 comprehensive memo, that she was assured that any  
6 inaccuracies that were -- that she had discovered were  
7 actually as a result of differences in the precinct  
8 level data posted to the Secretary of State's website  
9 and the total summary canvasses. And we did indeed find  
10 this to be true. And we have more comprehensive  
11 information for you on that.

12                   As yet, we have not created a corrected  
13 racial block voting data base. We are still working  
14 with some of the counties to be sure that their data is  
15 correct and comparing it to the Secretary of State  
16 website data.

17                   We don't anticipate that these errors are  
18 going to affect the conclusions reached by Dr. Handley  
19 in her analysis, but we will be referring it to her,  
20 most certainly.

21                   Now, as I've already indicated, that was  
22 not the last of the data bases that we found it  
23 necessary to check and verify. In addition to his work

24 on competitiveness, Dr. McDonald did some racial block  
25 voting analysis on propositions, propositions and a

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1 couple of local races. And for the purpose, he used a  
2 data base again composed again of several statewide  
3 ballot measures and local election results. These were  
4 elections, again, produced by EDS. We're still checking  
5 the components of this sixth data base. And we'll run  
6 it through the same checks and reverification procedure  
7 that we have used with the other data bases.

8 Now to the issue of rerunning the tests.  
9 At the Commission's meeting of May 5th you indicated a  
10 desire to investigate the counties' approach to  
11 transferring active voters to inactive status before  
12 rerunning any tests, also wished Dr. McDonald to be  
13 involved in the investigation and informed of its  
14 results.

15 Our understanding is that IRC attorneys  
16 investigated this issue. And as of today we learned  
17 that they could obtain no reliable information on this  
18 issue. And I presume that has already been reported to  
19 this Commission. We also understand that at last  
20 evening's Commission meeting you understood  
21 modifications to redistricting districts to DOJ's  
22 districts be run on active voters. Is that accurate?

23 CHAIRMAN LYNN: That's accurate.

24 DR. ADAMS: We await further instruction

25 on further competitiveness testing and retesting that

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1 the Commission desires in light of the DOJ objection.  
2 We're also nearing the point where we can ask  
3 Dr. Handley to rerun the racial block voting test, if  
4 that is the Commission's desire.

5           Again, the errors we have found in the  
6 data relative to these tests are localized, do not at  
7 this stage seem likely to produce results that are  
8 significantly different from her initial runs.

9           We recommend, though, as I said  
10 previously, seeking Dr. Handley's opinion on this.

11           Two sum up, your instructions to us have  
12 involved considerably more work and greater complexity,  
13 I think, than any of us realized to begin with.

14           Over the past three weeks, working with  
15 the able collaboration of Tim Johnson in correcting data  
16 bases, we've checked, corrected, and recreated several  
17 political data bases. All major problems have been  
18 corrected. You are now in a position to order reruns of  
19 competitiveness tests. We'll complete a total  
20 reverification of the racial block voting data bases  
21 this week. We'll be able to transmit them to  
22 Dr. Handley and Dr. McDonald, again, using that secure  
23 website. We're using that as a control right now to  
24 make certain that the data bases that they had are the  
25 data bases that we indeed checked and verified.

1                   As you can imagine, there's a great deal  
2 more detailed information that we have developed. We're  
3 in the process of developing a comprehensive memo  
4 covering all this information. We have it in a draft  
5 form. It's being reviewed by the IRC attorneys and our  
6 attorney, Ms. Leoni. And so as soon as they finish  
7 their review, we will finalize it and present it to you  
8 for your review.

9                   So, I'd be happy to answer any questions.  
10 I know it's a lot.

11                   CHAIRMAN LYNN: Dr. Adams, just let me  
12 start with what I know. Other Members of the Commission  
13 may have other questions or comments.

14                   Is it fair to say, based on your review,  
15 and the work that has been subsequently done as a result  
16 of that review, that once completed, the data bases we  
17 will have at our disposal and for any future use that we  
18 may see fit will be, in your opinion, the most accurate  
19 data bases in the state for these subjects?

20                   DR. ADAMS: We believe that's true, yes.

21                   CHAIRMAN LYNN: Thank you.

22                   Mr. Elder.

23                   COMMISSIONER ELDER: Thank you,

24 Mr. Chairman.

25                   Since I'm not familiar with your levels of

1 tolerance, or whatever, when you say relatively minor,  
2 is that an affect that would be a 10th of a percent  
3 difference? What might -- what are you talking about as  
4 "relatively minor"?

