

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Wednesday, October 5, 2011
2:56 p.m.

Location

**Fiesta Resort - Galleria Ballroom
2100 South Priest Drive
Tempe, Arizona 85282**

Attending

Colleen C. Mathis, Chair
Jose M. Herrera, Vice Chair
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Ray Bladine, Executive Director
Buck Forst, Information Technology Specialist

Mary O'Grady, Legal Counsel
Joe Kanefield, Legal Counsel

Reported By:
Marty Herder, CCR
Certified Court Reporter #50162

Phoenix, Arizona
October 5, 2011
2:56 p.m.

P R O C E E D I N G S

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: Good afternoon. This meeting of the Arizona Independent Redistricting Commission will now come to order.

Today is Wednesday, October 5th. And the time is 2:56 p.m.

Let's begin with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Let's begin with roll call.

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.

(No oral response.)

CHAIRPERSON MATHIS: We have a quorum.

Other folks around the room today, our legal

1 counsel, Joe Kanefield and Mary O'Grady.

2 Our mapping consultant, Willie Desmond.

3 We have a court reporter, Marty Herder.

4 Our chief technology officer, Buck Forst.

5 And in the back of the room, we have Mr. Ray

6 Bladine our executive director, our public information

7 officer Stu Robinson, and public affairs coordinator -- or

8 outreach coordinator Karen.

9 And anybody else that I'm missing?

10 Okay. I think that's it.

11 Our next item on the agenda after call to order is

12 working on the legislative map, but we -- I understand -- I

13 had hoped that actually the meeting could begin in my

14 absence.

15 I had a work commitment that I couldn't get out

16 of, so I apologize for the lateness, but I thought the

17 group -- that there would be a quorum where you guys could

18 begin public comment, but unfortunately we didn't have a

19 quorum. So the meeting had to be delayed for the start.

20 I have a few folks here who would like to speak,

21 so we thought we'd go ahead and just start with public

22 comment now. And unless -- and if you prefer to wave me off

23 and say you'd like to talk at the end of the meeting, that's

24 fine too.

25 But just I'll go ahead and read names and go from

1 there.

2 So, let's see, our first speaker is Patrick Kraus,
3 government relations director, City of Chandler, from
4 Maricopa County.

5 VICE-CHAIR FREEMAN: I think it's Patric.

6 CHAIRPERSON MATHIS: Oh, sorry.

7 It's Patric?

8 PATRIC KRAUS: Yes.

9 CHAIRPERSON MATHIS: Sorry.

10 PATRIC KRAUS: Madam Chair, my mayor is on his
11 way, and he -- I just put my submittal in case he couldn't
12 be here. He's like a mile away.

13 CHAIRPERSON MATHIS: Okay. We'll come back to
14 you.

15 PATRIC KRAUS: Thank you.

16 CHAIRPERSON MATHIS: Sara Presler, mayor of the
17 city of Flagstaff.

18 SARA PRESLER: Good afternoon, Independent
19 Districting Commission, Madam Chair, members of the
20 Commission and to the staff, thank you for the opportunity
21 for the address you related to the legislative district map.
22 We want to emphasize to you on behalf of the city of
23 Flagstaff -- my name is Sara Presler, S-A-R-A,
24 P-R-E-S-L-E-R -- that there were two versions presented at
25 the previous meeting on Monday when we got together. There

1 was option one and option two.

2 And we provided the preference for option two over
3 option one on behalf of the municipality.

4 Last night we had a public meeting where, again,
5 redistricting was on our public agenda before the city
6 council and the entire community and streamed through 65,000
7 homes, 100,000 homes in the metropolitan area, to which the
8 council unanimously gave the thumbs up that version two is
9 in a better direction for our region than version one for
10 the following reasons.

11 Number one, compliance with the Voting Rights Act
12 is essential. In particular, Sections 2 and 5 should be at
13 your attention, not only from the Navajo Nation but across
14 the state of Arizona.

15 Second, compliance with the constitutional
16 requirements is essential. And we cannot compromise on the
17 constitution.

18 So it's important then that we look at the values
19 placed and look at maps under the lens of the constitution.

20 Third, competitiveness. It's very important that
21 either party or an Independent have an opportunity to have a
22 fair and meaningful electoral process in our district.

23 We believe that the citizens are best represented
24 at the end of the day by someone who is elected in the most
25 competitive manner.

1 Many of you know, but if you don't, municipal
2 elections are nonpartisan elections. You see the best
3 person moves forward, and so I can speak firsthand by
4 sharing with you that competition is a good thing and the
5 ability to have an open dialogue and to be able to be
6 responsive to multiple parties is important.

7 And, finally, communities of interest. Fellow
8 commissioners and Madam Chair, tomorrow you'll be hearing in
9 particular from chief executive officers and business
10 leaders from the Flagstaff area, as well as Flagstaff Forty
11 and the chamber of commerce and municipality will be back
12 tomorrow to emphasize to you the importance of not
13 regressing in our representation of native populations, the
14 importance of having a map that is competitive. But at the
15 end of the day, an importance to have a map that represents
16 communities of interest. And for, us there have been
17 multi-million dollar significant investments from our
18 municipality and from our business community to try to
19 develop meaningful and intentional economic agenda for our
20 region that will benefit the entire state.

21 So in a congressional district we gather many
22 communities of like interest. In a legislative district we
23 become more narrow.

24 So we have opportunity and will continue to
25 consult with the Navajo Nation.

1 The Hopi Tribe should be here tomorrow we expect.

2 I just want to thank you for your engagement of
3 the public. And on behalf of the all citizens in the city
4 of Flagstaff, we just want to reemphasize to you to focus on
5 the Voting Rights Act, the constitution, competitiveness,
6 and communities of interest.

7 Thank you for your time.

8 CHAIRPERSON MATHIS: Thank you.

9 I would just note to the public anybody who does
10 plan to address us later this week, this is a special
11 situation where we're doing public comment right now.
12 Public comment will be at the end of the meeting the next
13 few days, so just so you can plan accordingly.

14 SARA PRESLER: Thank you.

15 CHAIRPERSON MATHIS: Leonard Gorman, executive
16 director of Navajo Nation Human Rights Commission.

17 LEONARD GORMAN: Good afternoon, members of the
18 Commission, Madam Chair, people in the audience and
19 listening on the Internet.

20 I just want to express a few things.

21 First is the maps that were published on Monday.
22 The options one and two 8As. Navajo Nation has very strong
23 concerns about option one 8A.

24 Primarily because it does not meet the Voting
25 Rights Act requirement threshold for the current district,

1 Legislative District 2. And that is a source of our very
2 strong concerns.

3 Second, Navajo Nation respectfully requests of the
4 Commission to perhaps give the Navajo Nation and the City of
5 Flagstaff the opportunity to come to some resolutions over
6 some concerns as to the option two 8A concerns.

7 And we have been diligently making an effort to
8 work on perhaps some alternative opportunities to come to
9 some resolution over some of the issues as Navajo has strong
10 concerns about the community of interest over the
11 competitiveness. And we understand and appreciate and
12 respect the City of Flagstaff's concerns with regard to
13 assuring competitiveness, and it will be part of their
14 iteration.

15 We would like to have an opportunity to come
16 together with the City of Flagstaff, perhaps this evening or
17 early tomorrow morning, and bring back hopefully a map that
18 would be of agreement.

19 And Navajo Nation wishes to relieve the Arizona
20 Redistricting Commission from wrestling with concerns and
21 issues of the northern part of the state of Arizona.

22 So we'd like to make that request to, to the
23 Commission, and start with other areas of the map in the
24 state of Arizona and see if it gives us an opportunity to
25 come back in the morning.

1 Madam Chair, thank you.

2 CHAIRPERSON MATHIS: Thank you.

3 Our next speaker is Jay Tibshraeny -- forgive my
4 mispronunciation -- mayor, city of Chandler.

5 JAY TIBSHRAENY: Good afternoon.

6 CHAIRPERSON MATHIS: And if you could spell your
7 name for the court reporter.

8 JAY TIBSHRAENY: Yes, my name is Jay Tibshraeny,
9 mayor of Mesa(sic). You know how to spell my first name;
10 right? J-A-Y. An easy name. Tibshraeny is T-I-B, as in
11 boy, S-H-R-A-E-N-Y. I just learned how to spell it
12 recently.

13 Anyway, thanks for letting me come and testify
14 I'll try and be brief. And thank you all of you for your
15 work.

16 I don't know if you all realized what you were
17 getting into. I followed this real close ten years ago when
18 that process occurred, and it's time consuming. I'm sure
19 that the pay is worth it and thank you for doing it.

20 I was going to testify on the legislative map.
21 Our preference is option two.

22 It's by far and away our preference is option two
23 in Chandler.

24 It's more compact for our community. It protects
25 our community and the communities of interest within our

1 community, including our older areas of the city that have
2 large minority populations.

3 Under this option, we are not as diluted by other
4 municipalities as we are in the other option.

5 This will make it more likely that somebody from
6 Chandler has an opportunity at least to be elected, contrary
7 to the other map. And as the fourth largest city in the
8 state of Arizona, that is important to us.

9 So those are my comments on the legislative map.
10 And I know you guys are taking feedback.

11 And then the only comment I would like to make on
12 the congressional map that had been passed and is now
13 receiving input from the citizenry. Given that how that map
14 has turned out, I think that Chandler has a lot more in
15 common with the competitive district, and we're broken up
16 into two now. But I would be very happy if all of Chandler
17 was in the competitive district. I think it's more in line
18 with my community and the way my community interacts in the
19 state.

20 Thank you.

21 CHAIRPERSON MATHIS: Thank you very much.

22 Our next speaker is Arch McGoyle --

23 ARCHIBALD MCGILL: McGill.

24 CHAIRPERSON MATHIS: -- McGill, representing self,
25 from Maricopa.

1 ARCHIBALD MCGILL: Yes. I'm a resident of
2 Desert Mountain in northern Scottsdale, and I far prefer
3 option two.

4 It doesn't appear to me that the community of
5 interest in option one is correct. We have much more in
6 common with the surrounding communities of Carefree. We are
7 in Scottsdale. And Cave Creek.

8 And so I far prefer -- and the people I have
9 talked to at Desert Mountain far prefer option two.

10 As it relates to the congressional districts, I
11 just don't understand how you have broken that up. I've not
12 had an opportunity to study it in any great depth. But just
13 looking at the squiggles on the map, it just didn't make
14 sense to me, and I would like to understand what the logic
15 is of that.

16 Thank you.

17 CHAIRPERSON MATHIS: Thank you.

18 Oh, can you spell your name for the court
19 reporter?

20 ARCHIBALD MCGILL: It's -- my real name is
21 Archibald, A-R-C-H-I-B-A-L-D. My last name is McGill, M-C,
22 capital G-I-L-L.

23 CHAIRPERSON MATHIS: Thank you.

24 Our next speaker is Mohur Sidhwa, representing
25 self, from Tucson.

1 MOHUR SIDHWA: Although I wasn't here Monday, I
2 was paying attention by Internet.

3 One of the maps, and I think it may have been
4 option two, I don't know enough about Maricopa County, but I
5 do know my own city, Tucson. And in one of them, the center
6 of Tucson seems to have been split apart into more than one
7 district.

8 And I don't think that's appropriate, because
9 that's where we have downtown and right next to that is the
10 university.

11 Right next to that is -- are where the professors
12 live, I think Sam Hughes neighborhood.

13 And you go north, again you are talking about UMC.

14 And basically that area is a community of interest
15 from an economic sense. And with regards to the
16 intellectual give and take that is required in a university
17 area, and also with regards to, I guess, education funding,
18 university funding, all that stuff, I really do think that
19 the core of Tucson should not be broken up.

20 Yes, we do need to find population someplace.

21 The other problem I had with that particular one,
22 we have two very delightful natural boundaries, as per the
23 constitution. We have a river and we have I-10.

24 So we seem to have kind of -- part of that one
25 District 10, is what I'm talking about, seems to go north of

1 river quite a bit into a completely different area.

2 A lot of retirees over there.

3 And then you have, you know, the university also
4 down south.

5 I just wanted to suggest you look at option one.

6 I think that was the McNulty option, I hope. I
7 don't know my options. Sorry.

8 But whatever that option was, but the one where
9 the university area is part of the center of Tucson, not the
10 one that goes all the way north of River Road. That one was
11 kind of frightening.

12 Thank you.

13 CHAIRPERSON MATHIS: Thank you.

14 MOHUR SIDHWA: You'll have to figure out which
15 option I'm talking about, because I was looking at the two
16 options.

17 CHAIRPERSON MATHIS: Thank you.

18 Next speaker is Jim March, second vice chair Pima
19 County Libertarians.

20 JIM MARCH: Sorry about the long trek there.

21 Folks, thank you. My name is Jim March. Last
22 name spelled same as the month.

23 I would like to talk to you -- I'd like to help
24 you, if I can, understand that you've been threatened with
25 lawsuits a lot.

1 And I've spoken before that I'm concerned that
2 those lawsuits are creating undue pressure on this
3 Commission.

4 You need to remember something that I learned a
5 while ago from observing police misconduct cases. There's a
6 strong presumption that what a public official does is legal
7 unless it's proven very strongly otherwise.

8 So your job is to come up with a set of maps.

9 As long as you don't really seriously screw it up,
10 the presumption is going to be that you did the job that you
11 were given.

12 You are also created as an independent Commission.
13 That is supposed to mean independent of the normal state's
14 political power structure.

15 And if you are now currently upsetting the
16 political power structure, guess what, it means you're doing
17 your job right.

18 We now finally have some e-mails floating around,
19 and they're available on Steve Muratore's website among
20 other places, linking finally officially, if you want to
21 call it that, Fair Trust and David Cantelme who pays the
22 bills and those guys, to the state's power structure.

23 There's no question.

24 Russell Pearce, and that whole crowd, behind him
25 from day one, and we, you know, we've finally done that once

1 and for all.

2 And I understand that they're upset with you.

3 Cool. Excellent. Means you're doing it right.

4 You can't get sued for doing your job.

5 And if you do your job -- and one last thing is I
6 really do hope that you make the DOJ clearance the first
7 time.

8 Try hard, guys. Because if you do that, it will
9 put a quash on a lot of the legal pressures you're facing.
10 So really push that one hard.

11 Last thing I want to say is I think the idea of
12 taking District 1, the congressional map, and linking it to
13 the border in a tiny little chunk out in right field is a
14 good idea.

15 Because when people elect a politician to that
16 district, if they want to elect somebody who pays attention
17 to border issues, he'll have that extra little bit of clout
18 he'll want -- he might want for that issue in congress to
19 say, yeah, I'm a border congressman. He'll have that
20 option.

21 And that's really all that matters, because border
22 issues affect all of Arizona, at least all the way up
23 through Maricopa County.

24 Because the largest land based drug smuggling
25 corridor in America right now is in Nogales, Tucson, Phoenix

1 corridor.

2 From there drugs go all over the place.

3 But that's the big area mostly affected by border
4 areas, and all of those politicians should care if they
5 serve the people of those areas.

6 But by producing at least on paper a third
7 district without completely rejigging the whole south end
8 of the state, I think you've done a pretty good compromise
9 in that area.

10 So, you know, chin up. Don't worry so much about
11 the pressure, you know.

12 Get her done.

13 Thank you.

14 CHAIRPERSON MATHIS: Thank you.

15 Our next speaker is Susan Leeper, representing
16 self, from Scottsdale.

17 SUSAN LEEPER: I'd like to start with a quote that
18 was in today's newspaper, Arizona Republic.

19 This is from Stuart Rothenberg, a national
20 political analyst who publishes the nonpartisan Washington,
21 D.C., based Rothenberg political report.

22 He says: It is a map with significant partisan
23 implications. It really helps Democrats and screws
24 Republicans. This was just a wholesale redrawing of the
25 state, and I think the Democrats have to feel really good

1 about that.

2 That's the way I feel too.

3 I'm here to discuss the division of Scottsdale
4 into several legislative districts. But before I do that, I
5 first wanted to mention something I heard, that there was
6 another, quote, off-the-record exercise between two
7 commissioners recently to redraw the congressional district
8 maps, again, in violation of the open meetings rule.

9 I don't know why this is allowed to continue to
10 happen.

11 Scottsdale is basically a rectangular city
12 situated on a north-south plain and is a well-functioning,
13 cohesive, suburban city with a total population of less than
14 203,000.

15 The city council runs as six at large districts
16 because the citizenry favors good governance for all, not
17 catering to special interests who might choose to carve out
18 a district.

19 I have concerns especially about the strategy to
20 cut Scottsdale in such a way that this carve out cuts into
21 Russell Pearce's current district so that Randy Parraz can
22 run against him in the next cycle.

23 The population of Scottsdale is made up of almost
24 half transplants from Chicago, New York, Minnesota, and
25 Wisconsin.

1 These are hardly Republican areas, but people
2 repeatedly testify about Democrats being a minority.

3 For state legislative purposes, a few streets have
4 been shaved off the southern part and a few off the
5 northwestern part. These areas adjoin areas with
6 commonality of topography and do not snake and ramble.

7 If population growth is such that a new more
8 streets should be shaved off, keep things limited and
9 compact and keep the core of Scottsdale whole by running the
10 LD border to border from east to west.

11 Keep the north-south core intact.

12 The current maps slices and dices Scottsdale with
13 scalpel-like precision, snaking it east-west to include
14 commercial and light industrial areas, different school
15 districts, different police, fire, and sanitation districts.

16 To date the Commission has held few, if any,
17 hearings in Scottsdale, yet our small city is being
18 butchered.

19 Why? What are you doing to us?

20 I feel like Scottsdale is the bad boy in the
21 neighborhood.

22 One can only conclude that this is gerrymandering
23 to disfranchise the city -- citizens of Scottsdale and
24 stifle our voices.

25 It's a sad commentary indeed.

1 CHAIRPERSON MATHIS: Our next speaker is Joshua
2 Offenhartz, maybe.

3 JOSHUA OFFENHARTZ: You got it right.

4 CHAIRPERSON MATHIS: Oh, yay, thank you.
5 Representing self, from Scottsdale.

6 JOSHUA OFFENHARTZ: Good afternoon,
7 Madam Commissioner, fellow commissioners. Thank you for
8 letting me speak.

9 I had a map to present. I didn't know if now
10 would be -- last name is O-F-F-E-N-H-A-R-T-Z.

11 I had a map to present. I gave it to Mr. Desmond.
12 And I've got hard copies. Is that something that I can
13 present to you now?

