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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER' S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
May 23, 2002
10: 00 a. m.

ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

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 23, 2002,
3 at 10:00 o'clock a.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 ADOLFO ECHEVESTE, IRC Executive Director
- 6 LOU JONES, IRC Staff
- 7 KRISTINA GOMEZ, IRC Staff
- 8 DR. FLORENCE ADAMS, NDC, Consultant
- 9 DOUG JOHNSON, NDC, Consultant
- 10 LISA A. NANCE, RPR, CCR, Court Reporter

11

12 SPEAKERS FROM THE PUBLIC:

- 13 MARY ROSE WILCOX, Hispanic Coalition
- 14 RUDOLFO H. PEREZ, JR., MALDEF
- 15 HELEN PURCELL, Maricopa County Recorder,
Elections Department
- 16 AARON KIZER, Hispanic Coalition

17

18 SCHEDULED SPEAKERS:

- 19 DOUG JOHNSON

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Public Session
Phoenix, Arizona
May 23, 2002
10:00 o'clock a.m.

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P R O C E E D I N G S

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CHAIRMAN LYNN: Commission will come to

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order.

9

Given the time we finished, for the

10

record, roll call.

11

Mr. Elder?

12

COMMISSIONER ELDER: Here.

13

CHAIRMAN LYNN: Ms. Minkoff?

14

COMMISSIONER MINKOFF: Here.

15

CHAIRMAN LYNN: Mr. Hall?

16

COMMISSIONER HALL: Here.

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CHAIRMAN LYNN: Mr. Huntwork?

18

COMMISSIONER HUNTWORK: Here.

19

CHAIRMAN LYNN: As is half of the legal

20

counsel.

21

COMMISSIONER MINKOFF: The important half.

22

CHAIRMAN LYNN: The better half this

23

morning.

24

Both halves are good. The other half will

25

join us shortly and is in court as we speak, we believe.

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1

Along with NDC and with Commission staff.

2

Ladies and gentlemen, let me give you a

3

sense of the schedule. We'll have problems with a

4

quorum in the afternoon. The goal is to go as far to

5 the noon hour as possible, work pretty much straight
6 through, if the schedule does not become elongated,
7 anyway. That, hopefully, will not happen.

8 We'll hear a report from federal court
9 when Mr. Rivera joins us. We'll hear a report from
10 NDC's work overnight on the map, hopefully moving toward
11 a consensus map.

12 It would make more sense to have public
13 comment once that map is explained, given that that
14 schedule will work for everyone.

15 Without objection, we'll proceed.

16 Mr. Johnson.

17 MR. JOHNSON: Mr. Chairman, Members of the
18 Commission, in light of the schedule, I'll keep it
19 fairly brief. If there are detailed questions, I can
20 answer those afterwards.

21 Let me start first with a quick note away
22 from the main scene of last night's work instructions.

23 In District 23, there had been a request
24 last night both from the public and from the Commission
25 to look and see, 23 was 49 plus percent total minority

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1 total population, see if we could get that over 50
2 percent. You may remember in the map we looked at
3 yesterday, a small jut in 23 came back into 22, this
4 area. By squaring that off, we actually put 23 up to a
5 total majority district. That, of course, put extra
6 population into 22. It was very close to five percent

7 already. Moved two Census blocks right in the tiny
8 corner there. That very small population change, did
9 make 23 a total minority district.

10 If that had been all I did last night, it
11 would have been very long night's sleep. However, there
12 was much more to be done.

13 The Commission's instruction was to see if
14 we could, if I could start with the adopted plan and
15 attempt to get 13 and 14 up to a level at which we
16 believe they'll be effective, the number was 55 percent,
17 while attempting to match other criteria, request of the
18 public, AURs, other feedback we've received throughout
19 this process.

20 As you can see from the map, these
21 districts match the adopted plans, which are
22 overlaid in black, much better than other plans we've
23 looked at in recent days. They also, I should point
24 out, follow precinct lines. The only exception in any
25 of these four districts is this small piece over here

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1 that, as we've discussed the other day, is a piece of
2 the former Legislative District 7 which was an
3 effective district that had a history of electing
4 Hispanics. If we didn't do this, that piece would have
5 ended up in District 12 and would have been an influence
6 district not as established in electing Hispanics, and
7 to avoid another San Manuel-Oracle district, the only

8 precinct split I'm aware of in four precincts, I should
9 say.

10 Other changes, 13 has given up it's
11 southern half. Obviously, as looked at the other day
12 compared to 23, the way it gets up to 55 percent is by
13 incorporating the heavily Hispanic southeast portion of
14 Glendale. It's a little bit of an unusual connector
15 there. That is how we got to the effective point. That
16 connector, again, is a full precinct wide, not just down
17 the street, or anything like that. But it gets us there
18 and also allows us to avoid splitting, significantly
19 splitting, Isaac School District shown here in orange.

20 There is, as we looked at the other day, a
21 very small split of the northwest corner to follow a
22 precinct line. The southwest corner, it looks like a
23 large chunk follows the precinct, involves two people in
24 the southwest corner. The northwest corner, it's
25 hundreds of people. Those are following precincts. It

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1 also helps us get districts to percentages we wanted to
2 get.

3 Two people in the little corner down
4 there. Northwest is the one that is important.

5 Given the big picture, and I'll zoom in
6 and give you street references, to. This plan in
7 districts 10 up north and districts 11 are unchanged
8 from adopted versions. In part, this is the tradeoff
9 the Coalition map illustrated well to us. Either 15 has

10 a somewhat kind of elongated shape or you have to bring
11 11 into the mix, start swapping between 15 and 11. I
12 actually looked at that as an option.

13 What I ran into is that 15 would have
14 to -- would be picking up from, I believe, the Arcadia
15 neighborhood south of Paradise Valley. We had
16 considerable input from that area they want to stay with
17 the Paradise Valley.

18 Given the map change is more significant
19 than the one in the Coalition map, they didn't go that
20 far up, so I kept the changes limited to these
21 districts. 14 gave up its far north piece which is
22 divided between 12 and 15.

23 I should note that because it's such a
24 small -- this change was done at the very, very end.
25 Some handouts have 15 toward the very west. Some don't.

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1 Because it took so long to have color maps printed, I
2 included those. It's one precinct shift in two maps up
3 there. Everyone's spread sheets reflect the final
4 version.

5 So 15 takes up the northeast corner in old
6 14. 16, instead of two becomes where 14, 16 interact,
7 it is leveled off. And 16 remains, as you can see in
8 the spread sheet, slightly above the bench mark both for
9 Hispanic voting age population, 59.73, and for African
10 American voting age population, at 13.64.

11 As was the instruction, 13 and 14 are both
12 slightly above the 55 percent level, which in discussion
13 with the public and among the Commission, it was decided
14 to shoot for as an effective district.

15 15 ends up at 38.09 percent voting age
16 Hispanic. When I started this I had been hoping to get
17 that over 40. Essentially the tradeoff was between
18 following precincts and getting to 38 percent or
19 dividing a lot of precincts and getting that up above
20 40.

21 One thing, when I first finished this
22 test, ran spread sheets and looked at them and found 15
23 at 49.9 total minority voting age, I made a small change
24 between 12 and 14. That brought 15 up. So the version
25 I'm presenting today has 15 at 50.4 total minority

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1 voting age.

2 In terms of demographics, just to note for
3 the record, 12 ended up at 27.3 percent total minority
4 voting age.

5 Let me zoom in and give you detail on
6 that, each of these maps, and then I can take questions.

7 The west side of this, of district 13, is
8 essentially unchanged from various versions we looked at
9 for the past few days, and various versions of the
10 Coalition map, I believe.

11 On the eastern half we are looking -- let
12 me zoom, first, on Glendale.

13 In the north we're at Orangewood and
14 Glendale Avenues, provide two north borders of 14.
15 Inlet comes in, 12 comes in at Bethany Home south to
16 Camelback and over to 51st. And then 13 goes over to
17 43rd. So the connector that connects the main part of
18 13 up to the Glendale community is between 51st and 43rd
19 and between Camelback and Palo Verde.

20 So then 13 continues down, I'll get the
21 names all in here, until we get down near Isaac School
22 District where we're looking -- comes down 43rd --

23 (Applause heard from an adjacent room.)

24 COMMISSIONER HALL: They like the map,
25 Doug.

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1 MR. JOHNSON: Well, they should.

2 43rd to Osborn jogs over to 46th and picks
3 up this precinct. And then here you can see the
4 difference between the orange line, Isaac School
5 District border, and the precinct that cuts through.
6 And I followed the precinct line there, looking just
7 above Encanto and just east of 51st in that area.

8 COMMISSIONER ELDER: Doug, before you go
9 off, is there some way of highlighting that precinct?

10 MR. JOHNSON: Sure.

11 COMMISSIONER ELDER: I guess my question
12 is going to be, is there any value, what does it do to
13 demographics, let's say put all in with Isaac as opposed

14 to putting out of Isaac.

15 MR. JOHNSON: I did try that, and it
16 strengthens 14, weakens 13. And both of them are right
17 at the 55 percent target of 55.1. So while I was hoping
18 for any opportunity to enhance their electability, they
19 would have been at the expense of the other one.