5 DR. ADAMS: Let me give you an example. I  
6 think I have that one memo.

7 I think I've left it. Let me just get it.  
8 Do you have it?

9 MS. LEONI: Yes.

10 DR. ADAMS: Okay.

11 COMMISSIONER ELDER: Maybe contrast that  
12 with some inaccuracies.

13 DR. ADAMS: Okay. I can certainly do  
14 that.

15 For example, in the -- the 1998 general  
16 election state house district for Graham County, in the  
17 report that we prepared for you, what we did was look at  
18 the votes for each candidate at the precinct level. We  
19 went to the precinct level data base and added those.  
20 This, because we were informed by Dr. Handley that  
21 Mr. Brace had assured her that the data that he had used  
22 at the precinct level was accurate, when we did this, we  
23 compared it to the Secretary of State's website canvass.  
24 In State House District 4, Graham County, for example,  
25 votes for Brimhall, the Secretary of State's data posted

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1 was 1,344 in their general canvass. The data that  
2 Mr. Brace provided, based on the precincts, and which we  
3 did indeed verify, we checked the precincts ourselves,  
4 did match, 1,220, so short 124 votes. So what we need  
5 to further do is to contact counties in these instances  
6 and make absolutely certain that what was posted to the  
7 Secretary of State's website, which is what many people  
8 are using as their guide, are, indeed, correct numbers.  
9 We found in a number of instances that they do not match  
10 the precinct by precinct totals.

11 Now let me give you an example, another  
12 problem, another potential problem. If you take a look  
13 at State House District 4 in Gila County, and this is  
14 in -- I'm trying to make sure look at the right election  
15 here. This is the 1998 general, again. No, I'm sorry,  
16 1996 primary. So the 1996 primary, State House District  
17 4, Gila County, the precinct-by-precinct totals, I've  
18 put in parentheses following the Secretary of State's  
19 totals, and then I put the EDS data fields. So I'll  
20 give you an example. Votes for Tilton in Gila County,  
21 according to the Secretary of State's website, 2,446;  
22 according to precinct-by-precinct count, 2,434; but in  
23 the EDS data base, zero. That's what I would consider a  
24 fairly major.

25 So -- but are they errors or are they not?

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1 What we're discovering is it's far more complicated than  
2 first appears. So some additional checking with the  
3 individual counties is going to be necessary to make  
4 certain that the data that is posted to the Secretary of  
5 State's general counties is indeed accurate data.

6 COMMISSIONER ELDER: Thank you.

7 CHAIRMAN LYNN: Other comments or  
8 questions for Dr. Adams.

9 Dr. Adams, thank you very much for your  
10 report. We appreciate it. And we'll await the more  
11 detailed memo and the full report when the work is  
12 completed. Thank you very much.

13 Is there anything further at this session  
14 of the Commission's meeting to come before the  
15 Commission, either from Commissioners or from counsel or  
16 staff?

17 If not, the Commission will stand in  
18 recess until tomorrow morning at 9:00 a.m., without  
19 objection.

20 Have a good evening.

21 (Whereupon, the hearing recessed at  
22 approximately 6:24 p.m.)

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LISA A. NANCE, RPR, CCR NO. 50349  
Phoenix, Arizona

2 STATE OF ARIZONA )  
3 COUNTY OF MARICOPA ) ss.

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6 BE IT KNOWN that the foregoing hearing was  
7 taken before me, LISA A. NANCE, RPR, CCR, Certified  
8 Court Reporter in and for the State of Arizona,  
9 Certificate Number 50349; that the proceedings were  
10 taken down by me in shorthand and thereafter reduced to  
11 typewriting under my direction; that the foregoing 130  
12 pages constitute a true and accurate transcript of all  
13 proceedings had upon the taking of said hearing, all  
14 done to the best of my ability.

15 I FURTHER CERTIFY that I am in no way  
16 related to any of the parties hereto, nor am I in any  
17 way interested in the outcome hereof.

18 DATED at Phoenix, Arizona, this 24th day  
19 of May, 2002.

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LISA A. NANCE, RPR, CCR  
Certified Court Reporter  
Certificate Number 50349

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LISA A. NANCE, RPR, CCR NO. 50349  
Phoenix, Arizona