14 CHAIRPERSON MATHIS: How long is the presentation?

15 JOSHUA OFFENHARTZ: Very quick.

16 CHAIRPERSON MATHIS: Sure. Go ahead.

17 JOSHUA OFFENHARTZ: So, as I said, my name is Josh
18 Offenhartz. And I'm a resident of Scottsdale and a native
19 Arizonan.

20 I come before you today to present a legislative
21 map which I believe reflects the stated interests of this
22 Commission and residents of the metro portions of the
23 northeast valley.

24 This maps works with either option one or
25 option two.

1 Our role is to get accurate and constitutional
2 requirements for the northeast valley.

3 Before I begin, and in the spirit of transparency
4 and openness, I would like to tell you a little bit about
5 myself.

6 I was born downtown in Phoenix at Good Samaritan
7 Hospital and grew up in north Phoenix before moving to
8 Tucson where I attended Sabino High School and the
9 University of Arizona. Bear down, go Wildcats.

10 Upon graduation I made my way back to Phoenix to
11 begin a master's degree in public administration at Arizona
12 State University, which I completed this summer. It was
13 during my final semester at ASU when I became aware of the
14 Independent Redistricting Commission and the redistricting
15 efforts.

16 I began attending meetings to gain a firsthand
17 perspective for a paper that I happened to be writing about
18 the unique nature of Arizona's redistricting process
19 nationwide.

20 As you have noticed, I liked what I saw, and I
21 continue to attend many of the Valley's meetings and watched
22 others via live stream.

23 As a young professional interested in Arizona's
24 future, politics, and government, I have no problems to you
25 admitting that I have volunteered, interned, and worked for

1 both political parties in the state of Arizona.

2 My goal for public service has always been to make
3 Arizona a better place to live.

4 I am a product of our state's education system, I
5 have struggled to start a career, and one day I love and
6 hope to begin my family and raise it right here in Arizona.

7 I don't have a political agenda, just a genuine
8 concern for the state's future and my community's
9 representation for the next ten years.

10 So now I'll get to my map.

11 This map is specifically designed for the
12 northeast metro region, and it was based on the six criteria
13 in Prop 106, testimony from the commissioners as yourself,
14 and comments and wishes from the general public which I've
15 observed and heard during my time at the meetings.

16 I spent considerable time reaching out to anyone
17 and everybody, and I do mean anyone and everyone, that
18 wanted to give input.

19 This includes but is no way limited to ordinary
20 residents, homeowners, business owners, local school board
21 officials, locally elected officials, and really anyone else
22 that got a hold of my cellphone number and wanted to chat.

23 As you can see on the map, our main goal here was
24 to keep Scottsdale as whole as possible.

25 Mayor Lane has come out and spoken about the

1 north-south access and how that is critical, and likewise
2 keeping the community of interest.

3 I think that the maps that have been presented so
4 far, I agree with some of the comments, really do
5 disenfranchise Scottsdale voters. It separates them into at
6 least two but up to four different regions. And like
7 everyone has said before, this is a community that has its
8 own interests.

9 I agree with making two districts that are cut
10 east-west as opposed to north-south, and I would argue that
11 districts that I have as 23 and 24 represent communities of
12 interest.

13 In the sake of this map, I'd say that it works
14 well with some of the other presentations that you've been
15 given. And, like I said, it does work with options one and
16 options two that you yourselves have worked on.

17 Considering the fact that neither of these
18 four districts, but specifically 24 and 23, are
19 majority-minority districts, we can kind of disregard, but
20 we didn't have to weigh in the Hispanic population as a
21 factor, although it is nearly 20 percent in both districts.

22 And on top of all of these lines, which really do
23 keep Scottsdale whole, they are relatively competitive.

24 I admit that I have the public version of
25 Strategic Telemetry, the mapping software, which doesn't

1 give me as good of analytics as you have. But based on the
2 2008 and 2010 numbers for the legislative races, they were
3 within seven points both years.

4 Since this Commission has not voted on a
5 definition, I felt, well, that wouldn't be as competitive as
6 I'd like to see, it has been in the range that you've
7 accepted as possible.

8 What we wanted to do is also go into the northeast
9 Valley. And the reasons for that were several of the maps
10 that you have, especially in the Cave Creek, Carefree, north
11 Phoenix area, break into different school districts. They
12 separate different communities, specifically -- I'm nervous,
13 I'm sorry. It's intimidating here.

14 But there are school districts splits in the north
15 Phoenix and the Scottsdale areas. In Scottsdale proper, as
16 the legislative map shows, you would be breaking up that
17 Scottsdale school district.

18 You know, those are places where I went to school,
19 where I've got siblings going to school, and it really --
20 it's a community.

21 So I won't take up too much more of your time, but
22 I hope that if you do, as you move ahead with the
23 legislative process, that I will give serious to these ideas
24 and really work to keep Scottsdale and the northeast valley
25 whole and also with a metro focus.

1 Rural communities to the north, as has been
2 testified, have different interests, immediately, and then
3 also as we look ahead ten years. And I think that those are
4 important differences that need representation.

5 Last thought I'll leave you with is something that
6 I've seen and I've observed here. As we move into
7 legislative process and as we think ten years ago, I think
8 it's critically import to disregard Ds and Rs and, you know,
9 really focus on Arizona.

10 Republicans and Democrats in Scottsdale and in
11 Tucson and in south Tucson and in Yuma and Bisbee, they have
12 different interests.

13 And if we focus on the letters D and if we focus
14 on the letters R, we're not going to hear the voices of the
15 different interests, whether it's business or border or
16 farming or cattle ranching or metro or rural. So I really
17 hope that you'll keep that in mind as we specifically focus
18 on the legislative maps. Just because it's a D-R split does
19 not mean the Ds and Rs have the same agenda and have the
20 same interests.

21 And with that, thank you for your time. And I
22 look forward to today's meeting.

23 CHAIRPERSON MATHIS: Thank you for your input.

24 The next speaker is Brandon Gavino, representing
25 self, from Phoenix.

1 BRANDON GAVINO: Thank you. Good afternoon.

2 G-A-V-I-N-O.

3 Sorry. I'm not that great of a public speaker.

4 Basically first I want to just say thank you to
5 the Commission. You guys are doing a real good job.

6 I know you guys are getting a lot of criticism for
7 doing a lot of different things. You're getting lawsuits
8 from all these people. You know, press releases are flying
9 out saying that, you know, you guys are all partisan, you're
10 not doing what's best for Arizona.

11 I mean, even though the votes that are coming down
12 look like they're partisan, I'm sure that, you know, you all
13 have some basic agreement there, and it's not, you know,
14 like some people are saying where, you know, Republicans are
15 being completely disfranchised by the Democrats on the
16 Commission or vice versa.

17 Anyways, I just wanted to come here today because
18 I was following the Monday meeting online, and basically,
19 you know, we started out with a map Monday morning, and it
20 very quickly moved to a very different map, from my
21 community, which is north Phoenix, and I think there's an
22 issue that I'd like to comment to the Commission for.

23 On Monday a gentleman commented that the Anthem
24 community had more in common with the Cave Creek than being
25 placed in a district that included the northwest valley

1 communities of Surprise and Sun City.

2 But I believe the same holds true for my
3 neighborhood, which is the Sonoran Foothills development in
4 north Phoenix.

5 In the new Monday map, Anthem was moved into
6 District 6, and the Sonoran Foothills neighborhood east of
7 I-17 and south of the Carefree Highway were added to
8 District 8.

9 I have more interest with the District 6 folks of
10 Tramonto and actually my -- the rest of my neighborhood,
11 which is 1,000 yards south with my community association
12 pool and tennis courts and stuff like that, and it's a
13 completely separate district, District 6. And I'm in
14 District 8.

15 Basically I think our community is more closely
16 aligned with District 6 because the majority of our
17 association resources and basically the entire rest of our
18 community is in District 6.

19 We are cut off as a little slice coming out of
20 there.

21 Our issues in our neighborhood are the same that
22 are a quarter mile north in Tramonto. They're the same as a
23 quarter mile south in, you know, the rest of the Sonoran
24 Foothills neighborhood.

25 And even the maps, we're in the same city council

1 district. We're in, you know, we're in the same state
2 legislative district. In the current map you proposed for
3 the state legislature we're also in the same district there.

4 And I just think that our community, our
5 neighborhood, is better served by being placed in
6 District 6.

7 I mean, I-17 has been a divider between the
8 northwest valley and the northeast valley since I can
9 remember.

10 I mean, when you say west valley, usually you're
11 talking about something west of the 17.

12 But, you know, we're kind of thrown in there with
13 them.

14 Anyways, I just wanted to thank the Commission for
15 its time in hearing my comments.

16 I'm sorry if I was fast and it's a little
17 informal, but thank you.

18 CHAIRPERSON MATHIS: Thank you.

19 COMMISSIONER McNULTY: Madam Chair.

20 Mr. Gavino, you mentioned Tramonto.

21 BRANDON GAVINO: Yes.

22 COMMISSIONER McNULTY: Could you spell that?

23 BRANDON GAVINO: T-R-A-M-O-N-T-O, I believe.

24 COMMISSIONER McNULTY: And is that a neighborhood?

25 BRANDON GAVINO: Yeah, it's a community that's

1 just north of Carefree Highway right off the I-17.

2 COMMISSIONER McNULTY: Okay. Thank you.

3 BRANDON GAVINO: Thank you.

4 CHAIRPERSON MATHIS: Thank you.

5 Our next speaker is Jesus Rene Lopez, Jr.,
6 representing self, from Chandler.

7 JESUS RENE LOPEZ, JR.: Hello.

8 I just wanted to express my interest in that I
9 would like the priority to be community of interest over a
10 lot of the other requirements. I know there are a myriad of
11 them.

12 However, being from Chandler and seeing some of
13 the previous proposed maps, I really do appreciate the
14 Commission's flexibility in retaining most of Chandler with
15 Maricopa and some of the other historical legislative
16 districts.

17 I have reviewed the maps recently but not knowing
18 where precinct boundaries lie, I cannot comment on them yet,
19 but I can do want to express that communities of interest
20 being my priority.

21 Thank you.

22 CHAIRPERSON MATHIS: Thank you.

23 Our next speaker is Kenneth Dowlin, from Maricopa.

24 KENNETH DOWLIN: Good afternoon. I appreciate the
25 opportunity to address you.

1 I only have three simple things to say.

2 Number one is, I appreciate a lot of the work that
3 you have done. But in the previous meeting we're headed in
4 the paper and you're working really hard and I appreciate
5 that on our behalf.

6 Secondly, I appreciate the opportunity to take the
7 little online instruction on the map drawing. And I will
8 say I got lost right away.

9 And so I will leave that up to the experts.

10 But I would like to tell you my experience though
11 as a person coming to Arizona six years ago. We were not
12 involved at all in what was going on in politics until about
13 three years ago, and we met a candidate that we thought we
14 could respect and we could support and get energized. And
15 we worked really hard on the campaign, only to find out that
16 we live in a noncompetitive district.

17 I do feel that it's very important for us to have
18 competitive districts, because two things happen that I
19 think are behind the scenes.

20 One of them, after working very hard for the
21 candidate and never having an opportunity to see the other
22 two opponents, because there were two seats, there were
23 three candidates, two from one party and one from the other,
24 and obviously mine was from the other party. I was
25 astonished that I had no opportunity because the two

1 candidates from the major party didn't bother to come to
2 community meetings and forums, didn't bother to come to the
3 debate, the televised debate.

4 Didn't bother to tell us that they weren't going
5 to come to the debate.

6 And it was from very frustrating to find out that
7 I -- unless you're in the inner group, running these
8 noncompetitive districts, there's virtually no way to have
9 any influence to meet them even. I went to the capital
10 building a couple of times hoping I could meet them. But I
11 did not have that opportunity.

12 I found that very devastating because my entire
13 adult life after voting age has been involved in
14 understanding and communicating and believing that
15 involvement is critical.

16 And so I was just really -- and our friends and
17 the people, we're just like, wait a minute, this isn't
18 right.

19 So I appreciate this opportunity and the hard work
20 you're doing to try to make this a better state.

21 CHAIRPERSON MATHIS: Oh, sorry, sir, do you mind
22 spelling your name for the record?

23 KENNETH DOWLIN: I put that down as first thing to
24 do. Kenneth, K-E-N-N-E-T-H, Dowlin, D-O-W-L-I-N.

25 CHAIRPERSON MATHIS: Thank you.

1 Our next speaker is Brad Lundahl, from the city of
2 Scottsdale.

3 BRAD LUNDAHL: Good afternoon, Madam Chair,
4 members of the Commission.

5 I even made notes to spell my name this time too
6 because I forgot last time. Last name is Lundahl,
7 L-U-N-D-A-H-L. And I'm representing the city of Scottsdale
8 today.

9 We took a look at the maps, the current
10 legislative district maps, and we noticed that, at least in
11 one district, Legislative District 23, that there was
12 essentially a urban-rural split of this district.

13 And while we appreciate that Scottsdale was kept
14 to, I think, three districts, I think to satisfy the
15 communities of interest requirement that it would probably
16 be better to drop off some of those rural areas.

17 One of the areas, I think, even goes into a north
18 piece of Mesa.

19 Again, that's what we feel might not be a
20 community of interest to Scottsdale residents.

21 And we feel that for at least two districts there
22 should be core Scottsdale districts.

23 And we would suggest that instead of being out
24 west of Scottsdale, out in the rural areas, that you instead
25 move the boundaries towards -- or, I'm sorry, out to the

1 east, I've got everybody lost now, that you move the
2 boundaries more towards the west and in towards
3 Paradise Valley, in towards Phoenix, and more closer to the
4 51 corridor.

5 The Scottsdale communities have much more in
6 common with these areas. They look very similar. The
7 demographics are similar. These are some of the few areas
8 where you're driving and can't really tell you're in one
9 community or the other, but you know you're in a community
10 that is similar.

11 So with that, again, we would ask that, that these
12 be looked at. And if changes could be made, that's what I
13 would request would be, and I'd be happy to answer any
14 questions.

15 CHAIRPERSON MATHIS: Any questions?

16 (No oral response.)

17 CHAIRPERSON MATHIS: Thank you very much.

18 BRAD LUNDAHL: I did note that the map that was up
19 earlier was more towards what we were thinking.

20 CHAIRPERSON MATHIS: Okay. Do we know which -- I
21 don't know which map that was.

22 BRAD LUNDAHL: The map that was just up a minute
23 ago.

24 CHAIRPERSON MATHIS: Oh, that the gentleman just
25 presented?

1 BRAD LUNDAHL: Yeah.

2 CHAIRPERSON MATHIS: Great.

3 BRAD LUNDAHL: As far as I could tell, that was
4 much closer to what we were thinking.

5 CHAIRPERSON MATHIS: Perfect.

6 BRAD LUNDAHL: Thank you.

7 CHAIRPERSON MATHIS: Thank you.

8 Our next speaker is Emily Verdugo, representing
9 self, from Pinal County.

10 EMILY VERDUGO: Good afternoon, Madam Chair,
11 commissioners. My name is Emily Verdugo, V, as in Victor,
12 E-R-D-U-G-O.

13 And I have been following the process. I've been
14 attending meetings. And watching via live stream when I
15 can.

16 But lately I've noticed something disturbing to
17 me.

18 Some hired attorneys have stood here almost at
19 every meeting to list their objections. And they usually
20 begin with comments like the greatest good for the greatest
21 number of people.

22 I am not a hired attorney.

23 I am a citizen of this great state who wants to go
24 on the record to highlight that by creating truly
25 competitive districts, this Commission achieves the greatest

1 good for the greatest number of people.

2 The voters adopted this process to empower me, an
3 engaged citizen, to have a voice. Not hired guns
4 representing entrenched special interests.

5 This attorney represents the Fair Trust. And his
6 entire reason to be before this body is to be a bully, to
7 call out objections, and to disrupt their work so his
8 statements can be used for legal challenges.

9 The motivation behind this group is to maintain
10 the status quo.

11 Fair Trust attorneys want to derail your work of
12 balancing multiple interests.

13 Please understand there is a natural, cultural,
14 economic, and historical link that runs from the rocks of
15 the Grand Canyon to the four corners of this state.

16 The counties of Apache, Navajo, Coconino, and
17 Yavapai make up roughly 334,000 of the voting age of this
18 district.

19 This is balanced with the 375,000 voting age
20 population from Pinal, Pima, Graham, Greenlee, Gila, and
21 Cochise.

22 Pinal County, under this scenario, has the largest
23 concentration of vote age population, the proposed
24 Congressional District 1.

25 This district is truly competitive.

1 Voter registration figures need to be evaluated
2 because as the Commission is fixed on competition, this
3 district is at 50/50.

4 In 2008, President Obama lost this district.

5 This map is not perfect, but it does achieve the
6 greatest good for the greatest amount of people.

7 Again, thank you for allowing me to speak.

8 CHAIRPERSON MATHIS: Thank you.

9 Our next speaker is Lynne Breyer, representing
10 self, from Scottsdale.

11 LYNNE BREYER: Thank you.

12 My last name is spelled B-R-E-Y-E-R.

13 It's been my experience, and I've lived way too
14 long already, that in these kind of situations a Commission
15 such as your own can do one of three things. You can either
16 make everybody equally miserable with your decisions, which
17 means you're probably doing your job. Or you can make
18 everybody equally happy, which means you're doing your job
19 and also creating a miracle. Or you can make one group
20 extremely happy and another group extremely unhappy, in
21 which case you're not doing your job.

22 And that's what I see happening here.

23 That you are making one group extremely happy and
24 another group extremely unhappy.

25 And I was interested in the early comments about

1 the Rothenberg report because that seems obvious to people
2 outside of the state.

3 So I think that if you really are interested in
4 doing your job the way the voters intended you to do in
5 Prop 106, that you will reconsider some of these decisions
6 that you've made along the lines of the map.

7 I'd like to just comment quickly on the
8 congressional map. And I live in both Scottsdale and
9 Pinetop up in the White Mountains.

10 And the congressional district map one, you have
11 created a map is truly ridiculous.

12 We have a ridiculous map now that doesn't work.
13 And now you're going to give us another ridiculous map that
14 doesn't work.

15 And I do not understand why the new map includes
16 urban areas and rural areas, which have absolutely no common
17 interest. And I'd also like to know why this map wraps
18 around and pick ups the casino area of Pinal County, which
19 is -- definitely has no community of interest with the rural
20 areas that make up most of this map.

21 And you've cut Cochise County in half. And my
22 friends in Cochise County are very annoyed about this,
23 because they have a community of interest that's being split
24 up.

25 So I would like to ask you to please reconsider

1 this map.

