

1                   **ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

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6                   Thursday, August 25, 2011  
7                                   12:09 p.m.

8  
9                                   **Location**

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

13  
14                                   **Attending**

15                                   Colleen C. Mathis, Chair  
16                                   Jose M. Herrera, Vice Chair  
17                                   Scott Day Freeman, Vice Chair  
18                                   Linda C. McNulty, Commissioner  
19                                   Richard P. Stertz, Commissioner

20                                   Raymond F. Bladine, Executive Director  
21                                   Kristina Gomez, Deputy Executive Director  
22                                   Buck Forst, Information Technology Specialist  
23                                   Joe Kanefield, Counsel, Ballard Spahr  
24                                   Jean-Jacques Cabou, Osborn Maledon

25                                   **PREPARED BY:**

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                                  CR No. 50637

Casa Grande, Arizona  
August 25, 2011  
12:09 p.m.

CHAIRPERSON MATHIS: Good afternoon.

This meeting of the Arizona Independent Redistricting Commission will now come to order.

The time is 12:09 p.m.

Today is Thursday, August 25th, and let's start with the Pledge of Allegiance. So if you will all please rise.

(Pledge was recited.)

CHAIRPERSON MATHIS: Great. It's good to see so many members of the public here today. Thank you for coming.

We've got a big agenda today, as usual, and we'll be getting to that shortly.

Let me do roll call first.

Vice Chair Freeman.

VICE CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Vice Chair Herrera.

VICE CHAIR HERRERA: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER MCNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

1 COMMISSIONER STERTZ: Here.

2 CHAIRPERSON MATHIS: We have a quorum.

3 And other folks around the table today,  
4 our legal counsel is Joe Kanefield today.

5 Our mapping consultant, Willie Desmond.

6 We have other staff members here. Chief  
7 technology officer, Buck Forst; Stu Robinson is our  
8 PIO; our executive director, Ray Bladine, over here;  
9 Kristina Gomez, our deputy executive director. And  
10 anybody else from staff that I'm missing?

11 We have a court reporter, of course, as  
12 always, taking -- recording of the entire  
13 proceedings. So during public comment, when you  
14 come up, please be sure to spell your name for the  
15 record so that we get an accurate accounting and be  
16 sure to speak directly into the microphone when that  
17 happens.

18 I think those are all of the  
19 introductions.

20 So we'll move into agenda item II, which  
21 is Hispanic Coalition for Good Government  
22 presentation and submittal of Congressional and  
23 Legislative maps.

24 And I believe that Mary Rose Wilcox will  
25 be coming up first. She's already there.

1 MARY ROSE WILCOX: Yes.

2 CHAIRPERSON MATHIS: Cochair Hispanic  
3 Coalition for Better Government from Maricopa  
4 County.

5 MARY ROSE WILCOX: Thank you very much,  
6 Madame Chairman, members of the Commission.

7 CHAIRPERSON MATHIS: We can't hear you  
8 very well.

9 MARY ROSE WILCOX: Is it on?

10 Okay. Can you hear me?

11 Thank you very much, Madame Chairman,  
12 members of the Commission, for letting us come  
13 before you.

14 We feel that our presentation today will  
15 be one that will be very interesting and one that we  
16 hope can add a lot to your work as a Commission.

17 First of all, I would like to say the  
18 Hispanic Coalition for Better Government is a  
19 cross-section of people who have come together from  
20 throughout the state of Arizona to offer our version  
21 of a map that we think will fulfill the Voter Rights  
22 Act and federal guidelines.

23 We would like to say that the maps that  
24 you will be seeing today have been previewed by  
25 MALDF, the Mexican American Legal Defense Fund, who

1 as you know, is a premiere Hispanic law throughout  
2 our country who for the last three decades have been  
3 in the redistricting battles that have gone on and  
4 have always put voter rights and federal  
5 constitutional guidelines front and center.

6 We are happy to say they have endorsed  
7 our maps.

8 We, again, are made up of a cross-section  
9 of voters. You will see many of us today. We have  
10 approximately eight presenters. We are going to try  
11 to keep within the time frame. We ask your  
12 indulgence in case we go a little over and we will  
13 be available for questions.

14 We ask that you hold the questions until  
15 the end because we have a pretty concise  
16 presentation and we want to make sure we can fit  
17 everything in. And then we'll be open to anything  
18 you want to ask us.

19 Again, before I start, I am going to be  
20 talking about District 4 and I have a map up here,  
21 if I can work this.

22 We have a map with District 4 and also  
23 District 7. We will have speakers speaking on  
24 District 7, but I'm going to concentrate on District  
25 4 at this point.

1           Let me first of all say -- here it is.

2           District 4 sits in the heart of Maricopa  
3 County. This district should be created and it  
4 meets all federal constitutional requirements,  
5 including compliance with the Voter Rights Act.

6           This district meets equal population. It  
7 is 60 percent Hispanic and the map arrives close to  
8 the needed 710,244 residents. I think it's about  
9 200 people short.

10           It has contiguous boundaries. As you can  
11 see, it is very much compact and contiguous.

12           Natural boundaries are the northern part,  
13 which is Northern Avenue and the historic Glendale  
14 area, 7th Avenue and Bethany Home. And as it comes  
15 down, the historic neighborhoods are tied together  
16 in CD4.

17           We also have -- the eastern portion is  
18 the city of Phoenix Central City Village and we also  
19 have the town of Guadalupe. And then we come into  
20 the South Phoenix area where we have South Mountain  
21 as a border, the Laveen Villages. And we go up to  
22 the west side and have Tolleson and we also have  
23 Maryvale, Estrella, and Alhambra Villages.

24           As you can see, these are all natural  
25 boundaries that make it very, very much compact and

1 contiguous.

2           Let me talk about some of the shared  
3 transportation corridors. We have Grand Avenue,  
4 which cuts through the heart of the district  
5 connecting Glendale with the central city. It stops  
6 at 7th Avenue and Van Buren.

7           The corridor is very used by many people  
8 to come on into the center of the city. We have  
9 I-10 and we also have the Hohokam, which people use  
10 as transportation corridors to traverse the area.  
11 They are natural boundaries that tie our whole  
12 communities together.

13           We also have the city of Phoenix, we have  
14 15 urban villages and villages that are contained  
15 are contained wholly in Maryvale, we have Estrella  
16 Village, we have the Laveen Village, we have  
17 Alhambra, Encanto, we have Central City, and South  
18 Mountain. All of these villages out to the 15  
19 within the city are contained entirely within our  
20 populations.

21           The city of Tolleson and the city of  
22 Guadalupe are also fully contained in District 4.

23           Voter history within this district is  
24 strongly similar and strongly united, unlike  
25 neighboring communities outside of the proposed

1 district.

2 Household income levels are very similar.  
3 There is a most -- for most part -- a working class  
4 low to middle income level district with a  
5 population that has less than 30 percent bachelor  
6 level education and with the majority of the  
7 population that has less than 60 percent with a high  
8 school diploma.

9 Our education facilities are very, very  
10 much shared by the whole district. We have South  
11 Mountain Community College with its satellite  
12 centers of Laveen and Guadalupe. We have Phoenix  
13 College -- Phoenix Community College. We have  
14 Estrella College to the west, which many people  
15 transverse to. We have the whole Phoenix Union High  
16 School District contained in our area. The Alhambra  
17 High School District. We have many of the  
18 elementary school districts wholly contained in  
19 here. Very few of them go outside of our  
20 boundaries.

21 We also have a common culture. Many of  
22 the peoples who live in District 4 generated in the  
23 central city and they have migrated just outside the  
24 central city core and their children are not living  
25 in Laveen, in South Mountain, 44th Street corridor.

1 They are living up in the Glendale area.

2           So you have a community that socializes  
3 together very, very much, culturally contained  
4 together. We have social events where you have  
5 families coming in to the central city to visit  
6 parents and to visit grandparents. So it is an area  
7 that meets, we feel, all of these populations.

8           Once again, we feel that District 4 meets  
9 all of the constitutional federal requirements and  
10 the Voter Rights Act. Again, our population is  
11 60 percent Hispanic and we feel in drawing this map,  
12 this is what we can accept as a majority/minority  
13 district.

14           I also would like to talk a little bit  
15 about District 7.

16           District 7, which will be further  
17 explained by Chairman Richard Elias of the Pima  
18 County Board of Supervisors, comes into Maricopa  
19 County and it ties in similar communities of  
20 Goodyear, El Mirage. It ties into the cities of  
21 Goodyear, city of Buckeye, Cashion, Western Phoenix,  
22 and Avondale.

23           And what it does is it comes up this  
24 corridor, and this corridor has always been the home  
25 for many of the farm-working families. In fact,

1 there's a cemetery right in the middle of it where  
2 many of them have relatives who have been buried.

3           Again, many of the older people live on  
4 the western edge. Many of their children have  
5 migrated into the towns of Avondale and Goodyear,  
6 the newer population centers, but there is a  
7 contiguous historical connection.

8           I'm not very good at this red line. So  
9 I'm sorry if you're getting a headache with it, but  
10 I think what I would like to impact is that District  
11 7, even though a portion of it will be very, very  
12 farther to the south, the portion that is in  
13 Maricopa is very contiguous to a shared culture that  
14 we appreciate, particularly among the farm-worker  
15 families.

16           District 4, in concluding, is, again,  
17 probably one of the most compact districts you can  
18 find and the rich cultural heritage is contiguous  
19 throughout the district with many, many families of  
20 sharing roots from Tolleson to Guadalupe to our  
21 northern, eastern, and southern boundaries.

22           With that, let me turn it over to  
23 Chairman Richard Elias of the Pima County Board of  
24 Supervisors.

25           RICHARD ELIAS: Thank you, Supervisor

1 Wilcox, and thank you, Commission, for allowing me  
2 to come. Madame Chair, I appreciate the few minutes  
3 that we have here to share with you today.

4 I am Richard Elias. I represent District  
5 5 on the Pima County Board of Supervisors. We have  
6 kind of a gaggle of county supervisors that are  
7 coming here to talk to you all today. So we are  
8 pleased and proud to do that.

9 The map that I'm going to speak about is  
10 what is now Congressional District 7. And this map  
11 has a population deviation of .02 percent with only  
12 110 additional people needed to meet the goal of  
13 710,224 people per Congressional district.

14 This map is considerably more compact  
15 than the current minority/majority district known as  
16 CD7 while still ensuring that the current district's  
17 Hispanic majority will retain the ability to elect a  
18 candidate of their choice. It has an HVAP number of  
19 53.38 versus the current district HVAP of 50.03.

20 So moving into the central region of  
21 Arizona, and we have a number of communities here in  
22 this region that are included in our map, including  
23 Picacho, Eloy, South Eloy, Toltec, Toltec South, and  
24 Arizona City as well as native communities such as  
25 T-Bird Farms, Stanfield, Hidden Valley, ChuChu, and

1 Ak-Chin.

2           These communities really create a  
3 corridor into that West Valley that Supervisor  
4 Wilcox just described and are the linchpins that  
5 really connect Pinal and Pima County and those  
6 western edges of Maricopa County to each other. So  
7 they are critical to us.

8           Next we move into Pima County, and that's  
9 really the largest Hispanic population base for this  
10 proposed district.

11           We have the combined Hispanic communities  
12 of the west and south side of Tucson and the  
13 southwest areas of Metropolitan Tucson as well. And  
14 it's aligned with the more naturally -- more  
15 racially mixed areas of midtown.

16           And there's some logic behind all of  
17 that, really. Ultimately, those areas are closely  
18 connected to those areas to the south, both through  
19 connections through some of our school districts, as  
20 you'll hear from another one of our speakers, but  
21 also the University of Arizona has continued to  
22 spread to the south with the biosciences center  
23 going in at 36th and Kino, and additionally the  
24 United Physician's Health Care Hospital at Kino now,  
25 which is being taken over by UA Healthcare as we

1 speak.

2           So there's a huge connection going down  
3 that Kino/Campbell corridor to the south that really  
4 connects those midtown neighborhoods which  
5 traditionally have been a strong link to those  
6 Hispanic neighborhoods to the west and south.

7           This map also links areas of Amado,  
8 Arivaca, and Tohono O'odham Nation up to the west  
9 and really provides a gateway down that Santa Cruz  
10 Valley corridor that's really so important to many  
11 of these communities as they continue to grow and  
12 feel pressure along the way there.

13           They are finding commonalties more and  
14 more and more between each other. And so it makes a  
15 great deal of sense to follow along the Santa Cruz  
16 River Valley and connect those communities in many  
17 ways.

18           Heading down into Santa Cruz County,  
19 Santa Cruz County is a majority Hispanic County. So  
20 we really need to make sure that their ability to  
21 elect a candidate of their choice is assured.  
22 Including them in this map is really the best way to  
23 ensure their rights granted by Section 5 and 2 of  
24 the Voting Rights Act.

25           In addition, along the way there heading

1 south we've included the communities of Carmen,  
2 Tumacacori, Patagonia, Sonoita, Rio Rico and really  
3 the arts community of Tubac as well.

4 Then heading out to the west in the  
5 western boundary of Yuma County, the western  
6 boundary is obviously the Colorado River with the  
7 southern boundary being the United States/Mexico  
8 border.

9 The Hispanic neighborhoods of Yuma,  
10 Somerton, and San Luis are included in our map.  
11 Growth in Yuma County has really changed that area  
12 significantly. And it's afforded the community an  
13 opportunity to increase its representation in  
14 Congress while maintaining the Voting Rights Act  
15 issues for those Hispanic communities in the area.

16 Placing these communities in a larger  
17 Colorado River district will really disenfranchise  
18 those Hispanic neighborhoods in Somerton and San  
19 Luis and the Hispanic areas of Yuma as well.

20 These are communities that share the same  
21 school system, they share the same churches, they go  
22 to the same funeral parlors when they suffer the  
23 loss of a loved one in their family. So it's  
24 important to remember that.

25 I was talking to a friend of mine who is

1 from Somerton just the other day and he was saying  
2 that when they would prepare to go out to the Yuma  
3 mall out there on the east side of town, it was like  
4 a road trip. They wanted their mom to make  
5 sandwiches for them. So that's a considerable  
6 distance from them and really shows how there's a  
7 community of interest there within Somerton and San  
8 Luis.

9           So with that I would mention also that as  
10 a fifth-generation Tucsonan and seventh-generation  
11 Arizonan, very proud to be here in front of the  
12 Arizona Independent Redistricting Committee and  
13 quite pleased and proud of the work that you all do.  
14 I know it's a serious challenge, but I think in  
15 these maps you'll find a proper roadmap to meeting  
16 Section 5 and Section 2 of the Voting Rights Act.  
17 And ultimately, I think that will help us get to the  
18 issue of competitive districts for the Congressional  
19 districts in the state of Arizona.

20           I believe our next speaker is going to be  
21 Melena Barajas.

22           Oh, Peter Rios. I'm sorry. I forgot,  
23 one of those supervisors. There's so many of us  
24 that it's hard to keep them straight.

25           Chairman Rios from the Pinal County Board

1 of Supervisors.

2           PETE RIOS: Good morning -- or good  
3 afternoon. I think this is probably the third time  
4 that I've been before the IRC, and I thank you for  
5 your indulgence.

6           I am a cochair of the statewide minority  
7 coalition. I also serve as the chairman of the  
8 Pinal County Board of Supervisors, and this is my  
9 third rodeo when it comes to redistricting.

10           I did have the pleasure, I guess I'll  
11 say, of serving in the State Legislature in the '90s  
12 when the Legislature did redistricting and  
13 reapportionment.

14           I also had the pleasure of serving with  
15 the first Independent Redistricting Commission in  
16 the 2000s. I was also in the State Senate at the  
17 time and now I have the privilege of serving with  
18 you all on the new redistricting and reapportionment  
19 for 2010.

20           In the 30 years that I've been in elected  
21 office, I have found that there are some  
22 commonalties, because I'm speaking to the CD7 map,  
23 and there's some commonalties and similarities in  
24 minority population in rural areas and minority  
25 population in urban areas. And one of the things

1 that I have found is a common thread, because I  
2 represented areas like Apache Junction, Gold Canyon  
3 that considered themselves urban and part of East  
4 Mesa and the East Valley more than rural.

5 I represented in the '80s parts of Tucson  
6 that was clearly urban at the time. And I've  
7 represented communities like Dudleyville, Kearny,  
8 and San Manuel and Eloy that are clearly fairly  
9 rural, but one of the common threads that I have  
10 found in representing minorities whether they are in  
11 urban or rural areas is education. K-12 education  
12 regardless of where you live seems to be an  
13 extremely important issue not only just for  
14 minorities but obviously people in general, but  
15 there's a huge focus not only on K-12 but community  
16 colleges and university funding because people want  
17 their young to be able to get a better education and  
18 move ahead.

19 Health care issues, common thread in CD7,  
20 rural or urban, doesn't matter. Jobs, economic  
21 development, people want to bring home a paycheck to  
22 be able to pay the mortgage, be able to clothe their  
23 kids to go to school. So that's a big issue.

24 Culture, family values, language, and  
25 tradition, doesn't matter if you're in Winkelman,

1 Arizona, or if you are in Tucson. Those are things  
2 that are very important to Latino families.

3 And in conclusion, because they only gave  
4 me two minutes, let me say that I hope, and I know  
5 that the IRC in coming up with majority/minority  
6 districts in CDs will look at the Constitution, one  
7 man, one vote. I know that you all will look at  
8 Section 5 of the Voting Rights Act because those are  
9 two things that have to be the guiding principle for  
10 you all.

11 I remember spending time at U.S. Justice  
12 in the '90s dealing with these very issues. I  
13 remember in 2000 dealing with the Justice Department  
14 on some issues because the IRC had moved some things  
15 around that they didn't approve of, rejected the  
16 plans, they were not precleared.

17 But at the end of the day, I think if you  
18 take those two things into consideration, you will  
19 find that CD7 meets those requirements.

20 There is some people that want to speak,  
21 too, and should speak to competitiveness, and  
22 there's no reason, no reason why we all can't comply  
23 with the constitutional requirements, the Voting  
24 Rights Act, and then also consider competitiveness.

25 But the way this has been drafted,

1 clearly it's to meet the requirements of the Voting  
2 Rights Act.

3 And I thank you for your time. And if  
4 you have questions, we'll be available later.

5 MAGDALENA BARAJAS: Good afternoon. My  
6 name is Magdalena Barajas. I'm the clerk of the  
7 Sunnyside Unified School District governing board.

8 I'll spell my name for the record. It's  
9 M-a-g-d-a-l-e-n-a, B, as in bravo, a-r-a-j-a-s.

10 Our district represents nearly 18,000  
11 students, 85 percent of them are minority students.  
12 The majority of those are Hispanic Mexican and the  
13 next group is Native American.

14 83 percent of our students are on free  
15 and reduced breakfast and lunch meals. Our students  
16 really do look like the majority of students sitting  
17 in southern Arizona classrooms and many of them will  
18 be of voting age within a decade.

19 During my service at the school district,  
20 I'm very proud of many of our initiatives including  
21 our nationally recognized Project Graduation  
22 Initiatives, our college academy for parents. These  
23 are initiatives that have improved our graduation  
24 rate and improved our postsecondary enrollment rate.

25 One of our major partners in

1 accomplishing some of those goals is the University  
2 of Arizona. Not only do they support us in those  
3 programs but additionally they support us on issues  
4 of health, public health, and health disparities  
5 which are unfortunately of really something that  
6 ties our urban and our rural areas in southern  
7 Arizona, i.e., the issue with diabetes.

8           And we -- at our school district and  
9 districts throughout southern Arizona, we really  
10 like to emphasize our relationship with the  
11 University of Arizona. We like to build awareness  
12 of its programs, it's campus, and really focus on  
13 the opportunities that higher education and this  
14 institution in particular can afford to our  
15 families.

16           Like many of our families, I'm a  
17 first-generation American. In fact, I'm an  
18 immigrant and I love this country and I've been  
19 committed to service from a very early age.

20           I graduated from NAU and I served at the  
21 State Senate nonpartisan staff on the K-12 and the  
22 higher education committees. And after that I  
23 decided I wanted to return to Tucson and serve my  
24 community support, improving K-12 education and  
25 support development -- developing leaders among my

1 peers.

2           So at age 21, I moved back to Tucson. I  
3 bought a house within the Sunnyside School District  
4 and I chose that district not only because it's the  
5 community that reared me, but because I really felt  
6 that I wanted to live in a community with people  
7 with whom I could culturally identify, my neighbors  
8 and my partners are people who whom I share values  
9 and also people who vote like I vote.

10           Legal districts really are key to  
11 offering my community an assurance, not just the  
12 possibility, that we'll be able to elect candidates  
13 of our choice who represent our values. Legal  
14 districts will also allow other young leaders such  
15 as myself to at some point be able to represent  
16 those very districts.

17           And thank you very much for your service.

18           ARNOLD PALACIOS: Good afternoon. I am  
19 Arnold Palacios, P-a-l-a-c-i-o-s, and I have served  
20 the Hispanic community in Tucson and Pima County and  
21 southern Arizona in education and employment  
22 training programs for close to 40 years.

23           I was the past cochair of the Council for  
24 Hispanic Affairs of the Diocese of Tucson. I'm  
25 presently in a leaders group of the Pima County

1 Interfaith Council.

2           And I wanted to say that we looked at the  
3 map that was presented to you for southern Arizona  
4 and it is a good starting point as you continue this  
5 work in the establishment of the majority/minority  
6 Congressional district for our area.

7           And I would like to take the opportunity  
8 to invite you, and I know that you reach out to the  
9 communities, to reach out to the faith-based  
10 communities in southern Arizona, specifically the  
11 Hispanic community and visit with us and be there  
12 for presentations to -- as you continue your work.

13           The southern part of Arizona is linked by  
14 tradition, by culture, by history, and by language  
15 that links Tucson and Santa Cruz County and Yuma and  
16 Douglas and it links also the history of our  
17 workforce with working in the mines and in the  
18 fields and even now in -- presently in technology  
19 and all of those are interrelated and we are a  
20 strong community of interest and I think what's  
21 presented to you today really helps to support you  
22 in developing a Congressional district that will  
23 respect and honor the Voting Rights Act and also  
24 ensure that the voice of the Hispanic community is  
25 heard in the future and that they can elect people

1 that will truly represent them.

2 And I thank you for your time. I'm  
3 pleased in your work. Come down and visit. We  
4 would like to see there in Tucson.

5 Thank you.

6 ALONZO MORADO: Good morning. My name is  
7 Alonzo Morado. It's A-l-o-n-z-o, and Morado is  
8 M-o-r-a-d-o.

9 I was born in Eloy, Arizona, and raised  
10 in Tolleson on the west side of Phoenix and then I  
11 spent my whole adult life in Tucson.

12 And one of the things that I have done is  
13 I have worked in that compact district called  
14 District 7 that we are presenting to you all over  
15 the place from the border of Nogales to Somerton and  
16 San Luis and Yuma area.

17 And in being from Tolleson and stuff, I  
18 know the whole Avondale area and my father owned a  
19 gas station in Buckeye. And it just happens that  
20 what I represented and where I hung out and stuff  
21 like this is this district. But there's more to  
22 that district than just that compactness that it is.

23 My family was migrant farm workers and  
24 that's why I was born in Eloy. I was nine of the  
25 ten kids. I was born there in Eloy and stuff. We

1 went to the Tolleson area because we worked in the  
2 migrant fields all over Tolleson.

3 And, you know, the district represents a  
4 lot of those migrant workers and stuff.

5 We went into the urban areas because we  
6 got educated. And so now we live in the urban areas  
7 but that rural area will never leave us. And that  
8 community and the Tucson community and that west  
9 side Phoenix is very representative of this district  
10 that we've -- that we are presenting to you. And  
11 that has been represented by the current  
12 representative and stuff.

13 So that compactness is extremely  
14 important for us because we want to make sure that  
15 what we present is something that's compact but not  
16 compacted with a bunch of Latinos and we want to  
17 make sure that we are not even -- that we are not  
18 split up in so many ways that we don't have that  
19 good representation.

20 Thank you.

21 REYES MEDRANO, JUNIOR: Good afternoon.  
22 Madame Chair Commissioner and commissioners, my name  
23 is Reyes Medrano. I'm the City Manager, the City of  
24 Tolleson. I'm also a proud native of the community.  
25 I've had the privilege of serving it for the last 20

1 years.

2 I've also had the distinct pleasure of  
3 serving for Mayor Adolfo Gamez. Some of you may  
4 know him. He's been on the council for the last 30  
5 years, although he could not be with us today, he  
6 asked me to share an excerpt from a letter that he  
7 sent the Arizona Legislative Latino Caucus regarding  
8 this very issue.

9 He states the city of Tolleson was  
10 incorporated on March 1929. Since it's  
11 incorporation and before, the city of Tolleson  
12 residential population -- Latino representation  
13 population has accounted for more than 50 percent of  
14 its populous. Today that number has grown to  
15 80 percent.

16 We are a very well-established community  
17 with a clear vision and that is a direct result of  
18 the representation we've enjoyed -- the consistent  
19 representation we've enjoyed for the last almost a  
20 hundred years. We were actually founded in 1912.

21 He goes on to say that true equality  
22 mandates that Tolleson remains in a single district  
23 with West Phoenix, Glendale, South Phoenix,  
24 Guadalupe, and Central Phoenix because of the  
25 universal interests, views and characteristics they

1 share. Specifically the best example I think of  
2 that consortium is Tolleson and Guadalupe.

3 We remain small by design. We are very  
4 active with each other, helping each other when  
5 grants compete for different opportunities. More  
6 recently we helped Guadalupe recruit a grocery  
7 store. We understand the needs -- our universal  
8 needs.

9 As I stated, Tolleson specifically  
10 remains small for a reason. In our general plan, it  
11 states specifically, "maintain a small-town  
12 character," which is primarily Latino, as I stated,  
13 "while creating economic development opportunities."  
14 And we've managed to achieve that balance. Today we  
15 are still about -- we're actually 6500 people within  
16 six square miles.

17 We've been able over the last 25 miles to  
18 recruit 30 Fortune 500 companies. We have a  
19 distribution center or a manufacturing facility in  
20 Tolleson. That equates to over 20,000 jobs in a  
21 six-square-foot mile area.

22 And we have been able to do that simply  
23 because of the representation we've enjoyed. We  
24 believe that the proposed map for CD4 that the  
25 coalition is offering not only maintains that

1 representation but it enhances it and gives us an  
2 opportunity to do even more extraordinary things and  
3 maintain the balance of our community.

4 With that, I thank you for your time.

5 CHAIRPERSON MATHIS: Mr. Medrano, do you  
6 mind spelling your name for the record?

7 REYES MEDRANO, JUNIOR: Sure. I'm sorry.

8 First name R-e-y-e-s, last name  
9 M-e-d-r-a-n-o. And I am Junior. I do not want to  
10 be confused for my father.

11 CHAIRPERSON MATHIS: Thank you.

12 MARY ROSE WILCOX: Although his father  
13 was involved in the last redistricting.

14 Steve Gallardo, State Representative,  
15 could not be here. He was called away to the State  
16 House.

17 But in closing, what he was going to  
18 share with you is this coalition is a very active  
19 one. In the last two redistrictings, many of us  
20 were involved. We helped and served as a resource  
21 to the IRC. Last time around we set up meetings in  
22 churches and schools with nonprofits throughout our  
23 areas and social organizations and veteran  
24 organizations. We offer that again as a resource.

25 We know the Department of Justice will

1 look to see what kind of outreach that's been done,  
2 and we can serve that need in coordination with you  
3 all.

4           So we offer that to you. We also offer  
5 you a very rich history. Many of us  
6 fourth-generation, fifth-generation Hispanic, some  
7 first generation, such as Magdelana, we are very  
8 concerned that these maps get drawn so that they  
9 meet federal regulation and more importantly, the  
10 Voter Rights Act.

11           With that, I would like to invite Richard  
12 and Pete up and we will take questions.

13           I also want to let you know that we will  
14 be presenting Legislative maps. We are not quite  
15 prepared for that, but we hope to within a few --  
16 really a couple of weeks perhaps present the  
17 Legislative maps at that time.

18           CHAIRPERSON MATHIS: Thank you.

19           Any questions from other commissioners?

20           VICE CHAIR HERRERA: Madame Chair.

21           CHAIRPERSON MATHIS: Mr. Herrera.

22           VICE CHAIR HERRERA: I'm really  
23 interested in the area of current District 7 -- CD7  
24 that takes up Yuma.

25           Can you tell me the border, where it

1 ends?

2 CHAIRPERSON MATHIS: Would you all --

3 RICHARD ELIAS: Are you asking where it  
4 ends on the northern part?

5 VICE CHAIR HERRERA: On the northern --  
6 correct. Thank you.

7 RICHARD ELIAS: On the northern part, we  
8 go up to Avenue A, County Road, which is 14th  
9 Street, Avenue 1E and County 16th Street is what we  
10 have as well heading up Avenue 5E up to 14th and  
11 Street -- 14th and a Half Street. Excuse me.

12 CHAIRPERSON MATHIS: Mr. Elias and  
13 others, do you mind just stating your name before  
14 you speak, only that the recorder can get the  
15 right --

16 RICHARD ELIAS: Oh, I'm sorry.

17 This is Richard Elias, Pima County  
18 Supervisor, District 5.

19 VICE CHAIR HERRERA: What I had asked our  
20 mapping consultant, Strategic Telemetry, to do was  
21 to draw a river district, this is in one of our  
22 what-if scenarios. The river district takes Lake  
23 Havasu and Bullhead City and parts of Yuma ending at  
24 around Pacific Avenue and the County Road 14.

25 So County Road 14 approximately

1 north/south divide and then Pacific Avenue  
2 approximately east/west divide.

3 RICHARD ELIAS: Okay.

4 VICE CHAIR HERRERA: If that's the case,  
5 you know, if it ends there, then the new district,  
6 which would be Grijalva -- currently Grijalva's  
7 district, would that be -- how would you -- what  
8 would you think of that scenario?

9 RICHARD ELIAS: Well, I think that's  
10 something that ensures that those people in Somerton  
11 and San Luis at least have a chance to hear their  
12 voice -- have their voice be heard in CD7 and not be  
13 included with people that really are very different  
14 from them in the northern areas of that district  
15 that you just described, sir.

16 VICE CHAIR HERRERA: Sure. I was born in  
17 San Luis. I'm very familiar with the Yuma area and  
18 I feel that there's a good chunk of Yuma that is  
19 highly Latino population that would benefit from  
20 being in CD7. So I just wanted to clarify that.

21 RICHARD ELIAS: Absolutely. Thank, you  
22 sir.

23 CHAIRPERSON MATHIS: Thank you.

24 Other questions on this proposal?

25 VICE CHAIR FREEMAN: Madame Chair.

1 CHAIRPERSON MATHIS: Mr. Freeman.

2 VICE CHAIR FREEMAN: In your  
3 presentation -- thank you your presentation -- and  
4 you mentioned the percentage of Hispanics within  
5 these two proposed districts.

6 Can you also give us the voting-age  
7 percentage of Hispanics for the two proposed  
8 districts?

9 MARY ROSE WILCOX: We can leave you a  
10 chart. I don't know if we have a percentage. I  
11 think we have numbers. We will submit this to you.

12 Right now we have percentages.

13 60 percent, as I said, in District 4. 53  
14 in District 7. The voter age -- we would have to  
15 provide those to you.

16 Oh, yes. Mary Rose Wilcox, Maricopa  
17 County.

18 We would provide those to you. We used  
19 those in our analysis, so we will get it sent to you  
20 immediately.

21 VICE CHAIR FREEMAN: And thank you, and I  
22 have that -- the material you gave us at the last  
23 Commission hearing.

24 And you mentioned that these proposed  
25 districts would be compliant with Section 5, you

1 believe.

2           Have you all performed the -- we were  
3 told at our last hearing by Mr. Adelson, he spoke of  
4 the necessity of performing a -- the racial  
5 polarized voting analysis for the districts.

6           Has your coalition performed that form of  
7 analysis?

8           MARY ROSE WILCOX: We are going to be  
9 looking at that. We are going to have to bring  
10 somebody aboard border to do that. We know that's  
11 very, very important, so we will be providing you  
12 more material as we get it.