20 The border between 14 and 16 is Van Buren,
21 and that continues across and is actually the border
22 between 15 and 16, also.

23 The east side of 14 begins in the north,
24 there's a little jog around. Let me see which precinct
25 that is where it follows the border of the Nicolette or

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1 Nicolette precinct.

2 COMMISSIONER MINKOFF: Nicolette.

3 MR. JOHNSON: Comes down 31st, I believe
4 it's 31st -- yes, 31st, to Missouri, and jogs over to
5 19th, and comes down 19th to Thomas, and come back --
6 I'm skipping over -- I assume you want more detail on
7 it -- across Thomas and over to 20th and the edge of the
8 freeway loop.

9 The last piece to show you is the border
10 between 15 and 12, up north of 14.

11 Again, following precinct lines, and we're
12 at 37th Avenue, and the jog there is where the street
13 and precinct both jog. And again, 9, 10, 11 are
14 unchanged from the adopted plans.

15 One piece of this, it does result, as most
Page 11

16 of the maps we've looked at in attempting to meet DOJ
17 requirements do, in an additional split of Glendale.
18 One of the advantages of this map over some of the maps
19 we've looked at, Glendale quoted some maps in the
20 process to have a real desire to nearly dominate, have a
21 significant influence, at least, on one Legislative
22 district. While a little unusual shape, and done with
23 more effectiveness in 13, 14, this arm going in and arm
24 above Glendale, the Hispanic community does have a major
25 say in population of District 12. Hopefully that's some

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1 consolidation.

2 Just a note, Pima County Districts are as
3 adopted. District 27, as the Oracle, San Manuel shift,
4 I should show one thing. I did check these districts
5 for, as much as I could with the time, for precinct
6 traps. So there is a slight change in Oracle between
7 Oracle and San Manuel. The map we looked at yesterday,
8 the 26 northern edge had been just slightly further
9 south, if that makes sense, moved it up to match where
10 the Congressional line goes there in order to avoid a
11 four person precinct trap. That only affected four
12 people.

13 CHAIRMAN LYNN: Thank you, Mr. Johnson.

14 Questions for Mr. Johnson.

15 Mr. Huntwork.

16 COMMISSIONER HUNTWORK: I think the --

17 keeping Isaac School District together is good and a
18 major accomplishment. I also think they wanted to be
19 west with 13.

20 When you look at the -- look at the map,
21 there seems to be an opportunity without losing any
22 overall compactness to maybe swap that with the area up
23 north in Glendale, and presumably some other population.
24 Did you try that and why -- would that be a problem?

25 MR. JOHNSON: I did try that. And it

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1 actually is a great idea I was desperately hoping to
2 try. The problem is Isaac School District is very, very
3 dense and very, very Hispanic. Any change involves a
4 huge change in terms of demographics. When I tried to
5 do it, the numbers just didn't balance out. That really
6 is the heart of 14. And trying to shift that out while
7 making population got very ugly and broke up a lot of
8 areas we're trying to keep together. It was a good idea
9 but it didn't work when I tested it.

10 COMMISSIONER HUNTWORK: Okay.

11 CHAIRMAN LYNN: Other questions or
12 comments for Mr. Johnson?

13 MR. JOHNSON: I would note, just on the
14 question, the gentleman from Isaac did talk about their
15 links to the west, as with Glendale, and perhaps some
16 consolidation. They will have some connection with the
17 west. The main connection is with 14. Well over 90
18 percent of the population is in 14.

19 COMMISSIONER HUNTWORK: Doug, what would
20 it do to 13? Is it even possible? I know there's an
21 area that goes up in Glendale that has good
22 demographics. So you pick that up, come down presumably
23 below that District 12, and what --

24 MR. JOHNSON: The Glendale neighborhood
25 has both very strong demographic numbers and also, as is

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1 in the record, a lot of ties to the Hispanic community.
2 And while it is traditionally a Hispanic area, it is not
3 nearly as densely Hispanic as Isaac School District is
4 and is much smaller. While swapping those two, 14 is
5 dropped considerably below 55 and we end up kind of
6 weaving between 14 and 13. And 13 really ends up as
7 Isaac School, Tolleson District, and 14 takes everything
8 in between.

9 COMMISSIONER HUNTWORK: Would it be safe
10 to say you could, if you split Isaac in half, or
11 something, you could get a good deal of it in 13 but by
12 switching off for Glendale, but you can't get it all
13 into 13?

14 MR. JOHNSON: Yes. The Isaac School AUR,
15 clearly well-established AUR, made my job considerably
16 more difficult to achieve our other goals.

17 COMMISSIONER HUNTWORK: I'm not suggesting
18 we split it. I'm suggesting the primary thing is to
19 keep it together, one way or other. And the only way to

20 do it would be to split it, I guess.

21 Thank you.

22 MR. JOHNSON: One thing I should note, put
23 on here so you see, the Hispanic AUR is also on here.
24 It's on your maps. It's the blue line. You can see the
25 close match between these districts and the Hispanic

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1 AUR. Only real area where they differ is South
2 Mountain, and it's just a mountain. It's a difference
3 technically in the way we drew the line rather than the
4 border.

5 CHAIRMAN LYNN: Mr. Johnson, if I
6 understood your report with respect to precinct splits,
7 I understand that there are actually two areas in
8 Maricopa County where precincts split, one in the west
9 and about four in the Mesa area?

10 MR. JOHNSON: Yes. The border between 19
11 and 22 has a couple of precinct splits. I don't
12 remember the exact count, but I can zoom in and show
13 you. Even if splitting precincts, one thing, as you'll
14 see by these lines -- so on the eastern edge of this,
15 these follow precincts. As you can see, we follow
16 precincts along, most of the way here. The only place
17 is these two districts, 19 and 22, are both four plus
18 percent overpopulated, 4.8 and 4.89. So there's not a
19 lot of flexibility in population between them.

20 So in these -- I believe -- oh, yeah. Now
21 in this one we only have one precinct split here.

22 CHAIRMAN LYNN: Total of two precincts,
23 one west and one east?

24 MR. JOHNSON: Yes.

25 CHAIRMAN LYNN: Now, what would the result

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1 be of not splitting that precinct?

2 What I'm getting at is the longer we go,
3 the more burden we place on the county election
4 officials to conduct an election. The best of all
5 worlds would be to present a map with no splits. The
6 extent to which we limit the number of splits makes
7 their job that much easier. I want to know the impact
8 of, on our map, of correcting that and having no splits
9 in Maricopa County.

10 MR. JOHNSON: The -- this split here would
11 just be, I need to look through these precincts, find a
12 very close population match. So you'd end up with
13 either 19 or 22 having a jog up or down, somewhere along
14 there, where it wouldn't follow Broadway, in this case.
15 But that could be done. Demographically, in terms of
16 city splits, all of that, no impact on districts. Very
17 similar community, and it's all Mesa.

18 CHAIRMAN LYNN: To the west?

19 MR. JOHNSON: To the west, the concern is
20 that area that we're splitting out of the precinct has
21 been an effective Hispanic district, as DOJ defined in
22 their letter, and we would be removing them from an

23 effective Hispanic district and putting them into 12.
24 The other option would be to take the whole precinct
25 south or -- into -- or west -- or east, sorry, take the

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1 whole precinct east into 13. But then we run into
2 population deviation and I end up having to split
3 precincts somewhere else.

4 Really it's the option of a precinct split
5 or put into 12. I believe there's been a concern about
6 legal exposure there similar to the issue DOJ raised on
7 San Manuel, Oracle.

8 CHAIRMAN LYNN: Let me ask the follow-up
9 in terms of taking the entire precinct rather than a
10 portion of it and bringing it into 13. What does that
11 do to demographics?

12 You said it's not a demographics issue, a
13 population deviation issue?

14 MR. JOHNSON: That is -- my recollection
15 from the test I tried to do on there, it did not work.
16 There's a huge population deviation problem. It did not
17 work for some reason, either demographics or deviation.
18 Tried to go another way.

19 CHAIRMAN LYNN: I want it quantified.
20 "Does not work" doesn't help me understand what the
21 impact of doing it would be. I think, in order to make
22 a decision -- I want to be -- I want to try to be fair
23 to everybody. One of the everybodys are the county
24 election officials. So I would need a very important

25 reason why that precinct -- I'm not suggesting it be

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1 moved into 12. I'm suggesting the entire precinct go
2 into 13 unless it adversely affects, to the point we
3 can't live with it, the minority population of 13 or
4 goes beyond a deviation we can't live with in terms of
5 population. If it does neither of those, I'm not sure
6 why we wouldn't do it.

7 COMMISSIONER MINKOFF: Mr. Chairman, I
8 don't see population deviation being problem at all.
9 According to statistics, 13 is underpopulated; 12 is
10 overpopulated. Switch 12, 13 make the deviation less.
11 The only issue would be the effect it has on minority
12 percentage.

13 MR. JOHNSON: As you might imagine,
14 there's a difference in my memory of details of a test I
15 ran at 1:00 a.m., compared to ones I ran at 4:30, this
16 is an early one.