2 I understand -- I was here on Monday. I saw it as
3 a ramming this map through without allowing at least all of
4 the commissioners to review this map in detail. And I do
5 not think that is the way the citizens of Arizona expected
6 this to happen.

7 I'd also like to comment on the legislative map as
8 regards Scottsdale.

9 We have a community of interest as a city. We
10 have, we have now three different districts which has
11 created all kinds of havoc with residents who don't know
12 what district they're even in because their neighbor one
13 street over is in a completely different district.

14 We have a community of interest. We have a common
15 government. We have common shopping. We have common
16 everything.

17 And so to divide the city of Scottsdale up, which
18 is not exactly a huge metropolitan area, into three or more
19 sections makes absolutely no sense from a community of
20 interest standpoint.

21 We also have the strong community interest with
22 the city of Fountain Hills.

23 We are in that district now. That has been a
24 competitive district in the past.

25 My neighborhood, my precinct where I live, is

1 almost equally one third, one third, one third.

2 Registration.

3 So I think that's pretty competitive.

4 So to break that up into pieces to satisfy some
5 weird unexplained objective makes absolutely no sense to me.

6 So I would respectfully ask that you keep the city
7 of Scottsdale in one whole piece, and also include
8 Fountain Hills, which the two cities are practically one.
9 They are -- have grown together, and they share everything
10 together.

11 So thank you very much.

12 CHAIRPERSON MATHIS: Thank you.

13 Our next speaker is Michael Liburdi from
14 Fair Trust.

15 MICHAEL LIBURDI: Madam Chair, members of the
16 Commission, good afternoon.

17 That's Michael Liburdi, L-I-B-U-R-D-I,
18 representing Fair Trust.

19 And I'm here to give a few comments. I've heard
20 some today about legal challenges and whatnot.

21 You know, I agree with them. I think -- I agree
22 with those comments. I think it would be nice if we could
23 come up with consensus maps. I think it would be nice if
24 all stakeholders could get together and come up with
25 compromise maps.

1 I think it would be nice if Mr. Freeman and
2 Mrs. McNulty could come up with compromise maps that make
3 everybody happy.

4 You're not going to please everybody 100 percent
5 of the time, but if you could please everybody a little bit,
6 that's something that we could all go home with and be proud
7 of.

8 But unfortunately, based on what came out of this
9 Commission on Monday, that doesn't seem to be the case.

10 Fortunately, that is, there's time to correct some
11 of the problems.

12 I'm not going to go into those.

13 You've heard some today. You're sure to be
14 hearing about them in the future.

15 So, again, I strain to see how that congressional
16 district map is anything other than a gerrymander.

17 There are few good points with Mrs. McNulty's
18 option too.

19 I do agree with much of what's in here. I agree
20 with much of what's in Mr. Freeman's map.

21 Something that I don't -- that I fail to
22 comprehend in option two version 8A is how the Commission
23 could justify breaking apart LD 11, which is probably one of
24 the most historically competitive districts that the former
25 IRC drafted.

1 That district has had split representation for
2 most of the past ten years.

3 And what it does is it slices and dices LD 11,
4 bringing its southern boundary -- or dividing it into two,
5 bringing its southern border down to Van Buren Street. And
6 it's very difficult to see how, how there could be any
7 community of interest there by dividing it north and south
8 like that, when the -- when that district should be kept
9 very much intact, similar to the way it was.

10 Of course, changes need to be made, but why tinker
11 with something that hasn't been broken.

12 Again, another example, proposed LD 15.

13 Why are we putting Cave Creek, Carefree, Anthem,
14 New River, in with the rural district.

15 These are growth areas in north Phoenix. They've
16 traditionally been in with Phoenix area legislative
17 districts. They've had good representation.

18 And that should continue.

19 It does not make sense to gerrymander them out of
20 Maricopa County.

21 One final example, proposed LD 11. We've heard a
22 lot of testimony over the past several months that residents
23 of Oro Valley, residents of Saddlebrooke, and residents of a
24 portion of Marana would like to stay in Tucson.

25 Yet this map proposes putting them with

1 Casa Grande.

2 They specifically asked this Commission to keep
3 them out of Pinal County to the -- to as much -- to the
4 extent possible.

5 So, let's see, let's see if we can come up with a
6 compromise.

7 There needs to be time to study these maps.

8 The commissioners have put a lot of time into
9 these maps.

10 The public needs a chance to digest them. To see
11 what better could be done. Let's come up with something
12 where we could go to the comment period and everybody's
13 happy with and that we can hit the ground running for the
14 next legislative elections.

15 Because I will, you know, I will say this, and
16 some people aren't going to be happy, but, but there -- you
17 know, legal challenges are not off the table.

18 We saw it last go-around.

19 There's a good chance that we could avoid it this
20 go-around.

21 But if not, so be it.

22 Thank you very much.

23 CHAIRPERSON MATHIS: Thank you.

24 Our next speaker is Jeanie McGill, representing
25 self, from Maricopa.

1 (No oral response.)

2 CHAIRPERSON MATHIS: I don't see -- okay. Thank
3 you.

4 So that was my last request to speak form.

5 The time is 3:47.

6 Do we want to take a quick break and then start up
7 on the legislative?

8 So it's 3:47. We'll take a ten minute recess.

9 (Brief recess taken.)

10 CHAIRPERSON MATHIS: Recess is over. We'll enter
11 back into public session.

12 The time is 4:17 p.m.

13 And thank you all, public, for commenting and
14 giving us your feedback and input.

15 We appreciate that.

16 The next item on the agenda is number two.

17 Review, discussion and direction of mapping
18 consultant regarding the development of a legislative
19 district draft map based on constitutional criteria.

20 And when we last met on Monday, we had started to
21 go through two different versions of a legislative district
22 map, one that Commissioner Freeman presented and one that
23 Commissioner McNulty presented. And they kind of walked us
24 through how they created each district, which was very
25 helpful.

1 And I believe -- there's been additional
2 discussion when we last left on Monday that we all agreed
3 we -- our, you know, number one criteria is to comply with
4 the Voting Rights Act, and so we want to ensure that the
5 minority-majority districts are built into the map from the
6 beginning and that those benchmark levels are maintained
7 or -- let's just say maintained.

8 So we wanted to make sure that we did that on both
9 maps.

10 And then we also talked about a process for how do
11 we bring these two maps together.

12 Is there a way to find common ground between the
13 two versions, and start to put that into a single map that
14 we'll all work from.

15 So that's kind of a recap of where we were, at
16 least as of Monday afternoon.

17 Have there been any new developments or anything
18 that I missed from Monday?

19 WILLIE DESMOND: I don't think so.

20 CHAIRPERSON MATHIS: Okay.

21 MARY O'GRADY: Madam Chair, if it's helpful, we
22 can talk more about some of the voting rights issues, and
23 maybe kind of go around the state and do that.

24 CHAIRPERSON MATHIS: That would be helpful.

25 MARY O'GRADY: And in terms of what you look at on

1 the screen when we have the conversation, you kind of have
2 three choices. You can look at the benchmark districts if
3 you'd like to. You can look at either of the options we
4 discussed the other day.

5 But I'll just go through and talk about the
6 benchmark -- about some of the benchmark analysis that we've
7 been discussing with the mapping consultants.

8 Starting in the northern part of the state, we
9 have the Native American district that was a majority
10 Native American voting age population.

11 Right now the benchmark is at 58.99
12 Native American voting age population.

13 At the time of preclearance it was 62 percent.

14 Also just to comparing in terms of the status of
15 the benchmark district, it was 35,000 some people
16 underpopulated.

17 So the challenge up there is maintaining that
18 benchmark Native American voting age population of
19 58.9 percent while making sure that it has enough
20 population.

21 And it's not that it's lost population. It just
22 hasn't grown at the rate of some others in the state.

23 And the two alternatives that we looked at Monday
24 took some different approaches, and we've also seen some
25 proposals from the Navajo Nation in terms of how to maintain

1 that benchmark.

2 My thought on that frankly other than kind of
3 alert the issue that that should be the target to try to
4 maintain that benchmark, subject to we are, as we've always
5 said, doing, you know, more detailed analysis, but the sense
6 is that we should maintain that benchmark level.

7 And it sounds like Flagstaff and the Navajo might
8 be talking some more about some of that corner of the state,
9 and we might get some more information at least from their
10 perspectives tomorrow.

11 So we can talk more or just move on to a different
12 part of the state.

13 The next part of the state might highlight in
14 terms of the voting rights issues, southern Arizona.

15 And in terms of the benchmarks in southern
16 Arizona -- and that's Tucson, and southeastern, southwestern
17 Arizona. We'll talk about them all together.

18 There were two benchmark districts in the Tucson
19 area. Districts 27 and 29 under the old map.

20 Oh, and if it's helpful, in terms of perspective
21 from the Native American district, again it's old
22 District 2, new District 7.

23 In the Tucson area, there were two urban districts
24 that were benchmarks, 27 and 29.

25 Those are right now at the edge of being --

1 they're like 49.89 Hispanic voting age population,
2 49.81 Hispanic voting age population.

3 So they have -- at the time of preclearance last
4 time they were both less Hispanic, 53 -- 43 percent and
5 45 percent voting age Hispanic.

6 And that's what, when we've looked at these
7 demographics over the decade, we see a lot of just
8 increasing -- the Hispanic districts becoming kind of more
9 Hispanic over the course of the decade. And that's
10 certainly what happened in 27 and 29.

11 Also we had two areas that we looked at as a
12 potential opportunity to elect under the benchmark in
13 southeastern Arizona.

14 The district that included parts of Cochise
15 County. I believe that was 25. And 24 in southwestern
16 Arizona was parts of Yuma.

17 Right now, those districts, Yuma is now -- the
18 District 24 is at 51 percent HVAP, although at the time of
19 preclearance it was 41 percent HVAP. So it has had
20 significant Hispanic growth.

21 And in the southeastern district, 25, remains
22 under majority Hispanic voting age population.

23 As far as the -- so we had two urban districts and
24 then two rural districts where there was some sort of
25 opportunity to elect.

1 Under the alternatives that we -- that were
2 discussed Monday, it took different approaches to southern
3 Arizona. The option two had three majority southern Arizona
4 majority voting age Hispanic southern Arizona districts, and
5 those were, in that map, Districts 2, 3, and 4.

6 Two -- and this, when I say option two, that was
7 the one that Commissioner McNulty presented.

8 Two included parts of Tucson and then Santa Cruz
9 County and the border communities in Cochise.

10 Four included the Tohono O'odham over to parts of
11 Yuma County.

12 And then three was in the urban area.

13 And those were -- the Hispanic voting age
14 population in those districts, District 2 was at 61 percent,
15 District 3, 51 percent, and District 4 at 53 percent HVAP.

16 And then Commissioner Freeman's map had also had
17 two majority or close to it Hispanic voting age populations
18 in southern Arizona, District 2 and District 3, at
19 54 percent and 49.7 percent.

20 District 3 is the one that includes Yuma, and
21 District 2 was Tucson proper district.

22 So our recommendation when we were talking and
23 looking at the alternatives and the populations was perhaps
24 to look at trying to maintain three -- or create three
25 Hispanic voting age population districts in southern

1 Arizona, which seemed to be based on the options that we
2 were looking at Monday.

3 Moving up to Maricopa County -- oh, I guess
4 stopping on the way through Pima County -- Pinal County.
5 Pinal County, District 23 was an opportunity to elect
6 district under the benchmark, but it was not and has never
7 been a majority-minority district.

8 At the time of preclearance, it had a Hispanic
9 voting age percentage of 30 percent, and now it's at
10 28 percent. And that's a district that has had the
11 explosive growth, almost doubled in size or more, in
12 Pinal County.

13 And so we're frankly not sure when we look at the
14 map as to whether we're going to be able to preserve the
15 opportunity to elect in that area, but it's worth at least
16 looking at.

17 We also caution that in looking at Pinal County
18 minority districts, that that's an area where the prison
19 population can have an effect when you're building these
20 legislative districts at these sites, because they do have
21 significant prison population in that area.

22 And the mapping consultant does have a chart with
23 some populations that can help with that analysis. So we'll
24 be watching for that.

25 And then moving up to Maricopa County, under

1 the benchmark, district, the -- 13, 14, and 16 were the
2 majority Hispanic districts in Maricopa County under the
3 benchmark.

4 And I also note that District 16 has a substantial
5 African American population and a substantial -- being about
6 15 percent, more substantial than the other areas.

7 And there's been an opportunity to elect
8 African Americans in that district as well.

9 So 13, 14, and 16 are the majority Hispanic voting
10 age population districts under the benchmark. Those are the
11 districts that when the Minority Coalition presented a map,
12 those are essentially the districts that they focused,
13 because they presented us with three districts.

14 Under the benchmarks, the Hispanic voting age
15 population in 13 is 68 percent, in 14, 64.9 percent, and in
16 16 it's 56.7 percent.

17 But when you look at the combined minority,
18 they're all around the same when you add everything,
19 everything up.

20 In terms of other areas where there's an
21 opportunity to elect under the benchmark, 15 was one that is
22 right now a sort of plurality, has 38.46 under the
23 benchmark, and for Hispanic voting age population, and the
24 minority -- majority-minority total is, I believe, about --
25 I believe it's just over 50 percent majority-minority. I'll

1 have to check that number.

2 But that's an area in terms of the benchmark to
3 look at as well.

4 In terms of what the alternatives did that were
5 presented Monday, Commissioner Freeman's alternative, which
6 was option one, created four majority Hispanic districts in
7 the Maricopa County area. And those were -- let me see if I
8 can get the numbers right. Nineteen, 27, 28, and 29.

9 And in terms of how they compared to the
10 benchmarks, 19 is sort of old 13, 27 is essentially old 16,
11 29 let's say is old 14.

12 And some of this is hard to compare.

13 We're trying to look at sort of the heart of the
14 district, and Willie may correct that.

15 And then 28 is old 15, farther to the east.

16 And -- let me see.

17 Represent -- or Commissioner McNulty had three
18 majority Hispanic districts.

19 And those were district -- old District 14, which
20 was District 20 in the McNulty map.

21 There was some difference in numbering on that
22 point.

23 And then basically hers corresponded with the
24 Minority Coalition map, primarily, for the most part there.

25 There are also areas where the people were maybe

1 close to or within striking distance, it looked like, of an
2 opportunity to elect in western Maricopa County. And the
3 McNulty map in the Tempe area, in west Mesa area, and so
4 those are all areas to look at.

5 Our suggestion when we were pooling things and
6 looking at both alternatives was to look at four majority
7 Hispanic districts in the Maricopa County area to see if
8 that's a possible -- possibility.

9 With that, if you had four in Maricopa County,
10 three in southern Arizona, and then preserve the
11 Native American, that's eight benchmark -- eight districts
12 with the opportunity to elect.

13 We've been talking about nine or ten benchmark
14 districts.

15 So, again, as long as there's an opportunity to
16 elect, it doesn't have to get to that majority HVAP number.

17 So just look for substantial minority and Hispanic
18 population, and we'll -- we're doing sort of election
19 analysis we've used. For example, that mine inspector race
20 with the Hispanic candidate from 2010 as maybe a shorthand
21 look and take other shorthand looks to figure out if there's
22 an opportunity to elect while we look at -- kind of drill
23 down on it for more detailed analysis.

24 In terms of the current -- under the current
25 benchmarks overall, they have six minority-majority HVAP

1 districts. And both the proposals that we looked at had six
2 majority HVAP districts.

3 They just were in different places.

4 One option had one additional one in southern
5 Arizona, and the other had an additional one in
6 Maricopa County.

7 So there are different ways to put these together
8 to preserve the opportunity to elect in nine and perhaps ten
9 legislative districts.

10 CHAIRPERSON MATHIS: I hate to ask you this, but
11 can you repeat on the McNulty map which three were the
12 majority-minority and then what the old district is? Sorry.

13 I have number wo which was the old 14.

14 MARY O'GRADY: For Pima County or Maricopa?

15 CHAIRPERSON MATHIS: Just in general, I thought.

16 MARY O'GRADY: Pima County, two, three, and four
17 were the majority -- southern Arizona majority voting age
18 Hispanic districts in the McNulty option two version 8A
19 proposal.

20 And frankly I haven't matched them up to -- or
21 tried to match them up, because -- to what they're -- what
22 they might correspond to in the previous maps, I think for
23 Pima County.

24 CHAIRPERSON MATHIS: Okay. Then Maricopa.

25 MARY O'GRADY: Maricopa --

1 CHAIRPERSON MATHIS: You started with 20 and said
2 it's the old 14.

3 MARY O'GRADY: Twenty, and then I think the other
4 numbers are the same as -- in Commissioner Freeman's
5 alternative. Nineteen is the old --

6 CHAIRPERSON MATHIS: Go ahead.

7 COMMISSIONER McNULTY: Nineteen and 27.

8 MARY O'GRADY: Yeah. And nineteen is the old 13,
9 and 27 is the old 16.

10 CHAIRPERSON MATHIS: Thank you.

11 WILLIE DESMOND: Sort of, you know, if we look at
12 just 20 though, I'd like to -- so you can see it's parts
13 of -- so, the red line is Commissioner McNulty's, so you see
14 there's parts of 12, parts of 13, and parts of 14, and a
15 little part of 15 all included in that.

16 That's, again, because we didn't -- you know, the
17 previous legislative map is not a thing that we've
18 considered at all.

19 You know, the constitution required that we start
20 with the grid and work from there, so we haven't looked at
21 the old map at all up until this point.

22 MARY O'GRADY: And, Madam Chair, yeah, on that
23 point, it's clear. Even though that's now how we draw the
24 maps, so we don't start with the old districts. When we do
25 the voting rights analysis, we start with the old districts.

1 So we thought to kick off that discussion it would be
2 helpful to look at that.

3 And in talking to Bruce Adelson, also makes it
4 very clear that -- and if you read the old objection letter,
5 that's what they're comparing it to. They're comparing it
6 to the old districts and how you shifted population to
7 create the new districts.

8 The other thing we thought while looking at this
9 sometimes it is helpful to sort of look at where the
10 Hispanic population is. You know, you can color code that,
11 and you can see where there might be some additional
12 contiguous high Hispanic areas that aren't included in the
13 majority-minority district.

14 Or you might see some high White non-Hispanic
15 areas that might be removed from some of the minority
16 districts, again, to try to create the opportunities to
17 elect.

18 CHAIRPERSON MATHIS: Any questions or comments on
19 the voting rights analysis so far?

20 VICE-CHAIR FREEMAN: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Freeman.

22 VICE-CHAIR FREEMAN: Counsel, with respect to the
23 Native American voting rights district, we have -- the
24 Commission has a letter from the chairman of the White
25 Mountain Apache tribe asking that his district maintain the

1 status quo, and I think expression of the wishes of that
2 tribe, which I would interpret to be to not be included in a
3 district with the Navajo Nation and the Hopi Nation.