13           VICE CHAIR FREEMAN: Thank you.

14           RICHARD ELIAS: I would add -- this is  
15 Richard Elias, Pima County Supervisor -- I would  
16 also add that I think the polarization issue is  
17 becoming more clear in the latter part of the decade  
18 that we've just left right now.

19           And that's why I think we really need to  
20 have a survey completed in order for us to fully  
21 understand how polarized Arizona has become in part  
22 because of immigration issues but also just the  
23 needs of Arizonans and the income disparities that  
24 exist throughout our state have caused us to  
25 increasingly become more polarized. So I think it's

1 critical to your work in the future.

2 VICE CHAIR FREEMAN: Thank you.

3 MARY ROSE WILCOX: What we are finding --  
4 Pete is going to come to you -- but what we are  
5 finding, it's very different from the last time we  
6 redistricted. Many events have taken place in  
7 Arizona from 1070, some of the tragic events that  
8 have taken place in Maricopa, particularly around  
9 immigration issues. So that's why we feel we have  
10 to bring on a polarization expert.

11 PETE RIOS: Pete Rios, Pinal County.

12 Even though the statistics for polarized  
13 voting have not been presented, what we have  
14 presented to you all is a baseline that complies  
15 with the Voting Rights Act. And we are hoping that  
16 that is what you take into consideration, because I  
17 think this goes a long way in meeting the  
18 requirements of the Voting Rights Act.

19 And I know that Mr. Adelson, because he  
20 has worked with Pinal County, separate issue than  
21 here, but he has identified some areas in Pinal  
22 County that have polarized voting. I'm not sure  
23 that any of those have been included in this  
24 particular CD7.

25 CHAIRPERSON MATHIS: Questions from other

1 commissions?

2 VICE CHAIR HERRERA: Madame Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE CHAIR HERRERA: I have I've said it  
5 before that I think we can meet the Voting Rights  
6 Act requirements and still make competitive -- as  
7 many competitive districts as possible.

8 I want you guys to talk about that  
9 because I think that that can happen. And there's  
10 been a lot of conversation that people that -- some  
11 people that have addressed the Commission to talk  
12 about the Voting Rights Act without addressing  
13 competitiveness and the importance of  
14 competitiveness.

15 Could you guys talk about that?

16 MARY ROSE WILCOX: I think we're all  
17 common on it. We believe in competitiveness, but we  
18 believe first you must meet the federal  
19 constitutional guidelines and the Voter Rights Act.

20 We believe that in these two maps that we  
21 are presenting, that you could obtain  
22 competitiveness throughout the state using these two  
23 maps.

24 PETE RIOS: Pete Rios, Pinal County.

25 I did address that at the end of my

1 presentation. I don't see any reason why we cannot  
2 have the two majority/minority districts and still  
3 have competitiveness because there's -- we're going  
4 to nine. There's still seven others where we can  
5 bring in a lot of competitiveness in those  
6 particular areas.

7 But I've been around this block a few  
8 times, and I know what the Justice Department is  
9 going to ask. And they are going to be looking at  
10 retrogression. That is going to be one of the key  
11 words, because I've been confronted with that in the  
12 past.

13 And we have to show that we did our due  
14 diligence in ensuring that that did not take place.  
15 That is why we are presenting a couple of baselines  
16 for CD4 and CD7 to start with. But that doesn't  
17 mean we can't do competitiveness in the other  
18 districts because right now we are meeting -- we  
19 have to meet constitutional requirements and the  
20 Voting Rights Act of 1965.

21 RICHARD ELIAS: Richard Elias, Pima  
22 County.

23 I think Supervisor Rios is absolutely  
24 correct. Retrogression is a big issue for us all  
25 here in this state and we don't want to see that

1 happen.

2 But again, competitive districts and  
3 meeting the needs of the voters in CD4 and CD7 as  
4 they were presented to you and complying with  
5 Section 5 of the Voting Rights Act, creating  
6 competitiveness districts are not mutually  
7 incompatible.

8 In fact, I think that we add to it. I  
9 think that we've created districts that are concise  
10 and compact and I think that will help you in  
11 putting together other districts that are more  
12 competitive while maintaining and not retrogressing  
13 on the commitment that we made to minority voters  
14 here in the state of Arizona.

15 VICE CHAIR HERRERA: Madame Chair one  
16 last question.

17 I think some of you attended -- I know  
18 that Mr. Rios has attended some of the public  
19 hearings. I know, Ms. Wilcox, you've done the same  
20 thing. And we've had some people present,  
21 individuals representing themselves or possibly  
22 other organizations, that speak -- that their first  
23 concern is meeting the Voting Rights Act. And these  
24 individuals, just in my opinion, typically don't --  
25 with the exception of redistricting, they really

1 don't care about minority issues other than when it  
2 comes to redistricting and possibly wanting to pack  
3 Hispanics into as few districts as possible.

4 I guess can you address that concern to  
5 making sure that you're not aligned with those types  
6 of individuals because, to me, that's a major  
7 concern of mine and I want to make sure that the  
8 Hispanic community addresses that.

9 PETE RIOS: Pete Rios, Pinal County.

10 I think we all walk a fine line when we  
11 look at packing or cracking. And if you're going to  
12 pack a whole bunch of minorities because you want to  
13 dilute other districts, Justice Department is going  
14 to pick up on that. And if you crack districts and  
15 take minorities out because you want to make that  
16 particular CD competitive, Justice Department will  
17 pick up on that.

18 So we do walk a fine line because of  
19 those two concepts.

20 MARY ROSE WILCOX: But I think the fact  
21 that MALDF has endorsed these maps goes a long way  
22 to show that we are not violating packing, you know,  
23 at all. I think these maps show that they are fair,  
24 they meet the federal guidelines, and the Voter  
25 Rights and they still allow other areas to be

1 competitive.

2 I cannot speak to other people, but our  
3 coalition is a very good cross-section of Hispanics  
4 from throughout the state of Arizona. But we don't  
5 represent everybody, so if somebody comes up, you  
6 know, who presents maps, these are the coalition's  
7 maps and I believe we are the greater percentage of  
8 Hispanics concerned for good government.

9 RICHARD ELIAS: Richard Elias, Pima  
10 County:

11 I would also add that in my presentation  
12 I talked about Pima County being really the largest  
13 Hispanic population base in CD7 as described in our  
14 map but I also took the time to mention those  
15 midtown neighborhoods that really are very different  
16 ethnically from other parts of CD7 that include  
17 intensely Hispanic neighborhoods, especially in  
18 Pima.

19 And I think it speaks well that they've  
20 been included because they really do create a  
21 community of interest surrounding the university and  
22 its needs.

23 But if you look at it, you'll also  
24 understand that the commonalities that they share  
25 with people on the west side and south side are

1 there and that helps us move away from that issue of  
2 packing and being real about what exists in our  
3 community today.

4 MARY ROSE WILCOX: Just a little  
5 addition. Mary Rose Wilcox, Maricopa County.

6 The Justice Department found these  
7 numbers compatible last time. These were the  
8 numbers that they really accepted last time and that  
9 is what we based a lot of our findings on.

10 CHAIRPERSON MATHIS: Questions from other  
11 commissioners?

12 Ms. McNulty.

13 COMMISSIONER MCNULTY: Madame Chair, I do  
14 have a question.

15 Buck can't believe his eyes. Doesn't  
16 work again.

17 I'm curious about your comment,  
18 Ms. Wilcox. What happened with the baseline over  
19 the last ten years in these areas and how has the  
20 Hispanic population grown and changed?

21 And you mentioned that you will be a  
22 resource for us going forward. This is extremely  
23 helpful information.

24 How can we best communicate with you to  
25 better understand kind of the nuts and bolts that

1 made this up and how you arrived at the baseline and  
2 how MALDF came to its conclusion and what issues  
3 they looked at that we should also be cognizant of  
4 as you develop this work?

5 MARY ROSE WILCOX: Well, let me speak to  
6 District 4 particularly.

7 We know our areas very well, and the  
8 Central Phoenix area -- again, Mary Rose Wilcox,  
9 Maricopa County -- the Central Phoenix area was the  
10 hub of Hispanic population. It has grown and our  
11 numbers have gone northwest and east.

12 And what we tried to do in doing  
13 communities of interest is keep account of the  
14 growth of our community. And our community is still  
15 very family orientated. We have generations of  
16 families who still live in the same areas. And as  
17 their children migrate out, we brought in those  
18 areas to contain them.

19 We would be glad to set up meetings for  
20 you with various groups. We would be glad to bring  
21 in MALDF and have them go over their justification  
22 for this map. You just have to contact us.

23 You can contact me -- we'll leave  
24 business cards -- Richard in the Tucson area, Pete  
25 in the Pinal County area, and we will bring together

1 community groups so that you can, you know, bounce  
2 some of these ideas off of them.

3 But we do think it's important that MALDF  
4 come in, if you would be willing to do that.

5 We -- because many of us are elected  
6 officials, nonprofit groups who represent the  
7 communities, we feel we know our communities very  
8 well and can explain to you communities of interest,  
9 patterns in our community, familial patterns that  
10 will help explain how they are kept contiguous  
11 together.

12 PETE RIOS: Pete Rios, Pinal County.

13 I recall the last IRC committee doing a  
14 lot of outreach in the Latino community,  
15 specifically holding public hearings with CPLC,  
16 Chicanos por la Casa, both in the Valley, in the  
17 Tucson area, also including other nonprofits like  
18 the Friendly House, Villa Del Sol and getting input.  
19 Because, again, Justice Department will be looking  
20 at the IRC and trying to identify what kind of  
21 outreach you did for those protected classes.

22 But the last IRC did do that and I think  
23 that's what Supervisor Wilcox is basically  
24 offering -- the minority coalition can be a resource  
25 in helping you set up those meetings.

1           RICHARD ELIAS: Richard Elias, Pima  
2 County Supervisor.

3           I think the other thing that's crucial  
4 that we add into this discussion, and I appreciate  
5 your question, Commissioner McNulty, is that there's  
6 been a proliferation of Spanish language media over  
7 the last ten years that is a good place to help us  
8 get our word out and those press releases and  
9 information about the Commission's work is crucial.

10           That has not only happened in the area of  
11 television but also print media as well, and, of  
12 course, the long-term tenure of Spanish language  
13 radio has been an important connection to our  
14 community is still there and still alive and still  
15 used very often by many people.

16           I just dedicated a song to my wife this  
17 weekend.

18           CHAIRPERSON MATHIS: Thank you.

19           Other questions?

20           VICE CHAIR HERRERA: Madame Chair.

21           CHAIRPERSON MATHIS: Mr. Herrera.

22           VICE CHAIR HERRERA: I don't have a  
23 question to ask, just thank you guys for being here  
24 and presenting these maps. And I'm looking forward  
25 to seeing your maps on the Legislative side. So

1 thank you.

2 MARY ROSE WILCOX: Thank you.

3 CHAIRPERSON MATHIS: Any other questions  
4 before --

5 COMMISSIONER MCNULTY: I want to ask what  
6 song, but I won't.

7 MARY ROSE WILCOX: We will then get you  
8 all of our e-mails and we'll -- points of contact in  
9 all of the counties.

10 CHAIRPERSON MATHIS: Mr. Bladine can  
11 coordinate that.

12 Mr. Stertz.

13 COMMISSIONER STERTZ: Madame Chair, I do  
14 have a question for probably Mr. Elias or anybody on  
15 the panel.

16 The development of these maps, how many  
17 iterations have you gone through to get to the maps  
18 that you are now representing?

19 RICHARD ELIAS: We've gone through  
20 countless iterations really since February of these  
21 maps and worked hard at being as fair as we could  
22 and taking into account what are the real  
23 communities of interest in these neighborhoods, in  
24 these districts, in these counties, in these  
25 Legislative districts as well.

1 I think all of those things have been  
2 taken into account and we've tried to be as careful  
3 as we could in doing that.

4 COMMISSIONER STERTZ: There was a  
5 discussion that was brought up regarding a  
6 polarization database that you are trying to pull  
7 together.

8 What is the -- who crafted it, who is  
9 doing that, and how is that data being called  
10 together?

11 RICHARD ELIAS: We have not done that yet  
12 but we are prepared to make sure we hire somebody to  
13 be able to do that polarization study as well.

14 COMMISSIONER STERTZ: And what is the  
15 intent, what would be the baseline data sets that  
16 you would be looking for?

17 RICHARD ELIAS: I think it's important to  
18 note, as I said earlier, what has been the effect  
19 over the last several elections, particularly in the  
20 last half of the decade that have impacted Latino  
21 populations. Significant Legislative issues and  
22 national issues have really served to polarize many  
23 of the people here in southern Arizona as well as  
24 throughout Arizona.

25 So we're trying to look at it from a very

1 broad perspective in that regard as well, sir.

2 But ultimately, people are very  
3 frustrated, they are hurt, and at times our  
4 community feels isolated and frustrated with the  
5 fact that we haven't been able to come to terms over  
6 very important issues like immigration while our  
7 population suffers and while anger continues to  
8 rise.

9 We see people like my father, who is  
10 seventh-generation, working-class man whose hands  
11 are crooked from the work that he's done all of his  
12 life. And two years ago we were out shopping for a  
13 stovetop and we couldn't get anybody to serve us in  
14 four different stores in Tucson because it didn't  
15 look like he was the kind of guy who was going to  
16 spend money, but he had a thousand dollars cash in  
17 his pocket to buy that stovetop that morning.

18 MARY ROSE WILCOX: Let me just add, we  
19 need to do the polarization to make sure that our  
20 baseline is right. And it may need to go up because  
21 of the terrible events that have happened over the  
22 last half of this decade. So we need it. We need  
23 to protect really ourselves so we can continue  
24 leadership into the next decade.

25 COMMISSIONER STERTZ: Madame Chair, this

1 might be a question for Mr. Rios, based on your  
2 history with the -- with this process.

3           There has been, and maybe you can give me  
4 a bit of an explanation about the voter turnout in  
5 Districts 4 and 7 and how they -- how you could see  
6 the reduction in voter turnout as it relates to the  
7 rest of the state and how we could keep from --  
8 there was a recommendation given or discussion at  
9 the meeting or question made to Mr. Adelson  
10 regarding the perception of packing due to a lower  
11 voter turnout historically in majority/minority  
12 districts.

13           I would like you to give me some comments  
14 and your thoughts on that, please.

15           JOSE DE JESUS RIVERA: Jose de Jesus  
16 Rivera.

17           I am also with this Commission. They  
18 rarely let me speak, but I think will let me speak  
19 on this one.

20           You know, I was here when the comment  
21 about lower voter turnout was -- this has been an  
22 issue that's been litigated throughout the United  
23 States, and it's a false issue. It's a false issue,  
24 especially in minority districts because the reason  
25 you have perceived lower voter turnout is because

1 many of the people that are registered to vote at  
2 that point -- that are in that district may not be  
3 citizens and they are counted as nonvoters. Many of  
4 the people that are in these districts are under 21  
5 and they are not counted -- they are counted as a  
6 nonvoter.

7           There has been a significant amount  
8 analysis by a number of experts that was present 20,  
9 30 years when I first met Peter, we both had black  
10 hair, and 20 years ago when I was on the Commission  
11 and now it's -- people talk about voter turnout. It  
12 doesn't show what people reflect. It's not a voter  
13 turnout issue, it's a reflection of what your  
14 population is in that district.

15           And if you look at voter turnout in these  
16 minorities and you define it the way I've just  
17 defined it, you'll find it's not significantly lower  
18 than other districts.

19           COMMISSIONER STERTZ: Thank you.

20           CHAIRPERSON MATHIS: Ms. McNulty.

21           COMMISSIONER MCNULTY: Madame Chair, I  
22 guess I have two questions.

23           The benchmark data that we were provided  
24 for CD4 is 57.45 and for CD7 is 50.23 percent.  
25 You'll be able to help us. How you did the analysis

1 to come to a different conclusion?

2 And let me ask a completely unrelated  
3 question so you can answer them both at the same  
4 time.

5 One thing that seems important to me is  
6 that all of these traditional communities along the  
7 border in what is now CD7 or in this area that you  
8 are describing have been there for centuries and  
9 they include not only Hispanic families but also  
10 Native American families.

11 And I wonder how your group is working  
12 with them on these issues. So two completely  
13 separate questions.

14 MARY ROSE WILCOX: Let me take the first  
15 one.

16 Yes, if you would like to host an event  
17 in our communities, we will be bringing the map  
18 drawers and the people who participated in all of  
19 the input and give you our analysis of that. We  
20 also provided it to the Commission, but we would do  
21 much better if we would have a community outreach  
22 meeting and talk to you about what we took into  
23 consideration.

24 RICHARD ELIAS: And down in Pima County  
25 we have had a number of different meetings with the

1 native tribes and members of the tribal council that  
2 have understood what process is going on and had  
3 some input into it. And traditionally we have very  
4 good relationships with our friends -- I as a County  
5 Supervisor in particular with Chairman Norris of the  
6 Tohono O'odham Nation and Peter Yucupicio, the  
7 chairman of the Pascua Yaqui tribe.

8 CHAIRPERSON MATHIS: Questions from  
9 anyone else?

10 Okay. Supervisors Elias and Rios and  
11 Wilcox, thank you very much for the presentation  
12 today and thanks to your coalition members for all  
13 coming and making statements as well. We appreciate  
14 you telling your story.

15 VICE CHAIR HERRERA: Thank you.

16 MARY ROSE WILCOX: Thank you.

17 CHAIRPERSON MATHIS: I think we might  
18 have a couple comments from the public. I know I  
19 have one request to speak form and if there is  
20 anyone else who needs to fill one out, please do so,  
21 with regard to this particular agenda item. So  
22 those are the only ones I'm talking about covering  
23 right now.

24 So David Cantelme from Fair trust.

25 DAVID CANTELME: Thank you, Madame

1 Chairman.

2 David Cantelme from Fair Trust. My last  
3 name is spelled C-a-n-t-e-l-m-e, and I'm from Cave  
4 Creek, Arizona.

5 I would like to say that we, of course,  
6 to do our due diligence, will want to study these  
7 maps and the information that went behind them, but  
8 I do want to say and emphasize very strongly as I  
9 have many times before this Commission, that we  
10 support the concepts that this group of citizens  
11 have brought forth to you. We support entirely and  
12 wholeheartedly the concept of no retrogression.

13 We also support and respect the Latino  
14 heritage and culture and communities of interest in  
15 the state with which we are very familiar.

16 We want to add, because I didn't hear  
17 much discussion of it, and perhaps it was just  
18 inadvertent. We also, of course, urge compliance  
19 with Section 2, which must be complied with just as  
20 much as Section 5.

21 We strongly urge you to accept Supervisor  
22 Wilcox's offer of outreach. I think that's a  
23 wonderful idea. And the more input you can get from  
24 the communities, I think the better off you are.

25 But we also want to dispel any notion,

1 any suggestion that we are Johnny-come-latelies to  
2 the notion of the Voting Rights Act. I personally  
3 supported it in 1981 and litigated it in 1981. I  
4 supported it again in 1991. I supported it and  
5 litigated it in 2001 and support it wholeheartedly  
6 now 30 years later in 2011. And hopefully there  
7 will be no litigation about it.

8 Mary Rose and I have been friends for  
9 over 30 years. I supported her in her first race  
10 for city council and later races that she made.

11 Jose Rivera and I have known each other  
12 for more than 30 years. So any notion that this is  
13 a put-up or anything less than sincerity is just not  
14 true. It's false.

15 Thank you so much.

16 CHAIRPERSON MATHIS: Thank you.

17 This gentleman would like to speak, too,  
18 on this topic.

19 And if you could spell -- say your name  
20 and spell --

21 GREGORY C. SCHULLER, SENIOR: Gregory C.  
22 Schuller, S-c-h-u-l-l-e-r, Senior.

23 I am part Native American and it looks to  
24 me like what our presenters have given you is  
25 diluting the minority/majority districts. And I

1 believe that that is totally out of the question.

2           You came up with, the last time you were  
3 here and voted on the grid map option two, giving  
4 three districts to the border. I believe that's the  
5 way to go. I believe the border needs three  
6 districts. We need the representation in Congress  
7 on the three districts.

8           And to have that split up like it was  
9 shown here on District 7, to me, was ridiculous. I  
10 mean, you've already cut up Pinal County so much  
11 that it's no longer a contiguous county, so to  
12 speak.

13           So keep in mind the majority --  
14 minority/majority districts is what we should be  
15 striving for, not majority/minority, either way.

16           Thank you.

17           CHAIRPERSON MATHIS: Thank you.

18           And I think that's all the --

19           VICE CHAIR HERRERA: Madame Chair.

20           CHAIRPERSON MATHIS: Sorry, Mr. Herrera.

21           VICE CHAIR HERRERA: What I would like to  
22 do is on the issue of the two-border districts, I  
23 also proposed them in my draft map. I would like to  
24 see one of the -- just briefly, if one the --  
25 whether it be Mr. Rios or one of the -- Elias would

1 talk about why the two-border districts as opposed  
2 to the three, from your perspective. I would  
3 appreciate hearing that.

4 RICHARD ELIAS: Well, along the border --  
5 Richard Elias, Pima County Supervisor.

6 Along the border we have significant  
7 community of concern. Again, as much we certainly  
8 don't want to find ourselves splitting up the Tohono  
9 O'odham reservation, which is the second largest  
10 reservation in the United States. It's larger than  
11 the state of Connecticut unto itself and has a  
12 unique set of issues that have been well-represented  
13 over the last ten years in CD7.

14 As far as the other part of the state,  
15 Santa Cruz County, Cochise County, those are areas  
16 that really have long-term communities with  
17 long-time families that have been together there and  
18 have shared those communities of Palominas, of  
19 Hereford, of Sierra Vista, Bisbee, Elfrida, McNeal,  
20 Douglas, all of those are communities where families  
21 have lived and intermarried and understand each  
22 other and really worship in the same churches and  
23 share so much of their the rich diverse history  
24 together that it's important that they be  
25 represented by the districts that we put together

1 for you in these proposed maps.

2 Santa Cruz County is a majority Hispanic  
3 county. One of the only ones here in the state --  
4 well, it might the only one here in the state of  
5 Arizona. Again, it needs to be represented as a  
6 part of CD7.

7 VICE CHAIR HERRERA: Madame Chair, one  
8 quick question.

9 What would it mean for your organization,  
10 the people you represent, if we did create three or  
11 maybe even four-border district?

12 RICHARD ELIAS: I think we would find  
13 that those communities that I just described that  
14 have long-time histories that have worked together  
15 and have families that have lived together will find  
16 them split up, will find themselves split up and  
17 their voting power diluted.

18 So that's exactly the kind of  
19 retrogression that we need to avoid.

20 VICE CHAIR HERRERA: Thank you so much,  
21 sir.

22 RICHARD ELIAS: Thank you.

23 CHAIRPERSON MATHIS: Any other comments?  
24 Mr. Stertz.

25 COMMISSIONER STERTZ: Supervisor Elias,

1 I'm sorry for having you play musical chairs here,  
2 sir.

3 RICHARD ELIAS: I could use the exercise.

4 COMMISSIONER STERTZ: I just wanted to  
5 continue to go down that path of that -- if you  
6 would find a way that there could be no breaking up  
7 of Santa Cruz and Cochise in the communities that  
8 have been tightly aligned together and no breaking  
9 up of -- the reason I think this question has come  
10 up is because when we did our public hearing down in  
11 Yuma, there was a lot of public opinion about trying  
12 to create -- not to break Yuma in half as a  
13 community, that Yuma as a city would want to stay  
14 together, and the -- that's where some of this is  
15 evolving from.

16 If you could create a mechanism and a  
17 design which kept those communities intact, am I  
18 hearing that you are not opposed to breaking the  
19 border into three different districts or having  
20 three different representatives on that border, just  
21 that we should be cautious, careful and prudent in  
22 how we assemble so that we don't break you  
23 particular communities, neighborhoods, cities, et  
24 cetera?

25 RICHARD ELIAS: As the maps -- Richard

1 Elias, Pima County.

2 The maps that we presented you today were  
3 put together that way after much talk and working  
4 together since, like I said, February on this issue  
5 creating alternative maps. And really two districts  
6 is the optimal way of doing that because those  
7 people in those communities of Somerton, San Luis,  
8 and the Hispanic neighborhoods of Yuma find  
9 themselves with a legacy of being disenfranchised  
10 from the rest of the community.

11 And I think it's important that their  
12 voice be heard and they be assured the right to  
13 having a minority representative in Congress.

14 So I think that's critical for them over  
15 there in Yuma as well as the statements that I made  
16 about the rest of the border a minute ago.

17 COMMISSIONER STERTZ: Madame Chair, let  
18 me just continue on that.

19 Some of the comments that were made in  
20 Yuma were paralleled by some of the comments that  
21 were made when we had presences in Tucson as well,  
22 that the people that were in Tucson didn't feel that  
23 they had a lot of commonality with people that were  
24 living in Yuma and people in Yuma didn't have a lot  
25 of common interests with people living in the center

1 or midtown of Tucson.

2           Could you explore -- was there ever a  
3 consideration of looking at those two groups being  
4 broken up into -- Yuma staying intact and Tucson, et  
5 cetera, staying intact during your February to  
6 August analysis?

7           RICHARD ELIAS: I think it's very similar  
8 to what Mr. Morado said in his presentation about  
9 these communities in the central part of Arizona.

10           We have many community leaders there in  
11 Tucson that come from the Somerton, San Luis area.  
12 In fact, we have an affectionate name for them that,  
13 you know, that there's this gang of Somerton Mafia  
14 people that collect there in Tucson. That's only a  
15 joke.

16           Truly --

17           COMMISSIONER STERTZ: Did you want us to  
18 turn the camera off?

19           RICHARD ELIAS: One of our city council  
20 people in Tucson is from Somerton, a number of other  
21 community leaders also come from San Luis and  
22 Somerton and they made that journey to attend the  
23 University of Arizona primarily as a part of their  
24 educational process.

25           And they have grown to love Tucson, but

1 they maintain their roots with those same  
2 communities back in Somerton and San Luis in  
3 particular along the lines of faith-based  
4 communities as well. These are people who worship  
5 again at those same churches. They take their  
6 children back to Somerton and San Luis to receive  
7 their sacraments. There is a positive connection  
8 between those communities that exists in the Latino  
9 community that is palpable and real.

10 COMMISSIONER STERTZ: Thank you.

11 VICE CHAIR HERRERA: Madame Chair.

12 CHAIRPERSON MATHIS: Mr. Herrera.

13 RICHARD ELIAS: If I could just add that  
14 there's also a number of service providers here in  
15 the state of Arizona, Chicanos por la Casa, which is  
16 one of the original seven. CDC in the United States  
17 has offices over there in Somerton and Tucson as  
18 well as about 20 other communities here in Tucson.

19 So that service provision also ties a lot  
20 of business connections to both that region of  
21 western Arizona and Pima County.

22 COMMISSIONER STERTZ: Thank you.

23 VICE CHAIR HERRERA: Mr. Elias, before  
24 you leave, Madame Chair, I couldn't agree more with  
25 your comments. I went to school with one of your

1 city council members at Kofa High School, so there's  
2 a lot of commonality, and I appreciate those  
3 comments, but if I can make a correction or a  
4 recommendation.

5           When you mention the areas of Somerton  
6 and San Luis, you are forgetting Gadsden, which is a  
7 small little town that --

8           RICHARD ELIAS: My apologies.

9 Absolutely, sir. I stand corrected.

10           VICE CHAIR HERRERA: Thank you.

11           CHAIRPERSON MATHIS: Thank you.

12           Any other comments before we leave this  
13 agenda item?

14           Okay. We'll move to agenda item III,  
15 which is --

16           LYNNE ST. ANGELO: Madame Chair, I have a  
17 card.

18           CHAIRPERSON MATHIS: Oh, I'm sorry. Lynn  
19 St. Angelo, I have a request to speak form.

20           LYNNE ST. ANGELO: I'm Lynne St. Angelo,  
21 L-y-n-n-e, S-t, period, A-n-g-e-l-o, from the  
22 current LD26. And I just want to say something  
23 about what was said.

24           On the Secretary of State's website, if  
25 you look at voter turnout, that voter turnout is

1 based on a percent of registered voters. It is not  
2 based on children or people in the area. It is  
3 based on a percent turnout of registered voters  
4 only.

5 I realize the Commission has drawn the  
6 grid maps based on only two of the six criteria,  
7 equal population and compact and contiguous and that  
8 you are now adjusting the grid maps for the Voting  
9 Rights Act criteria.

10 The maps we developed, and I will turn  
11 them in on the blue form, take the grid map and also  
12 satisfy communities of interest as expressed by  
13 public input. Competitiveness, conforming to  
14 geographical features and respecting city and school  
15 board district lines.

16 They also make the maps more compact than  
17 the current grid map while still satisfying the  
18 equal population.

19 On the new grid map, LD26 becomes LD11  
20 and part of LD9. In the drawing, the grid map uses  
21 Oracle Road as a dividing line on the east until it  
22 hits 1st and then makes a jog up half of Rancho  
23 Vistoso Boulevard.

24 These holes in the grid map may have been  
25 how the program grabbed the census tracts. But the

1 reality is that this cuts the town of Oro Valley in  
2 half. It also makes a long skinny finger up the  
3 east side of Oracle Road along the Catalina Mountain  
4 Range that sticks out of the pink, the LD9, which is  
5 the pink color on your grid map and is virtually  
6 unattached from the pink LD9 because of the  
7 mountains. If you don't, just cover it with the  
8 pink color that show the mountain is there.

9           On the east side of Oracle Road nestled  
10 against the Catalina Mountains are many Oro Valley  
11 housing developments and the town of Catalina.

12           By using Oracle Road as the dividing line  
13 instead of the Catalina Mountains, the grid map cuts  
14 Oro Valley in half also along 1st and Rancho Vistoso  
15 Boulevard. A development we call Sun City is now  
16 outside of their school district and city  
17 boundaries. This could also just be cleaned up.

18           Here are our suggestions. First take  
19 Marana from the coral LD3 and give it to LD11, which  
20 is a tan color. Take Casa Grande and Coolidge from  
21 the tan LD11 and give them to the coral LD3. This  
22 keeps Casa Grande together instead of splitting it  
23 in half and keeps Marana, which is one mile away  
24 from Oro Valley at the closest point together with  
25 towns on the northwest side of Tucson.

1           Second, clean up the east side of the  
2 LD11 by using Catalina Mountains as the dividing  
3 line which would put Oro Valley completely inside  
4 LD11 and put little the town of Catalina in LD11  
5 also instead of in LD9.

6           Give LD9 the south end of LD11 from  
7 either Miracle Mile south to Grant or from Prince  
8 south to Grant, whichever demarcation line balances  
9 out the population.

10           Anything below the river is really Tucson  
11 and so not a community of interest with northwest  
12 Tucson.

13           Areas now in LD9 that also could go into  
14 LD11 as communities of interest are Oracle all the  
15 way to San Manuel. They are also separated from the  
16 rest of LD9 by the Catalina Mountains, just like Oro  
17 Valley is kind of cut by the Catalina Mountains  
18 also. That's the dividing line for those  
19 communities as well.

20           This balances out the populations keeping  
21 towns close to each other in the same Legislative  
22 districts like Casa Grande with Arizona City and  
23 Coolidge and Marana and Catalina with Oro Valley.  
24 These areas are already competitive districts,  
25 especially when you drill down to the city council

1 levels as Mr. Adelson suggested.

2 At that level, Marana and Oro Valley city  
3 council has and have elected Independents,  
4 Democrats, and Republicans. All three groups are  
5 represented at the local level as well as having the  
6 Legislative district switch hands in the recent  
7 past.

8 We are looking forward to the Maptitude  
9 program getting up and running online so that we can  
10 also adjust the maps that we have drawn and make  
11 sure that all of the criteria are met.

12 Thank you for allowing me to present  
13 these maps that were adjusted by hand because the  
14 mapping program is now offline and cannot be used to  
15 do this tweaking.

16 CHAIRPERSON MATHIS: Thank you.

17 Any other comments on agenda item II?

18 We'll be moving to agenda I'll III,  
19 citizen presentations and submittals of  
20 Congressional and Legislative maps.

21 And I have a number of request to speak  
22 forms for this particular agenda item, so feel free  
23 to fill one out if you have one as well.