17 Given the obvious concern there, let me
18 see.

19 Total population in that precinct,
20 currently 12, looking at moving into 13, is 6,000 people
21 who are 18 percent Hispanic. That would be a -- let me
22 see, putting in 13 --

23 COMMISSIONER MINKOFF: Doug, is 6,000 what
24 you would be moving?

25 MR. JOHNSON: Yes, a very large precinct.

1 COMMISSIONER MINKOFF: I thought it was a
2 precinct split.

3 MR. JOHNSON: 6,000 is the portion we'd be
4 moving, about 200 split apiece. The precinct all
5 together is 6,000. Goes all the way from the freeway to
6 Thomas, Dysart and roughly 118th. 6,000 people total,
7 18 percent Hispanic.

8 CHAIRMAN LYNN: Then I'll follow up.

9 I'm going to ask Helen Purcell later to
10 explain the ramifications of that. I need to understand
11 it better from her perspective and in terms of what it
12 would entail to deal with it the way the map is drawn
13 currently. We'll deal with that at an appropriate time.

14 Mr. Hall.

15 COMMISSIONER HALL: Dovetailing on that,
16 Mr. Chairman, I'd recommend conceptually as a Commission
17 we are comfortable with this map. I'm confident
18 Mr. Johnson, along with Tim and the election officials,
19 can iron this out. I'd allow them, leave them the
20 flexibility to iron out, where possible, some of these
21 election-related issues without adversely affecting key
22 issues.

23 CHAIRMAN LYNN: Confident they can. Want
24 to make sure that's clear.

25 Other comments or questions for

1 Mr. Johnson?

2 If there aren't any at the moment, I won't
3 cut that off, this is the subject of the morning until
4 we complete our business.

5 If I can now, those in the audience,
6 particularly those from the Minority Coalition, those as
7 well have had about as much time to look at the maps as
8 we have. I certainly would like to have an initial
9 reaction and input as well as combining that with our
10 general public comment.

11 So without objection, if we move to that
12 portion of the morning.

13 The first speaker slip is, in fact, Helen
14 Purcell from Maricopa County. And I know she may have
15 some comments. I certainly may have questions for her.

16 MR. KIZER: Mr. Chairman, if I may address
17 out of order.

18 CHAIRMAN LYNN: I'm sorry, Mr. Kizer.
19 If you don't mind, Ms. Purcell.

20 MR. KIZER: My only question, Michael
21 Mandell at Brown and Bain is waiting for this to be
22 e-mailed to allow him to start doing his analysis, other
23 people to do their analysis to come back with a more
24 informed analysis. Doug says it takes five minutes.

25 MR. JOHNSON: Actually, Ms. Handley --

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1 CHAIRMAN LYNN: Lisa Hauser. Doug may be
2 young, hasn't slept in two days, could get a little
3 goofy.

4 MR. JOHNSON: 10 hours sleep in just over
5 three nights.

6 She has e-mail access, could send it both
7 to Mike and also to Tim Johnson for the web.

8 CHAIRMAN LYNN: Thank you.

9 Thank you, Mr. Kizer.

10 Ms. Purcell.

11 MS. PURCELL: Thank you, Mr. Chairman,
12 members of the committee.

13 Helen Purcell, Maricopa County Recorder.

14 Not being able to zero in closely, I can't
15 tell what we're talking about. One of the things I'd
16 like to ask, where we're looking at that small piece,
17 District 13 and District 12, if that splits that very
18 large precinct, why isn't the whole portion of that
19 going into District 12? Why are we dealing with that
20 one little corner there?

21 CHAIRMAN LYNN: We're dealing with it,
22 that particular portion has resided in a district that
23 has been able to elect minority representation, and
24 that's the very subject of the Department of Justice
25 review. Because of that, it's important to the

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1 Commission that the residents of that particular portion
2 of that precinct remain in a district where that
3 likelihood exists, and that's District 13, not District
4 12.

5 MS. PURCELL: Are you saying in the past
6 there's been a precinct line along there that allowed it
7 to be in another district?

8 CHAIRMAN LYNN: I believe that's the case.
9 But Mr. Johnson is better able to answer that one than I
10 am.

11 MR. JOHNSON: I'm sorry, what is that?

12 MS. PURCELL: Has that piece in the past
13 been a precinct, either one to itself or been in a
14 precinct below it, or beside, or something? I'm
15 hard-pressed to understand what we're dealing with with
16 that here.

17 MR. JOHNSON: This is the northern
18 extension of an old Legislative line. The precinct line
19 would have had to follow it. I think the precinct
20 extended to the south as well. This line, edge of it,
21 would actually have been in the '98-2000 precinct
22 border.

23 MS. PURCELL: Possibly dealing with
24 another coexisting line, say for existence a
25 Congressional line, or a board of supervisor's line, or

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1 something else is the reason we did that. But we would,

2 of course, want to take a closer look at that and see if
3 there's something we could possibly do.

4 As you mentioned earlier, Mr. Chairman,
5 any time, from now on, or from about a month ago, that
6 we change any precinct lines or have to create, as we
7 will have to now, new precincts, that is going to cause
8 a problem, as far as we're concerned, in -- not only in
9 delay, but in establishing for those precincts either a
10 polling place, if we have to, to even locate one. In
11 addition to that, precinctmen now have to run in a
12 different precinct than what they originally thought
13 they would and have to determine what signatures would
14 be for all of those instances.

15 We had a discussion yesterday afternoon
16 during one of your breaks with our attorney, and we are
17 going to have to address the federal court tomorrow on
18 several items that we will have to -- we will hope that
19 we will be able to get relief from. Included in those
20 will be the possibility of asking for a delay in the
21 beginning of early voting, just merely because we won't
22 have ballots ready to begin earlier voting. So we're
23 probably going to have to delay that somewhere in the
24 neighborhood of 10 days. But that pushes everything
25 else back.

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1 So we have a number of things we have to
2 look at, not the least of which is dealing with

3 precincts that might be split. Whether we're talking
4 about one of the precincts or a dozen precincts, we
5 still have the same work to do. It makes, of course, it
6 not quite as bad if we're only talking about a couple
7 precincts, but there is still work to do.

8 I would also like, if I can now take off
9 that county recorder hat and address you as a citizen.

10 Since I live in one of the historic
11 districts in Central Phoenix and we have always
12 traditionally been in Central Phoenix districts, it
13 appears to me now that the historic districts are how in
14 a west, in a West Phoenix district. And that concerns
15 me. If the area between, as I understand it, between
16 Thomas and McDowell and 19th Avenue -- I guess it goes
17 down to Van Buren, but there are a number of historic
18 districts within that area. And we have normally been
19 in a Central Phoenix district. And it appears to me
20 that we are no longer but are in a West Phoenix
21 District. And I think that for some of the citizens in
22 that area that does present a problem and will be a
23 concern to many of them, I'm sure.

24 CHAIRMAN LYNN: Thank you, Ms. Purcell.

25 Clearly we understand we had significant

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1 testimony from representatives of the historic
2 districts, virtually all of them, during the course of
3 this process. And as you may know, I mean I will say
4 again, just so that everybody is clear, we are working

5 on a temporary solution to the problem based on
6 guidelines from the Department of Justice. Having said
7 that, that, in and of itself, means that we are making
8 some decisions about where lines will be for this
9 election cycle that we ordinarily would not make. There
10 will be other considerations at a subsequent time for
11 this area of Phoenix in terms of a permanent solution.

12 MS. PURCELL: I understand, Mr. Chairman,
13 but want to bring that to your attention because members
14 of that historic district are not here this morning.
15 I'm the only one that is here and has been for 35 years.

16 CHAIRMAN LYNN: I understand.

17 Mr. Elder.

18 COMMISSIONER ELDER: Yes, Mr. Chairman. I
19 have a question about this little split here from the
20 standpoint of the Hispanic population statewide has been
21 growing. And by virtue of it growing, and we still end
22 up with 171 plus change size districts in areas they can
23 elect by their choice. And there's going to be areas
24 out.

25 Is this the only area we're talking about

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1 that had the ability to elect and is outside?

2 CHAIRMAN LYNN: Mr. Johnson.

3 COMMISSIONER ELDER: I can't believe
4 there's not 40 or 50 of them.

5 MR. JOHNSON: Commissioner, the only thing

6 I was looking at when I reviewed this was what changes
7 we are making and areas that might raise this concern
8 under the assumption that as we discovered Oracle, San
9 Manuel, Justice looking closely at it, had there been
10 other areas, it would have triggered them. For this map
11 drawing, it was focused only on the change, change in
12 districts.

13 COMMISSIONER ELDER: Okay. The follow-up
14 on that, then, we are charged with developing an interim
15 map. And for 200 people in that area, even though they
16 had been in an area with an ability to elect, to put the
17 load on recorder's office to make that change doesn't
18 seem to be -- it doesn't affect the world turning.

19 I guess what comes down to, I don't know
20 why we're doing it.

21 CHAIRMAN LYNN: Ms. Minkoff.

22 COMMISSIONER MINKOFF: I understand why
23 Doug is suggesting why we do it. The question is why we
24 have to do it.

25 When dealing is Oracle, San Manuel,

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1 they're much larger communities, 6, 7 thousand people
2 involved. They are towns, well-established geographical
3 areas. Here we're dealing with only about 200 people, I
4 believe, Doug.