4 What -- how is that stated, to factor in our
5 analysis?

6 MARY O'GRADY: Yes, Madam Chair,
7 Commissioner Freeman -- Commissioner Freeman's referencing a
8 memo, a letter from Ronnie Lupe of the White Mountain -- the
9 chair of the White Mountain Apache tribe, that's dated
10 July 27th, 2007. And that says, as he indicated, that they
11 go on record to maintain the status quo to the extent -- to
12 the maximum extent possible.

13 The reservation currently falls within three
14 separate counties, yet we are one people devoted to the
15 well-being of our tribal members. The present districting
16 plan has served the tribe well. We have had both Democrats
17 and Republicans elected to represent us and all have served
18 us well.

19 And so that's what they have put in the record.

20 In terms of how that affects the analysis, we
21 still have an obligation not to retrogress in terms of
22 Native American representation. And so if we -- if that
23 means we need to include the White Mountain Apache, I think
24 we need to include the White Mountain Apache, but there
25 might be room for more, you know, input along the way on

1 that issue.

2 That's, I think, our view is that we need to
3 maintain the current Native American population in that
4 northern Arizona district.

5 VICE-CHAIR FREEMAN: And, counsel, to follow up on
6 that, with respect to the growth of native population in the
7 state versus the growth of non-native segment of the
8 population of the state, does that factor -- I mean, does
9 native growth, I believe it was about two percent, while
10 everyone else grew about -- the rest of the state grew about
11 five percent. Is that -- how does that factor into the
12 analysis?

13 MARY O'GRADY: I invite Joe to chime in if he'd
14 like.

15 If we -- if because of the population growth, you
16 really just can't get there, you really can't create the
17 majority Native American district, then you're not obligated
18 to.

19 And there's some -- and you just have to -- that's
20 part of your burden of proof at the Department of Justice.

21 The issue here is -- would be, however, that we
22 have proposals like the nomination plan that does not
23 retrogress, that does establish -- that does keep that
24 benchmark level.

25 So I'm not convinced we could meet our burden of

1 proof on that point, because we -- because of those
2 alternative plans.

3 JOSEPH KANEFIELD: Madam Chair,
4 Commissioner Freeman, in the Department of Justice guide to
5 redistricting that they publish before every cycle update,
6 they talk about situations where retrogression may be
7 unavoidable due to population decreases such as you're
8 suggesting.

9 All we note the guidance from the Department of
10 Justice is that in those circumstances, the submitting
11 jurisdiction seeking preclearance of such plan would bear
12 the burden of demonstrating that a less retrogressive plan
13 cannot reasonably be drawn.

14 So it's -- it certainly is possible, but of course
15 the burden would be on the Commission to establish that a
16 less retrogressive plan could not have been done.

17 VICE-CHAIR HERRERA: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Herrera.

19 VICE-CHAIR HERRERA: In addition to that
20 particular district, I would like to focus on the one in the
21 Yuma area. I think Commissioner McNulty's map has it as
22 4 and 14, broken up into two.

23 One of the reasons -- I think this particular
24 version of the legislative map follows very closely the
25 congressional version for that area, and one of the reasons

1 why we ended up splitting it that way not, only based on
2 public comments, but also that particular area, the northern
3 part of Yuma that's currently broken up into 14 has I'm
4 going to say 63,000 in northern county.

5 And we broke it up in the congressional district
6 because even out of 710,000 or so, we feel that that
7 particular area creates a racially polarized voting for the
8 south. I mean, there's a distinction between the southern
9 part of Yuma and the northern part of Yuma that I think that
10 splitting them in half makes sense.

11 The people at southern part of Yuma, Somerton,
12 Gadsden, San Luis, have the ability to elect someone of
13 their choosing. And including the northern population,
14 which is around 63,000, would really prevent them from doing
15 that.

16 So I think I want to be careful when you start
17 lumping them together. And like Commissioner --
18 Chairwoman Mathis, I want to pass preclearance on the first
19 try.

20 And I think Commissioner McNulty is correct in the
21 way she has them out, split them in half. And I think we
22 need to look at that and take that into consideration.

23 Again, if you want to pass preclearance, I mean,
24 that's a -- to me that's one of the areas that I do want to
25 look at in making sure that we do not combine.

1 CHAIRPERSON MATHIS: Any other comments?

2 COMMISSIONER McNULTY: I do think those are some
3 fairly substantial conceptual differences between the two
4 approaches.

5 I don't know if we want to go around and talk
6 about those individually or talk about them generally.

7 CHAIRPERSON MATHIS: Well, it gets to that whole
8 process question of how -- what's the best way to build a
9 map that brings in elements of both of these, and what's --
10 you know, and I think the only way to do it is to grind it
11 out in a meeting and talk about it, each one.

12 But it sounds like we don't have all the input yet
13 for the northeast corner for the Navajo Nation, so I am
14 wondering though if we could, you know, start to address
15 some other parts of the state.

16 VICE-CHAIR HERRERA: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

18 VICE-CHAIR HERRERA: Are we planning to focusing
19 on majority-minority districts first?

20 CHAIRPERSON MATHIS: I think that would make some
21 sense, given it's kind of the number one thing that we need
22 to comply with with federal requirements, so. . .

23 VICE-CHAIR HERRERA: And, Madam Chair, although
24 there are -- the information, there still is information
25 that they'd be able to be providing to us, this is the

1 Navajo Nation and the city of Flag, I still think that their
2 comments are pretty clear, that they did not want to be
3 included in the same district in the legislative map.

4 So that, to me, I think we need to honor that and
5 keep them in separate legislative districts, as
6 Commissioner McNulty's map does.

7 CHAIRPERSON MATHIS: You mean Flagstaff and the
8 Navajo Nation.

9 VICE-CHAIR HERRERA: That is correct.

10 And then putting the tribes together that share --
11 have a shared interest, combining them, and trying to raise
12 that voting strength to as close as 60 percent as possible.

13 I think we can do that. I think -- I understand
14 that the population didn't grow much in that area, but I
15 still think we can include as many of the Native American
16 populations in that one district to increase the -- that
17 particular district to the population requirements and make
18 up the voting, the rest of the population, with areas that
19 won't prevent the Native American people from electing
20 someone of their choice.

21 COMMISSIONER McNULTY: My perspective on that is
22 that, as I understand it, the Navajo Nation and Flagstaff
23 are talking about particulars of how the boundary would work
24 perhaps between the legislative districts that would
25 encompass Flagstaff and the Navajo Nation. So let's set

1 that aside.

2 But I do think it's important not to retrogress
3 and to honor the request to put the tribes together in one
4 district.

5 They have -- Mr. Gorman talked about that a little
6 bit when he was here last time, and we heard quite a bit
7 about it at the Heard Museum.

8 The individual tribes have particular concerns,
9 but they also have huge overriding issues that they share in
10 common, things like maintaining their cultural identity,
11 protecting their religious beliefs and practices, dealing
12 with health issues, dealing with educating their children,
13 and maybe more than anything else relevant to the whole
14 issue of state legislative districts protecting their
15 sovereignty.

16 And I think that the whole issue of retrogressing
17 below the benchmark is critical to all those things to
18 ensuring that they maintain the ability to elect the
19 representative of their choice who can represent the
20 tribe -- be a strong voice for them at the legislature.

21 So it would be my -- it's my perspective that we
22 should follow the framework that has the Navajo, the Hopi,
23 the San Carlos, and the White Mountain Apache together in a
24 legislative district.

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 VICE-CHAIR HERRERA: I do believe that option two
3 does a better job of reflecting the current interests of the
4 Navajo Nation and the American Indian tribes in that area.

5 So at least, I think, we can build around that
6 with option two and see how we can come to an agreement
7 that, that we need to respect the Voting Rights Act and
8 respect the wishes of the Native American tribes by
9 building -- constructing a district that will meet the
10 constitutional requirements.

11 I think there's really no way around it.

12 I mean, we can make -- I understand the population
13 didn't grow as much, but, again, I think our attorney Joe
14 Kanefield said it clearly, so did Mary O'Grady, that we have
15 the burden to prove that we're not retrogressing that area.

16 So I think it would be easier and wiser if we
17 build a district that meets that requirement.

18 CHAIRPERSON MATHIS: Mr. Freeman, do you have any
19 thoughts on if we. . .

20 VICE-CHAIR FREEMAN: Sorry.

21 CHAIRPERSON MATHIS: Go ahead.

22 VICE-CHAIR FREEMAN: The district reflected in
23 option one reflected my understanding and the wishes of the
24 White Mountain Apache Tribe, to keep their district
25 relatively intact, to also include the Yavapai Apaches

1 living in Camp Verde, so that district includes.

2 It also reflects the public comment that I took
3 in from our public comment hearing at the Hon Dah resort
4 outside of Pinetop where we had a lot of members of the
5 public discuss their peak communities of interest, their
6 desire to stay separate from Flagstaff and distinct from
7 them.

8 Their desire to state linked with the White
9 Mountain Apache and San Carlos Apache tribes.

10 That was the basis for the formulation of the
11 district in option one.

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: I would agree with
15 Mr. Freeman's comments if Flagstaff is included with the
16 Navajo Nation.

17 But if Flagstaff is included in its own district,
18 I think the wishes of those tribes, the White Mountain
19 Apache, the San Carlo Apache, that those interests would be
20 met if Flagstaff is not included in that same district but
21 they are included in with the Navajos and Hopis.

22 So their interest would be met if we do what
23 Commissioner McNulty was proposing, by not including the
24 city of Flagstaff, which would dilute the voting power of
25 the Native Americans if they are included, so. . .

1 I think that that particular option two version
2 four of that district, I think it comes closest to meeting
3 those requirements.

4 CHAIRPERSON MATHIS: Maybe we should start down in
5 the southeast corner instead of the northeast corner.

6 COMMISSIONER McNULTY: I'd be happy to talk about
7 southern Arizona a little bit also.

8 CHAIRPERSON MATHIS: It might make some sense
9 until we get -- we receive these formal proposals. I know
10 we did get the White Mountain Apache letter. And it would
11 be good to also get the Navajo input before carving that
12 corner of the state up.

13 So, yeah, let's jump down to number one, at least,
14 on these draft maps.

15 I mean, sorry, they're really what-if scenarios.
16 They're not even a draft map.

17 We've got Cochise whole in Mr. Freeman's map.

18 Mostly whole in Ms. McNulty's.

19 And it looks like they both kind of split
20 Santa Cruz in a similar manner, at least along the border.

21 Or, no, they don't.

22 Yours, this is the county line, I guess.

23 So the McNulty map it's whole; is that right?

24 COMMISSIONER McNULTY: Santa Cruz County would be
25 whole, and it would be in District 2.

1 CHAIRPERSON MATHIS: And it goes into Cochise
2 along the border.

3 WILLIE DESMOND: Is there a map you want me to put
4 up, either option one or option two, to show you --

5 CHAIRPERSON MATHIS: Maybe you should have both.

6 WILLIE DESMOND: I mean, I can --

7 CHAIRPERSON MATHIS: Or between, or is that even
8 possible?

9 WILLIE DESMOND: Well, it is, like right now we
10 have the current district up, and then the -- I guess the
11 red line would be option two, Commissioner McNulty's map,
12 and the blue line would be option -- option one,
13 Commissioner Freeman's map.

14 It might be easier though if we get rid of the
15 current and just put one of those at the bottom and one at
16 the top. I don't know how you want to decide, if you want
17 to flip a coin, how you want to do it, which one should be
18 the base.

19 COMMISSIONER McNULTY: I think it's easier to go
20 back and forth.

21 I found it really tough to --

22 VICE-CHAIR HERRERA: Madam Chair, option one as
23 the base and we can go back and forth that way.

24 WILLIE DESMOND: Yeah. I'll put option one as the
25 base.

1 And I'll add option two as a layer to it, so we'll
2 have the outline at least.

3 And let me know if there's a color that works
4 particularly well for you. I think red seems to stand out
5 pretty well.

6 Blue sometimes. It's all going to get washed up.

7 So going to southern Arizona, if you want to start
8 in Pima and Cochise and some of those areas?

9 CHAIRPERSON MATHIS: Yeah, along one.

10 WILLIE DESMOND: I know this is tough.

11 So the black line is Commissioner Freeman's
12 option one map.

13 District 1, you can see is Cochise, Santa Cruz
14 County, and part of Pima. And that's District No. 1 is --
15 this red line is option two, Commissioner McNulty's map.
16 And there's a red two, so you can see two is the southern
17 part of Cochise County, Santa Cruz, and some other parts of
18 Pima County.

19 I can turn them off individually if that helps or
20 shave them or something.

21 COMMISSIONER McNULTY: You can't just put one map
22 and then the other map?

23 WILLIE DESMOND: Sure.

24 This is, this is option one.
25 Commissioner Freeman's.

1 That's the, that's the base. And I can also again
2 turn this on like the other one.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: Can we have one of the
5 commissioners just talk about their -- if it's option one
6 we're looking at first, if Commissioner Freeman can talk
7 about how he came up with this decision and just talk a
8 little bit about that particular area. And then we can have
9 Commissioner McNulty talk about that same area in her map.
10 If that makes sense.

11 CHAIRPERSON MATHIS: I think it does.

12 Would you guys be open to that?

13 VICE-CHAIR FREEMAN: Sure.

14 The district that I put together, which was
15 option -- District 1 and option one, includes all of Cochise
16 County, keeping that county whole. That is a constitutional
17 criteria, respect for county lines. It keeps all of
18 Santa Cruz County whole. Again constitutional criteria,
19 respect for county lines.

20 It also respects public comment that the
21 Commission took, which I recall hearing public comment and
22 reading public comment about the ties between Santa Cruz
23 County and Cochise County, and they're both rural counties
24 and have some commonality.

25 Putting those two counties together does not make

1 a whole legislative district however. So a logical place to
2 obtain more population in my view was to travel up the
3 transportation corridor, I-19, and include those communities
4 that run along I-19 up to, up to the Tohono O'odham Nation
5 that sits a little short that. And that gave me the
6 necessary population.

7 The little spur that goes up I-19, to the west of
8 it it's relatively lightly population or unpopulated areas,
9 I believe. And so I was able to take some territory over
10 there to make that spur have a little element of compactness
11 to it.

12 Overall the district is fairly compact except for
13 that part that extends up the I-19 corridor.

14 And I think, you know, in addition to compactness
15 criteria, I think there's also -- I think those communities
16 along the I-19, you know, share a common community of
17 interest, they're related to each other, they fit together,
18 which was another rationale for supporting grabbing
19 population there.

20 CHAIRPERSON MATHIS: I was looking at just the
21 compactness measures, because we have both that and
22 competitiveness on the two different versions.

23 Okay. Go ahead, Ms. McNulty, do you want to talk
24 about your one.

25 COMMISSIONER McNULTY: The one is constructed here

1 it includes most of Cochise County and the Rincon Valley,
2 Vail, Corona De Tucson, the very far southeast part of
3 Tucson, which is increasingly connected to the Benson area
4 on the Sierra Vista area.

5 It includes southern portions of Graham County,
6 which have historic and economic ties with Cochise County.
7 Those valleys run north-south.

8 There's a lot of shared ranching activity,
9 agricultural activity.

10 You know, kind of extension, county extension sort
11 of activity that ties those areas together.

12 The border communities of Bisbee and Douglas are
13 with District 2. And the reason that I did that was for --
14 really for majority-minority purposes.

15 So the big differences between the option one
16 approach and the option two approach, with regard to
17 Cochise County, is that it includes what I think are some
18 closely related communities in the non-reservation portions
19 of Graham County.

20 It includes the far eastern, very far eastern
21 parts of the Tucson metro area that are increasingly tied to
22 some of the communities in Cochise County, the growing areas
23 of Benson, St. David, and Sierra Vista.

24 And it -- and we heard a lot of public comment
25 about that recently.

1 And it also excludes, and I think from my
2 perspective this might be the most important part, the
3 Hispanic community in Santa Cruz County and Nogales.

4 That's a border town. It has a much larger
5 Hispanic -- you know, Mexican sister city right across the
6 border with it.

7 And if Santa Cruz County is joined with Cochise
8 County in one district, the HVAP of that district is
9 34.78 percent.

10 So the effect of doing that, I think, is -- the
11 result of that is that the Hispanic community in Nogales in
12 those southern areas of the Santa Cruz Valley will not be
13 able to elect a candidate of their choice.

14 So I handled it a little differently. The
15 District 2 on the option two map keeps Santa Cruz County
16 whole, and then follows the Santa Cruz County River -- I
17 mean the Santa Cruz River, north into south Tucson.

18 And that does a couple things.

19 It is similar to the way the district was drawn
20 20 years ago.

21 It creates a majority-minority district that is
22 grounded in Tucson in kind of an economic corridor that runs
23 south of there that shares -- there's a lot of our tourism,
24 a lot of artistic kinds of endeavors there.

25 A lot of environmental issues and shared common

1 concerns. And that, as I said, the minority-majority
2 component of it.

3 A couple, couple other points. Green Valley,
4 which is fairly different from Sahuarita -- what's similar
5 but different, the composition of Green Valley from a voting
6 perspective is different. Sahuarita is a much more mixed
7 community. It's much more Hispanic.

8 Green Valley is -- really it should be up with
9 Saddlebrooke, if it could be, but it can't. It's where it
10 is.

11 So, so on two, in part because Ms. O'Grady
12 when she first looked at -- when I first, you know, kind of
13 showed her the outline of this was concerned about
14 whether it would work as a voting rights district, I
15 put Green Valley with some of the more similar communities
16 in Cochise County to kind of bulk up the
17 majority-minority -- the strength of this as a
18 majority-minority district.

19 And the last thing I'll say is that the Bisbee,
20 Douglas, the -- you know, the really awful looking thing
21 along the border, the idea there, even though it looks very
22 terrible, is that those communities do have a fair bit in
23 common.

24 And I thought it might -- if we did take this
25 approach, it might be worth getting public comment from

1 folks about, you know, what they thought about that, whether
2 they would like to be in the district with Nogales or
3 whether they would prefer to be in the district with
4 Cochise County.

5 CHAIRPERSON MATHIS: Yeah, that's -- that Cochise
6 area is interesting. Because on our congressional district
7 map, we had public comment, people coming in and saying they
8 like the river district version of the congressional
9 district map better than the everything bagel version one.
10 Because in that one Cochise was whole.