24 The first person is Daryl Melvin from  
25 City of Flagstaff.

1           And to remind everyone to spell your name  
2 into the microphone and be sure to try to speak into  
3 the microphone, too.

4           Thank you.

5           DARYL MELVIN: Good afternoon,  
6 commissioners. I appreciate the opportunity to  
7 speak with you today.

8           My name is Daryl Melvin. Last name is  
9 M-e-l-v-i-n.

10          And if I could, chair, I have with me the  
11 city manager for the City of Flagstaff. We filled  
12 out two separate cards but we are speaking on the  
13 same topic. So if I could have him go first --

14          CHAIRPERSON MATHIS: Sure.

15          DARYL MELVIN: -- and introduce the maps  
16 and the discussion and I can follow him.

17          CHAIRPERSON MATHIS: Sure. So this is  
18 Kevin Burke, city manager from Flagstaff.

19          KEVIN BURKE: Yes, ma'am. Thank you.

20          Again, Kevin Burke. Last name is  
21 B-u-r-k-e.

22          I'm going to just hand out -- I know  
23 we've got it on the screen, but just in case --

24          Well, first let me start by thanking you  
25 for the work that you are doing. I know you are

1 doing some extremely important work for the state of  
2 Arizona and doing it with almost no gratitude. So I  
3 think you've actually found a position that gets  
4 less gratitude than the collective bargaining  
5 negotiators. So well done on that accomplishment.

6 With that said, I did want to convey a  
7 bit of disappointment from the Flagstaff/Coconino  
8 communities.

9 I know that we had what I understand is  
10 the greatest turnout of any community in the first  
11 round of outreach, and unfortunately, and these  
12 happen to all of us, we had a mix-up and no  
13 commissioners present.

14 So we would -- again, I think both on  
15 behalf of the City of Flagstaff, on Coconino County,  
16 and on behalf of the Navajo Nation, we would like to  
17 invite the Commission back to Flagstaff for a  
18 mapping meeting.

19 We think that that is a most appropriate  
20 discussion point to have the -- you know, being the  
21 first one on the second round really doesn't  
22 accomplish -- when you have such an engaged  
23 community as we do. And with that many folks  
24 willing to take time out of their schedule to  
25 participate, we think that that would be the

1 appropriate interactions.

2           So we would like that. And, you know,  
3 not to mention it's only 84 degrees today. And I  
4 know you're wondering when is the heat wave going to  
5 end, but we will be back to 78, 80 by the end of the  
6 week.

7           We are good hosts, please come. On to  
8 the business.

9           We have a couple of items here and  
10 Flagstaff has been very engaged since probably  
11 January of this year in really working to help the  
12 Commission accomplish its job.

13           In order to do that, I think we can only  
14 do that by working within the confines that IRC is  
15 working. We did diligently stay within that  
16 enabling Legislation and subsequent court decision.

17           What you will see is that while we don't  
18 have something quite as powerful as the IRC, we have  
19 been very careful to stay with census tract data and  
20 data from city clerk -- or the county clerk's office  
21 to make sure that we are giving you real numbers  
22 here.

23           So I'll start with the value statements.

24           City of Flagstaff values a redistricting  
25 outcome that is first and foremost compliant with

1 the Voting Rights Act of 1965 and does not regress  
2 in it's representation of Native populations in  
3 northern Arizona. Maximizes competitive districts  
4 across the state and includes Flagstaff in such a  
5 district.

6 We value placing Flagstaff in a district  
7 whose communities share our same transportation,  
8 economic, higher education, governance and natural  
9 resource interests, such as forest health and water  
10 issues, and we value placing the greater Flagstaff  
11 area in a single Legislative district.

12 Values are all good but how does that  
13 translate?

14 The next page -- actually if you can  
15 flip, there was a spreadsheet that -- yes, I  
16 apologize. It's a little more difficult to read on  
17 the screen, but I won't go through every item but I  
18 do want to hit a few of those here.

19 We did try to take each and every  
20 criteria, provide some objective criteria -- or  
21 objective subcriteria to that and then establish a  
22 threshold. That's what you see on the left-hand  
23 side of that spreadsheet, with the thresholds on the  
24 edge there.

25 You then see a scenario -- and it says

1 scenario 3. We've been through quite a few, so I  
2 apologize. It probably has no meaning in this  
3 forum.

4 But that is the scenario that we are  
5 putting forth for your consideration and that is  
6 primarily focused on Legislative districts and then  
7 you'll see the Congressional district on the far  
8 right-hand column of that spreadsheet.

9 But going through that, and again  
10 focusing on the Legislative district, the first  
11 criteria, the Voting Rights Act. Again, in Northern  
12 Arizona, that means preserving a minority/majority  
13 population in Legislative District 2 -- or today had  
14 is Legislative District 2, and that is dominated by  
15 Navajo and Hopi tribes.

16 The City of Flagstaff looked at the  
17 entire Northern Arizona area in trying to accomplish  
18 the IRC objectives. And so certainly if that one is  
19 at the top and a mandatory issue, the City of  
20 Flagstaff supports maintaining that 63 percent  
21 native population threshold and any regression from  
22 that would be problematic.

23 The City of Flagstaff is supportive in  
24 trying to keep that district intact at 63 percent or  
25 higher.



1 general.

2           So again, I think we helped accomplish  
3 that competitiveness goal, again, strictly looking  
4 at the legislative districts.

5           The last piece on Legislative districts  
6 and then I'll move to Congressional districts, is  
7 the communities of interest. And we've identified  
8 five different categories or criteria for that and  
9 I'm not going to go into each one, but certainly  
10 some of the obvious communities of interest happen  
11 to be the mountain areas, the border town aspects.

12           There is an association that you may not  
13 be aware of called the Greater Arizona Mayors  
14 Association. We have a lot of overlap associated  
15 with that with Legislative District 2. And so those  
16 are -- then obviously our ecotourism is very common  
17 throughout the map.

18           Switching to Congressional district, I  
19 think the easiest way to say it is this district has  
20 worked very well for Northern Arizona and for  
21 Flagstaff in particular.

22           If you look at Congressional Districts 1,  
23 eight of the last ten years the representative for  
24 Congressional District 1 has been in a majority  
25 party. So that has resulted in switching three

1 times.

2 That provides a great deal of return for  
3 not only the district but the state of Arizona  
4 because being a competitive district, being a  
5 vulnerable district each and every election gets the  
6 attention of Congressional leadership. When you  
7 have the attention of Congressional leadership, we  
8 tend to see more resources, more attention devoted  
9 to this Congressional district.

10 And for those reasons we think  
11 competitiveness is demonstrated to be very  
12 successful and very meaningful for the community.

13 The Congressional district that we are  
14 presenting is almost identical and, sir, if you can  
15 switch that map two-fold, one more -- nope, you had  
16 it. Thank you. That one.

17 So the northeast corner of the state  
18 shown by the white line, that is essentially  
19 Congressional District 1 as it stands today with two  
20 exceptions. One, the Hopi is now included in  
21 Congressional District 1 and approximately 65,000  
22 population is removed from Pinal County on the  
23 southwest side of it.

24 So largely this is identical to what  
25 exists, and again, those demographics show that from

1 a competitive standpoint, just registered Democrats  
2 to Republicans, have a 4 percent spread. In the  
3 last governor's election, there was less than a 1  
4 percent difference between the two candidates and  
5 for the attorney general's race, there was a  
6 2.8 percent difference. So we have an extremely  
7 competitive district as it exists right now.

8           Those -- and if you could flip back one  
9 to Legislative district, I know that's harder to  
10 see, but you can see that is how Flagstaff has  
11 arranged the five Legislative districts to the north  
12 and we do come down quite a bit on District 5, but  
13 these are all rural districts that provide important  
14 representation for rural communities in the State  
15 House and we think that's a great value.

16           With that, I will answer any questions  
17 you may have or return to my seat.

18           But thank you again for your work. I  
19 know it's a difficult public service that you are  
20 doing and I appreciate it.

21           CHAIRPERSON MATHIS: Thank you.

22           Any questions for City Manager Burke or  
23 comments on his presentation?

24           COMMISSIONER STERTZ: Madame Chair.

25           CHAIRPERSON MATHIS: Mr. Stertz.

1           COMMISSIONER STERTZ: This is a  
2 well-studied process you have gone through.

3           KEVIN BURKE: Thank you, sir. We've  
4 spent quite a bit of time.

5           COMMISSIONER STERTZ: In your  
6 deliberations and the discussions with the Hopi  
7 Nation, was there discussion with the leadership of  
8 the Hopi Nation that led you to believe that they  
9 wanted to be included in this district?

10          KEVIN BURKE: They have communicated with  
11 us, and maybe I'll turn to Mr. Melvin because I  
12 think he's had those direct communications.

13          COMMISSIONER STERTZ: Thank you.

14          DARYL MELVIN: Commissioner, yes, we've  
15 been in discussions with both Navajo and Hopi. And  
16 in part of those discussions, Hopi did indicate  
17 through their chairman's office that they are  
18 agreeable to being in the same Legislative district  
19 as Navajo and Flagstaff.

20          COMMISSIONER STERTZ: Terrific.

21                 And in the -- in the balancing of the  
22 districts, you've had an increase of HVAP in  
23 Legislative District 2, which is currently 58.99  
24 percent increasing to 66.6 percent.

25                 What drove -- was it just pure growth of

1 Hispanic population in LD2 or was there some -- I'm  
2 trying to pick up where the capture was.

3 DARYL MELVIN: If you look at the numbers  
4 that are shown in the Legislative District 2 for the  
5 Voting Rights Act, that predominantly is speaking to  
6 the Native American population.

7 COMMISSIONER STERTZ: Yes.

8 DARYL MELVIN: In our discussion with the  
9 Navajo Nation, they pretty much looked at -- if you  
10 can flip back to the Legislative map, you can see  
11 the Legislative district that includes Navajo now,  
12 too, includes also the Hualapai Nation which goes  
13 basically across the top of the state to the west  
14 and it drops down and includes Apache Nation.

15 Those changes predominantly picked up the  
16 percentages for Native American population in  
17 District 2.

18 COMMISSIONER STERTZ: I see it now.  
19 Thank you.

20 COMMISSIONER MCNULTY: Madame Chair, are  
21 there any Native American nations, communities along  
22 the northern border that are not included within  
23 this district?

24 DARYL MELVIN: No. In this -- in  
25 District 2, it includes the Hualapai and Supai

1 Nations which are along the Grand Canyon and it also  
2 includes the Kaibab Paiute Nation, which is very  
3 much on the Arizona strip in the northern part of  
4 the state.

5 COMMISSIONER MCNULTY: Okay. So they  
6 would be up in the northwest corner of this map?

7 DARYL MELVIN: Correct, around Fredonia  
8 area.

9 CHAIRPERSON MATHIS: Just to follow on  
10 Mr. Stertz's question, so these other tribes that  
11 you've mentioned, you've spoken with all of them, I  
12 presume, and they have also agreed to be part of  
13 this map?

14 DARYL MELVIN: Most of the discussion  
15 that the city has had has been through the Human  
16 Rights Commission of the Navajo Nation and they have  
17 been tasked with the outreach discussions.

18 I know they've met with Hopi, I know  
19 they've met with the Apache Nation. I'm not  
20 familiar with their discussions with the other  
21 tribes.

22 CHAIRPERSON MATHIS: Thank you.

23 KEVIN BURKE: Madame Chair, if I could  
24 just clarify.

25 Our understanding is LD2 currently, we

1 would have a base native population of 63 percent.  
2 So not jumping from the 59, but increasing from a  
3 63.

4 COMMISSIONER MCNULTY: Could you talk  
5 about the southwest area? Does that include a  
6 portion of Pinal County, the --

7 DARYL MELVIN: For District --

8 COMMISSIONER MCNULTY: The older more  
9 rural?

10 DARYL MELVIN: For District 1 in terms of  
11 this drawing?

12 COMMISSIONER MCNULTY: Yes, in terms of  
13 the Congressional district.

14 DARYL MELVIN: In the southeast corner  
15 for the Legislative or Congressional?

16 COMMISSIONER MCNULTY: The southwest  
17 corner of Congressional.

18 DARYL MELVIN: Under Congressional map --

19 COMMISSIONER MCNULTY: I'm trying to  
20 understand what the geography is there.

21 DARYL MELVIN: Correct. Again, the basic  
22 map for the current Congressional district was the  
23 starting point. Again, as Mr. Burke mentioned, the  
24 competitiveness was important for the city council.  
25 And in this particular drawing, other than in the

1 northern part, including Hopi and the southern part  
2 of Pinal County, we just removed sections out of  
3 Pinal County, which is directly south of the  
4 Maricopa community -- or Maricopa County proper. So  
5 it's a small section that drops underneath Phoenix  
6 area.

7 COMMISSIONER MCNULTY: That's been  
8 removed?

9 DARYL MELVIN: Correct.

10 COMMISSIONER MCNULTY: So this includes  
11 kind of the core of the older, more developed areas  
12 of Pinal County within CD -- this map of CD1?

13 DARYL MELVIN: The section to the east of  
14 Phoenix has not been changed in terms of the  
15 Congressional lines. Again, just directly south,  
16 65,000 population was removed out.

17 COMMISSIONER MCNULTY: Okay.

18 CHAIRPERSON MATHIS: Any questions or  
19 other comments?

20 DARYL MELVIN: Commissioners, again, I  
21 want to thank for having us here and I look forward  
22 to our visit in Flagstaff.

23 CHAIRPERSON MATHIS: Thank you very much.

24 Our next speaker is Teri Grier, president  
25 of T-Square Consulting and representing Flagstaff

1 40.

2           TERI GRIER:  Madame Chairman, members of  
3 the Commission, my name is Teri Grier, and I've been  
4 asked to advise and represent the Flagstaff Forty  
5 throughout the redistricting process.

6           Flagstaff Forty is a small group of  
7 business members in the Flagstaff area that  
8 represent the community and where appropriate, they  
9 address critical needs of our community and our  
10 state.

11           These business leaders bring together  
12 talent and resources and the leadership to create  
13 action on priority issues that are taking place.

14           They also work closely with sister  
15 organizations such as the Greater Phoenix  
16 Leadership, Southern Arizona Leadership Council to  
17 address statewide issues.

18           As their representative, I bring to you  
19 over 20 years of experience of local, state, and  
20 federal policy issues.  And I actually served on the  
21 staff in the early '90s when we were doing the  
22 Independent redistricting before it came part of the  
23 Redistricting Commission in the early 2000s.  And I  
24 actually was the government relations person for  
25 Flagstaff Chamber of Commerce when the first

1 Independent Redistricting Commission went through  
2 this process. So I'm sympathetic to your plight and  
3 I understand exactly what you are going through.  
4 And thus I understand what the Northern Arizona  
5 business community has worked border with over the  
6 last ten years.

7           During the last round of redistricting,  
8 like I said, I worked with the Flagstaff Chamber of  
9 Commerce and just after that I was brought on staff  
10 as part of the transition team for Congressman  
11 Renzi.

12           So he was the newly elected congressman  
13 for the new Congressional district that was just  
14 formed, which is part of that map you see right  
15 there.

16           That map is about 58,000 square miles.  
17 It represents 120 cities, towns, and townships. It  
18 represents more Native Americans than any member of  
19 Congress in the entire country. And in a weekend,  
20 you could travel from one end to the other and put  
21 over a thousand miles on your car, and it's the  
22 fifth largest Congressional district in the entire  
23 country.

24           And so part of our job was to figure out  
25 how to provide representation to the constituency

1 and to make sure that we truly were able to service  
2 the population in a way.

3           So when you're trying to draw maps of  
4 compactness, believe me, I understand in a huge way  
5 because I have traveled every inch of that district.

6           With the experience, I can tell you the  
7 pros and cons of making a district of that size and  
8 how it serves to make it difficult for its  
9 constituency.

10           I know that -- I also know from a  
11 historical perspective kind of the transition that's  
12 taken place.

13           Prior to the last two rounds, this round  
14 and the previous round, if you looked at the way the  
15 lines were drawn, you would see that it was kind of  
16 a fan. And the points of the fan would either go to  
17 the Phoenix Metropolitan area or into the Tucson  
18 area.

19           So when all was said and done and your  
20 elected officials were elected, you would see they  
21 usually would come out of the Phoenix Metropolitan  
22 area or Tucson. Rarely do you ever have anyone  
23 elected from rural Arizona.

24           Now, for me, I take a personal interest  
25 in that. I'm a fifth-generation rural Arizonan. I

1 grew up in Globe/Miami. My family continues to own  
2 a ranch that started in the 1800s down in Santa Cruz  
3 County. And so it's important that rural people  
4 have a rural representative.

5 It's also really important that they are  
6 able to have access to that person. And so I'm sure  
7 that if have you traveled around the state, that's  
8 one of the common messages that you heard. And ten  
9 years ago, there was a huge cry.

10 And so when you see these large land  
11 masses and you're faced with compactness, it's  
12 really a tough call because we basically are looking  
13 at a frontier area and you give up compactness in  
14 order to get rural. And so that's what you see  
15 right there.

16 When you're looking at the topography and  
17 land management and tourism and lifestyle and you  
18 look at Northern Arizona and you're trying to  
19 compare the differences between areas that are of  
20 interest, one of the things that I think is really  
21 important to look at that isn't as obvious is the  
22 economic situation of today.

23 Ten years ago and 20 years ago it wasn't  
24 as big of an issue, but right now the economy of  
25 Arizona, and especially rural Arizona, is at a very

1 serious situation. Arizona right now per capita,  
2 our debt ratio is worse than California. And so if  
3 there's any way that you can take that into  
4 consideration and look at our economic hubs and how  
5 our economic hubs play a role in the development of  
6 rural Arizona. So, for example, Flagstaff and the  
7 I-17 and the I-40 corridor and the business  
8 community in that area is a significant economic  
9 hub. And they have a community of interest with the  
10 Alpine communities, the tourism industry, the forest  
11 land management, the water areas, those are all very  
12 important to protect that community of interest.  
13 Because it's going to provide economic vitality to  
14 the entire area there.

15           And so making sure that those communities  
16 are able to continue to work together, to protect  
17 forest management, the water, the land, the natural  
18 resources is really important and it's something to  
19 consider because for the next ten years, as we work  
20 our way out of the national and international  
21 economic slump, it's going to make a big difference  
22 for the Arizona economy.

23           I can't tell you how important  
24 competitiveness is. You've already heard it. That  
25 Congressional district was one of 15 competitive

1 districts drawn in the United States of the 435  
2 districts.

3 I will tell you in the first year that I  
4 served on staff, the President of United States came  
5 twice, the vice president came once, the first lady  
6 came to the Navajo Nation. We had one field hearing  
7 from the Forest Health Subcommittee, we had three  
8 members of the cabinet come and hold hearings, and  
9 that was just during the first year.

10 Northern Arizona or rural Arizona has  
11 never had that kind of attention before and it has  
12 continued for the entire ten years. No matter  
13 whether it was a Republican or a Democrat who was in  
14 office, they have continued to have that attention,  
15 because whoever was in office or whoever wasn't in  
16 office knew that they had to pay attention to this  
17 area because the power of the House of  
18 Representatives rested on a handful of districts  
19 across the country.

20 And so competitiveness, though I know  
21 there are those who would like very much to have a  
22 shoe-in, it really benefits the citizens of rural  
23 Arizona as far as financing, as far as attention, as  
24 far as getting what the citizens really need. It  
25 really benefits them.

1 I hope I have given you a couple of  
2 things to think about, and I just want to emphasize  
3 how much I appreciate your time. And I'm very  
4 empathetic to what you are doing.

5 And if I have anything I can add, I'm  
6 happy to do.

7 CHAIRPERSON MATHIS: Thank you.

8 Do you mind spelling your name for the  
9 record?

10 TERI GRIER: T-e-r-i, G-r-i-e-r.

11 CHAIRPERSON MATHIS: Thank you.

12 Any questions for Ms. Grier or comments  
13 on her presentation?

14 COMMISSIONER STERTZ: Madame Chair.

15 CHAIRPERSON MATHIS: Mr. Stertz.

16 COMMISSIONER STERTZ: As a representative  
17 of Flagstaff Forty, there was -- some of your  
18 representatives came and spoke at the Casa Grande  
19 hearing and public hearing that we had.

20 Are the maps that we were presented by  
21 the city manager of Flagstaff, were these compiled  
22 along with -- side by side with Flagstaff Forty?

23 TERI GRIER: The City of Flagstaff worked  
24 on the maps on their own; however, they have been  
25 wonderful at incorporating in Flagstaff Forty and

1 the other interest groups in the area in the  
2 process.

3 And so we feel very comfortable with  
4 those maps and also there was another group that has  
5 presented maps, including the -- make sure I get the  
6 name right. The Greater Association -- the Greater  
7 Arizonans for Success, the GAS maps. Both of those  
8 maps basically feel the basic concepts that the  
9 Flagstaff Forty has asked you to consider.

10 COMMISSIONER STERTZ: Thank you.

11 TERI GRIER: Any other questions?

12 Thank you.

13 CHAIRPERSON MATHIS: Thank you very much  
14 for your time.

15 I think we'll -- what time do we have? I  
16 think we'll take one more that I have. It's 1:48,  
17 as long as Michelle will let me.

18 Great.

19 Matthew Capalby from Greater Arizona  
20 Success.

21 MATTHEW CAPALBY: Good afternoon, Madame  
22 Chair, commissioners. It's a pleasure to be here as  
23 always.

24 My name is Matthew Capalby,  
25 C-a-p-a-l-b-y, and I reside in Flagstaff, Arizona.

1 I am also a third-generation Northern  
2 Arizona resident. I've been involved in  
3 governmental affairs regionally throughout Northern  
4 Arizona for the last 15 years. I was also involved  
5 ten years ago on behalf of Mohave County in the  
6 redistricting process.

7 Subsequently, I was approached a number  
8 of months ago to get involved and help facilitate  
9 communication among the entities throughout Greater  
10 Arizona. So our particular unique interests will be  
11 addressed.

12 First of all, I would like to begin by  
13 endorsing Hispanic Coalition for Good Government's  
14 map, and we would like, of course, to adjust and  
15 send a new map that reflects the changes that were  
16 proposed by the Hispanic Coalition for Good  
17 Government. We would like to reflect those  
18 districts in our map.

19 But I think in concept, you see the  
20 opportunity here for Greater Arizona to actually  
21 have two Greater Arizona or rural Congressional  
22 districts now that there is enough population,  
23 especially in Yavapai and Mohave counties for the  
24 creation of the two separate districts. That's  
25 increasing the amount of representation in Greater

1 Arizona while not going into the two primary  
2 metropolitan areas of Tucson and Phoenix.

3 And I also would like to compliment and  
4 express my concurrence with my associates from the  
5 City of Flagstaff, Coconino County and the Flagstaff  
6 Forty. We have been in close communication for the  
7 last several months in regards to this effort and  
8 our goals are very, very similar.

9 But just one ticket point where we  
10 diverge, is you'll see significant differences in  
11 Greater Arizona Success map and the map presented by  
12 the City of Flagstaff.

13 The problem that we immediately  
14 identified with what was presented by the City of  
15 Flagstaff, while it's very much in keeping with the  
16 status quo of current Congressional District 1, it  
17 would prevent the river communities, the river  
18 counties from creating their own Congressional rural  
19 district without having to go into -- or which would  
20 actually cause them to have to go into Phoenix  
21 Metropolitan area in order to round off the  
22 population. That they would need to -- that we  
23 reflect that resides in Yavapai County.

24 So we want to be clear. We advocate for  
25 two rural Congressional districts and the City of

1 Flagstaff map would only allow for one Greater  
2 Arizona Congressional district to be construed or  
3 instructed.

4           And as many of the previous points that  
5 have been discussed as far as economy, quality of  
6 life, topography, environment, et cetera, we share a  
7 number of similarities that are reflected within  
8 those two districts.

9           There's very unique issues that are  
10 pertinent to the river communities. We think our  
11 district reflects that. The one on the left in the  
12 green and then to the mountain and smaller  
13 communities that have unique forest issues, mining  
14 issues, et cetera are reflected in the district on  
15 the right, in the blue.

16           So I know you've heard my spiel several  
17 times before. I won't quite get into some of the  
18 other semantic details, but I would like now that we  
19 have an opportunity to have an open discussion,  
20 discuss further these configurations for those two  
21 Congressional districts.

22           CHAIRPERSON MATHIS: Question, on the  
23 eastern purple side, why didn't you just stick with  
24 the one side of the Colorado? Just curious.

25           MATTHEW CAPALBY: That was actually --

1           CHAIRPERSON MATHIS: I assume that's the  
2 Colorado.

3           MATTHEW CAPALBY: Yeah that was actually  
4 drawing the Paiute -- the Kaibab Paiute Nation.

5           And there's actually a minor mistake on  
6 there, too. We left off the rest -- we have a  
7 portion of it where we left off the rest of the  
8 Hualapai Nation that goes into Mohave County. We  
9 need to correct that. And the subsequent map we'll  
10 be submitting we'll correct that as well.

11           And we have also been in close contact  
12 with the Hualapai Nation, the San Carlos Apache  
13 Nation, as well as attended several meetings of the  
14 Navajo Human Relations -- I'm sorry, Human Rights  
15 Commissions of which the Hopi and several of the  
16 other nations have been represented at those  
17 meetings as well.

18           CHAIRPERSON MATHIS: Thank you.

19           Other questions or comments?

20           COMMISSIONER MCNULTY: I do have one  
21 question.

22           It looks like a main population  
23 difference is probably Prescott and the Prescott  
24 environs which appear to be in the City of Flagstaff  
25 map and you draw a different boundary; is that

1 correct?

2 MATTHEW CAPALBY: Correct. We went into  
3 more of the Pinal County portion than the City of  
4 Flagstaff map illustrates. And again, it was to  
5 create -- in relation to competitiveness, the blue  
6 district is competitive. The green Congresssional  
7 district river valley district is less competitive.

8 So that was also one of the objectives we  
9 were striving for was to have at least one of these  
10 two Congressional districts be competitive. And we  
11 found that if we were able to move Yavapai County in  
12 with Mohave, La Paz and Yuma, it addressed the issue  
13 of competitiveness in the eastern configuration.

14 COMMISSIONER MCNULTY: About how much  
15 population is that in Yavapai?

16 MATTHEW CAPALBY: As far as what we --  
17 what we cut off? Roughly 65,000.

18 COMMISSIONER MCNULTY: All right.

19 MATTHEW CAPALBY: Then we came in and  
20 made up for that difference both with the Verde  
21 Valley -- you see that upper right corner of Yavapai  
22 County, we made up for that population difference  
23 there and also in Pinal County.

24 And also, too, just to make clear why  
25 that portion of Yavapai County is included into the

1 eastern district was reflective of the public  
2 comment that took place at the Prescott/Cottonwood  
3 meetings, the IRC hearings there. Because at that  
4 Cottonwood remote location, not one person at that  
5 site requested that they remain in the remainder of  
6 both Congressional and Legislative in with the rest  
7 of Yavapai County.

8           They feel from a community of like  
9 interest standpoint -- and there is a number of  
10 differences -- we've seen a number of different  
11 comments, but from that meeting, they all felt that  
12 they had community of like interests more in common  
13 with that of Flagstaff and the other mountain  
14 communities and Alpine communities than they did  
15 going to the west.

16           So these maps are reflective of the  
17 recent IRC hearings and public comment.

18           CHAIRPERSON MATHIS: Thank you.

19           Any other questions or comments?

20           COMMISSIONER STERTZ: Madame Chair.

21           CHAIRPERSON MATHIS: Mr. Stertz.

22           COMMISSIONER STERTZ: Are these documents  
23 going to be available to us other than --

24           MATTHEW CAPALBY: Yes. I actually have  
25 copies of the maps for the commissioners here.

1 COMMISSIONER STERTZ: Perfect.

2 MATTHEW CAPALBY: And they actually have  
3 been e-mailed, both the Legislative and  
4 Congressional configurations have been e-mailed to  
5 staff and we are hoping that they will be  
6 distributed to the commissioners.

7 COMMISSIONER STERTZ: And, Matthew, just  
8 as one last question.

9 What format did you create these maps in?

10 MATTHEW CAPALBY: Well, we actually used  
11 both Maptitude and the software through the  
12 Redistricting Coalition for Competitive Districts.  
13 We used that website as well initially and then we  
14 were able to compile these through an associate that  
15 had access to Maptitude.

16 COMMISSIONER STERTZ: Madame Chair, would  
17 it be appropriate if we could have the maps  
18 delivered to the executive director in electronic  
19 Maptitude format. It would be helpful to us to  
20 evaluate.

21 And that would be a general comment to  
22 anybody delivering maps. If they have got access  
23 leading up to us getting the Maptitude software  
24 being put online on the IRC, if you do have access  
25 to it, it would be a great help in the interim while

1 we're getting that up.

2 MATTHEW CAPALBY: Most certainly.

3 COMMISSIONER STERTZ: Thank you, sir.

4 MATTHEW CAPALBY: And as always, I  
5 appreciate your efforts and time.

6 CHAIRPERSON MATHIS: Thank you.

7 I thought we were going to end, but can  
8 we do one more because this is also sort of related.

9 This gentleman wanted to comment on this  
10 presentation. Steve, and I'm sorry if it's Peru or  
11 Peri, county manager for Coconino County.

12 STEVE PERU: I'll be brief.

13 My name is Steve Peru, P-e-r-u.

14 County manager for Coconino County. I  
15 just wanted to briefly make a clarification  
16 regarding the county's position on the redistricting  
17 information that you've heard so far.

18 Coconino County has not taken the  
19 position of any scenario to date. And I say that  
20 out of respect for the individuals that have  
21 presented so far and credit them for the work they  
22 have done. But the fact is Coconino County is a  
23 very large County, 18,000 square miles, second  
24 largest county in the United States. Larger than  
25 the country of Switzerland.

1           It takes time for us to reach out to all  
2 of the stakeholders that comprise the community, the  
3 communities of interest. There are regional  
4 economic development, ecotourism, transportation,  
5 forestry, ranching, agriculture, institution of  
6 higher learning, rural and urban parts of the county  
7 as well as tribal nations.

8           Our board members are currently in the  
9 process of reaching out to these stakeholders to  
10 determine what their preferences are. And as such,  
11 at this time however, given the vastness of the  
12 county and the number of stakeholders involved, we  
13 are not in a position to take a position on any  
14 scenarios.

15           Thank you.

16           CHAIRPERSON MATHIS: Thank you.

17           Mr. Stertz has a quick question.

18           COMMISSIONER STERTZ: Madame Chair,  
19 you've had an increase in Coconino County of about  
20 18,000 population over the last census?

21           STEVE PERU: Correct.

22           COMMISSIONER STERTZ: Where is that  
23 centered?

24           STEVE PERU: Mostly in the Flagstaff  
25 area, the southern part and -- southern part of

1 Flagstaff to southwestern part of Flagstaff.

2 COMMISSIONER STERTZ: Has there been a --  
3 in any of the northern reservation areas, has there  
4 been a reduction of population in any of those rural  
5 communities that have fed into the urban  
6 communities?

7 STEVE PERU: I don't know for a fact -- I  
8 don't know the numbers, but I know in our current  
9 redistricting within the county, because we are  
10 doing the same redistricting at the board of  
11 supervisor level, we have seen a reduction in the  
12 population that comprises the Navajo Nation.

13 COMMISSIONER STERTZ: I appreciate that.  
14 And the reason I was asking the question is because  
15 I've been watching the articles coming out of  
16 your -- that have been posted. So thank you.

17 STEVE PERU: You're welcome.

18 CHAIRPERSON MATHIS: Any other questions  
19 for Mr. Peru?

20 Okay. Thank you very much.

21 The time is 2 p.m., so we'll take a brief  
22 recess, ten minutes. And so if people could be back  
23 at 2:10, that would be great.

24 Thank you.

25 (A recess was taken from 2 p.m. to

1 2:25 p.m.)

2 CHAIRPERSON MATHIS: Okay. Its  
3 2:25 p.m., and we'll enter back into public session.  
4 Recess is over, and we move to agenda item IV, which  
5 is review, discussion, and direction to mapping  
6 consultant regarding ideas for possible adjustments  
7 to Congressional grid map based on constitutional  
8 criteria.

9 And at our past couple of meetings we've  
10 talked about some what-if scenarios that we've given  
11 to our mapping consultants, and I believe that they  
12 might have some to present to us, some results of  
13 that work.