5 So I think my question, which really going
6 to be for Lisa -- and you can't confer Jose; you're
7 flying solo -- whether you believe there will be a

8 problem if that particular area of 200 people was
9 shifted into District 12 which is a strong minority
10 influenced district, not a minority district, in order
11 to unify the precinct? Is that a compelling enough
12 reason you believe would be acceptable?

13 COMMISSIONER ELDER: And we're not going
14 to DOJ.

15 MS. HAUSER: Just a question. And if this
16 has been covered, I apologize. I'm doing a number of
17 different things this morning.

18 Is the two -- are the 200 people in that
19 area, Doug, needed to maintain the percentage in the
20 district? Is it 13, that the number got cut-off in the
21 yellow district?

22 COMMISSIONER ELDER: Yes.

23 MR. JOHNSON: Yes. It's 13. Taking them
24 out is only going to change it a hundredths of point or
25 two.

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1 MS. HAUSER: What to what?

2 MR. JOHNSON: 55.17 --

3 COMMISSIONER MINKOFF: 19.

4 MR. JOHNSON: Drop down to 55.15, the
5 biggest drop. So it's not going to have a significant
6 impact.

7 MS. HAUSER: I don't --

8 Then, Mr. Chairman, in answer to your

9 question, Ms. Minkoff, I don't see that as a concern.
10 The -- it's kind of similar to what DOJ said in terms of
11 the state being good as a whole. There is no specific
12 area of population that is entitled to be in a
13 majority-minority district. You just don't retrogress
14 over the state as a whole.

15 I wouldn't have a problem with that.

16 CHAIRMAN LYNN: Thank you.

17 MS. PURCELL: Mr. Chairman, Mr. Elder,
18 too, I don't know in that area, when we overlay the rest
19 of our districts that we have to overlay on any map, I
20 don't know what happened in that area. I would have to
21 look at that. And we would certainly want to have the
22 ability, even with this map, if this is something that
23 the Commission is thinking of adopting, of overlaying
24 all of our districts over it.

25 Though we might not have precinct splits

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1 in some areas, we may have splits of JP districts, that
2 type of thing, and I certainly want to overlay
3 everything before we make a final decision.

4 CHAIRMAN LYNN: I do know Mr. Johnson has
5 a precinct map. That's how we found these changes. The
6 about -- the concern we have about the entire overlay
7 process, I think what I'm hearing, is at least sense
8 Commission, we don't want to cause any more work than
9 necessary. If, in fact, we can correct those without
10 doing substantial damage to the other priorities we

11 have, it appears we may be able to do that.

12 MS. PURCELL: I appreciate that. We're
13 already way behind where we need to be at this point in
14 time.

15 COMMISSIONER MINKOFF: Ms. Purcell, in
16 terms of looking at the overlays, with your JP
17 districts, and so on, if we unify that precinct, that
18 should cause no problem for that. There can't be any
19 overlap within a precinct.

20 MS. PURCELL: That's correct.

21 CHAIRMAN LYNN: Mr. Elder.

22 COMMISSIONER ELDER: Mr. Chairman, is now
23 a time appropriate to go ahead and make a motion?

24 CHAIRMAN LYNN: We're in the middle of
25 public comment. What I'd like to do, keep a list of

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1 things of what you want to do, may want to do, with the
2 map presented, and get back to that discussion when
3 finished.

4 Thank you very much.

5 Rudolfo Perez with MALDEF.

6 Mr. Perez.

7 MR. PEREZ: Good morning, Mr. Chairman,
8 Members of the Commission.

9 I'm here this morning to clarify for the
10 record MALDEF's position regarding any test map or any
11 map, proposed map, submitted to the Commission for

12 consideration.

13 MALDEF has not had an opportunity to
14 analyze any map that is before you, for your
15 consideration; therefore, we do not support nor oppose
16 any particular map at this time. I just wanted to
17 clarify that for the record and answer any questions
18 that any of you may have regarding MALDEF's position.

19 If not, then that's it.

20 CHAIRMAN LYNN: Mr. Hall.

21 COMMISSIONER HALL: Mr. Perez, do you,
22 just your -- given a gut reaction to what you saw, based
23 on Doug's presentation of these maps presented this
24 morning, I understand you haven't had a chance to
25 analyze them, I wondered if you had any initial feedback

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1 or comments at all?

2 MR. PEREZ: Not at this time. I'll ask
3 our national office in Los Angeles to review the
4 demographic data.

5 Is this online yet?

6 MS. HAUSER: It's going.

7 MR. JOHNSON: It's being sent to the web
8 master.

9 MR. PEREZ: I'll ask them to go online and
10 analyze it and ask for comments on this.

11 CHAIRMAN LYNN: So the record is complete,
12 is the Department of Justice letter on the website as
13 well?

14 MR. PEREZ: Yes, it is. I've had an
15 opportunity to read that.

16 CHAIRMAN LYNN: Thank you, Mr. Perez.

17 Next and at least, at this juncture, the
18 last speaker slip I have is from Supervisor Mary Rose
19 Wilcox representing the Minority Coalition.

20 Supervisor Wilcox, we're more than happy
21 to hear from you and/or Mr. Kizer or anyone else from
22 the Coalition.

23 SUPERVISOR WILCOX: Several members have
24 come in and out. I'm checking. We're having it checked
25 by Michael Mandell.

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1 We think it's a pretty good map.

2 Isaac School District, it doesn't concern
3 us that they are in 13, because I do think they have a
4 lot of intergovernmentals, or interschool, they work on
5 both sides of Isaac, with the Phoenix Elementary and
6 Cartwright. So I think because they are -- they are
7 together, with the exception of one small part, I feel
8 they'll be pretty pleased.

9 We are very pleased with the percentages.
10 We thought the 55 number was a good one.

11 At first blush, until we get our analysis,
12 I want to convey the members of the Coalition here,
13 those that have come in and out, are exceedingly
14 pleased.

15 CHAIRMAN LYNN: Thank you, Ms. Wilcox.
16 Mr. Kizer, want to be heard additionally
17 on the subject.
18 MR. KIZER: I have nothing really to add.
19 Michael Mandell is just getting back to
20 his office. I talked to him a minute ago from court.
21 He's not opened up the map yet for beginning his
22 analysis.
23 Lisa -- I shared with Lisa the portion
24 that happened in court I saw. I don't know if you'd
25 like me to repeat --

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1 CHAIRMAN LYNN: We'd be happy to have you
2 do that. We're not aware of any details.
3 MR. KIZER: The interesting thing is
4 Judge Silver, when she came out, her opening comments
5 were she understands we've been trying to develop a
6 consensus map, are acting sincerely in good faith, and
7 complimented both sides. For opening comments, I
8 thought that very encouraging.
9 They were briefed on the motion that
10 passed last night to bring back a proposed map at a 55
11 percent level.
12 And her question was, whatever level is
13 adopted, we need to bring back data that supports that
14 population percentage is adequate to elect minority
15 candidates of choice.
16 They asked specifically if we could supply

17 data from school district elections and city elections.
18 And they're really looking at -- they know it's really
19 13, 14 and 15 we're looking at now. That's what they
20 were addressing. Jose mentioned the problem with City
21 of Phoenix, with the way they did absentee ballots, the
22 way they did elections, may make it difficult for school
23 district election results to be readily available. What
24 level of more detailed analysis is available remains to
25 be seen. But that was -- those were two kinds of

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1 election they asked for from 1996 to current. And
2 clearly that is the Special Master asking for that kind
3 of input.

4 So I'm assuming once we start dealing with
5 the Special Master as to what is available, what other
6 alternatives there are for data, we can work with him to
7 see what he would support or feels comfortable with in
8 terms of completing his analysis.

9 The Court is agreeable with moving back
10 deadlines. The evidentiary hearing will start
11 Wednesday, hopefully will be an evidentiary hearing in
12 support of a map such as this one both sides can come in
13 and present data and evidence on. That was the extent
14 of what I heard.

15 Michael just told me a minute ago they did
16 talk about a briefing schedule. I don't know what that
17 is.

18 That's where we were this morning.
19 CHAIRMAN LYNN: Thank you, Mr. Kizer, very
20 much.
21 Couple questions. I have some, Mr. Hall
22 has some.
23 Go ahead, Mr. Hall.
24 Thank you.
25 A question for Doug, reaction from the

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1 Coalition.
2 I want to talk a minute about Isaac School
3 District. And I don't, depending on what the answers
4 are, that will determine where I'm going with the line
5 of questions, but I would like to at least explore the
6 possibility, because we are one precinct away, and I
7 know it's a dense precinct, from returning Isaac whole
8 in one district as opposed to having 90 percent of it in
9 District 14 and one precinct of it in 13.
10 What would that shift DO to the
11 demographics of 13 and 14, assuming there were
12 population available on the 14 side to switch back into
13 13? And did you attempt to do that?
14 MR. JOHNSON: Yes. This is -- I can give
15 you a detailed answer on this. I tried it many
16 different ways. When I put the precinct, I should
17 highlight the whole area, the precinct goes up to Thomas
18 Road. So I -- picking up all that area into District
19 14, that takes the District 13 demographics, and as

20 we're looking at it, the effectiveness level down below
21 what shooting for. Really, when I start trying tradeoff
22 populations, we end up wrapping 13 around -- the only
23 way we could do it, wrap 13 around the north side of
24 Isaac School, come down the east side, and then 14 has
25 to either continue west or, you know, cut this area in

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1 half. We end up with essentially 13 and 14 wrapping
2 around each other. It's possible to do but definitely
3 disrupts the areas north and east of Isaac School
4 through these lines.