11 And then we ultimately ended up, in order to deal
12 with the voting rights issue in CD District 2, we had to go
13 into Cochise County to get population there. So it ended up
14 splitting Cochise.

15 So it's a conundrum, and it's -- I'm sure going
16 there and going down to Sierra Vista for a hearing, we'll
17 get a lot better sense of what to do.

18 And I guess in the two versions, the only thing
19 for sure is Santa Cruz is whole in both of your versions.
20 So I guess we agree on that.

21 But in order to figure out what -- which way to
22 go, whether we break up Cochise or keep it whole. . .

23 VICE-CHAIR FREEMAN: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Freeman.

25 VICE-CHAIR FREEMAN: I think obviously a part of

1 the analysis is how many benchmark districts we need in
2 southern Arizona.

3 And that's what this one is trying to achieve. I
4 mean, and I understand that.

5 There are some concerns I have about the look of
6 the district, whether we've gone too far. But I think in
7 creating these benchmark districts, at least it's my
8 understanding, and counsel will disabuse me of this
9 understanding if I'm incorrect, but we can't take a blind
10 eye to the other constitutional criteria trying to put these
11 together.

12 And then the other factor is on my version I did
13 not split Graham County. This one does. And I understand
14 the rationale for it, to grab more population. And I just
15 wanted to mention that, that I wanted to try to keep Graham,
16 Greenlee, and Gila County together. We heard a lot about
17 those, the three Gs, eastern Arizona counties, and how they
18 worked together.

19 And so option one in those three counties are kept
20 whole and together.

21 COMMISSIONER McNULTY: I understand it. I think
22 the HVAP in this district two is, as it's configured, would
23 be 61.41 percent.

24 So, you know, I don't -- I'd have to kind of redo
25 it and look at the numbers, but I don't think having Douglas

1 and Bisbee in that district are necessarily essential to
2 making it an effective majority-minority district.

3 So, you know, if the consensus was that we'd
4 rather have a clean line than give the folks in Bisbee and
5 Douglas the opportunity to comment on it, looking as it
6 does, there may be a way to do that.

7 CHAIRPERSON MATHIS: And then in terms of creating
8 sort of a merged map, so to speak, should we just start with
9 a new version, a new template, that puts our ideas together
10 into one? Or what's the best way to do that?

11 WILLIE DESMOND: I would think that it makes sense
12 for the first -- to merge the maps, it would make sense to
13 start drawing these voting rights districts first and kind
14 of work around there. So if we can come to agreement on
15 these nine districts or eight districts that are benchmark,
16 and then kind of grow it from there.

17 But I'll leave it to Mary to suggest.

18 One thing I -- I think it would -- our, you know,
19 at least preliminary analysis has indicated that at least
20 part of Santa Cruz probably needs to go into a voting rights
21 district, because there is a sizable Hispanic population
22 there.

23 So that's maybe one parameter to kind of look at.

24 I don't know if Mary or Joe have others.

25 But we've been trying to really break down these

1 numbers the last couple days, so they might have something
2 to offer also.

3 I need to plug in my computer. Excuse me.

4 CHAIRPERSON MATHIS: We're open to any
5 suggestions.

6 JOSEPH KANEFIELD: Madam Chair, the only thing I
7 want to offer at this time is just to follow up on something
8 that Commissioner Freeman mentioned about -- we do have to
9 create these ability to elect districts, but I agree with
10 Commissioner Freeman that we mustn't disregard the other
11 constitutional criteria.

12 Obviously we have to create the districts so as to
13 obtain voting rights preclearance, but we don't also want to
14 inadvertently create gerrymander districts that exposes the
15 Commission to a Section 2 violation of the Voting Rights
16 Act.

17 So I would urge the commissioners to keep that in
18 mind.

19 I'm not suggesting that the district as presented
20 would do that.

21 But we do -- there is something to be said about
22 the look of these districts. And if there's a way to create
23 these majority-minority districts without -- and also
24 respect the other criteria, then I would urge the Commission
25 to consider that so that we don't inadvertently expose the

1 Commission to a Section 2 violation.

2 CHAIRPERSON MATHIS: So given that, it would seem
3 that, for southern Arizona, Mr. Freeman's one is probably
4 better, although maybe some of Santa Cruz has to come out.
5 I don't know. But Ms. McNulty's Yuma, the way Yuma is dealt
6 with, may be better from a minority -- from a Voting Rights
7 Act.

8 It's not?

9 MARY O'GRADY: Well, Madam Chair, as we started in
10 our opening comments, we all agreed that there -- you should
11 have three majority-minority -- attempts to do three
12 majority-minority districts in southern Arizona.

13 And so that would be one concern.

14 The District 1 -- if you use Cochise County as it
15 is in -- well, so along those lines, the District 2 from
16 Commissioner McNulty's, the problem with that district is
17 whether the Cochise County arm is too ugly, I guess. If it
18 could be more compact.

19 It certainly has community of interest issues,
20 because you're linking border towns. So I don't think
21 that -- I don't think the -- there -- I think it can -- I
22 think it's defensible, but I do think it can be -- this just
23 is working at census tracts as a first cut. It can either
24 be smoothed off or cut off.

25 And it's at 61 percent now.

1 If we went with the Commissioner Freeman approach,
2 the challenge would be creating that -- how do you create
3 that third majority-minority district in southern Arizona.

4 So that's the challenge if you go with the. . .

5 CHAIRPERSON MATHIS: Yeah, but can't, on the
6 Freeman map, the Yuma split be incorporated the way it is on
7 the McNulty map to get that third district in some way? Or
8 no.

9 WILLIE DESMOND: That's already one of them.

10 So they both have the Yuma district --

11 CHAIRPERSON MATHIS: And it's one. Okay.

12 WILLIE DESMOND: That's one of the
13 majority-minority districts.

14 CHAIRPERSON MATHIS: So even though --

15 WILLIE DESMOND: They both have a Tucson district.

16 And then the third one we think probably has to
17 come from Santa Cruz and some other Hispanic area, whether
18 it goes east into Cochise and grabs some of the border town
19 or farther up into Pima to get some of the Hispanic
20 population in Tucson.

21 But it seems, again, we haven't explored every
22 possibility. And we haven't been drawing maps. We've just
23 been kind of analyzing population tables for this, and
24 looking at the different drafts that we've already gone
25 through on the last map, that those are probably the three

1 places that are open to be majority-minority districts.

2 So both of them share, share the Yuma district and
3 the Tucson district, but that's probably -- and I guess
4 Commissioner McNulty was able to get the third one with how
5 she treats Santa Cruz here. So that that would -- in her
6 map, that's the third down here.

7 So. . .

8 MARY O'GRADY: Yeah, it is at 61 percent, so
9 it could probably be lower just based on what the
10 opportunity to elect numbers have been in the past in
11 southern Arizona.

12 COMMISSIONER McNULTY: Mr. Desmond, can you look
13 at what happens if we remove Bisbee and Douglas to the --
14 and we'd need to make up the population.

15 WILLIE DESMOND: Sure.

16 COMMISSIONER McNULTY: Think about how to do that.

17 WILLIE DESMOND: I'm going to create a new plan,
18 so I'm going to leave this one just where it is.

19 It will be one second while I get this.

20 COMMISSIONER McNULTY: Mr. Kanefield, I don't --
21 just to be clear, I don't think you were saying that a
22 compactness problem necessarily causes a Section 2 lawsuit,
23 were you?

24 I mean, I think this is just a -- you know, it was
25 a draft, and it's a rough looking line. But in every other

1 respect it meets the constitutional criteria.

2 JOSEPH KANEFIELD: Madam Chair,
3 Commissioner McNulty, yes, I wasn't suggesting that the map
4 violated any of the other provisions.

5 COMMISSIONER McNULTY: Thank you.

6 JOSEPH KANEFIELD: I should clarify, Ms. O'Grady
7 pointed out that the Shaw v. Reno issue I raised with the
8 look of the map was an actually equal protection violation,
9 not necessarily a Section 2.

10 But it is still a claim, a viable claim that the
11 Commission has to consider. It's an actionable claim
12 against the map that the district is drawn in such a way
13 that it would present a claim under Shaw v. Reno.

14 WILLIE DESMOND: So if you were to remove all of
15 district -- all of Cochise County from District 2, the
16 current number is 61.41.

17 Changes -- the HVAP number drops to 60.8.

18 Although the district is 30,000 people
19 underpopulated.

20 So when you go to add more people, you're probably
21 going to get more Anglo, and that will probably drop a
22 little bit further.

23 COMMISSIONER McNULTY: So we'd have to work on
24 that, but it looks like it will work either way in terms of
25 being a performing Voting Rights Act district.

1 WILLIE DESMOND: If it's -- yeah, if it's a
2 priority to not split that part of Cochise County, there's
3 probably ways of working it, but we have to look into that
4 more.

5 That's something thing we can do, however you guys
6 want to do.

7 You can -- I don't know if you want to start
8 working -- it would be good to start, I guess, theorizing
9 how we are going to work on a merged map.

10 Maybe it's something where we start -- we go back
11 to the original grid map, overlay the two layers, and kind
12 of work district by district, starting with the voting
13 rights districts, something like that.

14 COMMISSIONER McNULTY: You know, I just don't see
15 that working here. I really don't. Because every single
16 thing that you change changes everything else.

17 I think, you know, we have to, we have to make
18 some decisions about what we want to accomplish.

19 And I don't think we can do that by putting lines
20 on top of other lines and trying to split the baby.

21 I just think we need to, you know, decide what is
22 in the best -- what is in the best interest of the state,
23 and try and put that together based that way.

24 I just don't think we can do it by taking two
25 completely conceptually different districts and put them on

1 top of one another and trying to divide them in half.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: I completely understand
5 trying to keep counties whole and not creating areas that
6 look a little odd like number two does, District 2 in the
7 option two version 8A, Commissioner McNulty's.

8 But I think she explained it well, the reason why
9 she did that. I think communities of interest and the
10 Voting Rights Act, which is, I think, one of the first
11 things we need to meet, is a great rationale for creating a
12 majority-minority district that looks like number two.

13 So I would be in favor of keeping it the way it
14 is, and, and allowing the people in that area an opportunity
15 to comment once we -- once we've put a draft map out there
16 on the legislative side to see what they think about this
17 particular area.

18 Again, the Voting Rights Act is crucial. And I
19 think creating that particular district the way it does, the
20 way it is, I think Commissioner McNulty laid it out pretty
21 well why she did what she did.

22 COMMISSIONER McNULTY: One of the things I'm
23 concerned about is, you know, the whole southern Arizona
24 area. One of the big differences between Mr. Freeman's map
25 and mine -- and the way I did this map is that there are

1 only four districts in Tucson that are really centered in
2 Tucson.

3 Mr. Freeman's map.

4 And it moves the center of gravity up a couple of
5 the districts to Maricopa County.

6 And I don't think that's a good thing for southern
7 Arizona.

8 So I guess to the extent that everything ties into
9 everything else, I think there are -- there is a way to make
10 up the population for this district in Tucson. But once we
11 start doing that, you know, then we start moving the central
12 Tucson district up into the other central Tucson district,
13 and then we start either, you know, jeopardizing the second
14 majority-minority district or then we have to start moving
15 9 up into 11.

16 And I am sure there are ways to work that all out.

17 But, but it also may make some sense before we
18 embark on that, you know, to think about whether this could
19 be made to look better and whether, you know, people should
20 be given an opportunity to comment on it.

21 VICE-CHAIR HERRERA: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: Can Mr. Desmond bring back
24 the original way that Mr. Commissioner McNulty had the
25 District 2?

1 Because I think it follows the natural boundary,
2 which is the Santa Cruz River.

3 Is that correct? Is that the --

4 COMMISSIONER McNULTY: Not over, not over here.

5 This is really just -- those are census tracts
6 around -- trying to take in Bisbee and Douglas.

7 And I know it's not very well done. I just kind
8 of made a rough cut at it.

9 I'm sure there's a way to do it more neatly.

10 Well, I'm not sure, but there might be.

11 VICE-CHAIR FREEMAN: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Freeman.

13 VICE-CHAIR FREEMAN: I know there's a -- in fact
14 there's a big mountain there separating sort of Santa Cruz
15 County from Sierra Vista in those parts.

16 And as to the -- Commission McNulty's comments
17 about how I made out Tucson, I did it -- I don't think the
18 Constitution empowers us to make policy decisions as to
19 where the center of gravity of political power is going to
20 be in the state.

21 It doesn't speak to that. I did not consider that
22 when I was laying out my districts.

23 I simply tried to apply the six constitutional
24 criteria and fit the districts together the way I thought
25 were sensible for Tucson.

1 I'm sorry that Commissioner Stertz isn't here with
2 us today. I know this hasn't been mentioned yet today.
3 He's from Tucson. And I would value his input as well.

4 I know that he had a family emergency involving
5 his mother, who is hospitalized. And I know he wishes he
6 could be here with us today, but he's unable to.

7 CHAIRPERSON MATHIS: I was just thinking along
8 those lines. We have two commissioners from Maricopa
9 County, and I know you're both natives. We have two from
10 southern Arizona.

11 And I am wondering if one way to tackle this might
12 be to have you two work together in the Maricopa County area
13 and figure out what points you agree on. And same for
14 Commissioner McNulty and Commissioner Stertz. And they can
15 talk about the areas that they think about for southern
16 Arizona, and maybe we figure out where the common ground is
17 there.

18 We're waiting on the northeast corner to hear some
19 more input from some communities of interest up there.

20 What do you all think of that idea, that we have a
21 Republican and a Democrat each working on two different
22 parts.

23 COMMISSIONER McNULTY: I think we need to work
24 on the maps as a whole. And I -- you know, I'd like to
25 think we're going to have common ground on some of these

1 things.

2 But I -- we've come at them pretty differently in
3 these two different maps.

4 I don't think we're going to get there on many of
5 the issues.

6 VICE-CHAIR HERRERA: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Herrera.

8 VICE-CHAIR HERRERA: I agree with
9 Commissioner McNulty.

10 In with the Voting Rights Act and then the
11 majority-minority districts, with that I'm not willing to
12 compromise.

13 We need to meet the requirements in order to pass
14 preclearance. And there's not a lot of compromise on that.
15 I mean, you don't have a lot of choices. I really do see
16 that there -- there is a difference, but I think the -- we
17 need to approach this with the intent of passing
18 preclearance on the first try.

19 And I don't see a lot of compromise on this.
20 There has to be one way, and that's meeting the Voting
21 Rights Act.

22 MARY O'GRADY: Madam Chair, and to the extent that
23 you were trying to create subcommittees, those would be
24 subcommittees would be subject to the open meeting law and
25 all the notice required --

1 CHAIRPERSON MATHIS: Sure. No, I meant that.

2 VICE-CHAIR HERRERA: I would like to hang out with
3 Commissioner Freeman.

4 CHAIRPERSON MATHIS: Well, can we work on the
5 majority-minority districts then?

6 I'm -- I don't know where else to go from here.

7 COMMISSIONER McNULTY: Well, maybe we could -- I'd
8 be happy to talk about the other two majority-minority
9 districts in southern Arizona.

10 So one of them is two. And then the other -- the
11 second one is three.

12 And this includes downtown Tucson, the University
13 of Arizona, and then these neighborhoods in southwest
14 Tucson, Drexel Heights, Valencia West, Tucson Estates, and
15 the Pascua Yaqui reservation.

16 I think the east boundary is Campbell.

17 And the HVAP improves from the current LD 27 from
18 49.9 percent to about 51.16 percent.

19 I think it would be a performing majority-minority
20 district, and I think it makes sense in terms of the
21 communities that it includes.

22 MARY O'GRADY: And then Commissioner Freeman had a
23 parallel -- I mean, not parallel, but he also had an urban
24 Tucson majority-minority district in his map.

25 It was District 2.

1 It makes sense to see the different areas that
2 they take in.

3 WILLIE DESMOND: This is District 2 from
4 Commissioner Freeman's map, which doesn't have much overlap
5 with Commissioner McNulty's District 3, but does have a fair
6 amount of overlap with her District 2.

7 COMMISSIONER McNULTY: Could you put HVAP on,
8 please?

9 WILLIE DESMOND: Sure.

10 So the darker green areas are obviously higher
11 Hispanic voting age population percentage.

12 Let me just confirm that.

13 Yes.

14 COMMISSIONER McNULTY: One thing that concerns
15 about me about this configuration is that we have two
16 completely different kinds of areas within this district.

17 We have Hispanic -- you know, we're kind of
18 dividing a Hispanic community on the west side, and then
19 we've got the base, and then we've got much less Hispanic
20 areas on the east side that probably have higher turnout
21 than these very different Hispanic areas in south Tucson.

22 I think we're also splitting downtown.

23 WILLIE DESMOND: I think at least initially it
24 does look like this would be a -- the Democratic number here
25 is pretty strong. It seems like some of those areas are

1 fairly Democratic in this one.

2 I think we were talking with Bruce that's
3 something that we need to maybe consider a little bit,
4 because if they live with like-minded individuals.

5 Is that correct, Mary and Joe?

6 COMMISSIONER McNULTY: I think the question is
7 whether they can elect the candidate of their choice.

8 And I think right now that area is represented by
9 Danielle Patterson and Matt Heinz. The senator is Linda
10 Lopez.

11 MARY O'GRADY: And we're not getting into specific
12 incumbents but in terms of --

13 COMMISSIONER McNULTY: I'm not talking about where
14 they live. I'm talking about the fact that the two state
15 legislators are not Hispanic.

16 So the question is, you know, are -- is DOJ going
17 to be concerned with the high Hispanic but low turnout on
18 the side of the district and the very low Hispanic but
19 higher turnout on the other side of the district and the
20 base in the middle? Is this really an opportunity to elect
21 a candidate of choice.

22 So that was my concern when I looked at that
23 district.

24 Plus the fact that it looks like it splits
25 downtown Tucson.

1 So that the other southern Arizona
2 majority-minority district I think would be four.

3 WILLIE DESMOND: Your four.
4 Commissioner Freeman's three. Yes.

5 COMMISSIONER McNULTY: Okay.

6 VICE-CHAIR HERRERA: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Herrera.

8 VICE-CHAIR HERRERA: When is -- when would we be
9 able to do the polarized voting analysis?

10 WILLIE DESMOND: I believe it's happening kind of
11 on an ongoing basis, but it's something you do once you have
12 a map almost.

13 I believe counsel wants to expand on that.

14 I believe he's going on to give us, you know, the
15 numbers that we think we're going to need to meet, but it's
16 kind of something you do once the map has been completed
17 almost.