14 WILLIE DESMOND: Yes, I do, Madame Chair.

15 We have four what-if scenarios that were  
16 previously discussed that we can present today.  
17 There is one that shows the river district on the  
18 western side, there is a what-if scenario that shows  
19 no-split Native American populations. Those are  
20 both for Congressional. And then there are two  
21 Legislative what-if scenarios that show nine  
22 majority/minority districts.

23 The reason we did two of those is I  
24 believe Commissioner Freeman asked and it also very  
25 well illustrates the point that a lot of these

1 objectives can be accomplished in different ways.

2 So we can start with any one of those you  
3 like or I'm not exactly sure how you guys want me to  
4 proceed, so let me know.

5 CHAIRPERSON MATHIS: Let's start with  
6 Congressional.

7 WILLIE DESMOND: Okay. Would you prefer  
8 to start with the river district or the no-split  
9 Indian reservation?

10 CHAIRPERSON MATHIS: Either one.

11 WILLIE DESMOND: Okay. I'll start with  
12 the river district.

13 Okay. This --

14 CHAIRPERSON MATHIS: And as I recall,  
15 this one came from Mr. Herrera, right?

16 WILLIE DESMOND: Correct.

17 So what we've done here is try to keep  
18 all of the counties on the western side of the state  
19 together with the exception of the bottom part of  
20 Yuma. And we were able to do that without having to  
21 affect many of the other ones.

22 We did try several iterations to get  
23 three-border districts, but, you know, to reach the  
24 voting rights threshold that you guys had stated  
25 that we should use as a consideration in these

1 what-ifs, we weren't able to do that yet.

2 It doesn't mean that we can't, but we  
3 have to keep looking at that later on.

4 So this map as it's constituted -- I'll  
5 just show you the data table -- has -- it doesn't  
6 have a zero percent population deviation.

7 Again, since this is just a what-if, we  
8 had -- if it was under a quarter of a percent or  
9 something, it can be cleaned up, obviously, to reach  
10 the zero percent population deviation if we were to  
11 move forward with it.

12 But just in the matter of time, it was  
13 easier to not have to worry about those kind of  
14 finishing details for this map.

15 It does have two majority Hispanic  
16 population districts. The second, which is the one  
17 on the southwestern corner, has 52.26 percent and  
18 the seventh has Hispanic population of  
19 57.51 percent.

20 Is there any areas you would like me to  
21 go into? I mean, I was just showing Commissioner  
22 Herrera the -- where it does split up Yuma County.  
23 I would be happy to zoom in there and show you some  
24 of the rationale behind that and discuss that.

25 CHAIRPERSON MATHIS: That would be good.

1 WILLIE DESMOND: Okay. So in order to  
2 satisfy the voting rights consideration that we  
3 don't have any retrogressive districts, we did need  
4 to pull some of the Yuma Hispanic population into  
5 this second Congressional district.

6 If I turn on the tract level, you'll be  
7 able to see -- this is shaded by Hispanic  
8 population. So you can see that it kind of goes up  
9 and into Yuma and grabs a lot of the tracts that are  
10 higher percentage Hispanic population.

11 As you go over to the east, this is  
12 primarily the Goldwater range and has very little,  
13 if any, population in here. So that's kind of a  
14 cosmetic thing, but it does allow us to link it with  
15 Santa Cruz and then parts of Tucson.

16 I can zoom in and show you the streets  
17 that comprise this border if you would like or  
18 anything that any of the commissioners would like to  
19 see.

20 CHAIRPERSON MATHIS: I remember  
21 Mr. Herrera was pretty specific with the borderline  
22 there. Can you refresh our memory?

23 VICE CHAIR HERRERA: We did discuss this  
24 with Willie, and I think he used the census tract  
25 there that is with the -- divide the four from --

1 excuse me, two from the river district. So it  
2 looked okay to me.

3 CHAIRPERSON MATHIS: Ms. McNulty.

4 COMMISSIONER MCNULTY: Mr. Desmond, can  
5 you -- what would you need to compare this to the  
6 two maps we've received today from the City of  
7 Flagstaff and the Greater Arizona Success and tell  
8 us what the significant differences are.

9 WILLIE DESMOND: Well, because both of  
10 those were only partial maps of the state, I  
11 couldn't -- I'm not sure that they have a district  
12 that would run along the southern border.

13 The Greater Arizona Success map, it would  
14 be very helpful if we could get that in a Maptitude  
15 electronic format.

16 COMMISSIONER MCNULTY: I'm referring only  
17 to 4 -- comparisons with this number 4 that  
18 you've --

19 WILLIE DESMOND: Oh, okay.

20 COMMISSIONER MCNULTY: -- described.

21 WILLIE DESMOND: Well, it would be very  
22 helpful to get it in an electronic format, then we  
23 could just overlay it and you could see where the  
24 lines diverge -- the differences.

25 Do you want it bigger?

1 Sure.

2 And I apologize that this isn't the  
3 highest quality just because of the projector.

4 VICE CHAIR HERRERA: Madame Chair.

5 CHAIRPERSON MATHIS: Mr. Herrera.

6 VICE CHAIR HERRERA: Can we recommend  
7 that someone on the staff contact the coalition that  
8 did the presentation this morning to see if they can  
9 provide us a copy of their maps in Maptitude format  
10 or in a format that Mr. Desmond can use just to  
11 compare the differences?

12 Because I really did like their map. I  
13 thought it made sense. It is exactly what I would  
14 have wanted. So I want to see how it differs from  
15 the one that you created.

16 WILLIE DESMOND: And just for  
17 clarification, a Maptitude file, ESRI shape file, or  
18 a block equivalency file would all work perfectly  
19 and we could load those up fairly easily.

20 VICE CHAIR FREEMAN: And Madame Chair.

21 CHAIRPERSON MATHIS: Yes.

22 VICE CHAIR FREEMAN: Might I also suggest  
23 that when we get that data, we get it posted on our  
24 website so the public has access to it as well and  
25 can analyze it.

1 CHAIRPERSON MATHIS: Yes. I see  
2 Mr. Bladine taking notes. So thank you.

3 WILLIE DESMOND: Are there -- I guess I  
4 should also state that for these what-if maps, the  
5 only consideration used in this one, besides drawing  
6 the river district, was just to meet the two  
7 minority/majority Hispanic districts. It doesn't  
8 take into account communities of interest,  
9 competitiveness, or any of the other criteria.

10 So if you guys would like to see other  
11 maps or like to start seeing us combine some of  
12 these what-ifs, we would be more than happy to  
13 entertain any sort of things you would like to see  
14 and we could present.

15 VICE CHAIR FREEMAN: Madame Chair.

16 CHAIRPERSON MATHIS: Mr. Freeman.

17 VICE CHAIR FREEMAN: The one question or  
18 suggestion I might have is -- well, does this map  
19 respect tribal boundaries?

20 WILLIE DESMOND: This map does not. We  
21 do have the map that demonstrates a plan that would  
22 not split any reservation areas. That is another  
23 consideration, much like the two majority/minority  
24 that we would be happy to include in future plans if  
25 that's a priority of the Commission or something you

1 direct us to do.

2 But this one does split reservation  
3 lands. And I could show you -- I can overlay  
4 reservations and you can see some of the places  
5 where it does split.

6 I know that by and large, some of the  
7 districts haven't changed very much from the grid,  
8 and the grid did split reservation lands.

9 CHAIRPERSON MATHIS: That -- go ahead,  
10 Mr. Freeman.

11 COMMISSIONER FREEMAN: And this looks  
12 like it might split the city of Flagstaff as well.

13 WILLIE DESMOND: I believe it does, yes.

14 CHAIRPERSON MATHIS: To that end, I'm  
15 kind of wondering if there are some ground rules or  
16 not necessarily rules, but some guidelines, I guess,  
17 that we could give our mapping consultant so that  
18 maybe on all future what-if scenarios they do a  
19 baseline minimum of certain things.

20 And maybe it's keeping cities and towns  
21 whole to the extent possible or -- and, of course,  
22 the tribal reservations and two minority/majority  
23 districts on the Congressional. Just some of these  
24 sorts of things so that then at least those are  
25 always going to be there and then we can see what

1 happens.

2 Do you guys have any thoughts?

3 VICE CHAIR FREEMAN: Madame Chair.

4 COMMISSIONER MCNULTY: Madame Chair.

5 Go ahead, Scott.

6 VICE CHAIR FREEMAN: I agree. And maybe  
7 we can add to that based on practicable, respecting  
8 county lines as well, based on the Congressional  
9 maps.

10 CHAIRPERSON MATHIS: Did you say county  
11 lines?

12 VICE CHAIR FREEMAN: Yes.

13 CHAIRPERSON MATHIS: Other comments?

14 COMMISSIONER MCNULTY: I think it will be  
15 important not to split reservations. I'm going to  
16 be interested to see the Greater Arizona Success map  
17 and the City of Flagstaff maps compared and compared  
18 with this, so that we can address some of the issues  
19 that are reflected in those maps.

20 And I would also like to see the  
21 coalition map that we were presented this morning  
22 compared to this map so that we can understand some  
23 of the issues there.

24 I think it makes sense, just as a  
25 guideline and as -- not as any kind of rule, because

1 we are too early in the process, but to keep smaller  
2 communities together, municipalities. The larger  
3 municipalities we may not be able to -- clearly we  
4 may not be able to do that.

5 WILLIE DESMOND: And that's something we  
6 can do as those come in. We could have those all  
7 ready to go and you could add those to any sort of  
8 what-if scenario that we are looking at or talking  
9 about at that time.

10 COMMISSIONER MCNULTY: Okay. I had  
11 another thought but I lost it, so I'll come back to  
12 that.

13 COMMISSIONER STERTZ: Madame Chair.

14 CHAIRPERSON MATHIS: Mr. Stertz.

15 COMMISSIONER STERTZ: Mr. Desmond, could  
16 you put back up the tribal lands, please?

17 WILLIE DESMOND: Yeah, and I selected the  
18 wrong tribal -- excuse me for that. I need to grab  
19 the one from -- I'm trying to make it a color that  
20 is easily visible.

21 Let me just change that one more time and  
22 make it a little easier to see on this screen.

23 There you go.

24 COMMISSIONER STERTZ: Could you in-fill  
25 those for me?

1 WILLIE DESMOND: Yes. I'll move the  
2 lines over the top of them.

3 So you can see, you know, part of this  
4 district cuts off -- part of District 2 cuts through  
5 a reservation as well as some of 1, 3 and 5 and then  
6 also down in this area.

7 COMMISSIONER MCNULTY: I'm sure these are  
8 things that were taken into account in those other  
9 maps that we looked at. So if we could get those  
10 and get those loaded up onto our Maptitude and work  
11 with those, I think that would be great.

12 The other question I had was can you show  
13 us in the river district draft that you've done here  
14 where the population centers are and give us some  
15 sense of what's needed to bring this to the 710,224?

16 WILLIE DESMOND: Let me -- I'll show you  
17 the cities that comprise it first.

18 A little busy. I apologize.

19 Are there any particular population  
20 centers you wanted to see if they were in or outside  
21 of the district?

22 COMMISSIONER MCNULTY: No. I'm more  
23 interested in what comprises the 700,000, you know,  
24 souls that we need to comprise the district, where  
25 they are. How many of them are along the river, how

1 much of Maricopa County is pulled in, if any, where  
2 the major population centers are.

3 WILLIE DESMOND: It might be helpful then  
4 if I shaded this by census tract or something.

5 COMMISSIONER MCNULTY: I think so. Yeah,  
6 I think we need to go to census data.

7 WILLIE DESMOND: Just one second.

8 Okay. So you can see -- and I apologize  
9 this is not very clear.

10 This is a shading by census tract that  
11 shows the number of people that live in each tract.  
12 So anything that is -- the darker the green is the  
13 more population that is centered there. This  
14 doesn't take into account the population density,  
15 necessarily, but kind of works under the assumption  
16 the tracts should be relatively close to the same  
17 size.

18 It does illustrate that there are  
19 stretches along the western border where there is  
20 not many people.

21 I would be happy to zoom in on any or  
22 just to slowly scroll through to show you things.

23 Some of the main population centers would  
24 be down in Yuma and as we go up through areas like  
25 Bullhead City and Lake Havasu and then a fair amount

1 of population would also come from the Flagstaff  
2 area.

3 VICE CHAIR FREEMAN: And could you maybe  
4 zoom in on where it goes into Maricopa County?

5 WILLIE DESMOND: Sure.

6 VICE CHAIR FREEMAN: See how much it --

7 WILLIE DESMOND: So if you can see, the  
8 Maricopa County boundary runs right along here. So,  
9 you know, the part that runs just north of Sun City  
10 and Wittmann and stuff is all included in this river  
11 district as it is currently comprised.

12 Is that -- do you want me to go any  
13 further or does that answer your question?

14 COMMISSIONER MCNULTY: Mr. Desmond, when  
15 we -- if we were to overlay the Greater Arizona  
16 Success map and I guess the boundary of the  
17 Flagstaff map so that we could see kind of what's  
18 left on the west side of the state, what is the best  
19 way for you to display for us in a way that we can,  
20 you know, study rather than just kind of look at  
21 colloquially where the population is?

22 WILLIE DESMOND: I guess the best way  
23 would be hopefully to receive electronic files. In  
24 the absence of that, it would take us a little time.  
25 I don't know if we would want to do it right now,

1 but there is, I think -- we call it rubber sheeting  
2 in Maptitude where you take an image file and then  
3 you can kind of slide the districts over it to try  
4 to line it up and if you get the scale right to fit.

5 COMMISSIONER MCNULTY: Let me interrupt  
6 you because that's not quite my question.

7 Assuming we get the electronic files,  
8 then can you just give us a -- can we just pull up a  
9 list of where the population centers are from  
10 highest to lowest?

11 WILLIE DESMOND: We could probably do  
12 that, yes.

13 So you can see where the -- which  
14 municipalities comprise the bulk of the population?

15 COMMISSIONER MCNULTY: Yes.

16 WILLIE DESMOND: That's a report we could  
17 work on putting together. I don't have that just  
18 now, though.

19 COMMISSIONER MCNULTY: Okay.

20 CHAIRPERSON MATHIS: I was just handed an  
21 electronic file for the minority coalition  
22 presentation from this morning. I don't know how  
23 long it takes for you to show us something like  
24 that. I know that was one of Ms. McNulty's  
25 questions, was overlaying that with what we have

1 here or if other commissioners are interested in  
2 seeing something like that.

3 WILLIE DESMOND: That's only going to  
4 take me a couple of minutes to probably get  
5 together.

6 If we could look at the Legislative  
7 district maps and if at that point you wanted to  
8 take a five-minute break or something, I could  
9 probably get it loaded up and come back to these.

10 Would that work?

11 CHAIRPERSON MATHIS: Sure, if you all --  
12 if you thinks that's a worthwhile exercise.

13 COMMISSIONER MCNULTY: I just had one  
14 more question on these maps before we do that.

15 Could you go back to the reservations?

16 WILLIE DESMOND: Yes.

17 COMMISSIONER MCNULTY: Is that the Grand  
18 Canyon in the northwest corner? Is that whole thing  
19 the Hualapai reservation or is part of that the  
20 Grand Canyon?

21 WILLIE DESMOND: The Hualapai is -- I'm  
22 sorry.

23 COMMISSIONER MCNULTY: I guess I might  
24 ask someone from the City of Flagstaff if they could  
25 tell us what that is and whether it's within their

1 map or outside of their map.

2 Please, you need to come up to the --  
3 sorry.

4 DARYL MELVIN: Commissioner, Daryl Melvin  
5 with the city of Flagstaff.

6 Again, what you are seeing on the drawing  
7 there, the Hualapai reservation, that's all included  
8 in what we show as District 2 for the Legislative  
9 and it's all included in the same Congressional  
10 drawing on the Flagstaff map. Supai is the other  
11 reservation that's up there in the corner.

12 COMMISSIONER MCNULTY: So when we  
13 overlay -- and can you get us an electronic copy of  
14 the map that you --

15 DARYL MELVIN: Yeah, we are going to go  
16 ahead -- our GIS person is not in this week but  
17 we'll be able to get it to you as soon as he gets  
18 back.

19 COMMISSIONER MCNULTY: All right. And  
20 when we overlay that, that's going to show the  
21 boundary of this district that you've shown us on  
22 the west of it, the west side of that Hualapai  
23 reservation?

24 DARYL MELVIN: I'm sorry, I'm not clear  
25 on your --

1           COMMISSIONER MCNULTY: That's within the  
2 Congressional District 1 proposed drawing that you  
3 gave us?

4           DARYL MELVIN: Correct. All of the  
5 tribes are in the same Congressional district in the  
6 Northern part of the state.

7           COMMISSIONER MCNULTY: Thank you.

8           VICE CHAIR HERRERA: Madame Chair.

9           CHAIRPERSON MATHIS: Mr. Herrera.

10          VICE CHAIR HERRERA: Mr. Desmond, for the  
11 river district, I get -- going back to my what-if  
12 scenario with the river district.

13                  That Native American reservation that  
14 is -- that was cut in half going into -- if you can  
15 go way up -- no, I'm looking at the river district.  
16 Keep going a little bit up higher.

17                  You see that arm, the one that is cut in  
18 half? So part of it is in with the --

19          WILLIE DESMOND: 2 and 4?

20          VICE CHAIR HERRERA: -- Coconino -- yeah.

21                  What I wanted, actually, and I should  
22 have made it a little more clear, for the Native  
23 American reservation to stay with the -- what is  
24 currently Congressional District 1 because I think  
25 they would have more -- it would make more sense if

1 they were represented by -- if they stick together  
2 in that area.

3 And I would not -- I would like to see  
4 the river district not take up any part of  
5 Flagstaff.

6 WILLIE DESMOND: Okay. Those are  
7 adjustments we could make --

8 VICE CHAIR HERRERA: I think --

9 WILLIE DESMOND: -- on second versions.

10 VICE CHAIR HERRERA: -- Yuma and Bullhead  
11 City and also Flagstaff, that's what they were  
12 talking about and making sure, you know, that they  
13 had -- that people in Bullhead City had nothing in  
14 common with the people in Flagstaff but had  
15 something in common with those in Parker, Yuma --  
16 the parts of Yuma and Flagstaff wouldn't make sense  
17 to include them.

18 WILLIE DESMOND: Okay. Yeah, and we are  
19 happy to make another version and present that next  
20 week.

21 And just as a matter of protocol, I think  
22 we will work to -- since there is a little bit of a  
23 longer gap between this meeting and the next one,  
24 we'll work to submit those to all of the  
25 commissioners much earlier so that you have more of

1 an opportunity to evaluate them before the meeting  
2 and then we can maybe even make changes, another  
3 round of changes and present both options or  
4 something like that, if that would work better for  
5 you guys.

6 COMMISSIONER MCNULTY: I would just like  
7 to add I agree with what Mr. Herrera just said. I'm  
8 interested -- that's one of the reasons I'm very  
9 interested in seeing the two maps we got today shown  
10 on this. And maybe a third option would be for you  
11 to do another iteration reflecting the concepts that  
12 are in those maps.

13 WILLIE DESMOND: Okay.

14 VICE CHAIR HERRERA: And, Madame Chair,  
15 with the border district, which is -- I think was  
16 the old 7, the new 2, I want to make sure that  
17 doesn't go too much into the west Valley into  
18 Maricopa County.

19 WILLIE DESMOND: Okay.

20 VICE CHAIR HERRERA: I mean, if you do  
21 need either Hispanic population or just population  
22 in general, then you could probably creep into parts  
23 of the West Valley, Buckeye, Avondale, but, again,  
24 not going too far into that area. Again, that would  
25 be for Congressional District, the new one, I think

1 it's 2, old 7, correct?

2 And then a couple more items for -- let's  
3 see. And you talked about, as I had mentioned with  
4 the river district, I think that we also need to  
5 talk about another rural district on the east side  
6 of the state.

7 WILLIE DESMOND: Okay.

8 VICE CHAIR HERRERA: And I just -- I need  
9 to look at my notes. But until I look at my notes,  
10 can you guys talk about something else?

11 WILLIE DESMOND: I can also go to the  
12 other what-if we did for Congressional today which  
13 was no-split Native American, if you would like to  
14 see that.

15 CHAIRPERSON MATHIS: Yeah.

16 WILLIE DESMOND: In this map, the areas  
17 in blue are the reservations.

18 Any areas you wanted to take a closer  
19 look at right away?

20 CHAIRPERSON MATHIS: Can you fill them,  
21 just because it is easier to see them?

22 WILLIE DESMOND: Sure.

23 COMMISSIONER STERTZ: Madame Chair.

24 CHAIRPERSON MATHIS: Mr. Stertz.

25 COMMISSIONER STERTZ: Mr. Desmond, what

1 is the background map that you are working on right  
2 now?

3 WILLIE DESMOND: The -- just one second  
4 and I will --

5 The background map?

6 COMMISSIONER STERTZ: What is the map --  
7 what is the map that you are working on right now?

8 WILLIE DESMOND: This is the no-split  
9 Native American. Is that the --

10 COMMISSIONER STERTZ: No. The background  
11 -- the Congressional district map as you've got it  
12 broken down, what is that map? What is the --  
13 what's the basis for the map that you're working on,  
14 the backgrounds split the way you've got it in nine  
15 Congressionals?

16 WILLIE DESMOND: I'm sorry, I guess I --

17 COMMISSIONER STERTZ: What was the  
18 criteria of the map?

19 WILLIE DESMOND: The criteria here was  
20 simply to adjust the grid map --

21 COMMISSIONER STERTZ: That was the first  
22 -- that was your first pass on adjustment of the  
23 grid map?

24 WILLIE DESMOND: This was a pass -- in  
25 all of these what-ifs, we've gone back to the

1 original grid map, I believe then -- actually, no.

2 I didn't create this map. This one was  
3 created by Ken. I believe he started with the two  
4 Hispanic majority districts and then adjusted it to  
5 not move -- to not split any Native American  
6 population.

7 COMMISSIONER STERTZ: Okay. So have we  
8 seen this map before, this background?

9 WILLIE DESMOND: I don't believe so, no.

10 COMMISSIONER MCNULTY: I think this is  
11 the one we looked at last time, isn't it? It's the  
12 two majority Hispanic voting-age population  
13 districts, I think is the background.

14 WILLIE DESMOND: This -- I believe that  
15 was the basis. And then it was adjusted because I  
16 believe in the one that had just two majority  
17 Hispanic districts, Navajo County was -- the Navajo  
18 reservation was split and so was the Hopi. So  
19 that's one area where this was adjusted and I  
20 believe there was other adjustments to make sure no  
21 Native American areas were split.

22 COMMISSIONER MCNULTY: I would like to  
23 add on the east side also that Greater Arizona  
24 Success map so that we have these reservations in  
25 the north and the east side in that one district --

1 WILLIE DESMOND: Okay.

2 COMMISSIONER MCNULTY: -- coming down  
3 into the more rural areas of Pinal as they have  
4 shown on that map.

5 WILLIE DESMOND: Is there anything -- are  
6 there any other adjustments to this that any of the  
7 commissioners would like to see for the next  
8 meeting?

9 VICE CHAIR HERRERA: Mr. Desmond, on I  
10 think it's District -- the new District 7, what I  
11 would like to do, if we're moving the Tempe,  
12 Ahwatukee, South Scottsdale and Arcadia area from  
13 number -- from the new District 7 -- so can you use  
14 South Mountain and the 48th Street, this is the  
15 Tempe/Phoenix border as the line, but make sure you  
16 leave the town of Guadalupe in with District 7.

17 You can also move the western portion of  
18 District -- that particular District 7 up north as  
19 Glendale or Northern Road by grabbing Hispanic areas  
20 of current 8 and 9 -- of the new District 8 and 9.

21 WILLIE DESMOND: Okay.

22 VICE CHAIR HERRERA: And a couple more  
23 things.

24 The new District 5 -- so move Coconino  
25 County into District 5. I think that's what they

1 were talking about, the people that were  
2 representing the area of Coconino County and  
3 Flagstaff.

4 WILLIE DESMOND: Okay.

5 COMMISSIONER MCNULTY: Can we look at 4  
6 and the areas around the --

7 WILLIE DESMOND: Which areas?

8 COMMISSIONER MCNULTY: I guess it's not  
9 -- the Phoenix majority/minority district, what are  
10 we calling that?

11 WILLIE DESMOND: I believe that is  
12 District 7 in this.

13 COMMISSIONER MCNULTY: I would like to  
14 see -- Mr. Herrera knows these areas better than I  
15 do, but I -- there's some older Phoenix  
16 neighborhoods kind of north of where that  
17 concentration of majority/minority population is. I  
18 see we're kind of splitting that north/south.

19 I would like to see something in which  
20 those -- I think there's probably a competitive  
21 district there. If we are going to have a couple  
22 competitive districts in the Phoenix metro area,  
23 which I hope we will, I would think there would be  
24 one that kind of wraps around, perhaps 7. So I  
25 would like to look at that.

1 WILLIE DESMOND: Okay.

2 VICE CHAIR HERRERA: Mr. Desmond, some of  
3 the changes that Commissioner McNulty is proposing,  
4 I do agree with. I probably agree with most of  
5 them, if not all of them.

6 So in the what-if scenarios, can you put  
7 that in the what-if, the one that I started with the  
8 river district and the -- the ones -- the changes  
9 that I -- the what-if scenario, I proposed, if it's  
10 okay with Commissioner McNulty if she were to  
11 combine them in my what-if scenarios so we can  
12 create maybe one map, unless Commissioner McNulty  
13 disagrees.

14 COMMISSIONER MCNULTY: No, that's fine  
15 with me and then we can just --

16 WILLIE DESMOND: Do you want to relist  
17 the criteria for the one map so I can make sure I  
18 have everything you're looking for?

19 I believe you want to move all of  
20 Coconino into what is currently District --

21 VICE CHAIR HERRERA: Which is currently  
22 CD1, right?

23 WILLIE DESMOND: I think you wanted to  
24 move it into CD5.

25 VICE CHAIR HERRERA: Move it into CD5,

1 correct. Take it out of the river -- because you  
2 currently put a good chunk of it or part of it in  
3 the river district. So I want to make sure that  
4 they are separate, those are two --

5 WILLIE DESMOND: Okay. So all of  
6 Flagstaff and the rest of the county into CD5?

7 VICE CHAIR HERRERA: Correct, the Native  
8 American populations up there, including that arm  
9 that was sticking out, I want that in -- I would  
10 like that in CD5.

11 WILLIE DESMOND: Okay.

12 VICE CHAIR HERRERA: I know it kind of  
13 looks a little odd, but I think they would be best  
14 represented in CD5 than they would in the river  
15 district.

16 WILLIE DESMOND: Okay. Are there other  
17 criteria that the commissioners want me to add to  
18 this what-if scenario?

19 VICE CHAIR HERRERA: I had mentioned to  
20 you in the current 7, which is the old 4, to take  
21 off parts of -- to take out Ahwatukee, Tempe,  
22 Scottsdale and areas of -- out of the -- out of 7,  
23 which is the majority/minority district, one of the  
24 two.

25 WILLIE DESMOND: Okay. Let's see.

1           And then obviously other criteria was not  
2 to split any of the Native American areas --  
3 reservation lands. So that's another criteria we  
4 will include in this other what-if.

5           VICE CHAIR HERRERA: Now, Mr. Desmond, on  
6 the CD -- the new CD5, I would like to group the  
7 following, and I kind of mentioned this, the  
8 following Native American groups, which would be the  
9 Navajo, Hopi, White Mountain Apache, San Carlos  
10 Apache, and the Gila River Indian reservations  
11 together with CD5.

12           WILLIE DESMOND: Okay.

13           VICE CHAIR HERRERA: And I think it would  
14 be helpful -- the maps that the coalition  
15 represented and also the people from Flagstaff, I  
16 think I would agree with those. So we can combine  
17 them and kind of see where the differences lay and  
18 see if we can correct some of the differences,  
19 because like I said, those maps I did like and I  
20 think I would like to see something in my draft map  
21 to reflect that.

22           WILLIE DESMOND: Okay.

23           Any other criteria for that draft map or  
24 any other Congressional what-if scenarios that you  
25 guys would like to see explored right away?

1           COMMISSIONER MCNULTY: Just to reiterate  
2 what I said earlier about this 5 coming down into  
3 Pinal, I believe we've got -- I want to make sure  
4 the Ak-Chin reservation is not split off by itself  
5 and would be in with the majority/minority district  
6 that you've shown as 3.

7           And that the more traditional areas of  
8 Pinal County would be kept together, that -- if part  
9 of Pinal County is with Maricopa County, it's that  
10 kind of dense, you know, part of the county, that  
11 new growth rates near Maricopa.

12           WILLIE DESMOND: Okay.

13           COMMISSIONER STERTZ: Madame Chair.

14           CHAIRPERSON MATHIS: Mr. Stertz.

15           COMMISSIONER STERTZ: Mr. Desmond, when  
16 will you the three-border district map ready?

17           WILLIE DESMOND: The three-border  
18 district map -- the issue there so far has been it's  
19 been very difficult to draw that map and create the  
20 two majority/minority districts. I think it might  
21 be useful to go through as a Commission --

22           COMMISSIONER STERTZ: Would you like some  
23 help?

24           WILLIE DESMOND: Yes. Frankly, yeah,  
25 that would be great.

1           And the one thing that seems to be  
2 possible is that there will be a very, very narrow  
3 district running down on the eastern side of Santa  
4 Cruz would be possible.

5           And right now that's been the only thing  
6 that we've found to possibly be successful. But  
7 again, I haven't been doing that. That's been Ken's  
8 project, and I know he spent quite a bit of time  
9 looking at that so far.

10           But absolutely, we would love to go over  
11 that.

12           COMMISSIONER STERTZ: I would like to  
13 explore it for a couple reasons. One, in the  
14 meetings down in Yuma, the conversation was the  
15 combination of not breaking Yuma as a city, not  
16 breaking Yuma as a county, and combining Yuma County  
17 and La Paz County were all very, very important to  
18 that constituency in our public hearings.

19           Second, similar discussions to that in  
20 Tucson about connectivity to those. So I would like  
21 to -- I would like to run it to its course to find  
22 out whether or not it is an option to be played out  
23 or if we can or if it becomes something that is just  
24 not manageable.

25           WILLIE DESMOND: In that case, it might

1 be very helpful if we could just establish right  
2 away that one of the border districts would be a  
3 whole Yuma County.

4 Does that make sense?

5 COMMISSIONER STERTZ: By keeping Yuma and  
6 La Paz County together, you're able to assist in  
7 making that work.

8 WILLIE DESMOND: Can definitely do it to  
9 equal population. The problem has been that the  
10 Hispanic population down --

11 COMMISSIONER STERTZ: Will not work in  
12 that district?

13 WILLIE DESMOND: Well, it's that we need  
14 that population in order to not regress one of the  
15 majority/minority districts. So that needs to be  
16 kind of grouped with parts of Tucson or Santa Cruz,  
17 is the problem we've been running into. There is --

18 COMMISSIONER STERTZ: Or the midstate  
19 district becomes the majority/minority district?

20 WILLIE DESMOND: Yeah. And then in that  
21 case, it would have to go pretty far up into  
22 Maricopa to get quite a bit of that Hispanic  
23 population.

24 COMMISSIONER STERTZ: I would like to  
25 explore it for a couple of reasons --

1 WILLIE DESMOND: Absolutely.

2 COMMISSIONER STERTZ: -- one, it would  
3 retain contiguousness of the Native American areas  
4 of land tracts as well as there are transportation  
5 corridors that will feed into -- now this is  
6 creeping into the four criteria that we haven't  
7 discussed yet, which are going to be communities of  
8 interest.

9 And I'm creeping into those areas because  
10 it sounds like we're making these adjustments, that  
11 Commissioners McNulty and Herrera have made, that  
12 we're starting to make subtle adjustments to start  
13 to meet with some of the criteria of the other four  
14 constitutional requirements.

15 But I think that it's -- what I'm hearing  
16 is that our goal is going to be to keep the tribal  
17 lands intact and contiguous within Congressional  
18 districts.