5 CHAIRMAN LYNN: Clearly there's a
6 significant amount of testimony on two issues regarding
7 Isaac School District, one, it be kept whole to District
8 13. Clearly this map, we're not likely, not able to put
9 it in 13, understand that. I was just exploring, to do
10 the other part, make it whole. If it's too hard to fix
11 in this configuration, then we may not be able to do
12 that for this round, either.

13 Ms. Minkoff.

14 COMMISSIONER MINKOFF: A further question
15 relative to the Historic Districts.

16 CHAIRMAN LYNN: Ms. Minkoff, Mr. Hall is
17 next. I thought the question was on the Isaac School
18 District.

19 COMMISSIONER MINKOFF: Okay.

20 CHAIRMAN LYNN: Reaction from Ms. Wilcox

21 before I take Mr. Hall's question then yours.

22 SUPERVISOR WILCOX: I think because of the
23 changed configuration and the district going to Van
24 Buren, I do not think -- and you put it all together
25 with the except of one small piece, I do not think that

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1 it would make a big difference whether in 13 or 14. Let
2 me tell you why.

3 I believe Isaac felt 13 has the most
4 chance to get Hispanic representation. Now that you
5 evened out the numbers and have 55 in 14 and there's a
6 very good chance for Hispanic representation, and 55 in
7 13, I think that was one of the main concerns. Because
8 of bilingual education programs and the large Hispanic
9 population, they have very good opportunity to have
10 Hispanic representation who may be able to work with
11 them quite well.

12 So -- Robert Zamora is not here. I worked
13 with Isaac for many, many years, both with the City
14 Council and as a County Supervisor. I think they'll be
15 pleased. The only other suggestion I can make --

16 Do you have a pointer?

17 -- if you wanted to try make it whole, is
18 switch a small part of Isaac in 13 to the south of the
19 freeway and put -- okay. This is only a suggestion,
20 just a suggestion, is you could switch, make this green
21 and bring this is a little further down. You may be
22 able to even it out right there. I know those are --

23 this is not too populated. If you came down a little
24 more, growth, new homes in this area, you are able to do
25 this.

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1 16 is a healthy number.

2 I think you could afford to do that, keep
3 them whole, put this small piece; perhaps by just
4 bringing this line down a little bit, even it out.
5 That's the only suggestion I'd make, if you want to make
6 it whole.

7 As for 13, 14, as long as they have equal
8 chance for Hispanic reps, they'll be fine.

9 CHAIRMAN LYNN: Thank you. We appreciate
10 your comments.

11 I think there's ample testimony, as well
12 as discussion by the Commission, about District 16. I
13 think as dense as that piece is, it would have to be a
14 fairly significant chunk of 16 pulled upward. I'm not
15 sure we want to do that because of the circumstances in
16 16. But I appreciate the comment.

17 SUPERVISOR WILCOX: Could I make a comment
18 on the central neighborhoods? I have a lot of history.

19 CHAIRMAN LYNN: Historic neighborhoods?

20 SUPERVISOR WILCOX: Yes.

21 CHAIRMAN LYNN: Sure. This is the last
22 public comment. We have a lot of work to do. I ask you
23 to be brief.

24 Rc052302.txt
SUPERVISOR WILCOX: When I was on City
25 Council during the '80s and early '90s, the historic

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1 districts were in my City Council District which
2 encompassed the whole southwest portion of Phoenix.
3 That did pass DOJ. And the historic districts, you
4 know, I know why it came together, but you had basically
5 kept them together. And I have no problem with historic
6 districts being represented in areas predominantly
7 Hispanic. In fact, it was a pretty good mix.

8 I think the integrity of the Historic
9 Districts being kept together, Coronado, the north high
10 area, you kept Willow, you kept Encanto, kept Story, and
11 Roosevelt, kept the area that is south of west high, the
12 old West High Metro Tech. These are major historic
13 areas, have always been, in my eyes, as a City
14 Councilwoman and County Supervisor, the brunt of the
15 historic community.

16 I think even though you have kept them
17 together, though not in a true Central Phoenix District,
18 you don't have a true central 15. 15 extends to East
19 Phoenix. I see no problem with this. I've represented
20 this area for over 20 years now.

21 So just commenting, I think the concern I
22 would have now is keep your block together, which you've
23 really done.

24 (Mr. Rivera arrives.)

25 CHAIRMAN LYNN: Thank you, Ms. Wilcox.

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1 Ms. Minkoff.

2 COMMISSIONER MINKOFF: Yes, Mr. Chairman.

3 Actually a question for Doug about the
4 historic districts. Understanding what Supervisor
5 Wilcox said, you have done a good job of keeping them
6 all together in District 14. What I'm wondering is
7 demographically if it works, because the Historic
8 Districts, while they do have significant minority
9 population are not as heavily a minority as the rest of
10 District 14, if there is a way of taking that whole
11 eastern edge of District 14, putting it in 15, and if
12 the population at the northern end of 15, you know,
13 bordering the 17 freeway, is of similar demographics, if
14 you could switch that into 14 and not mess up the
15 composition of the district?

16 MR. JOHNSON: Commissioner, that was
17 something that I tried to do. The three-way split of
18 the north, what was our 14, was something I tried to
19 reduce, in addition trying to keep the Historic
20 Districts where they were. And the area east of, where
21 the old 14 border was, while it's not as dense and
22 heavily Hispanic as the Isaac School neighborhood, it's
23 still considerably more densely Hispanic and more
24 tightly integrated into the Hispanic communities than
25 the north part of 14 and did throw off 15 when I tested

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1 it.

2 COMMISSIONER MINKOFF: Anticipated every
3 question.

4 MR. JOHNSON: It was a long night.

5 CHAIRMAN LYNN: Mr. Elder.

6 COMMISSIONER ELDER: I don't know whether
7 our counsel has finished their discussions or not, but
8 do we need to go like into a five-minute Executive
9 Session to find out the ramifications of anything
10 developed in Court before we go ahead with the work on
11 the map?

12 CHAIRMAN LYNN: Let me ask counsel whether
13 they believe it would be appropriate at this point or
14 necessary --

15 MR. RIVERA: I think so.

16 CHAIRMAN LYNN: Appropriate or necessary
17 for executive?

18 MR. RIVERA: Five-minute Executive
19 Session.

20 CHAIRMAN LYNN: Then note note Jose is
21 here.

22 CHAIRMAN LYNN: Need the citations.

23 We need a motion pursuant to A. R. S.
24 38-431.03(A)(4) and/or A. R. S. 38-431.03(A)(3) for
25 Executive Session.

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1 COMMISSIONER MINKOFF: So moved.
2 COMMISSIONER ELDER: Second.
3 CHAIRMAN LYNN: Been moved and seconded.
4 All those in favor, signify "aye."
5 COMMISSIONER MINKOFF: "Aye."
6 COMMISSIONER ELDER: "Aye."
7 COMMISSIONER HUNTWORK: "Aye."
8 COMMISSIONER HALL: "Aye."
9 CHAIRMAN LYNN: Chair votes "aye."
10 Motions carried unanimously. We'll now go
11 into Executive Session.

12 (Whereupon, the Commission recessed Open
13 Public Session at 11:20 a.m. and went into Executive
14 Session from 11:25 a.m. until 11:50 a.m. at which time
15 Open Public Session resumed.)

16 CHAIRMAN LYNN: Ladies and gentlemen, if
17 the Commissioners will take their seats, I'll call
18 regular session back to order.

19 Ladies and gentlemen, it's our intent to
20 take a break. And what I would like to do at this point
21 is I would like at this moment just to ask the
22 Commission if there are any other specific questions you
23 have of Mr. Johnson relative to the map that he
24 presented.

25 And if there are no other questions, I

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1 would like to take about a 15-minute break and then come
2 back and talk about the remainder of the day and what we
3 need to do to complete our work.

4 So without objection, the Commission will
5 take a -- well, the remainder of the lunch break, a
6 15-minute break at this moment, and get back at five
7 after 12:00, without objection.

8 (Recess taken.)

9 CHAIRMAN LYNN: We're going to call the
10 session to order this afternoon and resume the afternoon
11 session.

12 We'll call the Commission to order. We
13 have a quorum. We don't know where Mr. Hall is.

14 The next order of business for the
15 Commission is to continue discussion on what we are now
16 calling Commission Map Number 4, I believe, Mr. Johnson,

17 MR. JOHNSON: Yes.

18 CHAIRMAN LYNN: I believe to offer
19 instruction, if there is any, to the consultant relative
20 to administrative or other adjustments we'd like to see
21 to Map Number 4.

22 Mr. Elder?

23 COMMISSIONER ELDER: Yes, Mr. Chairman. I
24 would like to --

25 Do we need to make these in the form of

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1 motions?

2 CHAIRMAN LYNN: Yes.

3 COMMISSIONER ELDER: I'd like to move we
4 direct Mr. Johnson review proposed Map 4 for traps and
5 for split precincts and to be allowed to make the
6 adjustments that bring the percent deviation more in
7 line and/or maximize the minority voting age population
8 Hispanic numbers higher.