18 VICE-CHAIR HERRERA: Okay. The reason --
19 Madam Chair, the reason I ask is I'd love to see that
20 particular analysis on option one, the way that
21 Commissioner Freeman drew out the District 3.

22 As I said, that is a concern of mine, and that's
23 why I agree with the split between north and south Yuma.

24 Because we -- from my interest I want to make, I
25 want to make clear, I want to get approved in preclearance.

1 And that's why I'm urging that we do the split.

2 COMMISSIONER McNULTY: Mr. Desmond, can you do the
3 previous analysis on north Yuma versus south Yuma County.

4 WILLIE DESMOND: The what analysis?

5 COMMISSIONER McNULTY: The state mine inspector
6 analysis.

7 Just take everything north of Yuma, in north Yuma
8 County.

9 Or looked at another way, everything that isn't --

10 WILLIE DESMOND: I can shape the map by mine
11 inspector results. Would that help?

12 COMMISSIONER McNULTY: It would be easier if you
13 could just run that.

14 WILLIE DESMOND: Um, okay.

15 All right. So I guess the best way to probably do
16 that would be to -- so using your -- the split from the
17 Hispanic Coalition --

18 COMMISSIONER McNULTY: Using that split, yes.

19 WILLIE DESMOND: All right.

20 So I would probably do then is make two new
21 districts. And then just give you the percentage for each.
22 That's what I'll do to try to, try to. . .

23 CHAIRPERSON MATHIS: I have a question for legal
24 counsel. Put you guys on the spot.

25 From a voting rights analysis perspective, was one

1 version of the map of the two -- of the two versions we have
2 in front of us better in terms of meeting those requirements
3 than the other, or are they the same?

4 MARY O'GRADY: Well, as the southern Arizona,
5 again, our recommendation is that they have three majority
6 Hispanic VAP. And the McNulty version has that.

7 The current version of the Freeman option does not
8 have that.

9 So I would say right now the McNulty structure is
10 preferred from a voting rights standpoint.

11 I don't say the same in Maricopa County, but in
12 terms of southern Arizona, I would say the McNulty approach
13 gets us to the three that we were looking at.

14 WILLIE DESMOND: So, looking at this, then the
15 northern part of Yuma County had a vote of 26.96 percent
16 Democratic in that mine inspector's race.

17 COMMISSIONER McNULTY: Can you do the same thing
18 southern -- 26 point --

19 WILLIE DESMOND: .96.

20 COMMISSIONER McNULTY: Do we have the HVAP in that
21 northern?

22 WILLIE DESMOND: I just did.

23 26.96.

24 HVAP of 25.48.

25 VICE-CHAIR HERRERA: .48.

1 WILLIE DESMOND: .48.

2 VICE-CHAIR HERRERA: Thank you.

3 WILLIE DESMOND: The southern part has an HVAP of
4 67.61.

5 And in mine inspector's race, a Democrat received
6 54.34 percent of the vote.

7 VICE-CHAIR HERRERA: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Herrera.

9 VICE-CHAIR HERRERA: Would it be possible if
10 Willie -- if it doesn't -- if we could -- for that
11 particular race, so the way District 14 is laid out, what
12 would the average be of that particular race statewide?

13 Meaning, does District 4 have less than, than --
14 so, if you -- if he -- in the end, that the percentage was
15 the Republican ended up getting 60 percent of the vote, the
16 Democrat, you know, 39, 40 percent of the vote, is this
17 particular district 14 below the average? Does that make
18 sense?

19 Because if he lost -- I guess what I'm saying is
20 if he would have lost worse in that particular district the
21 way it's set out than the average, then to me that's a
22 concern.

23 If you're able to do that.

24 WILLIE DESMOND: I guess I'm a little confused as
25 to what you're asking.

1 VICE-CHAIR HERRERA: You know what, never mind.
2 I don't even know what I'm asking.

3 COMMISSIONER McNULTY: I think he did. 26.94.

4 VICE-CHAIR FREEMAN: I have a question.

5 How many people live in that northern part that
6 you just carved out?

7 WILLIE DESMOND: In the southern part is
8 132,900 -- 493.

9 In the northern part, it's 63,258.

10 So two thirds in the southern part, one third in
11 the northern part.

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: But I think that the, that
15 the -- the way that that northern part of Yuma votes is
16 probably a stronger voting population. They go to the polls
17 more often. They're a consistent vote. So even though
18 they're a lesser population, they tend to be what we call
19 pretty good voters.

20 MARY O'GRADY: And just in terms of the HVAP
21 comparison, and although these districts include a lot of
22 different pieces of current districts, the current
23 southeastern Arizona -- or excuse me, southwestern Arizona
24 district, LD 24 has a HVAP of 51.37. That's where Yuma is
25 now. And then under these proposals, District 3, in the

1 Freeman option, is at 49.97 HVAP. So it's a little lower.
2 Although, again, they include pieces of different, different
3 old districts.

4 And in the McNulty option, District 4 is at 53.65.
5 So it's a little higher if you just look at the --
6 compare it to 24 in terms of southwestern Arizona.

7 CHAIRPERSON MATHIS: Well, given that we need
8 three majority-minority districts in southern Arizona, and
9 the McNulty proposal has that, Mr. Freeman, do you -- is
10 there another way you see of getting a third one into your
11 map that we should try? Or do you -- are you -- do you like
12 any aspects of what Ms. McNulty has done that we could
13 incorporate and all agree to utilize?

14 VICE-CHAIR FREEMAN: There might be, but I don't
15 think I'm going to be able to sit here right now on the fly
16 and draw a new district.

17 If the goal is to vote on the LDs by Friday, I
18 don't know if I'm going to be able to do that.

19 VICE-CHAIR HERRERA: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Herrera.

21 VICE-CHAIR HERRERA: And I understand
22 Commissioner Freeman's response.

23 But I want to remind everyone that this is going
24 to be a draft map.

25 And we do, we do have to come up with a draft map

1 before we start the second round of hearings.

2 So what I would like to move as quickly as
3 possible.

4 As I said, there's really not compromising on
5 these voting rights districts. We need to respect that
6 constitutional requirement.

7 And I think, I think our attorneys are pretty
8 clear that, that we need to have three in the southern part
9 of Arizona, and I think Commissioner McNulty's map did that,
10 so I think we should move forward and adopt them as part of
11 a draft and then move forward with the ones in Maricopa
12 County.

13 CHAIRPERSON MATHIS: Well, maybe what we can do is
14 create a new map that we're starting to build together, and
15 for now we'll include the version that Ms. McNulty has,
16 because it does have the three majority-minority districts
17 in southern Arizona that we need.

18 And then if Mr. Freeman has -- when -- that's some
19 homework that, I guess, he has where if he wants to draw a
20 third one into his, then we can then look at how those break
21 out later.

22 But I think for now, since this one has the three,
23 that we need to move forward and try it out.

24 MARY O'GRADY: And, again, for clarification, it's
25 a statewide goal, but we considered the three in southern

1 Arizona, again, looking at the options in terms of how to
2 get to that statewide goal. And if the people can have two
3 and get there another way, but we just weren't seeing it.
4 When we were looking at the options, it looked like we would
5 need to have three in southern Arizona.

6 VICE-CHAIR FREEMAN: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Freeman.

8 VICE-CHAIR FREEMAN: And just for the record, I
9 have a different interpretation of what a draft map means.
10 And I'm not going to belabor the point. I expressed my
11 opinion on Monday. And I just -- if anyone is curious, they
12 can look at that transcript.

13 CHAIRPERSON MATHIS: Okay.

14 So would that work for people, to build a new map
15 that we'll try out as, you know, something that we've all
16 worked on together to try to achieve?

17 And it doesn't mean anyone has agreed to this
18 being final or anything. It's strictly trying to figure out
19 a way to move forward.

20 And we have one version that has three
21 majority-minority districts in southern Arizona and one that
22 doesn't.

23 And since we need three, we, for now, just to
24 try it out, I think it's worth pursuing what Ms. McNulty has
25 in the bottom in southern Arizona, which on her map --

1 numbers?

2 COMMISSIONER McNULTY: One, two, three.

3 CHAIRPERSON MATHIS: Yeah. Oh, yours are one,
4 two, three. Okay.

5 It's four --

6 COMMISSIONER McNULTY: One, two, four. Sorry.

7 VICE-CHAIR HERRERA: Two, three, four.

8 COMMISSIONER McNULTY: Oh, that's right two,
9 three, four.

10 One is Cochise County.

11 CHAIRPERSON MATHIS: Oh, okay, up in Pima.

12 So those are the three majority-minority districts
13 in southern Arizona that we'll try out.

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Herrera.

16 VICE-CHAIR HERRERA: I like your idea of creating
17 a clean map with incorporating those three, two, three, and
18 four, on the option two, and a clean map and starting with
19 those three.

20 And start working -- then we work to the Maricopa
21 County area and see what we can come up with agreement on
22 those, on the majority-minority districts there.

23 And I am assuming we'll have to wait until we hear
24 back from the Native American tribes and the City of
25 Flagstaff on the eastern rural majority-minority districts.

1 MARY O'GRADY: And, Madam Chair, in terms of
2 things to look at in terms of improving that map, I think we
3 talked about we need -- dealing with the arm in Cochise
4 County.

5 CHAIRPERSON MATHIS: Right.

6 MARY O'GRADY: The 61 percent may be higher than
7 is necessary in southern Arizona. In terms of an
8 opportunity to elect district.

9 And so those are some of the things that we were
10 looking at.

11 Just on voting rights criteria. There are
12 certainly other things on other criteria.

13 CHAIRPERSON MATHIS: I'm curious. Well, it may be
14 too hard to figure this out right now, but on McNulty's
15 number two, what happens to HVAP when you remove that arm
16 and just leave -- I know you have to get population from
17 somewhere, but taking out that -- those border communities
18 in Cochise.

19 COMMISSIONER McNULTY: I think it just went down a
20 point; is that right? Sixty -- went down to 60.8.

21 WILLIE DESMOND: It went doubt down a point, and
22 then there's always a potential that when we balance
23 population it will drop another, another -- maybe another
24 point or two.

25 COMMISSIONER McNULTY: So we had what, about

1 30,000 people that we need to make up somewhere else in a
2 way that doesn't reduce the HVAP low.

3 WILLIE DESMOND: That gets where -- where the HVAP
4 needs to be is something that we have to look at further.

5 I believe the current benchmark down there are
6 right around 49.8 percent.

7 So 60 percent is probably too high, so we're
8 probably safe bringing it down a little bit, a little bit
9 more.

10 But, again, I think it's going to be helpful going
11 forward -- for the congressional we've been looking at HVAP
12 solely, but with these we're going to need to also look at
13 ability to elect.

14 So we are going to have to look at some other
15 numbers in concert with the HVAP also.

16 So, there's places where the HVAP might be, you
17 know, 55, 60 percent, and the ability to elect is less in
18 districts with, you know, 48 percent, just depending on, I
19 guess, the citizenship numbers, and also the -- just the
20 turnout patterns of those areas.

21 So, there's more moving pieces going forward using
22 legislative map, and it can be even more complicated.

23 VICE-CHAIR HERRERA: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Herrera.

25 VICE-CHAIR HERRERA: I think what concerns me

1 about the messing with the current look of District 2, we
2 start taking out those areas that are part of Cochise and
3 you're going to have to start grabbing, what, 30,000 people
4 somewhere else.

5 And, again, that may lower the HVAP or may not.
6 They may lower the voting strength of that particular
7 majority-minority district.

8 So I'm a little -- let's be cautious when we start
9 doing that.

10 MARY O'GRADY: And the other option is smoothing
11 that area out again.

12 CHAIRPERSON MATHIS: Okay. Should we look at the
13 majority-minority districts in Maricopa County, and both
14 maps, we talked about that again, the two versions that we
15 have, how many are each created in Maricopa County.

16 VICE-CHAIR HERRERA: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

18 VICE-CHAIR HERRERA: Just for clarification, is
19 Mr. Desmond currently creating a map that uses the three
20 majority-minority districts on option two in southern
21 Arizona border?

22 CHAIRPERSON MATHIS: Yes, that's my take.

23 Does that work, Mr. Desmond, or no?

24 He's wiping his forehead, which --

25 WILLIE DESMOND: I'm just trying to think, like,

1 how it's going to work.

2 So you have a couple of options.

3 It's easy for me to put those into a new map,
4 those districts.

5 The question then becomes is the districts that
6 fill in around there, what do I use? You have options of
7 using lines that are from one of the two maps or using the
8 grid lines.

9 The second question then becomes are those lines
10 then adjusted by me to meet equal population or are they
11 left out of balance and that's something that we do as a
12 group in session.

13 I would prefer to leave them out of balance so
14 that that can be something that you guys all work through.

15 CHAIRPERSON MATHIS: Right.

16 WILLIE DESMOND: Maybe we do go back to the grid
17 lines, except give me the discretion to adjust those not to
18 split tribal lands or something along those lines.

19 CHAIRPERSON MATHIS: I'm wondering can you
20 populate a new map with just the nine majority-minority
21 districts based on what we're telling you now, and so there
22 will be islands essentially in the map.

23 And you're not building the whole map around it
24 yet. You're just putting in the majority-minority districts
25 as we're discussing them now?

1 Is that possible? Or. . .

2 MARY O'GRADY: It's my recommendation we do, at
3 least as a first cut, do what Mr. Desmond recommended in
4 terms of the -- adjusting the grid map for the voting rights
5 districts, and then leaving the remainder of the grid, the
6 original grid, going back to the original map for the
7 remainder, and then the Commission as a whole taking it from
8 there.

9 Then we can discuss it more but that would be my
10 recommendation.

11 COMMISSIONER McNULTY: But, Ms. O'Grady, he
12 wouldn't have to go to the trouble of adjusting population
13 in the other grids. He would just build them in from the
14 grid.

15 Okay.

16 CHAIRPERSON MATHIS: Everybody good with that?

17 VICE-CHAIR FREEMAN: I'm not exactly sure what's
18 going on, but carry on.

19 WILLIE DESMOND: Just to make sure that I get it
20 then, so it's clear.

21 What we'll do is we're talking just for the
22 purposes of southern Arizona, I will take the three
23 majority-minority districts from Commissioner McNulty's map,
24 overlay those onto, I guess, the initial grid map.

25 I won't, I won't adjust the result -- you know,

1 the districts that are cut off there. I won't change their
2 population. So there will be some that are probably
3 dramatically underpopulated and there will probably be some
4 unassigned areas also.

5 And then as a group we can adjust those later.

6 I think we're going to go through the same process
7 in Maricopa.

8 Either taking districts wholly, all the districts
9 out of one of the two maps, or maybe a combination of the
10 two, the two maps. If we like some districts in Maricopa
11 from one map and some districts from another map, putting
12 those in there too.

13 So at least then we have -- I guess the way we
14 talked about it, the way we think it might make sense to
15 proceed, is if you have the majority-minority districts
16 figured out. Any changes to the map would have to not
17 affect the complexion of those districts. So you can change
18 those lines going forward, but you would need to keep the
19 HVAP ability to elect numbers where they are.

20 So that's kind of the next -- that's how we merge
21 the maps and go to a single point going forward.

22 Is that clear?

23 VICE-CHAIR HERRERA: Madam Chair.

24 WILLIE DESMOND: Is that correct?

25 CHAIRPERSON MATHIS: Mr. Herrera.

1 VICE-CHAIR HERRERA: That's how -- my
2 understanding.

3 CHAIRPERSON MATHIS: Is it good for you,
4 Mr. Freeman?

5 VICE-CHAIR FREEMAN: Yes.

6 VICE-CHAIR HERRERA: And, Madam Chair, just to
7 clarify, we're not creating a draft map. We're creating
8 essentially a third map.

9 CHAIRPERSON MATHIS: Right.

10 VICE-CHAIR HERRERA: So we have still Freeman's,
11 McNulty's, and then this third map that has no name.

12 CHAIRPERSON MATHIS: Right. It's the merged map,
13 so to speak.

14 WILLIE DESMOND: Is there a food you want to pick
15 to name it after?

16 CHAIRPERSON MATHIS: Oh, no.

17 WILLIE DESMOND: A breakfast treat?

18 CHAIRPERSON MATHIS: Depends on what it looks
19 like.

20 COMMISSIONER McNULTY: Madam Chair, just for the
21 record, that's how I worked on this map. You remember we
22 sat here in the session using the grid, and that's how I
23 made these districts.

24 I moved the lines from the grid.

25 So I don't have a problem with doing it again, but

1 that is what I did to create the districts in the first
2 place.

3 CHAIRPERSON MATHIS: Well, and I assume that
4 Mr. Freeman did the same thing and worked from a grid map
5 initially.

6 So I'm curious, if they both generated two
7 versions from the grid map, does that mean the third version
8 is from the grid map or not?

9 WILLIE DESMOND: We'd like to make -- well, those
10 districts are from the grid map and we'd like to make sure,
11 I guess, that the other lines are all from the grid map too
12 so that when we adjust, we're adjusting the grid.

13 CHAIRPERSON MATHIS: Okay.

14 WILLIE DESMOND: Should we go to Maricopa then, if
15 that's all clear?

16 CHAIRPERSON MATHIS: Yeah. Yeah, everyone's
17 clear.

18 WILLIE DESMOND: Okay.

19 Mr. Herrera.

20 VICE-CHAIR HERRERA: Will you be able to add those
21 three districts on the southern part of Arizona now, or do
22 you need time to do that?

23 WILLIE DESMOND: I could do it now.

24 I would kind of say we maybe should figure out the
25 next part of Maricopa and we can do it all at once.

1 I could even do that then right now as we're going
2 forward, or do it tonight and see where we stand once we
3 look at the next set kind of.

4 CHAIRPERSON MATHIS: I want to check on our court
5 reporter.

6 How are you doing?

7 THE REPORTER: Tired.

8 CHAIRPERSON MATHIS: Tired.

9 It's 5:51. So should we take a short break?
10 Let's take a ten-minute break, and we'll come back into
11 session shortly.

12 (Brief recess taken.)

13 CHAIRPERSON MATHIS: Okay. We'll enter back into
14 public session.

15 Recess is over. The time is 6:19 p.m.

16 And we are in the midst of discussing agenda item
17 two, making adjustments to the legislative grid map going
18 over the two different versions we have in front of us.

19 We just talked about southern Arizona.

20 And we're working on the majority-minority
21 districts that need to be incorporated into the map and
22 looking at what the two versions we have in front of us have
23 in that regard.

24 And it looks like both the maps, moving to
25 Maricopa County now, both have four majority-minority

1 districts, which I think is the number.