19 There is going to be an attempt to keep  
20 counties and communities that are smaller  
21 communities, of course, not the large metropolitan  
22 areas, which are difficult to keep. You can't keep  
23 Phoenix metro intact and you can't keep metro Tucson  
24 intact, but those seem to be, at a bare minimum, two  
25 of the design criteria that are -- that we're

1 working towards.

2 Also interlacing the considerations made  
3 by the City of Flagstaff, Flagstaff Forty, as well  
4 as the Hispanic Coalition in some of their --

5 And that was leading in, Madame Chair, to  
6 one of the questions that I had of their team about  
7 what they were -- what their design criteria was and  
8 what determined some of those.

9 And what I heard from them was that, yes,  
10 we don't want to break apart smaller communities and  
11 communities that had relationships over a period of  
12 time.

13 So I would still like to take this thing  
14 to its natural either evolution or conclusion.

15 WILLIE DESMOND: Okay. Can I just ask  
16 one clarification, then, for this what-if?

17 COMMISSIONER STERTZ: Sure.

18 WILLIE DESMOND: So I understand keeping  
19 La Paz and Yuma together and whole.

20 For Mohave, should we include the Indian  
21 reservation lands as part of that district or would  
22 you prefer those to be over with the Navajo and Hopi  
23 Nations?

24 COMMISSIONER STERTZ: I think that as  
25 you're starting to explore this, that the -- there's

1 some natural conclusions that will come from  
2 population --

3 WILLIE DESMOND: Okay.

4 COMMISSIONER STERTZ: -- centers that  
5 would try to keep contiguity of counties and tribal  
6 lands together. So I can't --

7 WILLIE DESMOND: Okay. We'll look at it  
8 both ways.

9 COMMISSIONER STERTZ: As I said, we're  
10 starting to creep into the other four criteria  
11 without setting baselines for any of these. And I  
12 think Commissioner McNulty was right, that we are  
13 early on in the process of setting any specific  
14 guidelines. These are a series of what-if  
15 scenarios.

16 WILLIE DESMOND: Absolutely.

17 Okay. Yeah.

18 VICE CHAIR HERRERA: Mr. Desmond.

19 WILLIE DESMOND: Yes.

20 VICE CHAIR HERRERA: If we can go back to  
21 my what-ifs, my what-if map with the river. Now  
22 we're going on the -- District 6. District 6, if  
23 you can include Tempe, Chandler, north of Pecos  
24 Road, Ahwatukee, South Scottsdale, and also the area  
25 where I live, not that it matters, Arcadia.

1 WILLIE DESMOND: I'm sorry, could you  
2 just say those --

3 VICE CHAIR HERRERA: Sure.

4 So, again, Tempe, Chandler, this is north  
5 of Pecos Road, then the city of Ahwatukee -- town of  
6 Ahwatukee, South Scottsdale, and Arcadia.

7 WILLIE DESMOND: Okay.

8 VICE CHAIR FREEMAN: Madame Chair.

9 CHAIRPERSON MATHIS: Mr. Freeman.

10 VICE CHAIR FREEMAN: Mr. Desmond, I guess  
11 I have a couple of questions.

12 First, Commissioners McNulty and Herrera  
13 have given a lot of very detailed suggestions for a  
14 what-if.

15 Are you going to give us snapshots, you  
16 know, of the various requests or are you going to  
17 compile them into one final map that you will  
18 present to us next time.

19 WILLIE DESMOND: I'm comfortable doing  
20 whatever makes more sense to you guys.

21 CHAIRPERSON MATHIS: I was thinking,  
22 commissioners, I don't know if this makes sense, but  
23 having some printouts of some of the more fully  
24 formed what-if scenarios and actually having them up  
25 so that we can see them.

1 I don't know how difficult that would be,  
2 but at some point, and I'm not saying it's at the  
3 next meeting, but just to kind of get a sense of  
4 those.

5 WILLIE DESMOND: I think that will be  
6 easier going forward both because there's a little  
7 bit more time before the next meeting and also  
8 because the printouts we have done so far have come  
9 from our office in Washington and now the Commission  
10 has a provider, so we will print maps here in  
11 Phoenix and print those. Turnaround is obviously  
12 shorter than when it's at the office.

13 CHAIRPERSON MATHIS: What do you guys  
14 think about having printouts of some of the  
15 what-ifs?

16 VICE CHAIR FREEMAN: I would like that.  
17 It would help, I think.

18 VICE CHAIR HERRERA: Sure.

19 CHAIRPERSON MATHIS: Okay. So, yeah, if  
20 we could maybe do that.

21 So we have right now the river district  
22 with the modifications that were mentioned today and  
23 the three-border district.

24 WILLIE DESMOND: I believe there's  
25 another one that's kind of a combination of the two

1 submitted maps, assuming we are able to get those  
2 electronically also.

3 CHAIRPERSON MATHIS: Right. The minority  
4 coalition and the Flagstaff.

5 WILLIE DESMOND: Are there any other  
6 Congressional what-if maps that you would like to  
7 see?

8 VICE CHAIR HERRERA: Madame Chair, the  
9 one that was submitted -- or will be submitted by  
10 those two organizations, I think they will be  
11 combined with our what-if map. Is correct,  
12 Commissioner McNulty, would you like that?

13 COMMISSIONER MCNULTY: I would like to  
14 see it both ways.

15 VICE CHAIR HERRERA: Okay.

16 COMMISSIONER MCNULTY: I would.

17 WILLIE DESMOND: So if I can understand  
18 what -- we'll be able to overlay those ones and also  
19 kind of adjust the grid map to meet those ones.

20 Does that make sense?

21 COMMISSIONER STERTZ: Madame Chair.

22 CHAIRPERSON MATHIS: Mr. Stertz.

23 COMMISSIONER STERTZ: Mr. Desmond,  
24 assuming that you'll get the format in a way that's  
25 manipulatable by you, you'll be able to create these

1 in layers?

2 WILLIE DESMOND: Yes.

3 COMMISSIONER STERTZ: Okay. So those  
4 that -- you can be doing those in overlay colors to  
5 see what the different coalitions have brought  
6 forward and we will be able to keep a running track  
7 of how those would be and then we'll be able take  
8 snapshots of what the overlays look as it compares  
9 to the evolution maps that are coming out of the  
10 Commission; is that correct?

11 WILLIE DESMOND: Correct.

12 COMMISSIONER STERTZ: Okay. So that's  
13 going to be extraordinarily helpful to be able to  
14 take those -- and I'm assuming that you're going to  
15 want to reduce those to a simple -- like a pdf  
16 format that you could save, too, that would be easy  
17 to see those from the public's perspective on our  
18 website?

19 WILLIE DESMOND: Yes. I believe -- and  
20 we've been talking a little bit at the break and  
21 stuff that we'd like to perhaps create like a  
22 resources tab or a submitted maps page on the  
23 website so that there would be -- yeah, a snapshot  
24 but also when available for download, the actual  
25 electronic so that other members of the public can

1 also view these submitted maps in Maptitude or ESRI.

2 COMMISSIONER STERTZ: But, Madame Chair,  
3 for members of the public that don't have those  
4 accesses --

5 WILLIE DESMOND: Yeah, definitely.

6 COMMISSIONER STERTZ: I would suggest  
7 also, Madame Chair, that there be a narrative  
8 attached about as you bring a map up, that this is  
9 what it reflects. That this orange line reflects a  
10 dated submittal by a particular constituency group  
11 or a particular citizen that brought forth that map,  
12 placed that onto the record, and it was looked at as  
13 an integration or as a study component as we are  
14 looking at that criteria.

15 And I think that -- and I believe that  
16 this is what Commissioner McNulty was leading  
17 towards, is that as we capture this data, we are  
18 going to be able to cull down to more specific  
19 guidelines of which to be able to have this criteria  
20 for a starting place, which will be -- that we don't  
21 want to move off of these factual components and  
22 we'll be designing around those as we move past the  
23 Voters Rights Act design.

24 Does -- is that -- Commissioner McNulty,  
25 is that a good interpretation?

1           COMMISSIONER MCNULTY: I'm honestly not  
2 sure. Sorry.

3           COMMISSIONER STERTZ: Okay.

4           VICE CHAIR FREEMAN: Madame Chair.

5           CHAIRPERSON MATHIS: Yeah.

6           VICE CHAIR FREEMAN: My second question  
7 was, at which I throw out to counsel so  
8 Mr. Kanefield can have something to say and  
9 Mr. Desmond, which is basically with respect to the  
10 creation of the minority/majority districts, I think  
11 we have been kind of working with some loose  
12 guidelines in terms of the baseline districts.

13           But from Mr. Adelson's presentation, I  
14 get the impression there's a lot of backup that's  
15 going to be -- work that's going to be performed so  
16 that we can prove to Justice or the D.C. Court that  
17 these are compliant. And that includes the racial  
18 polarized voting analysis. And it's my  
19 understanding that's a lot of work.

20           And I know Ms. O'Grady said that's  
21 something maybe we can sort of do as we go along,  
22 but I'm a little concerned that if that is going to  
23 be a lot of work and we have to go back and  
24 reconstitute precincts from past elections to sort  
25 of -- and normalize them so we can use them in that

1 analysis, that we might need to get on that sooner  
2 rather than later.

3 And just any thoughts from Mr. Kanefield  
4 or Mr. Desmond on that?

5 JOSEPH KANEFIELD: Madame Chair,  
6 Mr. Freeman -- can you hear me?

7 CHAIRPERSON MATHIS: No.

8 JOSEPH KANEFIELD: Madame Chair,  
9 Commissioner Freeman, thank you for allowing me a  
10 chance to speak at this meeting.

11 I agree with everything you just said.  
12 I'll try to respond as I best can ascertain from  
13 what you were asking.

14 I do agree that it's important that the  
15 Commission be prepared to do the kind of analysis  
16 that is necessary on the proposed maps for purposes  
17 of the Voting Rights Act.

18 What we plan to do is put on the  
19 agenda -- or ask the Chair to put on the agenda the  
20 suggestion that the Commission consider obtaining an  
21 expert -- a racial polarized voting expert that the  
22 previous Commission had done and pretty much every  
23 jurisdiction in -- Section 5 jurisdiction has to do  
24 so that we can have that person ready to -- and  
25 available to begin the analysis. Because as you

1 noted, Commissioner Freeman, percentages are a good  
2 starting point but the analysis itself has to go  
3 deeper. And Mr. Adelson, I think, made that point  
4 effectively in terms of what the Department of  
5 Justice is going to be looking at.

6           So I think your point is well taken, that  
7 we don't want to get too deep in without having --  
8 without starting that process so that the Commission  
9 doesn't end up approving maps that may look good on  
10 their surface but have underlying issues that  
11 haven't -- that won't be identified until after the  
12 fact. So we want to be able to defend those maps.

13           So that's a long way of saying we're on  
14 the same page and that we will be proposing some  
15 individual experts.

16           There's quite a few of them around the  
17 country that do this kind of work that would work  
18 with counsel ultimately to help evaluate.

19           What we'll have to figure out is at what  
20 point do we want to start doing that analysis. It's  
21 my understanding at this point the Commission is  
22 still in the what-if phase exploring ideas, looking  
23 at the percentage of minority voters in the  
24 different proposed districts. But when the  
25 Commission starts getting closer to actually making

1 the decision, that would be the time.

2 WILLIE DESMOND: If I --

3 CHAIRPERSON MATHIS: I have a questions  
4 on that.

5 Go ahead.

6 WILLIE DESMOND: I was just going to say  
7 also talking with Ken today, I know he has begun  
8 some of that analysis, polarized racial voting  
9 analysis to date using the 2008 and 2010 election  
10 results.

11 He's working on that also to try to build  
12 the baselines for us to use kind of at least as a  
13 starting-off point before we do have an exerted.

14 CHAIRPERSON MATHIS: And I've heard him  
15 say that, too, that he can do some of that analysis  
16 himself, but ultimately, he would like to have a  
17 third-party independent person sort of expert  
18 brought in to validate.

19 A question on that, though.

20 So as folks are submitting ideas for us,  
21 study components, as Mr. Stertz said, like these  
22 maps that we got today -- and we also received a  
23 Navajo proposal when we were at their public  
24 hearing, can those start to be analyzed for racially  
25 polarized voting things and other criteria just on

1 their own as plans themselves?

2 JOSEPH KANEFIELD: Yeah, Madame Chair, we  
3 can begin that process with the assistance of  
4 Mr. Adelson and a racially polarized voting expert.

5 As I think it was Commissioner Stertz  
6 asked the question whether they had done that  
7 analysis themselves and I think he indicated they  
8 had not but they intended to.

9 So that would also help because it's --  
10 I'm assuming that they will do that analysis and  
11 present that to the Commission. Of course, it will  
12 be the Commission's burden and responsibility to be  
13 able to defend its maps. So it will need to do its  
14 own analysis.

15 So at any time the Commission wants to  
16 start that process, we stand at the ready to help  
17 you.

18 CHAIRPERSON MATHIS: Today, maybe.

19 JOSEPH KANEFIELD: Absolutely, Madame  
20 Chair.

21 CHAIRPERSON MATHIS: I really think it  
22 has to be on the next agenda in terms of who we are  
23 going to contract with or however that works because  
24 we got to get started quickly.

25 COMMISSIONER STERTZ: Madame Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: I've got a question  
3 for Mr. Kanefield.

4 Mr. Adelson is a consultant to your firm?

5 JOSEPH KANEFIELD: Correct.

6 COMMISSIONER STERTZ: And will -- one of  
7 the conversations that took place, or part of the  
8 question/answer of earlier on whenever we -- I can't  
9 remember which day it was, a couple of days ago  
10 regarding 2004, 2006 data as needed to be part of  
11 the criteria.

12 Has there been a -- has that been brought  
13 full circle? And will 2004, 2006 data be ready to  
14 be integrated into Strategic's database?

15 JOSEPH KANEFIELD: Madame Chair,  
16 Commissioner Stertz, I know the question has been  
17 raised but I don't have the answer, if it's been  
18 brought full circle. So I will follow up.

19 COMMISSIONER STERTZ: Okay.

20 VICE CHAIR HERRERA: Madame Chair, I  
21 don't have a microphone, but I would like to -- if  
22 we can -- I don't know if 2004, 2006 -- in terms of  
23 the testing, I think I would prefer to look at 2008,  
24 2010, most recent, and I think we -- if we're going  
25 to focus on most -- on some of the elections, that I

1 would prefer it would be 2008, 2010 to get an  
2 accurate and most recent picture of the -- of voters  
3 and how they voted.

4 CHAIRPERSON MATHIS: Mr. Stertz.

5 COMMISSIONER STERTZ: My understanding is  
6 that this is a Department of Justice requirement and  
7 not an AIRC decision.

8 So I would like to know what the criteria  
9 that DOJ is looking for. And if it is 2004 through  
10 current -- last election cycle, I would like to know  
11 that so at least the question for Mr. Herrera can be  
12 put to rest whether or not it should include 2004  
13 and 2006 or not.

14 JOSEPH KANEFIELD: Madame Chair  
15 Commissioner Stertz, Commissioner Herrera, I will  
16 follow up.

17 CHAIRPERSON MATHIS: Thank you.

18 VICE CHAIR FREEMAN: Madame Chair.

19 CHAIRPERSON MATHIS: Mr. Freeman.

20 VICE CHAIR FREEMAN: I recall at our -- I  
21 believe it was our first public comment hearing that  
22 was in Casa Grande, the Pinal Governmental Alliance  
23 came to us with maps and a presentation. I don't  
24 recall whether they gave it to us in electronic  
25 format or not, but since we're integrating all of

1 these public proposals, if we don't have an  
2 electronic format, then perhaps we should reach out  
3 to them and ask for it so we could also get that  
4 included into the mix.

5 WILLIE DESMOND: I believe there's been  
6 at least half a dozen maps submitted to the  
7 Commission. I haven't been personally dealing with  
8 the incoming things. That's Andrew Drechsler on our  
9 staff, so he could probably coordinate with the AIRC  
10 and determine who should reach out to those people  
11 and request electronic maps when they are available.

12 COMMISSIONER STERTZ: Madame Chair.

13 CHAIRPERSON MATHIS: Mr. Stertz.

14 COMMISSIONER STERTZ: May I ask a  
15 question of Mr. Bladine? I think this would be an  
16 easy question.

17 For any of the people that are viewing  
18 this today or any of the people that are either  
19 reporting or blogging on this event today, for  
20 individuals that have drafted maps that wanted to  
21 submit them so that the -- so that we would be able  
22 to get them, where would they be sent to and what  
23 would the suffix be?

24 You had mentioned three -- Mr. Desmond,  
25 you might want to repeat that. And Mr. Bladine, if

1 you could at least give an announcement to the  
2 public of where those should be e-mailed to or sent  
3 to and in what format they should be sent.

4 WILLIE DESMOND: I think the three  
5 easiest to work with electronically would be a  
6 Maptitude file. There's two versions. There's a  
7 compact one and a full one. Either of those would  
8 work. The compact is probably smaller and easier to  
9 transfer.

10 An ESRI shapefile, a .shp, would also  
11 work and is very universal and kind of a lot of  
12 different software.

13 And the third would be probably the most  
14 universal, would be what's called a bloc equivalency  
15 file, which is simply the blocs number in a census  
16 and the district that that bloc would be under that  
17 plan. And that can be loaded up by just about any  
18 program.

19 COMMISSIONER STERTZ: Now, in regards to  
20 the drawing -- the maps that were drawn through the  
21 Azavea, which was the platform for  
22 azdistricting.com, those maps were saved -- are you  
23 aware whether or not they were able to be saved  
24 individually by the map drawer or whether or not  
25 they were contained within azredistricting.com's

1 website?

2 WILLIE DESMOND: I'm not aware if they  
3 were saved. I don't know.

4 COMMISSIONER STERTZ: Okay. Thank you.  
5 So, Mr. Bladine, what would -- not  
6 knowing that, what direction could we give to the  
7 public about where they should send their maps and  
8 in what format?

9 RAY BLADINE: Madame Chair, Commissioner  
10 Stertz, you know to never ask me an easy question.

11 But I would say if we had people go to  
12 our website, which is the [www.azredistricting.org](http://www.azredistricting.org)  
13 and on the website there is a place to submit  
14 information, if they click that and then forward it,  
15 it would get to us or they could also just send it  
16 to my e-mail address and I'll see that it gets to  
17 Buck. And that's rbladine, b-l-a-d-d-i-n-e,  
18 @azredistricting, all one word, .org. And then I  
19 can make sure those files get to Buck.

20 Or if they send it to us and it doesn't  
21 get in the right format, we can then contact them  
22 and try to work it out. We can also go ahead and  
23 contact the competitiveness coalition and ask them  
24 about their files and what they would be willing to  
25 give to us to put on the website.

1           COMMISSIONER STERTZ: Thank you very  
2 much, Mr. Bladine.

3           RAY BLADINE: Sure.

4           COMMISSIONER MCNULTY: Mr. Bladine,  
5 before you head out, could you get to each of us a  
6 binder or a compilation of all of the plans that  
7 have been submitted so that we can kind of look  
8 through them and make sure they've all been built in  
9 electronically if we want them -- if we want to look  
10 at that? Would that be hard to do?

11           RAY BLADINE: Madame Chair, Commissioner  
12 McNulty, I think we have electronically scanned all  
13 of the maps that have come in, so I don't think it  
14 would be very hard for us to just print them out as  
15 a packet for you.

16           COMMISSIONER MCNULTY: That would be  
17 great. I know that Pinal County one, I think we  
18 need to have with these others.

19           RAY BLADINE: And I know we've also been  
20 working to put that into our Catalyst system to  
21 bring it back. So we can just go ahead I think,  
22 manually pull out what we have done and send it to  
23 you. And if there's a problem, I'll send you a  
24 memo. But I don't think that should be a problem.

25           COMMISSIONER MCNULTY: Okay. All right.

1 CHAIRPERSON MATHIS: Thank you.

2 COMMISSIONER MCNULTY: Madame Chair, I  
3 had one more thing for Mr. Desmond. I just -- I had  
4 asked this earlier but I just want to recap.

5 I want to see the majority/minority  
6 districts that you drew for us most recently  
7 compared to what the coalition gave us this morning  
8 so I can understand where the population is and  
9 where the overlap is, and if there are differences,  
10 what the differences are.

11 WILLIE DESMOND: Okay. And I believe  
12 that will be compared to several different  
13 iterations of ones that we have drawn.

14 I know -- speaking of the river district  
15 has a different majority/minority than the first  
16 majority/minority what-if we drew. So I'll have  
17 those all loaded up together and I'll make sure to  
18 do an overlay of the three, at least.

19 COMMISSIONER MCNULTY: Okay. All right.  
20 Thank you.

21 CHAIRPERSON MATHIS: Any other --

22 WILLIE DESMOND: Any other Congressional  
23 ones? Sorry.

24 COMMISSIONER MCNULTY: We talked about  
25 looking at what's north of the majority/minority

1 district in Phoenix, that area of central Phoenix  
2 that's kind of south of the 101, east of 60 in that  
3 area, that central part of -- or north central part  
4 of Phoenix for the beginnings of a competitive  
5 district in the central Valley.

6 WILLIE DESMOND: Okay.

7 CHAIRPERSON MATHIS: Any other direction  
8 on the Congressional district map?

9 WILLIE DESMOND: Can I actually just  
10 clarify one thing about that last one?

11 For making that one competitive, we have  
12 not yet -- I believe next week at one of the  
13 meetings Ken is hoping to present different measures  
14 of competitiveness. Is it possible that we push  
15 that one back --

16 COMMISSIONER MCNULTY: That's fine.

17 COMMISSIONER FREEMAN: -- until we've  
18 presented it? So we haven't been looking at  
19 competitiveness yet. Just wanted clarification.

20 COMMISSIONER MCNULTY: That's fine.

21 COMMISSIONER STERTZ: Madame Chair.

22 CHAIRPERSON MATHIS: Mr. Stertz.

23 COMMISSIONER STERTZ: As a follow-up to  
24 that, will you be bringing to us the options of  
25 competitive -- there are several different

1 methodologies that are standard, best practices for  
2 competitiveness as well as for compactness.

3 WILLIE DESMOND: Yeah, I believe he has  
4 presentations from last -- from the meeting earlier  
5 this week that got pushed back that go into both of  
6 those things, both an explanation of the different  
7 measures and kind of a summary of what was used by  
8 the last Commission.

9 COMMISSIONER STERTZ: And, Madame Chair,  
10 as the -- just as a point of clarification, the City  
11 of Flagstaff used the Polsby test for compactness.  
12 They also used the Schwartzberg test of compactness.  
13 So those were both items that -- I know that the  
14 previous Commission used the Polsby-Popper as their  
15 baseline for compactness.

16 WILLIE DESMOND: Yes.

17 COMMISSIONER STERTZ: Thank you.

18 CHAIRPERSON MATHIS: Thank you.

19 Anything else?

20 Okay. We've spent a little bit over an  
21 hour on the Congressional, and the next item on the  
22 agenda is V, which is adjustments to Legislative  
23 grid map based on constitutional criteria.

24 So it sounded like you had one right,  
25 nine majority/minority districts?

1           VICE CHAIR HERRERA:  Madame Chair, before  
2 we go into the draft map and changes to the grid  
3 map, I was a little concerned when people talk about  
4 nine Congressional -- excuse me, nine competitive --  
5 nine majority/minority districts, I don't know where  
6 they are getting nine.

7           I've looked at the information.  This is  
8 what I'm getting.  I'm getting for those that are  
9 Hispanic majority/minority, I'm getting 13, 14, 16,  
10 27, 29, and 24.  And the Native American one, Native  
11 American majority/minority district is just two.  
12 That comes out, if my math is correct, seven.

13           So where are you coming up with nine?

14           WILLIE DESMOND:  Well, the nine came from  
15 Mr. Adelson's -- and I believe I know what he's  
16 speaking to.

17           As it's currently constituted, there are  
18 four majority Hispanic districts and one majority  
19 Native American.  There's also two Hispanic  
20 districts that are 49.89 and 49.81.  So he's  
21 including those.

22           VICE CHAIR HERRERA:  Is that 15 and 25?

23           WILLIE DESMOND:  I believe those are  
24 27 -- it's up right now -- 27 and 29.

25           There's also District 15, which is a

1 coalition district, I believe is how he referred to  
2 it. So the non-Hispanic White is below 50 percent.  
3 So the different racial makeup constituted a  
4 majority there.

5 And then there is another district that  
6 is very close to that, the non-Hispanic White  
7 percentage is 50.29.

8 VICE CHAIR HERRERA: Which is?

9 WILLIE DESMOND: That is District 25.

10 VICE CHAIR HERRERA: Yeah, let me -- I  
11 would like to talk about those because those are the  
12 two ones that I thought he was -- Mr. Adelson was  
13 confusing them with majority/minority districts.

14 So let's look at 15 real quick.

15 District 15, he's saying that is a  
16 coalition -- they can coalesce and possibly would be  
17 like the minorities in that coalesce and elect a  
18 candidate of their choice.

19 Now, currently in the last election they  
20 elected three non-Hispanic legislators. So I don't  
21 believe it's a -- it's not a racially polarized area  
22 because they elected candidates of both parties. So  
23 in the previous election, that would be 2008, they  
24 elected a Hispanic legislator.

25 So I guess I don't see how that could be

1 a coalition group when they elected three  
2 non-Hispanic legislators to represent that district.

3 So that's for 15.

4 And then I'm looking at 25. 25 has a  
5 population I think of 50.29 non-Hispanic voting-age  
6 population. Again, I wouldn't consider that a  
7 coalition of the majority/minority district.

8 They -- again, they elected -- this  
9 particular district elected three non-Hispanic  
10 Republicans in that district. And in two thousand  
11 -- before that, so that was -- I guess it was  
12 represented by Manny Alvarez. He was defeated in  
13 25. Manny elected -- Manny was elected four out of  
14 five times in the previous elections.

15 So I wouldn't consider that a coalition  
16 district either. I don't know where -- so let me  
17 give you some more information.

18 So Manny, in my opinion, was not elected  
19 in the previous election because of his party -- he  
20 was not elected because of his party affiliation,  
21 not because of his ethnicity.

22 Minorities in 25 are better served by  
23 being probably in a new Congressional district,  
24 which would be in the new 29 with south Tucson and  
25 Nogales, if given that opportunity to elect somebody

1 of their choice.

2 So I guess we need to discuss that issue  
3 of 15 and 25 truly being a majority/minority  
4 district or even if it's truly even a coalition  
5 district, which I would disagree with both.

6 WILLIE DESMOND: All right.

7 COMMISSIONER MCNULTY: I think  
8 Mrs. O'Grady had raised that earlier with us also.  
9 I think that was her perspective also, is that we --

10 VICE CHAIR HERRERA: I want to --  
11 before -- I mean, you created a grid map based on  
12 the information that Mr. Adelson provided you?

13 WILLIE DESMOND: We were able to create a  
14 nine-district plan, two of them. They both have six  
15 majority Hispanic districts and one majority Native  
16 American and then one that kind of matched where it  
17 was a Hispanic plurality, so they were the largest  
18 group but not 50 percent, and one that was a  
19 coalition district. That's present in both of these  
20 scenarios that were -- that I prepared for today.

21 VICE CHAIR HERRERA: Mr. Desmond, can you  
22 explain to me -- a coalition would be that the -- so  
23 if the -- there are two minority -- or more than one  
24 minority group, District 15, Hispanics and something  
25 else that both combined are more than 50 percent of

1 the population?

2 WILLIE DESMOND: Yes, more than  
3 50 percent.

4 VICE CHAIR HERRERA: So if that -- so if  
5 that were a true coalition district, they would be  
6 able to elect someone of their choosing; is that  
7 correct?

8 WILLIE DESMOND: I believe so.

9 VICE CHAIR HERRERA: That is the  
10 definition of a coalition group. That would be for  
11 15 and 25.

12 They didn't elect someone of their  
13 choosing.

14 WILLIE DESMOND: And I don't know if  
15 Mr. Adelson -- this is not for sure, this is just  
16 simply a guess, but I do see that District 15 is now  
17 57,000 people under the ideal district size. So  
18 it's possible there's been some population shift  
19 there over the last decade.

20 We base this off of the direction to look  
21 at nine districts and we're more than happy to  
22 explore other --

23 VICE CHAIR HERRERA: What I believe is  
24 incorrect information, and I think as Commissioner  
25 McNulty said and our attorney, Mary O'Grady raised

1 the issue and it hasn't been addressed properly. So  
2 I want to make sure that we do that today.

3 CHAIRPERSON MATHIS: Mr. Kanefield.

4 JOSEPH KANEFIELD: Madame Chair,  
5 Commissioner Herrera, we will follow up on your --  
6 on the question you raised.

7 The only thing I would note is that I  
8 think from the Department of Justice's perspective,  
9 they are going to look at these influenced kinds of  
10 districts and they are going to be concerned if the  
11 final maps dilute those numbers.

12 So I think what you may be getting at is  
13 the -- well, I don't want to assume what you are  
14 getting at.

15 VICE CHAIR HERRERA: Please don't.

16 JOSEPH KANEFIELD: They are going to look  
17 at it on a statewide basis. So even though these  
18 districts and their lines may change, they are going  
19 to be looking at the percentage of the  
20 majority/minority districts that existed before and  
21 the districts that were these so-called influenced  
22 districts, too.

23 So I think we do need to keep that in  
24 mind. We'll talk more with Mr. Adelson about these  
25 issues and how the Department of Justice is going to

1 view them.

2           So I'm hesitant to make any hard -- to  
3 either agree or disagree with the points you're  
4 making at this moment, but I do think before we make  
5 the decision that there are not nine  
6 majority/minority, or at least majority/minority or  
7 influenced districts, we should think about this  
8 analysis. Think about this before we make any of  
9 these assumptions. Talk more with counsel and with  
10 Mr. Adelson and then we'll come back to you and make  
11 a recommendation. Because I don't want you to get  
12 too far down the map-drawing process --

13           VICE CHAIR HERRERA: Mr. Kanefield, what  
14 I want to do is -- correct me if I'm wrong, we've  
15 been -- Mr. Adelson presented this as a  
16 nine-minority/majority district, which is incorrect.  
17 I think if he would have said seven  
18 majority/minority districts with two districts that  
19 are influencing, that are creeping up to be a  
20 majority, that would probably be a little more  
21 accurate; is that correct?

22           JOSEPH KANEFIELD: Let me -- yeah, let me  
23 check with him and I will find out exactly what he  
24 intended to say, if he misspoke or if he does, in  
25 fact -- because I don't want to assume that what he

1 said was wrong. He knows his stuff. And I want to  
2 make sure we characterize this correctly so that we  
3 are not making any assumptions based on what the  
4 Voting Rights Act is going to require of the  
5 Commission.

6 I will check with him.

7 VICE CHAIR HERRERA: Thank you.

8 COMMISSIONER MCNULTY: Yeah, I just want  
9 to add that I think we are kind of all saying the  
10 same thing. I understand Mr. Herrera to be saying  
11 we need to understand the analysis before we draw a  
12 conclusion in the same way that the Justice  
13 Department will.

14 So we are going to need some more  
15 feedback from Mr. Adelson about how he got there and  
16 what goes into that because he did talk quite a bit  
17 about the possibility of coalition districts but he  
18 did not talk about majority/minority districts with  
19 regard to these other areas.

20 JOSEPH KANEFIELD: I will follow up.

21 Thank you, Madame Chair.

22 CHAIRPERSON MATHIS: Thank you.

23 Other -- well, so --

24 WILLIE DESMOND: I guess I can follow it  
25 up --

1           CHAIRPERSON MATHIS: I'm not sure it  
2 makes sense yet to go into this in great until  
3 unless someone wants to.

4           Are there other things we would like to  
5 see in the future on just the Legislative district  
6 map, some of the guidelines we would like to  
7 provide? Like, I don't know, again, keeping  
8 counties whole or what Mr. Freeman said?

9           VICE CHAIR FREEMAN: Were we going to see  
10 the map that Mr. Desmond prepared?

11           There it is.

12           WILLIE DESMOND: So this is version one.  
13 I can also -- would it be more helpful to see them  
14 individually or for me to try to overlay the lines  
15 from the other one?

16           I think one thing to note is no matter  
17 what we do, we're going to have to adjust District  
18 Number 7 from as it was on the grid to encapsulate  
19 all of the Navajo Nation and make that a  
20 majority/minority district.