9 CHAIRMAN LYNN: Is there a second?

10 COMMISSIONER HUNTWORK: Second.

11 CHAIRMAN LYNN: Thank you.

12 Discussion on the motion?

13 Ms. Minkoff.

14 COMMISSIONER MINKOFF: Mr. Chairman, I'm a
15 little confused. I think the first part of the motion
16 dealing eliminating precinct splits, minimizing
17 population deviation, et cetera, makes some sense. I am
18 confused. I'd like to ask the maker of the motion to
19 explain the last part of the motion you discussed.

20 Increasing the percentage of Hispanic
21 voters, we've already done that.

22 COMMISSIONER ELDER: I guess the option,
23 as in the last example, where we can reduce the
24 differential, a choice of which side of the line to put
25 it, put on the side of the line where it benefits it,

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1 either decrease the differential or increase Hispanic
2 voting age population numbers.

3 COMMISSIONER HUNTWORK: When it eliminates
4 a split of a precinct.

5 COMMISSIONER MINKOFF: Oh.

6 COMMISSIONER ELDER: Eliminate split or
7 looking at different things, if a choice how to do it,
8 I'd prefer to reduce the deviation, in effect, increase
9 numbers where possible.

10 COMMISSIONER MINKOFF: Let me ask you a
11 question: The one decrease split we're looking at, one
12 between 12, 13, those are kind of cross purposes.
13 Because I think putting it into 13, I -- I'm sorry,
14 taking it out of 13, which is what we're talking about,
15 slightly reduces by a microscopic amount, reduces
16 Hispanics in Districts 13, not so much that it affects
17 the entire district, but has less impact on population
18 deviation than putting the whole thing into 13.

19 COMMISSIONER ELDER: I think the intent is
20 where it has a domino effect, and there we're talking
21 about moving an additional, was it three to four
22 thousand people that were in that -- no.

23 COMMISSIONER ELDER: 200 in that trap, if
24 we take the thing -- not trap, the precinct split. If
25 we take the part in 12 now, three, four thousand, bring

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1 that into 13, it makes a major change in deviation
2 numbers.

3 COMMISSIONER MINKOFF: Improves, actually.

4 12 is overpopulated, 13 underpopulated. Move the whole
5 thing into 13, reducing the deviation, but also reducing
6 Hispanic percentage in 13.

7 COMMISSIONER HUNTWORK: Andi, what do you
8 suggest?

9 COMMISSIONER MINKOFF: I'm suggesting, and
10 I think that our ethnic balance in most of these are
11 okay, on small population amounts, I think we move them
12 just based on streamlining, having minimum impact. If
13 you are looking at a precinct with 6,000 voters in it,
14 5,800 in one district, 200 in another district, as far
15 as I'm concerned, move the 200, not 5,800, regardless of
16 effect. 200 people are going to have minimal effect.
17 5,800 people could have significant effect.

18 COMMISSIONER ELDER: I guess I missed
19 somewhere, didn't state the motion carefully enough.
20 If, 3,000, 3,000, swing on whether increased or
21 benefited the minority numbers, if we're looking at
22 swinging of 6,000 or 200, then there is no choice, 6,000
23 prevails, make the split, take that out and leave in
24 this case, the one we're discussing, District 12.

25 CHAIRMAN LYNN: I wonder, the problem may

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1 be the motion may be a little more comprehensive in its
2 scope than we might be willing to go with. I wonder if
3 we can take them a piece at a time.

4 COMMISSIONER ELDER: Okay.

5 CHAIRMAN LYNN: The administrative

6 portion, eliminating traps, I think is a simple thing to
7 get off the table.

8 COMMISSIONER ELDER: I'd withdraw the
9 motion.

10 CHAIRMAN LYNN: Mr. Huntwork?

11 COMMISSIONER HUNTWORK: Yes.

12 CHAIRMAN LYNN: Do that.

13 COMMISSIONER ELDER: I'll revise the
14 motion.

15 We authorize Doug Johnson, NDC, to review
16 the proposed plan, DOJ Map 4, for administrative traps.

17 Is that --

18 CHAIRMAN LYNN: And to correct them

19 COMMISSIONER ELDER: And to correct them

20 COMMISSIONER HUNTWORK: Second.

21 CHAIRMAN LYNN: Discussion on the motion?

22 Mr. Hall.

23 COMMISSIONER HALL: Call the question.

24 CHAIRMAN LYNN: All in favor of the
25 motion, signify by saying "aye."

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1 COMMISSIONER HUNTWORK: "Aye."

2 COMMISSIONER HALL: "Aye."

3 COMMISSIONER ELDER: "Aye."

4 COMMISSIONER MINKOFF: "Aye."

5 CHAIRMAN LYNN: Motion carries

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So ordered.

Subsequent directions to Mr. Johnson.
Mr. Huntwork?

COMMISSIONER HUNTWORK: I'd like to make
the motion that we correct the precinct split in
Precinct 13 simply by eliminating the partial precinct
above I-10 on the western end by using District 12.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?
Ready for the question.

Mr. Huntwork?

COMMISSIONER HUNTWORK: I'd just like to
say that it would have minimal effect on the
demographics of District 13 and significant
administrative benefit by eliminating a precinct split.

CHAIRMAN LYNN: And, I believe, if I
recall the testimony, that's less than one-hundredths of
one percent.

MR. JOHNSON: Mr. Chairman, that is

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correct.

I just wanted to clarify something I think
is clear, I want to be sure on the record, our goal here
is given the emergency situation, I realize the issue of
the precinct, given the emergency need of the precinct
to get off and happening in time, that's our goal,
correct?

CHAIRMAN LYNN: Correct.

9 Further discussion on the motion?
10 If not, all in favor of the motion,
11 signify by saying "aye."
12 COMMISSIONER HUNTWORK: "Aye."
13 COMMISSIONER HALL: "Aye."
14 COMMISSIONER MINKOFF: "Aye."
15 COMMISSIONER ELDER: "Aye."
16 CHAIRMAN LYNN: Opposed, "no"?
17 Motion carries and is so ordered.
18 COMMISSIONER MINKOFF: Mr. Chairman, as I
19 recall, there were also precinct splits in the East
20 Valley, I believe, between 19 and 22.
21 Didn't you indicate there were some?
22 I'd like to instruct Mr. Johnson, to the
23 extent possible, to eliminate precinct splits in those
24 Districts by shifting population between them to
25 minimize any change in population deviation in those two

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1 Districts.
2 CHAIRMAN LYNN: Is there a second?
3 COMMISSIONER HUNTWORK: Second.
4 CHAIRMAN LYNN: Moved and seconded.
5 Discussion on the motion?
6 Hearing none, if you are ready for the
7 question, all those in favor of the motion, signify by
8 saying "aye."
9 COMMISSIONER MINKOFF: "Aye."

10 COMMISSIONER ELDER: "Aye."
11 COMMISSIONER HUNTWORK: "Aye."
12 COMMISSIONER HALL: "Aye."
13 CHAIRMAN LYNN: Chair votes "aye."
14 Motion carries unanimously and is so
15 ordered.

16 Are there other instructions to
17 Mr. Johnson?

18 Ms. Minkoff.

19 COMMISSIONER MINKOFF: Mr. Johnson, have
20 we identified all precinct splits you are aware of
21 caused by the latest change in the map?

22 MR. JOHNSON: We are still -- I think that
23 Maricopa County people are still going over it with a
24 fine-tooth comb, so I think the initial instruction is
25 general enough to cover them.

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1 COMMISSIONER MINKOFF: We've been very
2 specific. We've instructed you on just two specific
3 areas. Do you need more general instruction in case
4 something else crops up?

5 MR. JOHNSON: My understanding,
6 Commissioner Elder, correct me if I'm wrong,
7 Commissioner Elder's initial motion is a more general
8 one.

9 COMMISSIONER HUNTWORK: That is traps.

10 COMMISSIONER MINKOFF: Traps.

11 I'd make a further motion authorizing

12 Mr. Johnson if other precinct splits are identified,
13 that as long as there is no change, no significant
14 change to the essential character of any district, that
15 he is authorized to unify the precincts, wherever
16 possible.

17 CHAIRMAN LYNN: Is there a second?

18 COMMISSIONER HUNTWORK: Second.

19 CHAIRMAN LYNN: Discussion on the motion?

20 MR. JOHNSON: Mr. Chairman, if I may, so
21 you know, as I do this, I'll keep an exact record as to
22 which precincts and where people move so you have an
23 exact record where people move.

24 CHAIRMAN LYNN: As we'd expect.

25 Ms. Minkoff.

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1 COMMISSIONER MINKOFF: I'd point out the
2 motion does not specify only Maricopa County. Those are
3 the only ones we're currently aware of. The motion
4 allows if splits are identified in other counties, you
5 can correct those as well.