2 They don't. Okay.

3 WILLIE DESMOND: They don't.

4 CHAIRPERSON MATHIS: Tell us. Tell us what they
5 have.

6 MARY O'GRADY: Commissioner Freeman's has four.
7 Commissioner McNulty's has three.

8 CHAIRPERSON MATHIS: So it's the opposite of --

9 MARY O'GRADY: They have the same total but
10 different places.

11 VICE-CHAIR HERRERA: What I would like to know,
12 which of the two versions has -- comes closest to the
13 Arizona Hispanic Coalition map.

14 WILLIE DESMOND: You mean the Minority Coalition?

15 VICE-CHAIR HERRERA: I'm sorry, the Minority
16 Coalition.

17 WILLIE DESMOND: I will -- I think I can show you.

18 This is going to be a little difficult. I'm going
19 to zoom in, so just bear with me for one second.

20 All right. I guess the only way this is going to
21 work is looking at them one at a time.

22 So I will just start with the black line here is
23 Commissioner McNulty's district.

24 The green line is the Minority Coalition. It's
25 the same line.

1 And then Commissioner Freeman has, I think,
2 largely the same line, just a few little areas that are
3 slightly different down here.

4 So from District 27 is nearly universal agreement
5 between the three.

6 CHAIRPERSON MATHIS: Yay.

7 WILLIE DESMOND: Just these little areas.

8 CHAIRPERSON MATHIS: That's great.

9 WILLIE DESMOND: Okay. Twenty-seven I think was
10 the easiest one.

11 It looks like the purpose of this,
12 Commissioner McNulty followed the Minority Coalition
13 exactly, so. . .

14 And Commissioner Freeman in District 18 -- make
15 this a little. . .

16 So district -- or District 19, I'm sorry, both of
17 them, there's some slight difference down here.

18 Up here in Avondale.

19 Maricopa.

20 And going over right here.

21 I don't want to speak totally for
22 Commissioner Freeman, but I believe he had me try to build a
23 Minority Coalition district lines at an earlier time before
24 they were submitted. I think they changed a little bit, and
25 I didn't have the actual file at that point, so. . .

1 VICE-CHAIR FREEMAN: Madam Chair, that -- that's
2 as I recall too.

3 And I think if the lines differ at this point --
4 you know, I did -- over the weekend I was doing lots of
5 iterations on population balancing. And every time you move
6 a district to refine a population imbalance, you end up
7 changing all the other districts. So it's a process.

8 Perhaps where those lines end, where I ended with
9 those lines, might be a product of -- I think are a product
10 of population balancing.

11 But there was -- I saw an opportunity to create
12 four minority-majority districts in the Phoenix area. So
13 the next district is going to differ from the Hispanic
14 Coalition's submission.

15 WILLIE DESMOND: Yeah, so then District 20 is, I
16 guess, different than commissioner. . .

17 Twenty-nine is right here. And that's slightly
18 different than District 20, in that it takes this area out
19 of Phoenix and goes up farther into Glendale here.

20 So that's -- and then -- Mary, what's the --

21 UNIDENTIFIED AUDIENCE MEMBER: Do you have option
22 are one or two on the screen, please?

23 WILLIE DESMOND: All right. So I'll remove layers
24 to make it click.

25 So the black line is option two.

1 The thick, thick red line is option one.

2 And this green line is the Minority Coalition.

3 So option one kind of gets washed out here because
4 it's behind the green line, by and large.

5 And make that a little -- take care of
6 everybody's. It's just kind of hard to see all these at
7 once.

8 VICE-CHAIR HERRERA: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Herrera.

10 VICE-CHAIR HERRERA: Quick question for
11 Mr. Desmond.

12 Mr. Desmond, how many currently, in the current
13 maps, how many majority Latino districts are there in
14 Maricopa County?

15 WILLIE DESMOND: Mary and Joe, I think, can answer
16 those.

17 MARY O'GRADY: Currently District 13, 14, and 16,
18 so currently there are three majority Latino districts in
19 Maricopa County.

20 VICE-CHAIR HERRERA: Thank you.

21 MARY O'GRADY: And then there's one other that's a
22 majority combined minority with a plurality, District 15.

23 VICE-CHAIR HERRERA: Thank you.

24 COMMISSIONER McNULTY: Madam Chair.

25 Ms. O'Grady, after -- one of the things I looked

1 at was adjusting 29 with the other majority-minority
2 districts.

3 And I think there's a way to move the boundaries
4 south on -- the north boundaries south and the south
5 boundaries south without compromising the other three
6 majority-minority districts, but in a way that increases the
7 HVAP in 29 so that it also would be a fourth
8 majority-minority district.

9 MARY O'GRADY: And 29 is sort of an old 14, more
10 or less, and some other, at 50 -- and it's at 64 percent in
11 your plan.

12 Right?

13 COMMISSIONER McNULTY: I have to look at the --

14 MARY O'GRADY: Oh, I'm sorry, 32 percent, for 29.

15 COMMISSIONER McNULTY: With those changes, I think
16 it would bring it to over 50 percent.

17 WILLIE DESMOND: I think that's very possible.

18 I'm looking at Commissioner Freeman's. I think
19 that's kind of what's happening there a little bit.

20 COMMISSIONER McNULTY: Maybe if you could look at
21 that tonight, I'd appreciate it.

22 If you just move the north boundary south to about
23 Dunlap and move the south boundary to Van Buren, between
24 43rd Avenue and 19th Avenue.

25 WILLIE DESMOND: So the north boundary south to

1 Dunlap, and the south boundary.

2 COMMISSIONER McNULTY: South to Van Buren, between
3 43rd and 19th Avenue, it looked like.

4 WILLIE DESMOND: Between which?

5 COMMISSIONER McNULTY: 19th Avenue and
6 43rd Avenue.

7 WILLIE DESMOND: Okay.

8 That's something that I can look at, although we
9 might want to do that as a group tomorrow we have -- instead
10 of me showing you what would happen, you guys can all have
11 what happens tonight.

12 COMMISSIONER McNULTY: That will be fine.

13 Because I kind of had some ideas about how to make
14 the adjustments in the other districts that might work too,
15 but I didn't get a chance to finish them.

16 WILLIE DESMOND: All right.

17 COMMISSIONER McNULTY: So we could work through
18 that tomorrow.

19 CHAIRPERSON MATHIS: How many minority-majority
20 districts did the Hispanic Coalition submit? What's the
21 correct --

22 WILLIE DESMOND: They submitted three.

23 CHAIRPERSON MATHIS: Let's show those green lines
24 again.

25 WILLIE DESMOND: And those, again, we can give you

1 the percentages there of the HVAP.

2 So District 16 here is 54, and that's this -- let
3 me label the districts.

4 We have this is basic black.

5 District 16 is the new 27.

6 That is 54.79 percent HVAP, but also it's
7 15 percent non-Hispanic African American.

8 So the non-Hispanic White percentage is -- is
9 lower.

10 VICE-CHAIR HERRERA: 23.09?

11 WILLIE DESMOND: Yeah. And that's the same thing
12 here.

13 Then District 13, which is our 19 on their map, is
14 67.1 percent Hispanic population and 6.7 percent
15 non-Hispanic Blacks, so about 73 percent of those two.

16 And then District 14, the top one, is 64.5 percent
17 non-Hispanic -- or Hispanic. And about 6 percent
18 non-Hispanic African American.

19 COMMISSIONER McNULTY: Would you say that again?

20 WILLIE DESMOND: So I'll just give you the
21 Hispanic number and then I'll give you the average number --

22 COMMISSIONER McNULTY: Just for the last district,
23 the --

24 WILLIE DESMOND: Oh, the last district is
25 64.4 percent -- 64.47 percent Hispanic, and 5.91 percent

1 African American.

2 VICE-CHAIR HERRERA: Madam Chair.

3 WILLIE DESMOND: And that's voting age.

4 VICE-CHAIR HERRERA: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Herrera.

6 VICE-CHAIR HERRERA: Now, are you, Mr. Desmond,
7 giving us the HVAP for the Coalition maps, what they're
8 requesting, or is that the benchmark?

9 WILLIE DESMOND: That's, that's what they're
10 requesting.

11 VICE-CHAIR HERRERA: Can you, just for the record,
12 can you tell me which of the two versions come closest to
13 meeting those requirements?

14 WILLIE DESMOND: Well, the --
15 Commissioner McNulty's map is those districts exactly.

16 And the benchmark in those districts, Mary had
17 looked at both what it was currently and what it was when it
18 was precleared.

19 Do you have those numbers?

20 MARY O'GRADY: If you'd like those numbers, for
21 13, currently it's 68.27 HVAP but it's become much more
22 Hispanic. When it was precleared, it was 55 percent.

23 From 14, now it's 64.9. And when it was
24 precleared, it was 58.

25 Sixteen has grown more than the other districts.

1 It's a little less Hispanic, but still it has a lot of -- it
2 has a significant other minority population. It's currently
3 56.7. And it was, at the time of preclearance, 59.

4 WILLIE DESMOND: These numbers are fairly close to
5 the current benchmark, but --

6 MARY O'GRADY: They're close to the benchmark,
7 higher than what they were precleared at.

8 VICE-CHAIR HERRERA: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Herrera.

10 VICE-CHAIR HERRERA: Ms. O'Grady, you're talking
11 option two; correct?

12 MARY O'GRADY: I'm just talking about the
13 benchmark.

14 Right?

15 VICE-CHAIR HERRERA: Right.

16 WILLIE DESMOND: Do we want to look at
17 Commissioner Freeman's for majority-minority districts.

18 CHAIRPERSON MATHIS: Yeah, we do.

19 WILLIE DESMOND: Which is option number I guess --

20 MARY O'GRADY: I believe it's 28.

21 WILLIE DESMOND: So that is this district right
22 here.

23 District 28.

24 And so, again, the red dotted line is
25 Commissioner Freeman's line in the black. The heavier line

1 is Commissioner McNulty's.

2 CHAIRPERSON MATHIS: And, Commissioner McNulty,
3 did you create a fourth in Maricopa County or no?

4 VICE-CHAIR HERRERA: Madam Chair.

5 CHAIRPERSON MATHIS: I just want to ask.

6 COMMISSIONER McNULTY: Yes, I just haven't
7 finished it. I'll have to finish it tonight.

8 But in 29, moving the boundaries a little bit
9 south in both ways, I think that works -- that becomes a --
10 an effective -- would become an effective majority-minority
11 district.

12 CHAIRPERSON MATHIS: Mr. Herrera.

13 VICE-CHAIR HERRERA: Can I see the fourth
14 majority-minority district that Commissioner Freeman created
15 without that overlay? I'm having a difficult time --

16 WILLIE DESMOND: This one.

17 VICE-CHAIR HERRERA: Okay.

18 Can you -- can either -- could you just tell me
19 what the areas are? Can you go into some detail?

20 WILLIE DESMOND: Sure.

21 So that's the census block that's being shaded by
22 population.

23 Going into, I guess, the streets.

24 VICE-CHAIR HERRERA: Please.

25 WILLIE DESMOND: So it runs -- it follows

1 District 27, and it goes right along highway -- looks like
2 60, 89, 10.

3 VICE-CHAIR FREEMAN: Van Buren.

4 WILLIE DESMOND: Is that Van Buren?

5 I think it's Highway 60 right there.

6 Is that Van Buren?

7 VICE-CHAIR FREEMAN: Yes.

8 WILLIE DESMOND: And then it goes -- that's pretty
9 much its southern border, east to west.

10 It goes north here, and it comes up against
11 District 19 over at -- that's 35th Avenue.

12 It runs north on 35th Avenue until it hits
13 Thomas Road.

14 Then it goes west until it hits 43rd Avenue.

15 It follows 43rd Avenue north until it hits
16 Camelback.

17 Follows Camelback east until it hits 35th Avenue
18 again.

19 Follows 35th Avenue north until it hits
20 Northern Avenue.

21 Follows that east until it hits 19th Avenue.

22 Follows that south down to. . .

23 VICE-CHAIR FREEMAN: I think it's a canal.

24 WILLIE DESMOND: I think so too.

25 VICE-CHAIR FREEMAN: The Grand Canal.

1 WILLIE DESMOND: Yeah, Grand Canal Road.

2 Follows Grand Canal over until it hits 51.

3 And goes south on 51 until it hits Thomas Road
4 again.

5 Follows Thomas Road to 48th -- I think that's
6 48th Street.

7 Yeah.

8 South just a little bit to Oak Street.

9 And then Oak Street over -- and it kind of runs
10 along the border of Scottsdale and Tempe then. Again, until
11 it hits 60, which is Van Buren.

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: What concerns me about this
15 particular district is I think it incorporates the historic
16 areas, some historic areas, if I'm correct. And if that's
17 the case, if you're combining highly Hispanic areas with
18 historic areas and trying to combine them into a
19 majority-minority district, you'll run into the problem
20 where you have an area within that district that votes
21 often. And that will be the historic area.

22 And you will have the majority-minority area that
23 is not as reliable. They don't vote as often.

24 So you may have a situation where the minority
25 group in that area isn't, isn't able to elect a candidate of

1 their choice.

2 So I think you may run into that problem with that
3 district.

4 WILLIE DESMOND: I think looking at this district,
5 and looking at -- I don't have the data table loaded up
6 here. If we switch to Commissioner Freeman's, maybe, the
7 base, I think it does have a fairly strong Democratic number
8 in District No. 28, and that is based off of election
9 results.

10 So in District 28, the Republican in index two is
11 34 percent, so it is a strong Democratic district, which
12 probably means that it would have a majority -- or ability
13 to elect there.

14 COMMISSIONER McNULTY: I don't think that's the
15 issue though.

16 I think the issue is in the primary. The issue is
17 whether the -- I don't know this area, but I do know if it's
18 anything like my own neighborhood, you know, the very high
19 turnout White historic areas can easily dominate the lower
20 turnout minority areas, and then you have a situation where
21 in the primary they, you know, they don't get -- they're
22 unable to elect their candidate.

23 I have a question about where this is in relation
24 to the existing LD 14.

25 It looks a little like the existing LD 14 that DOJ

1 had issues with last time.

2 Maybe it's just the configuration.

3 WILLIE DESMOND: I can, I can put on the existing
4 layer.

5 MARY O'GRADY: And as background there, existing
6 14 obviously was precleared.

7 But early on in the preclearance process last
8 time, District 14 and 13 were two of the districts that DOJ
9 initially expressed concern about.

10 They had gone from -- at that point they --
11 District 14 was 50 percent and 13 was 51 percent.

12 And they were created by dividing, by splitting
13 a -- the benchmark, old benchmark, that had been a
14 65 percent minority.

15 And so the Commission went back and bumped it up
16 to -- it was ultimately precleared.

17 And 14, which was a level of 58 percent in 14, and
18 55 percent in 13.

19 VICE-CHAIR HERRERA: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Herrera.

21 VICE-CHAIR HERRERA: And let me make it clear that
22 I -- that it was great that Commissioner Freeman was able to
23 create a fourth majority-minority district. So I think
24 that's something we should strive to do if at all possible.

25 But what I don't want to do is dilute that

1 majority-minority district and not give them the ability to
2 elect someone of their choice by combining it with a
3 population that may overwhelm the majority-minority district
4 in terms of voting strength, and not -- and basically
5 preventing the majority-minority district from electing a
6 candidate of their choice in the primary and also in the
7 general election.

8 COMMISSIONER McNULTY: So, okay, so 14 is --

9 WILLIE DESMOND: Is this district.

10 It follows -- goes south here, and then the long
11 skinny part.

12 COMMISSIONER McNULTY: Okay. And those are the
13 White neighborhoods that were at issue in the -- when
14 Justice looked at that.

15 WILLIE DESMOND: When I turn on the census block,
16 you can see the racial makeup of the district.

17 MARY O'GRADY: And I'm not sure exactly what the
18 district looked like when DOJ had the concerns. We know
19 what it looks like when it was precleared.

20 We would have to go back and look at what it
21 looked like when they objected.

22 But there's been lots of changes obviously in that
23 area too.

24 WILLIE DESMOND: And this shading, again, is the
25 current population.

1 COMMISSIONER McNULTY: So what is 28 now?

2 WILLIE DESMOND: So if I turn off -- 28 looks like
3 it's a combination of 14 and 15.

4 If I turn that off, you can see 28 is this area.

5 If I turn it back on -- maybe it'll be helpful if
6 I turn the label off here.

7 So District 28. Districts 14 and 15.

8 Is that --

9 COMMISSIONER McNULTY: Yeah, that's what I was
10 looking for.

11 Because that's kind of the issue, all the -- and
12 then the middle of the district is not Hispanic at all, it
13 looks like.

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Herrera.

16 VICE-CHAIR HERRERA: Is there any way you can
17 bring up the current map, legislative map?

18 I think that particular -- that fourth
19 competitive, fourth majority-minority district that
20 Mr. Freeman was able to create, is very similar to 14.

21 WILLIE DESMOND: Yeah, this is the --

22 COMMISSIONER McNULTY: I think that's what he just
23 showed.

24 VICE-CHAIR HERRERA: And they're not able to
25 elect -- I don't think that -- and I could be wrong, but I

1 don't think they have been able to elect a candidate of
2 their choice.

3 Is that correct?

4 MARY O'GRADY: They have elected minority
5 candidates from there.

6 Not all minority candidates.

7 And we haven't checked to see whether the
8 non-minority candidates were the candidate of choice of the
9 minority community, but they have elected one Hispanic
10 candidate consistently.

11 VICE-CHAIR HERRERA: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Herrera.

13 VICE-CHAIR HERRERA: Ms. O'Grady, when you say
14 one, when you say one Hispanic candidate, do you know in a
15 span of how long?

16 MARY O'GRADY: I didn't bring my list of -- that
17 list with me today. But I think fairly consistently there
18 has been one Hispanic candidate elected from 14.

19 COMMISSIONER McNULTY: Well, so it looks like we
20 have agreement on three of these, at least.

21 I'd be a little concerned about -- I'd like to
22 understand what else is going on in Phoenix and what we're
23 going to be able to accomplish, and see what configuration
24 of the fourth majority-minority district would complement
25 other objectives.

1 WILLIE DESMOND: And we, again I want to emphasize
2 too, there is the fourth majority-minority, but we also
3 think there should be a fifth with an opportunity to elect
4 based off of the analysis.