21           I think the voting rights analysis will  
22 be very helpful there to see what the -- you know,  
23 the percentage has to be, whether it needs to go up  
24 or down. I know they've had a lot of population  
25 change over the last decade. There might be a

1 different threshold that's been reached there. I'm  
2 not sure what that would be yet.

3 COMMISSIONER MCNULTY: Mr. Desmond, have  
4 you done the no-split Native American on this  
5 district other than what you just described?

6 WILLIE DESMOND: No, for the Legislative  
7 what-ifs, the only ones we've done have been the two  
8 that matched the majority/minority threshold.

9 COMMISSIONER MCNULTY: It seems as a  
10 guideline forward that that would be important, that  
11 we not be splitting the Native American communities.

12 WILLIE DESMOND: Is there any sort of  
13 agreement on how many? Should we aim to always have  
14 the seven that seem to be clear, the seven  
15 majority/minority districts also as a guideline?

16 VICE CHAIR HERRERA: Yes.

17 WILLIE DESMOND: So the six Hispanic  
18 districts and the one Native American also in the  
19 sort of what-ifs we come up with?

20 COMMISSIONER MCNULTY: At a minimum, yes.

21 WILLIE DESMOND: Okay.

22 COMMISSIONER STERTZ: Madame Chair.

23 CHAIRPERSON MATHIS: Mr. Stertz.

24 COMMISSIONER STERTZ: Can you, for the  
25 purpose of this exercise today, which is at best, a

1 simple exercise, could you turn -- could you change  
2 the colors to the -- or to indicate which are the  
3 majority/minority districts out of the 30 that  
4 you've got designed?

5 WILLIE DESMOND: Yes.

6 COMMISSIONER MCNULTY: Can you do that by  
7 showing us the census data so we can see where the  
8 concentrations of population are?

9 WILLIE DESMOND: Currently this is shaded  
10 5 percent Hispanic.

11 Let me try to identify the districts that  
12 are -- sorry, just bear with me for one second.

13 So the darker shades of -- are the ones  
14 that are above 50 percent Hispanic. Right now -- I  
15 should also mention that number 7 should be included  
16 there. That is above 50 percent Native American.  
17 Just have done this quickly, I did it just based off  
18 of Hispanic.

19 I will zoom into Maricopa and you'll be  
20 able to see some of the other --

21 So these are -- these three and then the  
22 three along the border are the six that are above  
23 50 percent Hispanic, and again, 7 is above  
24 50 percent Native American.

25 And then also in this plan, District 20

1 is not above 50 percent but it is 45.54 percent  
2 Hispanic, which is a plurality. The next largest  
3 group is non-Hispanic Whites at 42.73. And District  
4 29 is 38.02 percent Hispanic. And the -- and that's  
5 a coalition district with non-Hispanic Whites  
6 comprising 49.51 percent of the district.

7 COMMISSIONER STERTZ: Madame Chair.

8 CHAIRPERSON MATHIS: Mr. Stertz.

9 COMMISSIONER STERTZ: Mr. Kanefield, in  
10 regards to retrogression in your conversations with  
11 Mr. Adelson as far as definitions are concerned,  
12 would you get -- please get a determination of  
13 retrogression as it -- in regards to a -- the  
14 percentage as voter Hispanic age population that  
15 currently exists in a current Legislative district  
16 and whether or not that is the -- that would be the  
17 design criteria.

18 For example, currently in Legislative  
19 District 13, there's 68.27 percent. It is -- the  
20 question would be is it incumbent upon us to have  
21 one of the districts meeting or exceeding the  
22 68.27 percent?

23 JOSEPH KANEFIELD: Madame Chair,  
24 Commissioner Stertz, I will.

25 COMMISSIONER STERTZ: Thank you.

1 CHAIRPERSON MATHIS: Thank you.

2 WILLIE DESMOND: There's one thing I  
3 would like to point out, that we did not exceed the  
4 top two districts, I believe, here. We tried to  
5 come close. We did bring the two that were at  
6 49 percent just above 50 percent. So we would very  
7 much also like some clarification if those have to  
8 be at that same level. But we didn't do that yet.

9 I can show you the -- again, it's on the  
10 screen, so it's a little hard to see.

11 This is the existing districts and then  
12 we have tables prepared, and I believe they were  
13 sent to you just before this meeting, so I  
14 apologize, for plan one and option two.

15 So I know option two has a lower top  
16 district, but I think a little bit higher on some of  
17 the just-above 50 percents. So there's some  
18 trade-offs both ways.

19 Is there anything else on this or would  
20 you like to see the other -- the other map?

21 CHAIRPERSON MATHIS: Remind me of the  
22 other one.

23 WILLIE DESMOND: It's -- they both show  
24 exactly the same thing, but it's just to kind of  
25 illustrate that there's ways to draw these districts

1 that accomplish the same goal.

2           There are some that have to be -- the  
3 Native American is going to have be largely in the  
4 same district in any version going forward.

5           Let me turn this back on.

6           So this is the second version. And I can  
7 do -- if you would be interested, I can show you --  
8 again, the scale is a different color on this one.  
9 I apologize. The darker the green, I guess, the  
10 more Hispanic the area.

11           Are there any questions about this  
12 version or the underlying data table percents?  
13 Anything along those lines or any areas you would  
14 like to -- for me to look at?

15           COMMISSIONER MCNULTY: There's no way you  
16 can put them on top of one another?

17           WILLIE DESMOND: I think I could. Let's  
18 give it a shot.

19           Okay. So for the purposes -- I'm just  
20 going to make this -- just bear with me for one  
21 second.

22           Okay. So the red line is the first  
23 scenario we looked at. The green line is the second  
24 one. These both accomplish the goal of having six  
25 -- 50 percent Hispanic districts, one majority

1 Native American district, and then two either  
2 Hispanic plurality or coalition districts.

3 VICE CHAIR HERRERA: Mr. Desmond, if you  
4 were to increase the age of -- the current HVAP of  
5 those six Hispanic majority/minority districts,  
6 where would you take them from? Would you take them  
7 from --

8 WILLIE DESMOND: It's possible that --  
9 it's kind of hard to say. It's different in both of  
10 them. It's possible that we would have to maybe  
11 lower the percentage of -- it would be impossible to  
12 more evenly distribute, I think, the HVAP across the  
13 six so that there wouldn't be one that's quite as  
14 high. And on both of them there's a district that's  
15 well above 60 to kind of match the current level.  
16 It may be possible to kind of lower that one and  
17 raise the other ones to make them all closer to 55  
18 or something.

19 VICE CHAIR HERRERA: Sure. But then we  
20 go into possible retrogression --

21 WILLIE DESMOND: Retrogression of the  
22 one, yeah.

23 VICE CHAIR HERRERA: -- of the one. So  
24 would it be best, as I had mentioned before, that  
25 getting the ones that are coalition -- supposedly

1 coalition districts and bumping -- moving those up  
2 -- moving those and spreading some of them across  
3 the six?

4 WILLIE DESMOND: Yeah, that's a  
5 possibility. I didn't fully explore those. I kind  
6 of just stopped once I got to the six above  
7 50 percent and the coalition and plurality.

8 It would be possible with tweaking to  
9 increase the six to a higher threshold.

10 VICE CHAIR HERRERA: As long as they are  
11 not increased too much. As I said with the  
12 Congressional districts, that I would like them to  
13 stay at the same level, or if it's increased, it's  
14 maybe one -- a few percentage points. I feel the  
15 same way about the Legislative districts, current  
16 majority/minority.

17 WILLIE DESMOND: Well, I would say that  
18 at least two -- you know, since the threshold is now  
19 above 50 percent, the last threshold was -- they  
20 were at 49.81 and 49.8, so they all have gone up a  
21 little bit. We could probably raise them up even a  
22 little bit more, if that's something you want us to  
23 look at.

24 Is there a minimum threshold you want  
25 them all to be above?

1           VICE CHAIR HERRERA: Not that I -- no, I  
2 haven't looked at it that closely. But as long,  
3 like I said, as they stay at the same levels or  
4 slightly above.

5           WILLIE DESMOND: All of these are at the  
6 same level or slightly above except for the top two,  
7 I believe, which were I think --

8           VICE CHAIR HERRERA: Top two are --

9           WILLIE DESMOND: Just bear with me for  
10 one second.

11           In the existing districts, the top  
12 district is 65.98 and then the second highest  
13 district is 56.08. In these, the top district is  
14 63.81 and 55.41. So those have dipped a little bit,  
15 but the other four have all gone up.

16           VICE CHAIR HERRERA: Okay.

17           WILLIE DESMOND: And that's for scenario  
18 version two.

19           I'm sorry, I looked at that wrong.

20           Currently the top district is 68.27 and  
21 the second highest is 64.9. That's my mistake. I  
22 apologize.

23           VICE CHAIR HERRERA: And those two that  
24 are at high levels, I probably wouldn't want to  
25 increase them anymore. They are at pretty high

1 levels as it is. And I don't know if we could get  
2 away with decreasing them, but we can probably get  
3 away with keeping them at the same levels.

4 WILLIE DESMOND: I think that will depend  
5 on our racially polarized voting analysis to see  
6 what those levels need to be.

7 But as a starting-off point, we tried to  
8 get back up there without making anything look too  
9 crazy just at the beginning and also raising the  
10 other ones that are a little lower.

11 VICE CHAIR FREEMAN: Madame Chair.

12 CHAIRPERSON MATHIS: Mr. Freeman.

13 VICE CHAIR FREEMAN: I guess unless we  
14 perform that more detailed analysis, it's hard to  
15 know whether we are actually comparing apples to  
16 apples and whether any of these proposed districts  
17 would meet the benchmarks that are established.

18 WILLIE DESMOND: We'll continue working  
19 on that and then hopefully at the next meeting we  
20 can take a step further on that.

21 COMMISSIONER MCNULTY: Madame Chair, I  
22 agree, we really need that. And I also noticed --  
23 noted that earlier today that the coalition said  
24 they were going to be giving us their input in the  
25 next couple of weeks and I think that's going to be

1 pretty important to receive also.

2 And I have a feeling that working on  
3 these districts in the absence of their input is  
4 probably not that productive, although we need to  
5 gather the information ourselves so that we  
6 understand what the analysis is.

7 CHAIRPERSON MATHIS: Okay. Anything else  
8 on the Legislative maps?

9 WILLIE DESMOND: Can I just clarify?

10 CHAIRPERSON MATHIS: Please.

11 WILLIE DESMOND: I believe the only  
12 what-if for next time, then, so far is just a  
13 Legislative map that does not split up any Native  
14 American reservations.

15 Was there any other what-ifs that I --

16 VICE CHAIR HERRERA: I thought we said  
17 keeping -- having six majority/minority districts,  
18 six and one. So the six Hispanic and the one Native  
19 American.

20 WILLIE DESMOND: Okay. And I think we  
21 have that right now with these two versions.

22 Is there any changes further you wanted  
23 to these?

24 VICE CHAIR HERRERA: I guess not.

25 WILLIE DESMOND: Okay.

1           COMMISSIONER MCNULTY: We have all of  
2 these? You've given us these? This is what you  
3 e-mailed to us last night or early this morning that  
4 we can load up and look at --

5           (Multiple speakers.)

6           WILLIE DESMOND: -- later on when we're  
7 prepared to send you guys the bloc equivalency files  
8 or Maptitude file also so you will be able to look  
9 at the maps in Maptitude.

10          CHAIRPERSON MATHIS: Do you want to see  
11 him respect county lines like we did on  
12 Congressional or any thoughts on that?

13          UNIDENTIFIED SPEAKER: Yes.

14          VICE CHAIR FREEMAN: Sure. Let's do  
15 that.

16          CHAIRPERSON MATHIS: Anything else?

17          Okay. Thank you, Mr. Desmond.

18          WILLIE DESMOND: Thank you.

19          CHAIRPERSON MATHIS: Our next item on the  
20 agenda is item VI, discussion of possible action  
21 regarding modifying contract amendment with  
22 Strategic Telemetry that requires documentation of  
23 contacts regarding the Redistricting Commission  
24 contract to exclude media and bloggers from  
25 documentation requirements.

1           We had this item on our agenda last time  
2 and we are requesting for guidance from counsel.

3           Mr. Kanefield.

4           JOSEPH KANEFIELD:  Madame Chair, I had  
5 indicated to you that we may need a little bit more  
6 time, but my team has communicated to me the  
7 additional layer of research that we did in response  
8 to the commissioners' request has once again  
9 revealed -- we were unable to identify any legal  
10 issues associated with the contract amendment that  
11 would require Strategic Telemetry to log all  
12 contacts to and from the public, including members  
13 of the media.

14           I had asked my team -- and what I did,  
15 just to make sure we were covering all bases, is I  
16 had a different attorney on my team look at it to  
17 double-check the work of the other attorney to make  
18 sure -- sometimes attorneys run different word  
19 searches when they do these kinds of word search  
20 analyses.

21           And that counsel came to the same  
22 conclusion as the previous counsel, and I think it's  
23 fair to say that there's no First Amendment issues  
24 associated with requiring this type of log to --  
25 requiring Strategic Telemetry to keep this type of

1 log. It's within the Commission's discretion.

2           The issue may involve something that's  
3 called the journalist privilege where the journalist  
4 will oftentimes want to keep confidential their  
5 sources. But as I understand it, from the analysis  
6 my team has done, and my understanding of the First  
7 Amendment law that that's a privilege enjoyed by the  
8 journalist's but qualified privilege. It doesn't  
9 necessarily mean that the consultant, or any other  
10 government agency for that matter, can't keep a log  
11 of contacts that from journalist or bloggers or  
12 anyone else.

13           One suggestion is that a lot of times the  
14 common practice is for calls from the media to be  
15 forwarded or referred to one central individual in  
16 the agency or Commission.

17           We have a Stu Robinson as the  
18 Commission's public information officer. It may  
19 make sense for the media inquiries to be forwarded  
20 to him or to Ray Bladine. And that may help, but  
21 again, we just weren't able to identify any issue.

22           We also looked to see if there was any  
23 case law that dealt with a similar situation, or at  
24 least brought up a situation where a board or  
25 commission may have -- is my time up -- where a

1 board or a commission may have undertaken a policy  
2 similar to this one and whether it raised any issues  
3 or concerns, and we just -- obviously, that opened  
4 up quite a bit of cases, but we weren't able to find  
5 one specifically I could bring back to you as an  
6 example.

7           So I guess at this point, I just -- I'm  
8 happy to write up the analysis if you want to see it  
9 in writing. But this is the gist of it. It pretty  
10 much mirrors what I had advised before.

11           I think it answers the question --  
12 obviously, it's -- given that there's no  
13 identifiable and significant legal questions  
14 associated with the policy, the Commission has  
15 adopted the amendment that's now being executed by  
16 Strategic Telemetry.

17           If you wanted to bury that practice, that  
18 would be a policy decision and not necessarily based  
19 on any kind of legal liabilities.

20           I could answer any questions.

21           VICE CHAIR HERRERA: Madame Chair.

22           CHAIRPERSON MATHIS: Mr. Herrera.

23           VICE CHAIR HERRERA: Just to clarify,  
24 when you did your research, you didn't find any  
25 government agency similar to ours that has done

1 something that we are proposing or have proposed?

2           JOSEPH KANEFIELD:  Madame Chair,  
3 Commissioner Herrera, I specifically asked in doing  
4 the analysis if the attorney working on it could try  
5 to identify a similar situation.

6           The response I got back was that it was  
7 difficult to find -- we weren't quite sure what we  
8 were looking for.  We were trying to find maybe a  
9 case where a Commission had asked for a log to be  
10 kept of media contacts, and in any type of legal  
11 question so at least we could come back and say in  
12 the case this had come up.

13           I think that's a specific fact scenario,  
14 we just weren't able to find one specifically.  And  
15 we'll -- and I got this analysis today, so I want to  
16 look at it a little bit deeper to see if we were  
17 able to identify any case.  But the response I got  
18 back was, no, we couldn't find anything.  There were  
19 a lot of hits when you word searched the case log  
20 around the country, when you put in things like  
21 "media" and "board"border and "commission," but  
22 trying to whittle that down to find a case was a  
23 little more difficult.

24           It was easier to search "First Amendment"  
25 and "blogger" and that kind of stuff and try to

1 identify what the legal question might be in  
2 requiring this.

3           So I'm pretty confident that we've done  
4 the legal analysis, I just -- I wasn't -- we just  
5 weren't able to identify a specific case that may  
6 have had a similar situation and blessed it in some  
7 kind of legal opinion.

8           VICE CHAIR HERRERA: Madame Chair, just  
9 one more. I think you already answered it, but let  
10 me ask it again.

11           Were you -- when you did your research,  
12 did you guys think of any unintended consequences  
13 from this amendment to Strategic Telemetry's  
14 contract that could occur if we keep enforcing it?

15           JOSEPH KANEFIELD: Madame Chair,  
16 Commissioner Herrera, we really -- unintended  
17 consequences, to me really involves policy issues  
18 and public relations concerns and stuff like that.

19           We were -- we tried to focus strictly on  
20 the legal question, whether there was any legal  
21 liability associated with the policy and the  
22 amendment.

23           VICE CHAIR HERRERA: Thank you.

24           JOSEPH KANEFIELD: Any other questions?

25           CHAIRPERSON MATHIS: Other questions, any

1 thoughts?

2 VICE CHAIR FREEMAN: Madame Chair.

3 CHAIRPERSON MATHIS: Mr. Freeman.

4 VICE CHAIR FREEMAN: Sorry, Joe.

5 Did I hear you say you just received the  
6 analysis and you kind of prefer to go over it?

7 JOSEPH KANEFIELD: Madame Chair,  
8 Commissioner Freeman, that's correct. Initially I  
9 had talked to the chair earlier and suggested we  
10 maybe want to push this off to another meeting  
11 because I hadn't yet received the second level  
12 analysis, but I had -- because of modern technology,  
13 it's been done sooner than I thought it was going to  
14 be done.

15 So if you would like, I can just -- give  
16 me a second here because I don't have it -- it's in  
17 electronic form.

18 What I -- what was reported back to me  
19 from my team was that they found no authority that  
20 would indicate that requiring a consultant to log  
21 calls, including calls from journalists, violates  
22 the First Amendment.

23 But choosing to put the log requirement  
24 into the contract to avoid any appearance of  
25 impropriety on the part of the consultant, the

1 Commission was acting within the scope of its legal  
2 authority.

3           If the Commission is concerned that the  
4 log requirement is appropriate, then it shouldn't be  
5 persuaded from doing -- dissuaded from doing that  
6 because of alleged concerns regarding the First  
7 Amendment.

8           So in other words, that's the legal way  
9 of saying that you can do it. It's not going to  
10 dispose you, necessarily, to a First Amendment  
11 challenge. Based on our analysis -- again, I can't  
12 control the lawsuit that someone may want to bring  
13 against the Commission, but we believe the  
14 Commission's position is legally defensible.

15           The team went over the journalists'  
16 privilege cases, talked a little bit about that. A  
17 case -- because we don't really know what the exact  
18 concern is. I know that at least one or two of the  
19 commissioners had suggested that those that were  
20 raising these issues bring those concerns to our  
21 attention.

22           And even -- there was some discussion  
23 about I wasn't -- still wasn't quite clear what the  
24 allegation was or how the legal question was being  
25 characterized.

1           But we did look at the journalists'  
2 privileged cases. Those cases indicate that  
3 journalists have a qualified privilege from being  
4 compelled to reveal sources from material gathered  
5 during the course of their -- doing their  
6 journalistic work.

7           The source, however, has no privilege and  
8 can be compelled to reveal what he told the  
9 journalist -- he or she told the journalist.

10           There's some Ninth Circuit case law that  
11 was analyzed. Just as an example, there's a case  
12 called Schoen versus Schoen. That's a 1993 Ninth  
13 Circuit case that makes that principle clear as  
14 to -- in terms of what the journalist's privilege  
15 is.

16           Here, the consultant is the party  
17 speaking to the journalist. And while the  
18 journalist has a qualified privilege against being  
19 compelled to disclose the identities of the people  
20 to whom the journalist speaks and what they tell  
21 him, that privilege does not and cannot prevent  
22 people who speak to journalists from disclosing the  
23 fact that they spoke.

24           And the consultant has agreed by contract  
25 with the Commission to log all contacts. The

1 Commission is not violating the First Amendment in  
2 asking the consultant to make this log and the  
3 consultant has an absolute right to agree to make  
4 the log.

5           That's the scope of the analysis. Happy  
6 to embody that in more detailed memo if you would  
7 like.

8           But at this point, I think we are pretty  
9 comfortable with the advice that we are giving you  
10 on you this particular amendment.

11           CHAIRPERSON MATHIS: Thank you.

12           Mr. Bladine.

13           RAY BLADINE: Madame Chair, a question  
14 was asked a minute ago about unintended consequences  
15 and maybe more from, obviously, from a policy level,  
16 since I'm not an attorney, we've already had  
17 discussions with Strategic.

18           Does that include calls to vendors? Does  
19 that include calls getting data from prisons? Does  
20 that include calls that they get to try to get  
21 information?

22           I think that we could spend a lot of time  
23 trying to define who they need to record and who  
24 they don't.

25           One thought I would give you that's

1 clearly your decision to make is whether or not  
2 maybe the whole idea of trying to have them disclose  
3 all of the contacts is perhaps an overreaching, but  
4 to put on them that if they have contacts that they  
5 feel are taking too much of their time or are trying  
6 to overly influence them, that it's their  
7 responsibility to notify you versus you trying to  
8 place who it is that are contacting them.

9 I know this is not the way you were all  
10 going, but as I got to thinking about it the last  
11 several days, it seems like you could spend a lot of  
12 time and a lot of legal research trying to figure  
13 out a way to control this.

14 So I just wanted to bring this up as a  
15 thought.

16 VICE CHAIR FREEMAN: Madame Chair --

17 CHAIRPERSON MATHIS: Mr. Freeman.

18 COMMISSIONER FREEMAN: -- and Mr.

19 Kanefield, I believe -- I don't know the language  
20 that you all crafted in front me, but I believe that  
21 contract related contacts were excluded from the  
22 log.

23 JOSEPH KANEFIELD: Madame Chair,  
24 Commissioner Freeman, that's what the language --  
25 the language says, "The contractor shall maintain a

1 log describing all contacts, oral or written, with  
2 persons other than IRC staff, attorneys, and  
3 commissioners regarding the contract."

4           So it would be within the scope of the  
5 contract.

6           If I could, I'll just make two quick  
7 points.

8           I already suggested earlier that the  
9 Commission consider a policy of directing media  
10 contacts through the public information officer.  
11 It's common practice among any government offices  
12 and it enables that person to coordinate  
13 communication.

14           Oftentimes they will refer the media to  
15 the chair or another commissioner or even perhaps  
16 the consult, but at least there's one central place  
17 that the media knows to go and wish to have a  
18 communication with the Commission or staff.

19           Also, just finally to note, under public  
20 records law, we are all familiar with that, it's  
21 common practice also for any request for public  
22 records to be done in writing.

23           Most state agencies have -- even have a  
24 form available on their websites, and that includes  
25 public records request from journalists. It's

1 oftentimes journalists that are making public  
2 records requests.

3           And it's not uncommon for a journalist to  
4 ask to see all of the public records requests made  
5 by other journalists so they know what other  
6 journalists are looking for.

7           So it's common practice for these kinds  
8 of communications to be logged. Obviously, this is  
9 government. We are operating in an environment of  
10 openness and transparency. So this is one of the  
11 ways in which that is accomplished.

12           VICE CHAIR HERRERA: Madame Chair.

13           CHAIRPERSON MATHIS: Mr. Herrera.

14           VICE CHAIR HERRERA: The reason we -- one  
15 or two of the commissioners brought this up was to  
16 allay public concerns -- to be transparent. And if  
17 people were truly interested in being transparent  
18 and concerned about public concerns, individuals  
19 that have spoken to us in meetings, made comments  
20 that they represent certain organizations, and we  
21 don't know who they really truly are, we don't even  
22 bother asking.

23           So if we were truly concerned about, you  
24 know, public perception and transparency, we would  
25 have those individuals that are approaching the IRS

1 (sic) either here or individually as members or even  
2 the staff, for them to disclose who these people  
3 are, who they represent, and who makes up these  
4 individuals in their organization. We don't even do  
5 that.

6           So I think if we truly care about  
7 transparency or just transparency or to allay the  
8 concerns, maybe my fellow commissioners only want to  
9 allay the concerns of a certain group of citizens  
10 but don't care about the other ones.

11           I don't know, but I care about everyone.  
12 And if they truly cared, as I said about public  
13 concerns, then we would allow -- make these people  
14 disclose who they are representing.

15           And that's, to me, true transparency, not  
16 just picking on Strategic Telemetry because we -- we  
17 didn't like the fact that they got chosen.

18           So that's my comment.

19           CHAIRPERSON MATHIS: Thank you.

20           Other comments?

21           I think there's a couple people in the  
22 audience maybe who wanted to address this agenda  
23 item.

24           Mr. March.

25           JAMES MARCH: Thank you. I'll be

1 extremely brief.

2 All I ask is that -- I've seen certain  
3 variances of this proposal kicked around over the  
4 last few meetings where you guys are considering, at  
5 least, making a distinction between some bloggers  
6 and other bloggers or between bloggers and  
7 journalists or some kind of distinction along those  
8 lines.

9 I ask that you not do that. I ask that  
10 you not discriminate about who is and is not a  
11 member of the press for the purposes of this body.

12 And that's all I have to say.

13 Thank you.

14 CHAIRPERSON MATHIS: Thank you.

15 Anyone else from the public?

16 Onita Davis.

17 ONITA DAVIS: Onita Davis, O-n-i-t-a,  
18 D-a-v-i-s.

19 I'm not speaking for myself today.  
20 Cheryl Lamana was not able to be here, and she asked  
21 that a letter be read, so I would like to have your  
22 permission to do that. And it is on the topic of  
23 this whole issue you are discussing now with  
24 transparency and bloggers.

25 Commissioners, in the August 17th AIRC

1 meeting, Steve Muratore, a local blogger, expressed  
2 his discomfort with the proposed requirement to  
3 include the media on the contact log maintained by  
4 Strategic Telemetry.

5 I, on the other hand, am decidedly  
6 uncomfortable with the thought of squelching  
7 transparency by excluding the media from the log.

8 There clearly has been a blurring of  
9 logging -- of blogging with the mass media over the  
10 years. According to Wikipedia, since 2002, blogs  
11 have gained increasing notice and coverage for their  
12 role in breaking, shaping, and spinning news  
13 stories.

14 By 2004, the role of blogs became  
15 increasingly mainstream as political consultants,  
16 news services, and candidates began using them as  
17 tools for outreach and opinion-forming.

18 Blogging was established by politicians  
19 and political candidates to express opinions on war  
20 and other issues and cemented blogs' role as a news  
21 source.

22 Many bloggers, particularly those engaged  
23 in participatory journalism, differentiate  
24 themselves from the mainstream media while others  
25 are members of that media working through a

1 different channel.

2           Some institutions see blogging as a means  
3 of getting around the filter and pushing messages  
4 directly to the public.

5           Many mainstream journalists, meanwhile,  
6 write their own blogs, well over 300, according, to  
7 [cyberjournalists.net/jbloglist](http://cyberjournalists.net/jbloglist). Today media is not  
8 so much reporting on the news as much as it is  
9 influencing how the public perceives issues.

10           A 2005 article, Alexander Lynch, titled  
11 "The Media Lobby" states, "In fact, an increasingly  
12 bigger story that has hushed the notebooks of  
13 reporters, the waxing of columnists, and the demands  
14 of editorials is the story of how the media is  
15 entangled and interconnected with politicians, its  
16 supposed regulators, corporate interests and binding  
17 them all together: Lobbyist.

18           The simple fact is, objective journalists  
19 are not supposed to be proactive on issues, which is  
20 the definition of lobbying."

21           These facts support the need for the  
22 media to be included on the contact log. While  
23 there's no scale to weigh conflicts of interest, the  
24 AIRC should consider the favorite saying of  
25 government watchdogs, "Sunshine is the best

1 disinfectant."

2           After all, if the rule of law applies to  
3 the White House in terms of maintaining and  
4 releasing its visitor logs, then it should also  
5 apply to Strategic Telemetry's log for the AIRC.

6           Sincerely, Cheryl Lamana.

7           Thank you.

8           CHAIRPERSON MATHIS: Thank you.

9           Anyone else from the public?

10          Mr. Kelley.

11          JAMES KELLEY: My name is James Kelley,  
12 K-e-l-l-e-y.

13               I wear a lot of hats, as many of you  
14 know. I am a blogger as well as a journalist. I've  
15 been involved in journalism in my life for well over  
16 30 years for different publications and different  
17 organizations.

18               I have absolutely zero objection to being  
19 logged in when I make contact with any politician,  
20 any commission, any contractors for government. It  
21 happens all of the time. I give -- my contact to  
22 them is logged.

23               Thank you, Mr. Kanefield, for saying --  
24 giving us the law on sourcing.

25               I can keep you -- in other words, if you

1 tell me something, I can say, "I don't have to tell  
2 you who told me." But you could be compelled to say  
3 what did you tell that journalist.

4 Quite frankly, if you were working for a  
5 private company and they said -- they put a gag  
6 order on talking to a journalist and it was found  
7 out that they did talk to me, they could be fired or  
8 compelled to tell what they told me.

9 These are the way things are. It's life.  
10 It's just the way it is.

11 So I have no objection to being -- if I  
12 ever called you or Ken Strasma, I have no objection  
13 whatsoever to being logged in.

14 Thank you.

15 CHAIRPERSON MATHIS: Thank you.

16 Mr. Muratore.

17 STEVE MURATORE: Thank you, Madame Chair,  
18 commissioners.

19 Am I close enough to the mic?

20 Okay. A couple of points. As to  
21 Ms. Davis's letter, in fact, much of the media does  
22 intend to influence the issues.

23 The Arizona Capitol Times, in fact, on  
24 its own website declares its mission to be  
25 influencing the issues and defining public policy or

1 vice versa. So, yes, that is the case.

2           However, what she described is every  
3 columnist in every newspaper. It's not just  
4 bloggers.

5           Now, a couple of people talked about the  
6 significance of transparency. As to transparency,  
7 if you guys genuinely are interested in  
8 transparency, I think Mr. Herrera touched on this a  
9 little while ago, perhaps you guys are the ones that  
10 need to be disclosing your contacts with the public  
11 because people aren't going to be lobbying Strategic  
12 Telemetry. They are already and have been and will  
13 continue to be lobbying you, and we want to know who  
14 is doing that.

15           Now, from my perspective, I think it is  
16 very significant that two commissioners have  
17 objected to excluding the media from this particular  
18 contract change.

19           It's those two commissioners that I would  
20 pose -- let's see your phone records. Now, I know  
21 that's very uncomfortable and I don't seriously  
22 expect you to submit yourselves to it. But that's  
23 what you need to be thinking about.

24           If you are uncomfortable telling us who  
25 is lobbying you, then you need to understand that

1 there's a relationship between the press, and I do  
2 consider myself press. I'm not just a blogger  
3 blogging about recipes or gardening or something.  
4 Everybody knows that I am reporting on what you guys  
5 do and a lot of people are relying on me to get that  
6 information out.

7           Now, I think it's significant. I  
8 provided copies to each of the commissioners of a  
9 blog that was posted on Blog for Arizona recently  
10 that makes a distinction that I think is very  
11 significant.

12           The FBI -- it cites how the FBI has  
13 considered the changing role of bloggers and how  
14 important they believe protecting the free speech  
15 rights of bloggers and the media are.

16           I'm not going to belabor the point. I  
17 just think that it's very important that  
18 consideration be given to the fact that there's been  
19 dramatic and often overwhelming noise from the  
20 public trying to distract you and trying to distract  
21 the voters and the citizens of Arizona.

22           That's not going away. What -- requiring  
23 this particular disclosure does is provide just  
24 another opportunity for opponents of this process to  
25 claim that something is going arye when there really

1 isn't.

2           You know, if we could trust everybody  
3 that would get the log that Strategic Telemetry were  
4 to provide to the public to properly construe what  
5 that means, I would have no problem with it.

6           But the fact of the matter is, it would  
7 be used and will be used to attempt to intimidate  
8 you and me. And I object to that.