6 CHAIRMAN LYNN: Ready for the question?

7 All those in favor of the motion, signify
8 by saying "aye."

9 COMMISSIONER HALL: "Aye."

10 COMMISSIONER HUNTWORK: "Aye."

11 COMMISSIONER ELDER: "Aye."

12 COMMISSIONER MINKOFF: "Aye."

13 CHAIRMAN LYNN: Chair votes "Aye."

14 Motion carries and is so ordered.

15 Other motions to instruct Mr. Johnson in
16 terms of Map 4?

17 COMMISSIONER HALL: Mr. Johnson, I'd
18 confirm with you down in 23 in the Tucson area, that is
19 essentially the same as what we looked at two days ago,
20 whenever that was. For example, some of the Flowing
21 Wells suggestions, none of those things are on this map?

22 MR. JOHNSON: That's correct. The only
23 difference between this map and ones we've been looking
24 at, NDC developed, is between Oracle and Saddlebrooke.
25 There was that four-person precinct trap. That has been

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1 fixed.

2 COMMISSIONER ELDER: Okay. The answer is
3 yes.

4 CHAIRMAN LYNN: Further discussion?

5 Mr. Huntwork.

6 COMMISSIONER HALL: Answer the question
7 again, Doug?

8 MR. JOHNSON: The only difference in all
9 maps seen in that area, it is the adopted plan with the
10 change of Oracle and San Manuel. And the only new
11 thing, fixed the precinct trap of four people between
12 the towns of Oracle and San Manuel.

13 COMMISSIONER HUNTWORK: Mr. Chairman, I'd
14 like to ask both Doug and also if anyone in the audience

15 might have an interest in whether there are any other
16 technical instructions that would be beneficial at this
17 time. I can't think of any, but I'd just like to make
18 sure we've thought of everything.

19 MR. JOHNSON: I can't think of any.

20 COMMISSIONER HUNTWORK: Karen, can you
21 think of anything?

22 MS. OSBORNE: Mr. Chairman, Mr. Huntwork,
23 I think the instructions sufficiently take care of what
24 we need. We appreciate that, two little people over
25 there, four little people over there, that will help us.

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1 CHAIRMAN LYNN: Further instructions to
2 Mr. Johnson relative to Map 4?

3 Mr. Elder.

4 COMMISSIONER ELDER: Mr. Chairman, I would
5 like to have a consolidated, complete data set on Map 4,
6 including, when it's appropriate, to run
7 competitiveness, to run all other data we've had on
8 other maps coming up to this point. And that can be
9 three, four, five days, when traps and everything are
10 identified and fixed, so I've got this is the end point
11 we're at for the interim.

12 CHAIRMAN LYNN: I take that in the form of
13 a motion?

14 COMMISSIONER ELDER: Yes.

15 CHAIRMAN LYNN: Is there a second?

16 COMMISSIONER MINKOFF: Second.

17 CHAIRMAN LYNN: Discussion?

18 Mr. Huntwork?

19 COMMISSIONER HUNTWORK: Well, I think in
20 terms of some of the other tests, I would want to wait
21 until the data review is complete and all the data bases
22 are correct before I took in additional numbers on
23 competitiveness.

24 COMMISSIONER ELDER: I guess either add
25 that to the mix and say another run at that point, if

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1 that's going to be weeks down the line. If we are going
2 to have --

3 CHAIRMAN LYNN: The time frame is shorter
4 than that. We can get that done fairly rapidly.
5 They're almost done with the data base.

6 COMMISSIONER ELDER: I'd like the answers
7 with the attorneys when they go to court. If any
8 questions arise, have at least something run on this map
9 to be able to base comments on.

10 CHAIRMAN LYNN: Further discussion on the
11 motion?

12 If not, all those in favor of the motion
13 signify by saying "aye."

14 COMMISSIONER HALL: "Aye."

15 COMMISSIONER HUNTWORK: "Aye."

16 COMMISSIONER ELDER: "Aye."

17 COMMISSIONER MINKOFF: "Aye."

18 CHAIRMAN LYNN: Chair votes "Aye."
19 Motion carries unanimously and is so
20 ordered.

21 Further instructions to Mr. Johnson?

22 COMMISSIONER HALL: Mr. Johnson, I'd be
23 interested to know if anyone in the public at this
24 point --

25 CHAIRMAN LYNN: I'll get to that. I'm

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1 getting there. One thing at a time.

2 Further instruction to Mr. Johnson?

3 If not, Mr. Johnson, are you sufficiently
4 comfortable with the instructions given and the ability,
5 should this map be adopted, to put it in a form that
6 would be not only accurate and precise but acceptable to
7 the parties that it will be submitted to, namely the
8 federal court?

9 MR. JOHNSON: Obviously I'll work with
10 counsel on what form that is, but yes.

11 COMMISSIONER HUNTWORK: Mr. Johnson, can I
12 ask a question?

13 CHAIRMAN LYNN: Yes.

14 COMMISSIONER HUNTWORK: My impression is
15 the motions are applicable to any map, the one that
16 dealt with specific precincts on this map would not, but
17 others, my sense was, they would apply to any map.

18 CHAIRMAN LYNN: And without objection,

19 let's say any generalized instructions correcting or
20 perfecting map to precincts that appear with any
21 particular map; taken in a general context, any map
22 adopted by the Commission, without objection.

23 Pursuant to Mr. Hall's suggestion, I think
24 a very good one, let us offer the opportunity, because
25 we are closing in on a time where we will need to

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1 conclude, lose a quorum if we do not, offer to the
2 public an opportunity to briefly comment to the
3 Commission on any matter before the Commission on its
4 agenda. And I will be happy to recognize people without
5 speaker slips, if they identify themselves as wishing to
6 speak.

7 Is there anyone in the audience who would
8 wish to address the Commission at this time?

9 Mr. Perez, would you state your name for
10 the record, since we're not doing speaker slips this
11 afternoon.

12 MR. PEREZ: Rudolfo Perez, Jr., director
13 of the MALDEF office.

14 There were problems with e-mail to our
15 national office. Based on the information I conveyed to
16 them over the telephone, our position is that we support
17 the test map that was presented to you this morning.
18 We're very pleased with the data and the statistics, and
19 this is a map we can support at this time.

20 CHAIRMAN LYNN: Thank you, Mr. Perez. I

21 appreciate that.

22 Are there other members of the public that
23 wish to be heard at this time?

24 Mr. Kizer?

25 MR. KIZER: I just need to talk to Jose.

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1 CHAIRMAN LYNN: Sorry, Mr. Kizer. I
2 didn't mean to impose on your phone call.

3 For the record, the map Mr. Perez is
4 referring to is DOJ Map 4.

5 Is that correct, Mr. Perez?

6 MR. PEREZ: This map here, DOJ Map 4.

7 CHAIRMAN LYNN: Thank you.

8 Are there other members of the public that
9 wish to be heard at this time?

10 If not, we'll close public comment.

11 I have a question for counsel, and I'll
12 wait until counsel is ready to answer that question.

13 Ms. Hauser, I was going to ask a question.
14 I may have already divined an answer. The question I'm
15 asking has to do with legal counsel's opinion, not in
16 terms of any specific litigation or any specific matter
17 before any court, but based on the development of the
18 map, DOJ 4. Does counsel see any impediment to the
19 adoption of that map, should we choose to do so?

20 MS. HAUSER: No.

21 CHAIRMAN LYNN: Thank you.

22 Ladies and gentlemen, just so that
23 everyone is clear, because this is a process that
24 includes a number of parties who are involved in this
25 process directed by the court, communication is

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1 extremely important. And communication is occurring as
2 we speak. If it appears as though we're kind of
3 treading water until we have communication completed,
4 you are exactly right. And we need to assure that that
5 is the case.

6 Supervisor Wilcox.

7 SUPERVISOR WILCOX: I'm not sure, because
8 I just walked in now.

9 Karen, Jose are talking, will hopefully
10 have that resolved in a few minutes. One of the things
11 when we read in the stipulation is I wanted to assure
12 the Coalition, because we do have less resources than
13 the Commission, that we will join in work on presenting
14 the evidence that the Court has asked us for. I have
15 prepared a list and given it to Lisa and Jose on the
16 school districts and other resources that we need to get
17 statistical evidence on. And I would like to just hear
18 from you that we will jointly do it together and we will
19 not have the burden all fall on us.

20 CHAIRMAN LYNN: Certainly it's the intent
21 of the Commission to make as many matters before the
22 court a joint presentation and/or stipulation as
23 possible. That's the intent. And we certainly will

24 follow through on that intent.

25 SUPERVISOR WILCOX: Okay. We'll work that

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1 out with Jose and Lisa then.

2 CHAIRMAN LYNN: Yes.

3 Mr. Huntwork.

4 COMMISSIONER HUNTWORK: I think just a
5 clarification here. I really hate to be splitting
6 hairs, but I think that we will work separately and we
7 will work together. I don't think that the intent of
8 this was to place the entire burden on the Coalition, by
9 any means. And I think if we each do all that we can, I
10 don't think it means, though, we can't provide evidence
11 that isn't joint, we can go forward separately as well
12 with evidence supporting the motion, as can the
13 Coalition go forward separately with evidence supporting
14 the plan and not evidence introduced with evidence not
15 jointly approved.

16 CHAIRMAN LYNN: I appreciate the
17 distinction.

18 COMMISSIONER ELDER: I'd like to maybe add
19 another distinction here, I think it's important for the
20 court to see and perceive that there is consensus, that
21 this is not a compromised position from the standpoint
22 of, you know, we all got together and here is the
23 mediated line. It's coming from, you know, the
24 Commission, it's coming from the Coalition, and we're

25 supporting each other. And it has been a mutually

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1 developed position. But I think it's very important for
2 the judges to hear that these people are in support of
3 and it's not something reached by our attorneys and
4 their attorneys but actually the people that make the
5 presentation before that judge that says we believe, and
6 then go on with it.

7 To the extent they need support for
8 documentation and data and we've got it, hey, give it to
9 them, for whatever purpose.

10 CHAIRMAN LYNN: Let me try to make a
11 slight modification of your statement, which I think is
12 very well-intended.

13 During the course of this deliberation,
14 the Coalition has, on the record, indicated that it is
15 the job of the Commission to produce the map. It is the
16 job of the Coalition to support the map, if possible.
17 And those are the -- those are the roles of the parties
18 in this particular suit.

19 To the extent that we undertook that
20 responsibility, the map is a product of our work. We
21 have taken input from the public, from the Coalition,
22 and others, relative to the development of any map that
23 we will adopt. And that map, once adopted, is our work
24 product. We will be submitting it to the court.
25 Support or comment on that map will be the

1 responsibility, obviously, of the Commission. And we
2 will do so, and of others. And the others will need to
3 do their work both with us and independently.

4 COMMISSIONER HUNTWORK: I agree with that
5 statement, Mr. Chairman.

6 SUPERVISOR WILCOX: That's fine.

7 CHAIRMAN LYNN: If you all bear with us,
8 we'll have a couple moments of relative silence, because
9 there's no other business to fill it. I'm only being
10 honest with everyone that we need to complete our
11 communication so that we can move forward as a
12 Commission. And if you'll just bear with us, as soon as
13 we have notification our communication is complete, we
14 will move ahead.

15 (Recess taken from 1:28 to 1:44 p.m.)

16 CHAIRMAN LYNN: Ladies and gentlemen,
17 we'll go back on the record.

18 Ladies and gentlemen of the Commission,
19 the issue is before us. The issue before us is the
20 adoption of a map. And the Chair would entertain an
21 affirmative motion to adopt a map. Please designate the
22 map. And the motion is to present that map to federal
23 court in response to the DOJ objections for interim use
24 for the 2002 election cycle only.

25 COMMISSIONER ELDER: So moved.

1 CHAIRMAN LYNN: And designate the map, if
2 you would, Mr. Elder.

3 COMMISSIONER ELDER: The map is DOJ Map 4.

4 CHAIRMAN LYNN: Motion has been made.

5 Is there a second?

6 COMMISSIONER MINKOFF: I would like to
7 second. I would also suggest we add to the motion DOJ
8 Map 4 as adjusted according to the instructions made by
9 the earlier motion to Doug Johnson.

10 CHAIRMAN LYNN: Is that acceptable,
11 Mr. Elder?

12 COMMISSIONER ELDER: That is correct.

13 CHAIRMAN LYNN: Motion has been made to
14 adopt DOJ Map 4 to be our response to the court to the
15 DOJ objections for interim use for the 2002 election
16 cycle only, that map to be subject to the instructions
17 given to Mr. Johnson earlier for technical corrections
18 and administrative fixes for that map.

19 Discussion on the motion, Mr. Huntwork?

20 COMMISSIONER HUNTWORK: Do we have in hand
21 a stipulation from the Coalition to support this map if
22 it is adopted?

23 CHAIRMAN LYNN: It is my understanding we
24 do. I'll double-check with counsel if we do.

25 MS. HAUSER: Want to see it?

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1 COMMISSIONER HUNTWORK: Is the answer yes
2 or no? I don't need to see it. I need to know the
3 answer.

4 MR. RIVERA: The answer is yes.

5 CHAIRMAN LYNN: Further discussion on the
6 motion?

7 Mr. Hall.

8 COMMISSIONER HALL: I think, to
9 Mr. Huntwork's point, I think that is important to this
10 Commission in light of the fact that it is clear that
11 the letter from DOJ has indicated a very, very high
12 bench mark, and it is also clear that we will need the
13 assistance of representatives of the Hispanic Coalition
14 in that area to provide appropriate testimony to help us
15 verify to the court that in reality those percentages
16 are sufficient; and with that local testimony and
17 knowledge, I think that they will be convinced that in
18 reality minority representatives will have the ability
19 to elect a representative of their choice. That's why
20 it's critical the parties involved jointly support that.
21 Furthermore, I appreciate the support from Mr. Perez of
22 MALDEF.

23 CHAIRMAN LYNN: Further discussion on the
24 motion?

25 Briefly.

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1 SUPERVISOR WILCOX: I just want to state
2 you have our stipulation on behalf of the Coalition we
3 do support the joint map. We will, as Mr. Hall said,
4 work with you in the court. It is our hope that when
5 elections occur, there will be proof that the Hispanic
6 community can elect candidates of its choice.

7 Thank you very much.

8 CHAIRMAN LYNN: Thank you, Supervisor
9 Wilcox.

10 Further discussion on the motion?

11 COMMISSIONER HALL: On behalf of the
12 motion, I think we appreciate that support and look
13 forward to further support as we move into the 2004, et
14 cetera, elections.

15 CHAIRMAN LYNN: Further discussion?

16 If not, roll call.

17 Mr. Elder?

18 COMMISSIONER ELDER: "Aye."

19 CHAIRMAN LYNN: Ms. Minkoff?

20 COMMISSIONER MINKOFF: "Aye."

21 CHAIRMAN LYNN: Mr. Hall?

22 COMMISSIONER HALL: "Aye."

23 CHAIRMAN LYNN: Mr. Huntwork?

24 COMMISSIONER HUNTWORK: "Aye."

25 CHAIRMAN LYNN: Chair votes "Aye."

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1 Motion carries five-zero.

2 The Chair would entertain a motion to go
3 to block level description for Map DOJ 4 and present
4 that to counsel for use in supplying to the court.

5 COMMISSIONER MINKOFF: So moved.

6 CHAIRMAN LYNN: Second?

7 COMMISSIONER HUNTWORK: Second.

8 CHAIRMAN LYNN: All in favor of the
9 motion, say "aye."

10 COMMISSIONER ELDER: "Aye."

11 COMMISSIONER MINKOFF: "Aye."

12 COMMISSIONER HALL: "Aye."

13 COMMISSIONER HUNTWORK: "Aye."

14 CHAIRMAN LYNN: Chair votes "aye."
15 So ordered.

16 The Chair would also ask for
17 authorization, due to the time frame involved and
18 ability to reconvene as a Commission in a timely manner,
19 in order to respond to the court, the Chair would
20 entertain a motion entertaining that legal counsel sign
21 the certification to the court on behalf of the
22 Commission -- certify to the Secretary of State this is
23 our interim map and to present it on our behalf.

24 COMMISSIONER HALL: So moved.

25 CHAIRMAN LYNN: Second?

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1 COMMISSIONER MINKOFF: Second.

2 CHAIRMAN LYNN: Discussion on the motion?

3 All those in favor --

4 COMMISSIONER HUNTWORK: I would like to
5 ask counsel, for the record, whether that -- I'd like
6 counsel to advise us whether that procedure is legally
7 sufficient.

8 MS. HAUSER: I think so.
9 Mr. Chairman, I think for this purpose,
10 yes.

11 CHAIRMAN LYNN: Further discussion on the
12 motion?

13 If not, all those favor of the motion,
14 signify by saying "aye."

15 COMMISSIONER MINKOFF: "Aye."

16 COMMISSIONER ELDER: "Aye."

17 COMMISSIONER HALL: "Aye."

18 COMMISSIONER HUNTWORK: "Aye."

19 CHAIRMAN LYNN: Chair votes "aye."

20 So ordered.

21 Any further business to come before the
22 Commission?

23 Ms. Minkoff.

24 COMMISSIONER MINKOFF: I'd like to request
25 when the final map is prepared and when the data

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1 referenced by Mr. Elder is available, that the IRC
2 office be instructed to make copies of these available
3 to all of the Commissioners so we may have them for our
4 files.

5 CHAIRMAN LYNN: I'd add to that and also
6 post all that information to the website as it becomes
7 available as well.

8 COMMISSIONER MINKOFF: Absolutely.

9 CHAIRMAN LYNN: Do both of those things
10 without objection.

11 Other business to come before the
12 Commission?

13 If not, is there a motion to adjourn?

14 COMMISSIONER HUNTWORK: So moved.

15 CHAIRMAN LYNN: Second?

16 COMMISSIONER ELDER: Second.

17 CHAIRMAN LYNN: Discussion?

18 All those in favor of the motion, signify
19 by saying "Aye."

20 COMMISSIONER HUNTWORK: "Aye."

21 COMMISSIONER HALL: "Aye."

22 COMMISSIONER MINKOFF: "Aye."

23 COMMISSIONER ELDER: "Aye."

24 CHAIRMAN LYNN: Chair votes "Aye."

25 Motion carries unanimously.

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1 The Commission will stand adjourned until
2 next call.

3 (Whereupon, the hearing concluded at
4 approximately 1:51 p. m.)

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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 70
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 23rd day
19 of May, 2002.

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

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