9           CHAIRPERSON MATHIS: Thank you.

10           Any other -- anyone else from the public  
11 that I missed on this topic?

12           Okay. Any discussions among  
13 commissioners, comments?

14           COMMISSIONER MCNULTY: I have a question  
15 for Ray.

16           I don't think we intended to require that  
17 Strategic Telemetry spend their time logging  
18 contacts with government officials, vendors, calls  
19 that are made in the process of data-gathering.

20           If we were to exclude government  
21 officials and vendors, does that carve that universe  
22 out?

23           RAY BLADINE: Madame Chair, Commissioner  
24 McNulty, I think in a way when Commissioner Freeman  
25 talked about -- its related to contract, that may

1 exclude a lot of that.

2 I guess if I start to say "government,"  
3 then, is that elected officials or not elected  
4 officials. I just think -- I don't know how you get  
5 into a definition other than maybe making it -- I  
6 don't know how to answer that.

7 COMMISSIONER MCNULTY: Okay.

8 CHAIRPERSON MATHIS: Any other questions  
9 or comments?

10 VICE CHAIR FREEMAN: Madame Chair.

11 CHAIRPERSON MATHIS: Mr. Freeman.

12 VICE CHAIR FREEMAN: When the Commission  
13 voted to retain Strategic Telemetry as the mapping  
14 consultant, it was a fairly controversial decision,  
15 at least in some quarters it was three-two vote.

16 Strategic Telemetry did not hide the fact  
17 that they worked exclusively for Democrats and  
18 Progressives. And that caused a lot of concern in  
19 the public. There was a perception of bias out  
20 there.

21 And I think that the Commission is --  
22 probably has done the right thing in trying to take  
23 some steps to modify the contract, the agreement  
24 with Strategic Telemetry to attempt to at least  
25 allay some of those concerns.

1           They -- one provision was to require  
2 Strategic Telemetry to draw the maps in Arizona  
3 rather than Washington D.C., or New York. I think  
4 that helped.

5           Another was to -- I'm drawing a blank.  
6 What was the second one we recently proposed?

7           Oh, to prohibit them from doing other  
8 work in Arizona for Arizona politicians. I think  
9 that was a step in the right direction.

10          This one is trying to allay concerns out  
11 there that perhaps they are going to be contacted by  
12 other clients in the Democratic party who will try  
13 to have some issue over redistricting in Arizona.

14          So I believe, and this was a modification  
15 prepared by counsel, that that's where this log --  
16 that's where it was aimed. That if they are going  
17 to be having discussions with someone outside of the  
18 process, noncontract-related contacts, at least it's  
19 going to be logged and it's going to be turned over,  
20 the Commission is going to know about it.

21          The Commission approved that contract  
22 modification 5-0. I think we should stick with it.

23          The only other alternative I would see  
24 would be to just instruct Strategic Telemetry and  
25 perhaps have counsel craft another proposed contract

1 modification that would supersede the one we  
2 approved that would direct Strategic Telemetry to  
3 direct all noncontract-related communications to the  
4 PIO and/or the executive director.

5           Either way, I think it achieves the same  
6 end, which is to allay the public concern of bias  
7 with the Commission's selection of Strategic  
8 Telemetry.

9           VICE CHAIR HERRERA: Madame Chair.

10          CHAIRPERSON MATHIS: Mr. Herrera.

11          VICE CHAIR HERRERA: We talk about public  
12 concern, but we haven't addressed the issue of --  
13 because there's been people that have addressed the  
14 Commission that are concerned about people that are  
15 lobbying, talking to the Commission and they don't  
16 know who these individuals are or who they  
17 represent, we make no mention of it. That seems to  
18 be okay.

19           So again, the issue of -- that -- it  
20 doesn't appear that we were truly concerned about  
21 the public and the public's concern because I've  
22 been in all of the meetings and people from both  
23 sides of the aisle are concerned about people that  
24 are lobbying us, lobbying the staff, lobbying our  
25 attorneys. Those are the individuals that are being

1 more likely to be lobbying than Strategic Telemetry.

2 Strategic Telemetry follows our orders.

3 As far as I know -- Mr. Desmond, do you guys do maps  
4 on your own?

5 WILLIE DESMOND: No.

6 VICE CHAIR HERRERA: So we give them  
7 what -- as what happened today, we give them the  
8 steps they need to take to create what-if scenarios.

9 Again, as I said before, we're likely to  
10 be lobbied, so is our staff, so is our attorney. So  
11 again, if you truly cared about public concerns,  
12 which I don't think we do -- if we did, we would be  
13 asking people to disclose who they really represent.

14 That's all I'm asking. Let's talk about  
15 that as opposed to talking about Strategic  
16 Telemetry, which, again, it's a mapping consultant.  
17 We tell them what to do.

18 CHAIRPERSON MATHIS: Ms. McNulty.

19 COMMISSIONER MCNULTY: Mr. Kanefield,  
20 could you read us the amendment, please?

21 JOSEPH KANEFIELD: Madame Chair,  
22 Commissioner McNulty, I'll read the amendment in its  
23 entirety.

24 It's 4 dash -- I'm sorry, 4.15, the  
25 heading is "Documentation of contacts regarding

1 contract.

2 "Contractor shall maintain a log  
3 describing all contacts, oral or written, with  
4 persons other than IRC staff, attorneys and  
5 commissioners regarding the contract. The log shall  
6 include the name of the person, the organization the  
7 person represents, the date, and the topic  
8 addressed. This does not apply to contacts made  
9 while attending a public hearing or meeting of the  
10 AIRC."

11 COMMISSIONER MCNULTY: So where is the  
12 language in there that excludes contacts in  
13 connection with the contract? I think that language  
14 includes. I just want to be clear. I don't want  
15 these guys to get themselves -- I don't want us,  
16 because we aren't clear, you know, putting them in a  
17 fix here. And to me, that language is inclusive.  
18 It's all contacts except those with IRC staff,  
19 commissioners -- and what was the third one?

20 JOSEPH KANEFIELD: IRC staff, attorneys,  
21 and commissioners.

22 COMMISSIONER MCNULTY: Regarding the  
23 contract. Everything else has to be logged?

24 JOSEPH KANEFIELD: That's correct.

25 COMMISSIONER MCNULTY: So the calls to

1 Maricopa County recorder have to be logged, and the  
2 calls to the Maptitude vendor have been to be  
3 logged. I don't think that's what we intend. Is  
4 it?

5 VICE CHAIR HERRERA: (Inaudible.)

6 CHAIRPERSON MATHIS: We can't hear you.

7 VICE CHAIR HERRERA: One more point, if I  
8 can.

9 The contract talks about not having to  
10 log contacts that are made during a public hearing.  
11 So there's already a way around that, correct?

12 So if Christian Palmer wants to talk to  
13 Strategic Telemetry, they don't have to call them,  
14 they just talk with them here and that doesn't need  
15 to be logged.

16 Am I reading that correctly?

17 JOSEPH KANEFIELD: Madame Chair,  
18 Commissioner Herrera, that last sentence says, "This  
19 does not apply to contacts made while attending a  
20 public hearing or a meeting of the AIRC."

21 VICE CHAIR HERRERA: I guess what I'm  
22 concerned -- when we start doing these amendments,  
23 it seems like we don't put much thought into them,  
24 at least I don't think so, because there's a lot of  
25 questions that are being raised and we are not able

1 to answer them.

2 Why do them at all if we are not going to  
3 do them thoroughly and in making sure that there's  
4 no, again, unintended consequences, which there  
5 seems to be with this particular amendment.

6 JOSEPH KANEFIELD: Madame Chair, members  
7 of the Commission, Commissioner Herrera, we are  
8 happy to refine this language even more to be more  
9 specific if you would like.

10 VICE CHAIR FREEMAN: Madame Chair.

11 CHAIRPERSON MATHIS: Mr. Freeman.

12 VICE CHAIR FREEMAN: First of all, if  
13 someone contacts Strategic Telemetry in a public  
14 meeting, it's going to be a public contact. So I  
15 think that's probably some of the rationale behind  
16 that exclusion.

17 But I would agree with Commissioner  
18 McNulty, perhaps we could tweak the language a  
19 little bit as such that we are not having them to  
20 log every contact with every county recorder. So if  
21 it is truly a contact that's been necessitated by  
22 their work pursuant to the contract, that doesn't  
23 necessarily have to be logged.

24 JOSEPH KANEFIELD: Madame Chair, we will  
25 work on additional language.

1 CHAIRPERSON MATHIS: Any other comments  
2 from commissioners?

3 VICE CHAIR HERRERA: Madame Chair.

4 CHAIRPERSON MATHIS: Mr. Herrera.

5 VICE CHAIR HERRERA: I guess I would say  
6 this for the third time because nobody has addressed  
7 the issue of true transparency and having people  
8 disclose who they are when they approach the -- when  
9 they lobby us, when they lobby the staff, and lobby  
10 our attorneys.

11 So I guess people -- again, if we truly  
12 care about transparency, that will be an issue that  
13 we should be talking about. But it doesn't appear  
14 that we truly do.

15 CHAIRPERSON MATHIS: What do you propose,  
16 Mr. Herrera?

17 VICE CHAIR HERRERA: Well, for example,  
18 there's people that come and lobby us, lobby the  
19 staff and we don't know who they are. There's all  
20 these questions. There's public concern about some  
21 of these groups. And again, we don't know who they  
22 truly represent.

23 So what are we doing about that?

24 I know -- I think the majority of you  
25 know what I'm referring to, and there's probably

1 many, but there's some -- there's -- if you read the  
2 blogs, if you read the newspaper, there are  
3 organizations that are lobbying us and we don't know  
4 who they are. Maybe they send one individual to  
5 represent them, but they don't disclose who they  
6 are. So how is that transparency?

7           So if -- I guess -- again, I say this, if  
8 you're truly concerned about transparency, that's an  
9 issue that we should be addressing. But if we're  
10 not, let's stop pretending that we do and do away  
11 with these types of amendments that don't really --  
12 that don't add any value and truly don't add any  
13 transparency. Only more work and more time for  
14 Strategic Telemetry, which we will be paying for.

15           COMMISSIONER MCNULTY: Madame Chair.

16           CHAIRPERSON MATHIS: Ms. McNulty.

17           COMMISSIONER MCNULTY: I think that -- I  
18 can speak only for myself. I do care about  
19 transparency. And the issue that Mr. Herrera is  
20 raising, I think to a certain extent that goes to  
21 the way that each of us gives the comments that are  
22 made. And when someone says we think X, Y, or Z and  
23 you don't know who "we," is, you factor that into  
24 the weight you give those comments.

25           Although I do appreciate the point, I'm

1 not sure we can fix that in the context of this  
2 amendment.

3 I'm troubled by the fact that we -- you  
4 know, in the interest of reaching consensus and  
5 trying to allay a disagreement, that we did an  
6 amendment that I really think is overly broad on the  
7 one hand. I don't think it makes sense to be  
8 carving out -- to be logging the media or the  
9 blogger of record, bloggers of record. So that does  
10 concern me.

11 And I would have, I think, felt more  
12 comfortable if what we had done was done an  
13 amendment that have them log contacts with any  
14 member of any political party who is attempting to  
15 influence them. I think that might have been more  
16 to the point of what we were trying to protect  
17 against.

18 Having said that, I would support an  
19 amendment to back out the media, but I think it's  
20 essential that we be clearer about these routine  
21 contacts in the course of doing their work and not  
22 put them in a position where they have to be logging  
23 all of those things or be at risk for being told  
24 that they've done something wrong, because I don't  
25 think that's what we mean to do. I think from my

1 perspective, that's the first priority.

2 COMMISSIONER STERTZ: Madame Chair.

3 CHAIRPERSON MATHIS: Mr. Stertz.

4 COMMISSIONER STERTZ: At the last meeting  
5 I asked Mr. Strasma his opinion of whether or not he  
6 had felt that this amendment that was put onto the  
7 contract was beneficial from the perception of the  
8 public in regards to how the public is perceiving  
9 our process, and he answered to the affirmative.

10 In regards to transparency that's come  
11 up, in regards to lobbyists that may or may not be  
12 talking to individual members of the Commission or  
13 the staff or the legal counsel or that are coming to  
14 us at presentation, we're going to have -- we are  
15 going to be -- during this process, we have been and  
16 will continue to be, people come to us and speak,  
17 they will come to the podium and they will make  
18 comments about who they are and where they are from  
19 and we will hear the name of that organization and  
20 whether or not it is The Fair Trust or the Hispanic  
21 Caucus for Better Government. I'm skewing that  
22 name. I apologize.

23 There will be many different groups that  
24 will come of which unless we are looking for bios  
25 and historical information, we are going to have to

1 do the best we can as individuals of character and  
2 trust in which the public has entrusted us with to  
3 have our own individual good character to make good  
4 judgments based on the information that we are being  
5 provided to us.

6 I didn't make -- I was not the maker of  
7 the motion. I actually abstained from this motion  
8 that was made for other reasons. Four of the  
9 commissioners voted for. I'm comfortable with it.

10 The company that is bearing the burden of  
11 the -- keeping the log is comfortable with it for  
12 multiple reasons, including the public's perception.  
13 And I don't think that it's overly burdensome to  
14 keep a tracking log.

15 And I'm going to guess that if we drill  
16 down to some of the aspects of the core contract,  
17 because we had asked for logs of every modification  
18 that's taken place, every contact that was made  
19 inclusive of -- and this is in their core  
20 agreement -- going back so far as to take snapshots  
21 of any -- as we get maps that are being sent in,  
22 we're not going to know -- we are going to know that  
23 a person made a modification to a map. That's going  
24 to be logged into the history. That's part of the  
25 core agreement with Strategic Telemetry in an effort

1 to keep a long log of all of the communications that  
2 took place.

3 I don't think that this is overly  
4 burdensome. I don't think that it is a -- as it's  
5 been implied, as a fishing tool. And I think that  
6 it was -- frankly, I think that it was a good choice  
7 by the four commissioners when they voted for the  
8 affirmative.

9 I think that the research that the legal  
10 counsel has done has shown that there is no  
11 precedent that is going to show that this is  
12 something that's going to cause us any consternation  
13 down the road.

14 CHAIRPERSON MATHIS: Thank you.

15 COMMISSIONER MCNULTY: Madame Chair.

16 CHAIRPERSON MATHIS: Ms. McNulty.

17 COMMISSIONER MCNULTY: How much time is  
18 it -- I mean, is it a problem to log in all of these  
19 calls? You may not be able to answer that on your  
20 own.

21 WILLIE DESMOND: Well, it wasn't until  
22 the last meeting that we found out we had to log  
23 outgoing calls. So in the last two days we haven't  
24 made many.

25 I imagine when we -- you know, if we

1 would have been doing that as we collected  
2 information for the VTDs or for the prisons, some of  
3 those, you know, county clerks we called a dozen  
4 times trying to get things and you got passed around  
5 to many people. So that might have been some added  
6 work, but it hasn't been a burden as of yet.

7 VICE CHAIR HERRERA: Madame Chair.

8 CHAIRPERSON MATHIS: Mr. Herrera.

9 VICE CHAIR HERRERA: Willie, did you say  
10 that you're now not making as many calls so you  
11 won't have to log them in, the outbound calls or did  
12 I misunderstand you?

13 WILLIE DESMOND: No. No. No. It was  
14 just that we had already done a lot of outreach.  
15 Right now there's not anything right in front of us  
16 that requires a lot of calls. And I imagine as we  
17 go forward -- you know, if we have to do election  
18 results for 2004 and 2006, we would have to go  
19 collect, you know, maps from those years. That will  
20 be a lot of calls. Things like that. It's just  
21 that there's nothing going on currently that  
22 requires any calls.

23 VICE CHAIR HERRERA: Correct. But now  
24 you understand that going forward, any outbound  
25 calls you make, excluding the attorneys and the IRC

1 staff and the IRC commissioners, you have to log  
2 them.

3 WILLIE DESMOND: Yes.

4 VICE CHAIR HERRERA: You didn't know that  
5 before, correct?

6 WILLIE DESMOND: That was just clarified  
7 at the meeting on Tuesday.

8 CHAIRPERSON MATHIS: Right, at the  
9 last --

10 VICE CHAIR HERRERA: Again, unintended  
11 consequences.

12 I think we should scrap this amendment  
13 and then start -- and redo it, if we are going to do  
14 it at all. Because again, we weren't intending  
15 this, and I'm assuming we weren't, when we -- when  
16 Commissioner Freeman put together this amendment.

17 And for the record, I did vote for it and  
18 when I'm hearing these concerns and I'm thinking it  
19 over, I regret that I did.

20 VICE CHAIR FREEMAN: Commissioner  
21 Herrera, as I have noted several times, I did not  
22 prepare this amendment. This amendment was prepared  
23 by counsel --

24 VICE CHAIR HERRERA: I apologize.

25 VICE CHAIR FREEMAN: -- and presented to

1 the Commission.

2           JOSEPH KANEFIELD: Madame Chair, members  
3 of the Commission, as I understand it, we are going  
4 to -- my take away is to work on some modifications  
5 to this language so that Strategic Telemetry would  
6 with not necessarily have to log those types of  
7 calls that Mr. Desmond was referring to. We'll do  
8 our best to come up with language that will be  
9 acceptable to the Commission and present it to the  
10 Commission at a future meeting.

11           VICE CHAIR HERRERA: In the meantime,  
12 could we scrap the amendment until a new one is  
13 drafted? I would like to do that.

14           CHAIRPERSON MATHIS: Any comments from  
15 anyone on that, Mr. Herrera's suggestion?

16           COMMISSIONER STERTZ: Madame Chair.

17           VICE CHAIR FREEMAN: Madame Chair.

18           COMMISSIONER STERTZ: Go ahead.

19           VICE CHAIR FREEMAN: Go ahead.

20           COMMISSIONER STERTZ: I was going to say,  
21 Mr. Kanefield, you're going to -- your anticipation  
22 is that you are going to -- you would craft up a  
23 subtext item to this that would give a clarification  
24 that would preclude Strategic from any, what I would  
25 consider to be a series of ongoing just normal

1 business calls, the ongoing business of their  
2 business that would be excluded or contacts that  
3 would be excluded, that could be extraneous to what  
4 the core components of the contract would be?

5 JOSEPH KANEFIELD: Madame Chair,  
6 Commissioner Stertz, that's correct.

7 So we'll try to come up with language  
8 that identifies contacts that Strategic Telemetry  
9 makes that are necessary to performing its work such  
10 as communications with the Secretary of State's  
11 Office or county election officials, that kind of --  
12 those kinds of contacts that obviously they need to  
13 do on a day-to-day basis to do what's necessary to  
14 perform their work.

15 So I don't have the language in my head  
16 but we will work on amend -- it would be an  
17 amendment to this provision that we would come to  
18 present, because this provision has already been  
19 adopted by the Commission.

20 COMMISSIONER STERTZ: And, Mr. Kanefield,  
21 just as follow-up before Mr. Herrera speaks, you  
22 will be able to bring this to us at the next meeting  
23 and have it to us a day before so we can review so  
24 that we could properly move on it at that time?

25 JOSEPH KANEFIELD: Madame Chair,

1 Commissioner Stertz, we will have that for your  
2 review hopefully a day before the scheduled meeting  
3 at which it appears on the agenda.

4 COMMISSIONER STERTZ: Depending on when  
5 the scheduled meeting is.

6 Thank you.

7 CHAIRPERSON MATHIS: Okay.

8 VICE CHAIR HERRERA: I think Commissioner  
9 Freeman had a comment.

10 CHAIRPERSON MATHIS: Yeah, he did.

11 Mr. Freeman, did you have a comment?

12 VICE CHAIR FREEMAN: With respect to what  
13 the agenda item is for today, it concerns possible  
14 modification of the contract term. I don't know if  
15 that includes an ability to revoke a contract term,  
16 which I think is what Commissioner Herrera  
17 approached.

18 So I don't think that's properly on the  
19 agenda and I am completely fine with leaving the  
20 provision in place until we next meet and consider a  
21 modification to the term.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE CHAIR HERRERA: What I would like to  
24 direct our attorney to do is scrap the second  
25 amendment that talks about excluding members of the

1 media, including bloggers.

2 So basically the same amendment, the only  
3 difference would be is including -- when you start  
4 excluding individuals, that would be members of the  
5 media, including bloggers. So if you can do two  
6 amendments and we vote on one of two.

7 JOSEPH KANEFIELD: Madame Chair,  
8 Commissioner Herrera, we will -- if it's a consensus  
9 of the Commission, we will propose two --

10 VICE CHAIR HERRERA: I don't know that  
11 you need a consensus of the Commission. I would  
12 like for you to do that and we can vote on them.

13 So if it gets voted down, it gets voted  
14 down. I would appreciate that.

15 CHAIRPERSON MATHIS: Other comments?  
16 Ms. McNulty.

17 COMMISSIONER MCNULTY: I would be  
18 interested in seeing that amendment.

19 CHAIRPERSON MATHIS: Okay.

20 JOSEPH KANEFIELD: Thank you, Madame  
21 Chair.

22 CHAIRPERSON MATHIS: Thank you.

23 So in the meantime, just to be clear, the  
24 amendment that we've already approved stands until  
25 such time as our next meeting, when I assume this

1 will be on the agenda and we can vote on any  
2 modifying contract language if we want to.

3           Okay. That takes us to agenda item VII,  
4 discussion of future meetings and future agenda  
5 item.

6           Mr. Bladine had done some research into  
7 our calendars to figure out when we can all get  
8 together.

9           RAY BLADINE: That's why I really came up  
10 here. I didn't mean to make a bad thing worse. And  
11 I think it may have unintended consequence. I'm  
12 sorry.

13           I believe I presented all of you with a  
14 schedule that shows possible meeting dates for the  
15 rest of September.

16           I did my best to go through the  
17 information that all of you had provided me as to  
18 when you would be available and not. I hope you'll  
19 all review that because I very well could have made  
20 a mistake in pulling that together, but I really  
21 tried to work around those things that you already  
22 had scheduled on your calendars.

23           Perhaps just quickly running down them,  
24 our next meeting, if this schedule were to be  
25 followed, would be Friday, September 2nd, and that

1 could be a long mapping meeting from potentially 9  
2 a.m. to 7 p.m.

3 I had kind of looked at all of these  
4 meetings being in Casa Grande just for purposes of  
5 an hour travel from Tucson and an hour travel from  
6 Phoenix.

7 The next opportunity, and that would give  
8 us a little time in between, would be Saturday,  
9 September 3rd coming back to see whatever the  
10 consultant put together at a meeting of about --  
11 starting at about 12:30 p.m.

12 And that would be the extent of meetings  
13 on that -- of next week.

14 VICE CHAIR HERRERA: Madame Chair.

15 CHAIRPERSON MATHIS: Mr. Herrera.

16 VICE CHAIR HERRERA: I have no problem  
17 with Saturday meetings, but I would prefer to do  
18 them the earlier the better as opposed to starting  
19 them at noon. I wake up early; I'm assuming that my  
20 commissioner friend here, Stertz, wakes up just as  
21 early as I do, probably. So 12 o'clock seems a bit  
22 late for a Saturday.

23 RAY BLADINE: Chairman Mathis, I think  
24 the commissioner next to you is up early but he also  
25 has a radio show on Saturday mornings.

1 VICE CHAIR HERRERA: Doesn't -- oh, I --

2 RAY BLADINE: So that's -- I could  
3 remember that one.

4 COMMISSIONER MCNULTY: Can't you pretape  
5 that?

6 COMMISSIONER STERTZ: No, actually we  
7 can't.

8 I could probably do a couple.

9 VICE CHAIR HERRERA: Do we need to make a  
10 motion to make Commissioner Stertz pretape his --

11 COMMISSIONER STERTZ: It's not up to me,  
12 it's up to the station.

13 RAY BLADINE: I'd prefer not to get  
14 involved in that discussion, please.

15 So those would be the meetings for next  
16 week, and hopefully we would get a sense of how far  
17 you would be able to get because it sounds like  
18 you've given good direction to the mapping  
19 consultant of incorporating maps that have been  
20 submitted to you and having them come back with some  
21 alternatives.

22 Then the following week potentially  
23 Wednesday, September 7th, the possibility of a  
24 meeting from 4:00 in the afternoon to 7:00. And  
25 that would require Commissioner Freeman to

1 participate via Skype because he will be out of town  
2 on business that day.

3           Similarly on Thursday, September 8th,  
4 from 2:00 until 7:00 would be another opportunity to  
5 get together but it would also require Commissioner  
6 Freeman to connect via Skype.

7           Friday, September 9th, would be the  
8 potential -- and I've tried to have some time in  
9 between these for the mapping consultant to be able  
10 to get together and do some work so that he would  
11 bring it back and there would be dialog back and  
12 forth.

13           The next meeting would be Friday,  
14 September 9th, 4:00 to 7 p.m., but it could be about  
15 a three-hour meeting. We could start earlier if we  
16 were in Tucson.

17           Saturday, September 10th, 12:30 to 3 p.m.  
18 That would be about a two-and-a-half-hour meeting.  
19 You may or may not want to get together and do the  
20 travel for a two-and-a-half-hour meeting, but that's  
21 the best we could do on that Saturday.

22           We would then jump to the next week and  
23 September 14th, we could do a meeting on Wednesday,  
24 9 a.m. to 4 p.m.

25           We could do a meeting on Thursday, the

1 15th, 12:00 to 4 p.m. Those would be a seven-hour  
2 and a five-hour meeting. So that would probably be  
3 a good amount of time to go over the mapping.

4 And then finally, the following week on  
5 Thursday, the 22nd, we could do -- it looks like you  
6 could do a meeting, 1:00 to 7:00. And if you needed  
7 to do another day, Friday the 23rd, 1:00 to 7 p.m.,  
8 and there had been some discussion about perhaps  
9 starting second-round hearings on that day, but I  
10 have scheduled it now as a possible meeting day.

11 The problem I've had, and I imagine  
12 you'll have, too, it's very hard to know how many  
13 meetings you'll need and how long you'll need  
14 because we haven't done this before and it really  
15 depends on how quickly things fall into place for  
16 you and you're able to make decisions.

17 But what I tried to do was maximize the  
18 time that you could have to get together for  
19 meetings based upon the information I had about your  
20 schedules.

21 CHAIRPERSON MATHIS: Okay. Thank you.  
22 it's complicated.

23 RAY BLADINE: Yes.

24 CHAIRPERSON MATHIS: Any thoughts,  
25 commissioners, on the schedule?

1           COMMISSIONER STERTZ:  Madame Chair,  
2  that's -- if I've done my math right, I'm not saying  
3  that I have, we've got -- that gives us 52 and a  
4  half hours of public meeting between now and the  
5  time that we'll be delivering maps.  250 man-hours  
6  between the five of us to call this together and a  
7  very aggressive schedule between staff and mapping  
8  consultants.

9           We have our -- that's a good chunk of  
10 time.  That's working essentially, you know, almost  
11 a week and a half full time for each one of us  
12 without distraction, working solely on this process.

13           CHAIRPERSON MATHIS:  Significant.

14           COMMISSIONER STERTZ:  It's a chunk, and  
15 it's achievable.  We've made good progress to get to  
16 today.

17           CHAIRPERSON MATHIS:  Other comments from  
18 commissioners?

19           COMMISSIONER STERTZ:  And, Madame  
20 Chair --

21           CHAIRPERSON MATHIS:  Mr. Stertz.

22           COMMISSIONER STERTZ:  -- in regards to  
23 September 10th, I will do my best so that we can  
24 move that to an earlier meeting and get coverage for  
25 that.  And Commissioner McNulty is correct, that if

1 I can make the adjustment -- I can't make it on the  
2 3rd but I can make an adjustment on the 10th if I  
3 have coverage from someone else.

4 COMMISSIONER MCNULTY: That would be  
5 great.

6 VICE CHAIR FREEMAN: Just on the subject  
7 on the 10th, take off my restriction on the 10th. I  
8 will deal with the consequences if we have to stay  
9 late into the afternoon.

10 RAY BLADINE: Okay. I can't remember  
11 right now which one it was, but I'll -- do you know  
12 which day it was?

13 VICE CHAIR FREEMAN: September 10th.

14 RAY BLADINE: September 10th. I'll put  
15 you on for more time with us.

16 Do you want me to write an apology?

17 COMMISSIONER MCNULTY: It looks like we  
18 might be able to have -- if we got to the week of  
19 the 5th and we needed it, it looks like the 12th  
20 would be a possibility either in Tucson or here,  
21 would it not?

22 Maybe we could all reserve to the extent  
23 that we don't have conflicts on that day. It looks  
24 like Scott's got -- you've got a deposition on the  
25 5th and then Rick is not available on the 19th, but

1 on Monday the 12th, we might be able to spend  
2 some -- get some good work time in.

3 RAY BLADINE: That would be the 12th in  
4 the morning, I would -- looking at it. Is that what  
5 you're looking at?

6 COMMISSIONER MCNULTY: Yes. If we were  
7 in Tucson, we could meet until 3:30. If we were  
8 here, we could meet until 2:30, maybe.

9 COMMISSIONER STERTZ: 2:00.

10 COMMISSIONER MCNULTY: 2:00. But we  
11 could do a 9:00 to 2:00 if we needed it. Would that  
12 work for you?

13 CHAIRPERSON MATHIS: Yes, it looks like  
14 Wednesday, the 31st, too, after -- you know, an  
15 afternoon meeting from 2:30 to 7:00 if people could  
16 do it.

17 VICE CHAIR HERRERA: Madame Chair.

18 CHAIRPERSON MATHIS: Mr. Herrera.

19 VICE CHAIR HERRERA: I had sent  
20 Mr. Bladine an e-mail letting him know that I coach  
21 football Monday, Wednesday, and Friday.

22 CHAIRPERSON MATHIS: Oh, okay.

23 VICE CHAIR HERRERA: Coaching starts at  
24 6:00. So that's why I would like to start -- the  
25 earlier the better for me. And preferably either

1 here or in Phoenix as opposed to Tucson those three  
2 days.

3 CHAIRPERSON MATHIS: There's --

4 RAY BLADINE: Madame Chairman, just on  
5 the 30th, you were saying a potential meeting --

6 CHAIRPERSON MATHIS: I was actually on  
7 the 31st --

8 RAY BLADINE: 31st.

9 CHAIRPERSON MATHIS: -- but I didn't know  
10 that, because that would only allow us to meet for a  
11 couple of hours, so that probably doesn't make  
12 sense.

13 RAY BLADINE: Okay.

14 CHAIRPERSON MATHIS: Thursday, RS  
15 Foundation.

16 Oh, it wasn't connecting. Okay. Got it.

17 So we could -- so it would only be  
18 between 11:00 and 2:00, is what that means, right?

19 Maybe we should talk about agenda items  
20 that we definitely want to have at the next meeting  
21 because I'm wondering, too, we could have a  
22 situation where we maybe can split commissioners,  
23 too, the way we've done in the past if it's not, you  
24 know, a substantive mapping meeting where we have  
25 some in Phoenix and some in Tucson.

1           The thing I'm most interested in is this  
2 racially polarized expert and having movement on  
3 that. So that's why I'm anxious to get a meeting  
4 sooner than Friday, September 2nd, if possible.

5           So I'm wondering if we could all have one  
6 of those Skype meetings if we wanted to discuss that  
7 and hear from counsel.

8           VICE CHAIR FREEMAN: And, Madame Chair,  
9 with respect to Thursday, September 1st, perhaps  
10 there was miscommunication. I am free after 2 p.m.  
11 I have a deposition that will start at 10:00 and  
12 probably concluded around 1:30 in Phoenix.

13           COMMISSIONER MCNULTY: So that should say  
14 yes after 2 p.m.?

15           RAY BLADINE: That was the 1st, you're  
16 available after 2 p.m.?

17           VICE CHAIR FREEMAN: Correct.

18           RAY BLADINE: Okay.

19           CHAIRPERSON MATHIS: That brings us up  
20 one day closer so we could all meet after 2:00 if  
21 it's up in the Phoenix area.

22           COMMISSIONER STERTZ: Madame Chair.

23           CHAIRPERSON MATHIS: Mr. Stertz.

24           COMMISSIONER STERTZ: I think that what  
25 we have is we've got some criteria that's going

1 to -- that we really need before we take some next  
2 steps. Some of that is coming from Mr. Kanefield,  
3 some of that is coming from Strategic Telemetry. We  
4 also have some business issues to take care of.

5 I'm going to suggest that we might hold  
6 open a time where we might easily do a telephonic  
7 conference to take care of business and data issues  
8 which would allow us not -- the travel is -- eats  
9 into all of us quite a bit. And if we can take care  
10 of the business -- it's also -- it might be  
11 interesting to the public, but I think what -- the  
12 issue of the time of us all getting together in the  
13 same room has got to be almost solely dedicated  
14 between now and the publication of the draft map has  
15 got to be on mapping. And we need data and we need  
16 input into your work.

17 And the big question is if that 2004,  
18 2006 criteria is required, and DOJ is going to give  
19 you that counsel through Mr. Adelson, and that data  
20 needs to be input and you're going to have --  
21 Mr. Strasma and the Strategic team are going to need  
22 some time for that data input or not, but we don't  
23 know what that is yet.

24 Some critical pieces need to get put  
25 together. We need to take care of some business.

1 We could probably do that telephonically through a  
2 Skype meeting. Our schedules would be a lot more  
3 adjustable based on that.

4 And then -- I love the Friday/Saturday  
5 sessions. Big Friday meeting gives us a big chance  
6 to clear up a lot of our own personal stuff during  
7 the course of next week -- gives consultants a  
8 chance to get their pieces and their questions  
9 together between now and then.

10 CHAIRPERSON MATHIS: Okay. I agree.

11 So should we talk about a telephonic  
12 meeting occurring sometime before the -- if we do a  
13 Friday/Saturday next week?

14 COMMISSIONER STERTZ: Maybe -- would you  
15 have information ready -- it's really up to them.

16 CHAIRPERSON MATHIS: Well, one of the  
17 things is the Ken Strasma presentation on  
18 competitiveness and compactness, the different  
19 methodologies. And I know he has that ready to go.  
20 I don't know if it could be done via -- in a Skype  
21 setting, but -- if that's an appropriate thing to  
22 do.

23 And then I don't know, legal counsel, how  
24 soon you guys could have some racially polarized  
25 voting advice.

1           JOSEPH KANEFIELD:  Madame Chair, members  
2 of the Commission, Wednesday afternoon, if everybody  
3 is willing to do a conference call on Skype, we  
4 could have that information ready to present to the  
5 Commission at that time.

6           CHAIRPERSON MATHIS:  Okay.  Looks like we  
7 are all open Wednesday afternoon.  I'm the one that  
8 had something.  And if we're Skyping, I'm available  
9 by 1:30.

10           JAMES MARCH:  Will you take public  
11 comment on agenda items?

12           CHAIRPERSON MATHIS:  On agenda items?  
13 Sure.  Go ahead.

14           JAMES MARCH:  Thank you, Madame Chair.  
15 This will be the last time I speak today,  
16 and I won't be very long.

17           I asked that you put an agenda item on  
18 next meeting regarding -- or if not the very next  
19 one, at an upcoming meeting, regarding whether or  
20 not the Commission should independently incorporate  
21 the lobbying rules or something like them for people  
22 who professionally appear before this body.

23           Let me explain what I mean by that.

24           The Secretary of State has said that  
25 under state law, the statute book, the Secretary of

1 State cannot enforce lobbying rules against people  
2 applying for this Commission.

3           However, as an Independent Redistricting  
4 Commission, you are a Legislative branch power and  
5 you have the kind of abilities to run your own  
6 affairs that the State Legislature does.

7           So you -- I believe that you have the  
8 ability to set the rules for the people who appear  
9 before you. You are already considering that where  
10 contacts with your staffers are concerned. I  
11 believe you could adopt lobbying rules.

12           Let me tell you very briefly why it's  
13 important.

14           Earlier today, Mr. Cantelme whispered to  
15 me, you know, why didn't you just ask me about what  
16 I'm about and where I come from. I honestly -- or  
17 words to that effect. I'm paraphrasing here, but I  
18 looked at him like he was from Mars because not only  
19 if I talked to Steve Muratore sometime ago, but over  
20 the last few days, I've talked with Evan at the  
21 Capitol Times and Paul Davenport at the AP who both  
22 confirmed to me they've asked The Fair Trust guys  
23 who is behind you and gotten no answer.

24           So if Fair Trust won't answer that  
25 question for AP, Capitol Times, or Mr. Muratore,

1 then I don't think he's going to answer it from me.

2 Another concern is that Mr. Cantelme came  
3 before this body just today and went on about how he  
4 personally has a long history with civil rights and  
5 appreciation of minority voting rights and all of  
6 that, and I believe him. Absolutely. It's  
7 absolutely -- he's probably telling the truth,  
8 except it doesn't matter. What matters is what are  
9 the opinions of the people behind him.

10 Look, the Ku Klux Klan could hire Martin  
11 Luther King's granddaughter as a lobbyist and her  
12 record in civil rights wouldn't matter a bit, would  
13 it? Okay.

14 Knowing whose -- who is the man behind  
15 the curtain is important. Now, I think -- one of  
16 the reasons it's become important to me over the  
17 last 24 hours is I know that I've gotten somebody's  
18 attention. I know that I've gotten some people  
19 upset with me because last night my gmail account  
20 was hacked. This morning I find my phone suddenly  
21 dead, invalid SIM card. Normally I would say maybe  
22 that's a glitch in the phone except there are ways  
23 of faking a SIM card, bringing it up on the same  
24 network and you'll crash the other guy's phone.

25 It looks to me like I've gotten

1 somebody's attention over the last few days, and I  
2 think your attention should be raised, too. I'll  
3 say it again, hidden agendas.

4 So consider what are your powers to set  
5 the rules for the people who come before you,  
6 especially on a professional basis.

7 Thank you for listening.

8 CHAIRPERSON MATHIS: Thank you.

9 Mr. Kanefield.

10 JOSEPH KANEFIELD: Madame Chair, I just  
11 want to make sure we are following the agenda.

12 I'm assuming that you -- the Commission  
13 is finished with agenda item VII, discussion of  
14 future meetings and agenda items and you have gone  
15 onto agenda item IX, there's a call for the public?

16 CHAIRPERSON MATHIS: Actually, no, I  
17 wasn't finished with the future meetings and future  
18 agenda items, but since Mr. March had asked if he  
19 could make a comment on future agenda items, I  
20 allowed him to do that.

21 So we are still on agenda item VII,  
22 discussion of future meetings, and it sounded like  
23 we had some consensus around Wednesday having a  
24 telephonic kind of meeting, Wednesday afternoon, the  
25 31st.

1           And legal -- one of the items will be  
2 legal counsel providing guidance on racially  
3 polarized voting experts that we can consider.

4           They will also, I presume, have amended  
5 contract language dealing with our agenda item VI  
6 today, potential modifying contract amendment  
7 language.

8           Other business items that we could cover  
9 easily during phone -- maybe Mr. Bladine could check  
10 with Mr. Strasma and see if that presentation on  
11 competitiveness and compactness methodologies is  
12 something that could be achieved in that kind of  
13 meeting. And if not, we'll have it in a different  
14 meeting.

15           RAY BLADINE: I can certainly do that.

16           CHAIRPERSON MATHIS: Any other agenda  
17 items for the telephonic one, the 31st?

18           COMMISSIONER STERTZ: Madame Chair.

19           CHAIRPERSON MATHIS: Yes, Mr. Stertz.

20           COMMISSIONER STERTZ: It would probably  
21 be prudent for Mr. Bladine to give an executive  
22 director's report. He was able to distribute budget  
23 data. I think he can probably extrapolate a little  
24 bit on that and just, again, to start -- and making  
25 that part of a routine.

1           RAY BLADINE:  Madame Chair, I will  
2 also -- I was hoping to have a list for you now.  In  
3 the last several meetings you've had items you've  
4 asked to have carried over, and I started that list  
5 yesterday and I frankly didn't get it done.  But  
6 I'll have that to you for the next meeting.

7           And my thought is I'll just keep a  
8 running list of those items that need to come on an  
9 agenda and there's certain items you told me we  
10 should put on the agenda each month, but I didn't  
11 want to fill each agenda up with items that we  
12 weren't ready.

13           So I'll have a list of those.  We won't  
14 lose them.  And if someone -- if anyone would like  
15 more detail on the budget stuff, if you tell me  
16 what, I'll get that together, but I will put a  
17 director's report on for next meeting.

18           COMMISSIONER STERTZ:  Madame Commissioner  
19 and Mr. Bladine, in regards to any what would be  
20 considered consent agenda items, action items that  
21 need to be made part of the record, just  
22 acknowledgment of just the loose ends that have --  
23 that may come about from time to time that need to  
24 come and go but be part of the record, would  
25 probably be good.

1           And I'm also going to suggest, Madame  
2 Chair, that we -- because mapping is such a  
3 time-absorbing component, that we may consider  
4 having these business meetings, possibly even  
5 telephonically, but business meetings or Skype  
6 meetings as part of our routine going forward  
7 because we can cluster a lot of these things  
8 together that are not -- necessarily need an  
9 enormous amount of interaction.

10           CHAIRPERSON MATHIS: I like that idea.

11           Anyone else want to comment on that?

12           Okay. Any other agenda items for the  
13 telephonic meeting on the 31st?

14           RAY BLADINE: Can I just clarify with you  
15 we added -- did we add September 12th also?

16           CHAIRPERSON MATHIS: Yeah, I was going to  
17 get to that.

18           Let me -- is there any other agenda item  
19 that we can think of right now for the telephonic  
20 meeting the 31st?

21           I don't know if any minutes will be ready  
22 by then.

23           RAY BLADINE: If there are, we'll add  
24 them. That's what I was understanding part of  
25 Commissioner Stertz's --

1 CHAIRPERSON MATHIS: Okay. So then let's  
2 talk about these meetings that Mr. Bladine has put  
3 on the sheet.

4 Are we agreeing that we want to meet the  
5 2nd and 3rd of next week, too, for mapping?

6 Everyone is good?

7 Okay. Then the 7th through the 1th -- so  
8 if we could just all hold these times, unless  
9 there's anyone who doesn't want to hold them.

10 Did you have a question, Mr. Bladine  
11 about a certain date?

12 RAY BLADINE: I had two.

13 I wasn't sure whether you also added a  
14 September 1st, 2:00 to 7 p.m. or maybe the  
15 telephonic meeting on the 31st handles that.

16 CHAIRPERSON MATHIS: Right.

17 RAY BLADINE: And then the other one I  
18 wasn't sure whether you added a meeting on  
19 September 12th from 9:00 to 2:00.

20 COMMISSIONER MCNULTY: I was just  
21 suggesting that we all reserve that on our calendars  
22 and we would make that decision that week -- earlier  
23 that week.

24 RAY BLADINE: Okay.

25 CHAIRPERSON MATHIS: So we'll reserve

1 Monday, September 12th from 9:00 to 2:00.

2 COMMISSIONER MCNULTY: And then  
3 September 10th, we are thinking of 9 a.m. rather  
4 than 12:30, depending on your schedule?

5 COMMISSIONER STERTZ: I'll make that  
6 happen.

7 VICE CHAIR HERRERA: You know, when is  
8 the last time we had a Phoenix meeting? It's been a  
9 while.

10 COMMISSIONER MCNULTY: Okay. So the rest  
11 stands as it is on the sheet and we'll hold those  
12 times sacred.

13 Thank you, Mr. Bladine for figuring out  
14 our schedules.

15 RAY BLADINE: Thank you all for the help  
16 of making it correct.

17 CHAIRPERSON MATHIS: Okay. And then do  
18 we want to talk about other agenda items for any of  
19 the other future meetings?

20 VICE CHAIR HERRERA: Madame Chair, I  
21 think we all have given Mr. Bladine some future  
22 agenda items, I know that I have. I'm sure they  
23 weren't forgotten. So I'm in no hurry, as long as  
24 those items that I brought up eventually make it to  
25 a meeting.

1           RAY BLADINE: I do recall the list that I  
2 had started to get together. You wanted information  
3 on what was spend to get records request together  
4 was one item. I think another one was the Attorney  
5 General's inquiry.

6           Most of -- right now we don't have the  
7 data. We're going to have to go and break that out,  
8 so it will take at time. We'll do it as we can.

9           But this week we concentrated on trying  
10 to get these meetings set up and some other  
11 paperwork to all of you. So we'll get it done.

12           And I will give you a list ahead of time  
13 so you can let me know if I've missed anything. But  
14 I did start going through the last meetings pulling  
15 out agenda items that I thought you wanted to hear.

16           VICE CHAIR HERRERA: Thank you.

17           CHAIRPERSON MATHIS: Okay. I apologize,  
18 Michelle. We've gone way over what I should have  
19 for giving you a break.

20           Is anything else on agenda item VII?

21           VICE CHAIR HERRERA: Madame Chair, what I  
22 would like to do if -- when we get back from break  
23 is can you do public comments before -- hear from  
24 individuals we haven't heard from --

25           CHAIRPERSON MATHIS: Agreed.

1           VICE CHAIR HERRERA:  -- before we go into  
2 executive session?

3           CHAIRPERSON MATHIS:  We'll do that.

4           So let's take just a brief recess.  Ten  
5 minutes.  It's 5:12 p.m.

6           (A recess was taken from 5:12 p.m. to  
7 5:29 p.m.)

8           CHAIRPERSON MATHIS:  Okay.  We'll enter  
9 back into public session.  The time 5:29 p.m.

10           And our next item on the agenda -- we're  
11 going to skip VIII and do call for public comment  
12 first.

13           So I've got a few request to speak forms,  
14 and if anybody else spoke earlier and wants to speak  
15 again, feel free to let us know.

16           First up is Judith Dworkin, attorney for  
17 Navajo Nation.

18           JUDITH DWORKIN:  Do I have to pull hard?

19           Can you hear me?

20           No.

21           CHAIRPERSON MATHIS:  It has to be really  
22 close.

23           JUDITH DWORKIN:  It has to be really  
24 close.  Okay.

25           Can you now hear me?

1           Okay. Good afternoon. My name is Judy  
2 Dworkin -- or Judith Dworkin. That's spelled  
3 D-w-o-r-k-i-n, from the law firm of Sacks Tierney,  
4 and I represent the Navajo Nation.

5           And as you've heard previously, the  
6 Navajo Nation is primarily spearheaded by the Navajo  
7 Nation Human Rights Commission that's appeared  
8 already before you.

9           And I just have a few specific comments  
10 that I would like to make.

11           The first is to address some questions I  
12 think you had earlier with regard -- they were  
13 directed to I believe either Mr. Burke or to one of  
14 the other people from Flagstaff regarding  
15 communications with other tribes that would be  
16 incorporated within the Legislative or Congressional  
17 district, which is very similar in the Flagstaff map  
18 and in the Navajo Nation map that was presented to  
19 you I believe last week.

20           The Navajo Nation has communicated with  
21 every tribe that is included in that district. For  
22 some of them we have meetings scheduled.

23           It is anticipated that we would try to  
24 obtain tribal council resolutions that we could  
25 provide to the Commission that would certainly

1 identify the fact that these tribes would like to be  
2 within the same Congressional or Legislative  
3 district as the Navajo Nation. So that's what we  
4 intend to do, and I hope that is responsive to the  
5 question that you had asked much earlier in the day.

6 Second of all, we have submitted and I  
7 spoke to the assistant Kristine -- yes, Kristine  
8 regarding the maps that we have sent. I believe  
9 they have all -- you've received those in a  
10 Maptitude form, but at the last meeting that  
11 Mr. Gorman was asked -- that Mr. Gorman was at, I  
12 believe there was a discussion of some lands that  
13 the Navajo Nation owns but are not held in trust.  
14 There is specifically three different tracts of  
15 land.

16 The Winslow tract, which is northeast of  
17 Winslow, the he Espil Ranch, E-s-p-i-l, Ranch, which  
18 is northeast of Flagstaff and the Boquillas Ranch  
19 which is north of Seligman.

20 And I have -- I was e-mailed but it was  
21 after I was on my way here this afternoon that map,  
22 and I will send that on to the Commission tomorrow  
23 so that you will have that map as well identifying  
24 where those specific ranches or lands are.

25 They are not held in trust but they are

1 owned by the Navajo Nation, and we consider those a  
2 community of interest with the Navajo Nation. And I  
3 believe that all of those are within the maps that  
4 we have provided to the Commission and they are  
5 similarly within the map that Flagstaff has also  
6 provided to the Commission today.

7 That's my second point.

8 My third point is that -- and at  
9 Mr. Burke's urging, I would like to reiterate the  
10 fact that the City of Flagstaff and the Northern  
11 Arizonans would like to have you hold another  
12 meeting before the second round in Flagstaff, and  
13 Mr. Burke whispered to me as he was leaving, maybe  
14 you could suggest to them that they do the  
15 September 9th and 10th meeting Flagstaff.

16 So without having much commitment to  
17 that, I'm iterating his request that I let you know  
18 that.

19 And finally, I believe that you have  
20 scheduled, although I actually couldn't find it on  
21 my phone as I was looking through, a second-round  
22 meeting that may be the second one in Window Rock  
23 for the September 27th, and I am to advise you that  
24 the Navajo Nation has secured a site on  
25 September 27th at the Navajo Nation Museum

1 auditorium, Window Rock, Navajo Nation, state of  
2 Arizona. So that location has been secured for your  
3 use on that day.

4 Those are all of my comments, and I will  
5 take any questions that any commissioner would have.

6 Thank you.

7 CHAIRPERSON MATHIS: Thank you.

8 COMMISSIONER MCNULTY: Ms. Dworkin, could  
9 you spell the name of Boquillas Ranch, please?

10 JUDITH DWORKIN: Boquillas, it's the  
11 B-i-g, then B-o-q-u-i-l-l-a-s.

12 COMMISSIONER MCNULTY: Thank you.

13 CHAIRPERSON MATHIS: Thank you very much.

14 JUDITH DWORKIN: Thank you very much.

15 CHAIRPERSON MATHIS: Okay. Mohur Sidhwa,  
16 representing self from Pima.

17 MOHUR SIDHWA: Yeah, I'm representing  
18 myself. Nobody is paying me. I'm just doing this  
19 on my own time.

20 As most of you know, I've been going to  
21 almost all of the meetings and most of the hearings  
22 that we had in Southern Arizona where people spoke  
23 to you.

24 And I was intrigued by a number of  
25 things, and one of the things I did notice that the

1 people -- can you hear me?

2           That the people who wanted to keep Yuma  
3 together didn't look like the people who were  
4 sitting behind me with the Hispanic Coalition. And  
5 there are almost about a hundred-plus Latinos living  
6 in Yuma County. And the unique characteristics and  
7 voting pattern do need to be considered and  
8 respected.

9           So it was just a thought that the  
10 southern minority/majority district that the  
11 Hispanic Coalition came up with, maybe it could be  
12 brought into it.

13           Because I was thinking, they have a lot  
14 in common -- there's all of that agriculture area in  
15 Yuma and it goes directly -- you know, comes from  
16 the border. There's a lot of travel between the two  
17 from the agriculture area to the new Yuma Port of  
18 Entry and there are also improvements being made to  
19 the Nogales area Port of Entry.

20           Again, Commissioner Herrera, you may  
21 understand this more, but keep in mind who wants  
22 these places to be in one city versus who doesn't.  
23 And you may kind of want to keep that in mind.

24           Another thing that concerned me, I am  
25 concerned about packing. So I don't know if the

1 data on that grid was current data of where the CDs  
2 are, where they were when the Department of Justice  
3 initially approved them. They may have been 50,  
4 52 percent, but you certainly don't want to make it  
5 60, 65 percent and stuff like that. That's  
6 absolutely packing and the DOJ may have problems  
7 with that also. Just a thought.

8 I mean well.

9 Thank you all again.

10 CHAIRPERSON MATHIS: Thank you.

11 Frank Bergen, representing self from  
12 Tucson.

13 FRANK BERGEN: Bergen is B-e-r-g-e-n.

14 And I thank you, Madame Chairman, and  
15 commissioners for the opportunity to be here.

16 I guess -- there we go. Is this okay?

17 In the interest of transparency and  
18 openness, I'm a Democrat. I've been active in many  
19 Democratic campaigns statewide and in Pima County  
20 over the last several election cycles.

21 And being slightly more specific, in the  
22 2008 election campaign, I made a contribution to  
23 Mr. Andrei Cherny who was running for State  
24 Treasurer.

25 That seems to become a pertinent item in

1 the record of the Commission, so I just thought that  
2 I would let you know that I, too, have made such a  
3 contribution.

4 And I would add to that the interesting  
5 observation that Mr. Cherny's campaign chairman was  
6 Southern Arizona's most prominent Republican, the  
7 recently retired Congressman Jim Kolbe, and that's  
8 spelled K-o-l-b-e.

9 I'm here today to speak about  
10 transparency and openness. And I think that there  
11 are some items which may or may not be pertinent. I  
12 think they are pertinent or I wouldn't be up here  
13 talking about them, that to the best of my knowledge  
14 have not been made a matter of public record.

15 Early in last year's campaign season, a  
16 body cropped up in the Tucson area called  
17 Conservatives for Congress Committee. And that  
18 committee seemed at the very beginning to limit its  
19 efforts to personal and political attacks on the  
20 incumbent in Congressional District 8. After a  
21 time, it broadened its area to include the incumbent  
22 in Congressional District 7.

23 It even after the primaries were over and  
24 the incumbents had challengers, the Conservative for  
25 Congress Committee did very little to advocate for

1 those candidates but continued the unremitting  
2 attacks upon the incumbents.

3           At the same time -- and actually earlier,  
4 there came into existence, and I don't know just  
5 exactly when, an outfit -- an entity called the  
6 Tucson Business Fellowship, which is a group of  
7 conservative Christians in the business community in  
8 Tucson who meet monthly for breakfast.

9           The October meeting was given over to an  
10 endorsement extolling of the two Republican  
11 candidates in CD7 and CD8, including an exercitation  
12 to the attendees to make contributions to their  
13 campaigns.

14           Now, what is pertinent about this is  
15 that -- and I believe it's not yet part of the  
16 record -- that Commissioner Stertz, in his own  
17 words, was likely involved with Conservatives for  
18 Congress and is the CEO of the umbrella  
19 organization, Vision 360 for Tucson, which includes  
20 in its elements, the Tucson Business Fellowship.

21           Now, none of what either of these  
22 organizations has done is anything wrong or to be  
23 hidden or to be backed away from, I'm sure, but I  
24 think that it should be on the record that these  
25 organizations have this commonality that

1 Commissioner Stertz is involved or has been involved  
2 with them.

3 I don't know whether Conservatives for  
4 Congress is still in existence, but certainly the  
5 Tucson Business Fellowship and Vision 360 for Tucson  
6 are.

7 As a matter of fact, just about four  
8 weeks ago, the Arizona Corporation Commission  
9 received recorded -- accepted an application for  
10 incorporation as a not-for-profit entity of For  
11 Tucson.

12 With that, I hope that this particular  
13 bit of information, now that it is on the record,  
14 will fade as it should, along with a lot of other  
15 extraneous material into the background so that the  
16 five of you who are doing a marvelous job can  
17 continue with your work.

18 It certainly is not going to be in peace  
19 and quiet, but I hope it can be done with a certain  
20 degree of acceptance by the people of Arizona for  
21 whom you are working, and I thank you again very,  
22 very much.

23 CHAIRPERSON MATHIS: Thank you.

24 Nancy Hawkins, representing self from  
25 Pinal County.

1           NANCY HAWKINS: Do you need me to spell  
2 my name?

3           H-a-w-k-i-n-s.

4           I'm just a regular citizen, and I've only  
5 been able to attend all of one meeting. It was the  
6 first meeting that you had down here in Casa Grande.  
7 It was in the evening. And I just have one concern.  
8 Only half of the Commission was able to make it at  
9 that time.

10           But for us to be fairly represented, and  
11 that's the goal, is for us to be fairly represented  
12 when this is all done, I did have some concerns  
13 because a good part of that meeting between public  
14 officials and at the end, the Commission, a good  
15 part of it seemed to have been focused on  
16 competitive districts.

17           And it's my understanding that this is  
18 the last of the requirements. That the other  
19 requirements are supposed to be of priority concern  
20 and then if the other concerns have been met, then  
21 competitive districting can be taken into effect.

22           I understand it has to be taken into  
23 effect, but in order for us to be better  
24 represented, I would hope that the focus isn't on  
25 competitive districts, which it seems to be for

1 some.

2 Thank you.

3 CHAIRPERSON MATHIS: Thank you.

4 And Mr. Muratore I think also wanted to  
5 speak. And anybody else that's already spoke --  
6 okay, and Mr. Kelley, you'll be next.

7 STEVE MURATORE: Thank you, Madame Chair,  
8 commissioners. My name is Steve Muratore,  
9 M-u-r-a-t-o-r-e. I publish the Arizona Eagletarian  
10 and I just have one brief point.

11 At a meeting a week or two ago, David  
12 Cantelme, who represents Fair Trust, called me a  
13 liar. I had right before that expressed my concern  
14 that this Commission had made a decision on the  
15 choice of a mapping software for public use based in  
16 part on a risk that had been identified pursuant to  
17 a letter that he submitted to you.

18 Now, I've looked at that letter, and I've  
19 considered what you guys have decided and it's very  
20 clear that my concern and what I indicated that  
21 Mr. Cantelme intended, to at minimum, issue a veiled  
22 threat of litigation and that you guys made your  
23 decision, at least in part on that basis, is true.  
24 And it's important to me that Mr. Cantelme does not  
25 go without having that called to attention.

1           So that's what I needed to say.

2           Thanks.

3           CHAIRPERSON MATHIS: Thank you.

4           Mr. Kelley.

5           JAMES KELLEY: James Kelly, K-e-l-l-e-y.

6           Madame Chairman, thank you so much for  
7 allowing me to speak again today and to address this  
8 Commission again, which I'm actually starting to  
9 enjoy on a regular basis now.

10           One of the things that I'm very concerned  
11 with is the sort of backing away from the  
12 three-border Congressional district idea.

13           I urge this Commission to please figure  
14 out a way to continue to meet the constitutional  
15 criteria and all of the other criteria before you  
16 just abandon the three-Congressional district idea.  
17 There's got to be a way to do this.

18           I think it's best for the state of  
19 Arizona, which is why we are here. We are also  
20 looking at the fact that there are three very  
21 distinct military presences along the border.

22           Sierra Vista has Fort Huachuca; Tucson  
23 has Davis-Monthan Air Force Base; and Yuma, of  
24 course, has the Marine Corps, along with the Barry  
25 Goldwater Bombing Range, which I don't consider a

1 military installation because it's shared by all of  
2 the other -- all of the military installations. We  
3 also have Luke Air Force Base up here in Phoenix to  
4 consider as well.

5 But with the three-border district, if  
6 only one congress person is in charge of the  
7 district that encompasses all three of those  
8 military bases, whatever happens with that goes with  
9 the wind of who gets elected.

10 If you decentralize the power structure  
11 of whose those districts are in, I think it would be  
12 better for the state of Arizona.

13 Secondly, they have very distinct  
14 missions and very distinct communities of people,  
15 whether it be Army, Air Force, or Marine Corps.

16 The point is, yes, it's all one military,  
17 but we were talking about very different needs  
18 economically, very different needs socially, very  
19 different needs communally.

20 So please do not abandon the three-border  
21 district -- Congressional district idea. Figure out  
22 a way to do it.

23 I do want to commend the Arizona Hispanic  
24 Coalition for Better Government -- Better  
25 Government, I think is what it is. I think they did

1 a fantastic job in their due diligence and the  
2 research, particularly for CD4, except for that  
3 little annoying issue of packing. To go up to  
4 60 percent when previously they were at 57 percent,  
5 it bothers me a little bit. Well, it bothers me a  
6 great deal. I don't like packing. And packing is  
7 Jim Crow ghettoizing of districts and I don't like  
8 it.

9           Something that happens on the East Coast  
10 often is as previous -- as minorities, ethnic  
11 minorities rise in economic status -- they do their  
12 best to move out of poorly-performing districts or  
13 ghettoized districts.

14           And what happens then is during  
15 redistricting, those politicians who have always had  
16 them before then want to reach their fingers out to  
17 where their people moved to. And this has happened  
18 in Tucson.

19           As Hispanics have gone to the University  
20 of Arizona, as their economic status has risen, they  
21 have done their best to get out of the barrio and  
22 buy new houses, bigger houses particularly in my  
23 very Panathenaic neighborhood and precinct and they  
24 want a way from those politics of that district but  
25 the district keeps wanting to reach back and grab

1 them back and say, nope, you're our people and we  
2 need you to maintain these levels of  
3 minority/majority for the district. So keep that in  
4 mind as well.

5           Let's try to meet the DOJ criteria with  
6 the understanding that there's a heck of a lot of  
7 Hispanics who have risen in economic status and it's  
8 amazing how having a mortgage and children can turn  
9 you conservative in this country, particularly in  
10 Southern Arizona.

11           Younger ones around the university area,  
12 of course, they don't have as much invested but the  
13 others do and they want out of it. They want out of  
14 the ghetto district, they want out of the barrio.  
15 So let's not force a grab for them just for ethnic  
16 superiority in a particular district.

17           So please keep that in mind. And be  
18 willing to give up South Yuma for the river district  
19 so they could have continuity, so they can have Yuma  
20 in one district, and so that the people of Yuma can  
21 have a unification with the rest of the districts  
22 and the rest of the counties that are along the  
23 river for their economic prosperity that we need to  
24 be looking at in terms of a desalination plant and  
25 in terms of a port of Arizona at the mouth of the

1 Colorado River.

2           So these are all things that I want you  
3 all to keep in mind while you make the decision and  
4 when you make the final decision in all of your  
5 little what-ifs, don't abandon the three  
6 Congressional district criteria.

7           Thank you very, very much.

8           CHAIRPERSON MATHIS: Thank you.

9           Anyone else?

10           I don't have any or request to speak  
11 forms.

12           Okay. So the time is now 5:51 p.m., and  
13 the only item left on the agenda is number VIII,  
14 report legal advice and direction to counsel  
15 regarding Attorney General inquiry. The Commission  
16 may vote to go into executive session which will not  
17 be open to the public for the purpose of obtaining  
18 legal advice and providing direction to counsel.

19           So with that, is there any update that  
20 our legal counsel wanted to provide in public?

21           JOSEPH KANEFIELD: Madame Chair, it would  
22 be our suggestion that the Commission go into  
23 executive session so we can give you legal advice  
24 and to give you an update on the Attorney General  
25 investigation.

1 CHAIRPERSON MATHIS: Okay. Is there a  
2 motion to go into executive session for these  
3 reasons?

4 VICE CHAIR HERRERA: Should we take a  
5 quick break to allow people to exit?

6 CHAIRPERSON MATHIS: Well, yeah, I mean,  
7 they can exit as we go into -- as we do this motion.

8 COMMISSIONER MCNULTY: I'll make a motion  
9 that we go into executive session to get legal  
10 advice and give direction.

11 CHAIRPERSON MATHIS: Okay. Is there a  
12 second?

13 VICE CHAIR HERRERA: I second that.

14 CHAIRPERSON MATHIS: All in favor?

15 ("Aye.")

16 CHAIRPERSON MATHIS: Any opposed?

17 Okay. We'll exit out of public session.

18 The time is 5:53 p.m. and enter into  
19 executive in a minute. We'll wait. Take a quick  
20 break.

21 (Whereupon the public session recessed  
22 and executive session ensued.)

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24 \* \* \* \* \*

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1 (Whereupon the public session resumes.)

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

4 The time is 6:35 p.m.

5 VICE CHAIR HERRERA: Is that being  
6 recorded?

7 CHAIRPERSON MATHIS: Good point.

8 COMMISSIONER STERTZ: We've done other  
9 meetings that don't have video.

10 CHAIRPERSON MATHIS: So we'll go ahead  
11 and adjourn the meeting.

12 The time 6:37 p.m.

13 (The meeting concluded at 6:37 p.m.)

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I, MICHELLE D. ELAM, Certified Reporter  
No. 50637 for the State of Arizona, do hereby  
certify that the foregoing 282 printed pages  
constitute a full, true, and accurate transcript of  
the proceedings had in the foregoing matter, all  
done to the best of my skill and ability.

WITNESS my hand this 7th day of  
September, 2011.

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MICHELLE D. ELAM  
Certified Reporter  
Certificate No. 50637