5 Whether that's a plurality or a coalition, there
6 needs to be another one on top of that.

7 And maybe a sixth, depending.

8 COMMISSIONER McNULTY: There were a couple
9 possibilities in the map that I had prepared.

10 One is the Tempe, west Mesa area, and the other
11 is -- let's see. I can't remember what the grid number is.

12 MARY O'GRADY: I believe it was 13 in far western
13 Maricopa County, was an area where in both maps --

14 COMMISSIONER McNULTY: Around El Mirage and
15 Surprise.

16 MARY O'GRADY: Thirteen and 29.

17 WILLIE DESMOND: Or 14?

18 Surprise is in 14.

19 Thirteen is parts of Glendale.

20 At least -- oh, yours goes up into El Mirage.

21 So, I'm going to turn off -- so 13 in your map is
22 parts of Avondale --

23 COMMISSIONER McNULTY: It's in the west valley,
24 yeah.

25 WILLIE DESMOND: Yeah.

1 COMMISSIONER McNULTY: It was 32.47 percent
2 Hispanic.

3 WILLIE DESMOND: At this point I guess the
4 question is how, how do we proceed from here.

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: As I said before, we really
8 can't compromise on the Voting Rights Act. So what I would
9 like to do is adopt the Minority Coalition, those three --
10 excuse me, I wasn't using the microphone.

11 The three majority-minority districts in Maricopa
12 County that was proposed by the Hispanic Coalition, and
13 start working on a fourth, possibly fifth majority-minority
14 district.

15 And what I'd like to do, create the fourth
16 majority district using population west of 19th Avenue. I
17 think there's a strong Latino population in that area, in a
18 nice concentration, and also possibly a fifth using Tempe
19 and east Mesa, as we did in the congressional map.

20 We can create a fourth and fifth majority-minority
21 district using those two areas of population.

22 WILLIE DESMOND: And, that's fine.

23 It might be the case though that we're going to
24 have to take from some of the Minority Coalition districts
25 in order to get that fourth and fifth, because they are

1 awfully high.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: I would -- I personally would
5 be okay with that as long as we try to keep the minority
6 coalition up as close to what they want as possible.

7 And if we can do that, maybe lower the HVAP
8 slightly on the ones that we need to, but, again, not
9 straying too far from the Minority Coalition map.

10 CHAIRPERSON MATHIS: Would you all be comfortable
11 doing that?

12 I know your lines match that, Ms. McNulty, and
13 essentially Mr. Freeman's, because we're very close to
14 those.

15 COMMISSIONER McNULTY: Madam Chair, in order to
16 adjust 29 to be -- to work as an effective majority-minority
17 district, it would be necessary to take some population from
18 the other three. And I had worked on some ideas about how
19 to do that, but hadn't finished it, but I do think that
20 that's possible.

21 So they would also, they would all be
22 self-contained. The changes would be self-contained.

23 CHAIRPERSON MATHIS: Mr. Freeman.

24 VICE-CHAIR FREEMAN: I think we demonstrated that
25 four can be created in this area of the Valley.

1 I mean, it may need some tweaking and fine tuning
2 to make sure that they would pass muster.

3 I think on, speaking of option one, on
4 District 19, the HVAP is -- which is, which is essentially
5 the district proposed by the Hispanic Coalition, the HVAP is
6 pretty high. I think it's 66 percent. And perhaps the
7 population can be borrowed from that and put into
8 District 13 on the map, which could form the basis of a
9 coalition district.

10 That district includes sort of western Maricopa
11 County, includes Buckeye and Goodyear and parts of Avondale.

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: Again, I would be in favor of
15 the district that Mr. Freeman had created if it did not
16 dilute Latino voting strength by creating those historic
17 areas.

18 Again, if it did not do that, I would be in fair
19 favor of that particular -- again, when you add the -- that
20 White population of the historic areas, it does dilute the
21 voting strength, so -- and we need to be aware of that.

22 CHAIRPERSON MATHIS: Do we know that for a fact
23 that it's diluting the voting strength in that district?

24 MARY O'GRADY: No.

25 Not sitting here.

1 And I guess when I look at it, it seems that one
2 of our other sort of plurality opportunity to elect,
3 although they never elected all, they only elected one
4 Latino candidate, although they elected in multiple
5 elections, the opportunity to elect district was probably 15
6 in that eastern Phoenix area, where I think
7 Commissioner Freeman was attempting, in terms of rough
8 approximation, was attempting to build a minority district.

9 CHAIRPERSON MATHIS: So I guess the other --

10 MARY O'GRADY: In addition to the Anglo areas that
11 may be of concern to Commissioner Herrera, the other issue
12 is what happening to these Hispanic voters who were in old
13 25, and if they're not in a minority district where are
14 they.

15 When I look at the -- are they in a minority
16 district where their vote is -- where they do have an
17 opportunity to elect, or are they being taken out of a
18 district where they have an opportunity to elect.

19 CHAIRPERSON MATHIS: Yeah, well, since we're just
20 creating and trying things out, why don't we try what
21 Mr. Freeman suggested, which essentially follows the
22 Minority Coalition's lines, with an additional fourth
23 district added on.

24 And we'll see, you know, how we can possibly
25 create others, and, and also how this works.

1 We're -- we don't have perfect information, as we
2 know.

3 Until more analysis gets done on how these are
4 drawn, we don't -- we're kind of going in the dark.

5 So we just have to try things and see how they fit
6 together.

7 VICE-CHAIR HERRERA: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Herrera.

9 VICE-CHAIR HERRERA: I would be in agreement with
10 that, but I still want to, you know, state my grievance
11 orally for the issues that I have with that particular
12 district.

13 And I think I would also compare that particular
14 district, which I think is 28 in Mr. Freeman's map, to
15 the -- when the Navajo, Hopi were combined with the city of
16 Flagstaff, we had sort of the same dynamic. You had
17 overwhelming population, by Native American, but you had a,
18 the city of Flagstaff that has a strong voting base, so they
19 would dilute the Native American population.

20 And I see the same dynamic possibly happening in
21 28.

22 So, again, I want to raise my -- some of the
23 concerns, but I would agree with you, again, that this is
24 something that we're working on. I would agree to put it in
25 with the map that Mr. Desmond is creating for us.

1 CHAIRPERSON MATHIS: Ms. McNulty.

2 COMMISSIONER McNULTY: Madam Chair, just the
3 thought that in terms of another coalition district, it
4 might -- there might be an opportunity in rural Pinal County
5 also, so I don't think any of us have the energy to do that
6 tonight, but when we move on from the four majority-minority
7 districts in Phoenix and think about coalition districts,
8 that might be another place that we want to at least
9 consider.

10 WILLIE DESMOND: We have looked at that.

11 Mr. Freeman is close to a coalition district with
12 his 11, I guess, which is the -- I think it's 51 percent
13 White.

14 So it's close.

15 The one thing we do want to make there is we did
16 the prison report on that area. It was 18,000 people were
17 in prison. So almost a tenth of the district is in prison.
18 So that while there is a large minority population, it's
19 likely a sizable chunk of that is incarcerated.

20 COMMISSIONER McNULTY: That doesn't work.

21 WILLIE DESMOND: That's something to keep in mind,
22 whenever we're looking at the Pinal County districts.
23 Especially if we wanted to make one of them a
24 majority-minority, we have to be very careful about the
25 prison population.

1 VICE-CHAIR HERRERA: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Herrera.

3 VICE-CHAIR HERRERA: Yeah, I just want to thank
4 Mr. Desmond for keeping that in mind. I know that's an
5 issue that I think most of the commissioners are aware and
6 also the public I think is concerned about that, so I
7 appreciate you raising that issue.

8 WILLIE DESMOND: And that's something that Joe and
9 Mary initially flagged.

10 VICE-CHAIR HERRERA: Well, thank you. Let me
11 thank the -- our legal counsel as well.

12 CHAIRPERSON MATHIS: Okay. So did you -- you'll
13 be adopting those three from -- well, actually four from
14 Mr. Freeman, because the three are essentially the same as
15 the submission from the Minority Coalition.

16 WILLIE DESMOND: And I don't know how you -- how
17 everybody wants to -- I don't know how you guys want to
18 proceed right now. I think it would be doable if I were to
19 have a little time, to like draw up a map that would have
20 those seven districts that we've kind of agreed to at least
21 use as a merging point, ready to go right now.

22 You know, in maybe 20 minutes, half an hour.

23 And then you guys could -- we could either
24 continue working tonight to try to find a fifth one in
25 Maricopa, or -- I could hopefully send you on your way with

1 that, or I could probably e-mail that to you guys later this
2 evening.

3 But however, however you want to proceed.

4 Mary has something to say also.

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: I would like to do that. If
8 Mr. Desmond needs about 30 minutes -- you think 30 minutes
9 would be enough?

10 WILLIE DESMOND: I think so.

11 VICE-CHAIR HERRERA: Take a quick break -- I'm
12 actually hungry. And I don't want to eat the paper in front
13 of me. So we could take a 30-minute break and come back and
14 have the map that Mr. Desmond is presenting to us. I would
15 be in favor of that.

16 COMMISSIONER McNULTY: I'm tired. I'd like to
17 take a 12-hour break.

18 VICE-CHAIR FREEMAN: I would like to eat too, in
19 my house.

20 CHAIRPERSON MATHIS: Okay. Well, it's
21 7:00 o'clock, so. . .

22 COMMISSIONER McNULTY: Let's make that a 14 and a
23 half hour break, to correct myself.

24 VICE-CHAIR HERRERA: Madam Chair, just one quick
25 thing.

1 I think -- and this is just my -- from my side. I
2 missed football practice because of this, and I want to make
3 sure that we are able to get as much done as possible
4 tonight.

5 And I understand that we're all tired and hungry
6 and we prefer to go home, but if we can get as much done
7 tonight and not have to meet Saturday and/or Sunday, that to
8 me -- that would be -- I think that would be ideal as
9 opposed to going home and with a possibility of having to
10 meet again further tomorrow and Friday and then Saturday and
11 Sunday.

12 But that's -- again, I understand we're all tired
13 and hungry, but I would be willing to do that.

14 CHAIRPERSON MATHIS: Okay. Other thoughts on
15 that?

16 COMMISSIONER McNULTY: Request to sleep.

17 Yeah, I don't think -- you know, what I can do
18 tonight, what I have left tonight is, is not enough to
19 assure you that we wouldn't have to meet Saturday or Sunday,
20 I don't think.

21 I'm beat.

22 CHAIRPERSON MATHIS: Okay. Do we want to go -- I
23 definitely -- I don't think having Mr. Desmond work for a
24 half hour and us coming back is an option.

25 So it's either we do a little bit more now and

1 then adjourn for the evening, or we adjourn now. But I
2 don't want to do a break and come back.

3 COMMISSIONER McNULTY: Do we have public comment?

4 CHAIRPERSON MATHIS: Yes, we have three.

5 Four, sorry. Four.

6 If they're here.

7 WILLIE DESMOND: I think there's an executive
8 director's report too.

9 CHAIRPERSON MATHIS: Yeah, is Ray here?

10 Oh, okay.

11 Mr. Freeman.

12 VICE-CHAIR FREEMAN: I would just suggest maybe we
13 do the executive director report and take some public
14 comment and adjourn for the evening.

15 CHAIRPERSON MATHIS: Mr. Bladine.

16 RAY BLADINE: I just have a couple things I wanted
17 to bring to your attention.

18 We have made arrangements for backup locations for
19 Saturday, Sunday, Monday.

20 Saturday, Sunday would be at the Sheraton Phoenix
21 Airport Hotel, which is actually in Tempe, just down the
22 street.

23 And we had that as a tentative, and I guess I'm
24 asking a start time at 9:30 on Saturday, perhaps
25 1:00 o'clock on Sunday.

1 And then Monday we would be in Tucson. And we
2 also have Four Points Sheraton University Park, 1900 East
3 Speedway, located for Tucson on Monday.

4 So if you're all -- unless there's something
5 different, we'll go ahead and tie those dates down.

6 And if you don't need them, we'll cancel them, but
7 at least we'll have them posted for action. I guess for
8 Saturday we have to post tomorrow before 9:30.

9 So I'll get a generic posting for discussion and
10 mapping.

11 The second thing is the second round of public
12 hearings, and I hate to bring these up because they make me
13 tired looking at them, so I've got to think they make you
14 tired too. Kristina I think late today sent you out a
15 revised second round. It's pretty much what she sent you I
16 think the day before yesterday, but we got more specific
17 facilities tied down.

18 The main thing that we wanted to ask you to do, if
19 you can, is to please let us know what meetings you can
20 cover so we make sure that we don't set meetings that we
21 won't have a commissioner able to attend.

22 And I think those are really the -- unless
23 Kristina wants to add something, I think that's really it.

24 She made good progress today with the staff to tie
25 down locations.

1 I think she maybe has, looking at her list, five
2 or six that aren't confirmed, so we're doing pretty well on
3 that.

4 CHAIRPERSON MATHIS: Good.

5 RAY BLADINE: Any questions?

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: I don't have any questions
8 other than thanking Ms. Gomez for all the work she's done on
9 securing those locations and getting as many of the second
10 round public hearings scheduled. So, I know it's a lot of
11 work, so thank you.

12 CHAIRPERSON MATHIS: And on those future meeting
13 dates, they sound -- the times and places all sound good. I
14 think we need to schedule for Saturday, Sunday, Monday.

15 RAY BLADINE: We'll do.

16 Thank you very much.

17 CHAIRPERSON MATHIS: Any other questions or
18 comments from anyone? Okay.

19 VICE-CHAIR HERRERA: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Herrera.

21 VICE-CHAIR HERRERA: I do have a question for
22 Mr. Desmond.

23 The -- those -- the three -- actually the four
24 majority-minority districts in Maricopa County that we're
25 basing it on Mr. Freeman's map, what I want to know is it

1 possible to use the Minority Coalition's exact maps and
2 still use that Legislative District 28 that Mr. Freeman
3 created?

4 So the exact same map that the Coalition provided
5 us with Legislative 28 that Mr. Freeman created. Is that,
6 is that a possibility?

7 WILLIE DESMOND: I don't, I don't think to use the
8 exact.

9 We were just discussing -- discussing one thing
10 that we -- so I believe it is District 28 on this map, 29.

11 Twenty-nine on Commissioner Freeman's map is
12 slightly different than the majority -- or the Minority
13 Coalition's.

14 And it has -- the other ones are also slightly
15 different, but more closely follow their numbers.

16 District 29 might need to be bolstered a little
17 bit, in Commissioner Freeman's, in order to get it a little
18 closer to the benchmark.

19 But I think part of that, that -- the conflict
20 between -- the reason that his is a little lower is because
21 part of it does go to 28 to make that another
22 majority-minority.

23 So there is a chance that we're going to have to
24 reshuffle these a little bit, but I don't think it's
25 possible to take the three majority -- the three Minority

1 Coalition districts and also have 28 be a minority -- or a
2 majority-minority district.

3 VICE-CHAIR HERRERA: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Herrera.

5 VICE-CHAIR HERRERA: I would prefer to do that, to
6 be as -- to get a -- those three majority-minority districts
7 as close to the Minority Coalition's map as possible, and
8 then create -- using that in creating Commissioner Freeman's
9 Legislative 28 majority-minority district. I think that
10 would make more sense.

11 As I said, I want to honor the request. And,
12 again, there's really not much compromise on these
13 majority-minority districts.

14 I would like to see if it's a possibility.

15 CHAIRPERSON MATHIS: Mr. Freeman, would you be
16 open to that?

17 VICE-CHAIR FREEMAN: No.

18 CHAIRPERSON MATHIS: Okay. Then we'll go with
19 Mr. Freeman's as they're drawn for now and we'll see how
20 that works in the map.

21 WILLIE DESMOND: Okay.

22 CHAIRPERSON MATHIS: So is there anything else on
23 the legislative that we need to talk about for Mr. Desmond?

24 Do you guys have any comments for us that you
25 think we need to be thinking about or considering.

1 WILLIE DESMOND: I guess my question would be,
2 assuming I have this map done -- are you likely to load this
3 map and start working with it tonight, or is it something
4 that needs to be done for tomorrow morning? Just -- that's
5 a selfish question. Because there's a baseball game that I
6 want --

7 CHAIRPERSON MATHIS: That's what I thought.

8 VICE-CHAIR HERRERA: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Herrera.

10 VICE-CHAIR HERRERA: If we're leaving because
11 we're tired, then I suspect that we probably don't want to
12 look at maps tonight.

13 WILLIE DESMOND: Well, I have no problem looking
14 at maps tonight. I'm just wondering if this is something
15 that you guys need in the next hour or if it's something
16 that I can get you later tonight.

17 COMMISSIONER McNULTY: I don't need it in the next
18 hour.

19 VICE-CHAIR HERRERA: I don't need it in the next
20 hour.

21 CHAIRPERSON MATHIS: You don't?

22 Okay.

23 So we don't need it in the next hour.

24 WILLIE DESMOND: Okay. Well, then I'll have it,
25 I'll have it for tomorrow morning. We'll have a map that

1 will have the original grid lines, except for seven
2 districts that are majority-minority districts.

3 CHAIRPERSON MATHIS: Uh-hmm.

4 WILLIE DESMOND: And so there will be parts that
5 are unassigned and parts that are underpopulated. We can
6 work on adjusting those, the rest of that, tomorrow, and,
7 again, finding a fifth district in Maricopa that's either a
8 plurality coalition or a strong ability to elect.

9 CHAIRPERSON MATHIS: Sounds good.

10 WILLIE DESMOND: Probably the first priority.
11 And then from there, you can go over all the other
12 lines.

13 CHAIRPERSON MATHIS: Okay.

14 Ms. McNulty.

15 COMMISSIONER McNULTY: Do you have tickets to the
16 baseball game?

17 WILLIE DESMOND: I have a ticket, yes.

18 COMMISSIONER McNULTY: We need to let Mr. Desmond
19 go.

20 WILLIE DESMOND: It's all right, it's all right.

21 COMMISSIONER McNULTY: No, it's not.

22 WILLIE DESMOND: It shouldn't be a consideration.

23 COMMISSIONER McNULTY: It's not all right. You
24 need to go.

25 CHAIRPERSON MATHIS: Anything from legal counsel

1 on that?

2 MARY O'GRADY: No.

3 CHAIRPERSON MATHIS: Okay.

4 Okay. Then, let's check the agenda --

5 COMMISSIONER McNULTY: Madam Chair, do we need
6 Mr. Desmond here for public comments?

7 CHAIRPERSON MATHIS: I don't think so.

8 Although -- you know, I don't think anybody is
9 wanting to present a map.

10 Let me just. . .

11 WILLIE DESMOND: All right. I'll just check.

12 Buck, are they -- are we allowed to leave our
13 stuff here for the night? Are we in the same room?

14 BUCK FORST: Yes.

15 WILLIE DESMOND: Okay. Have a good night. Thank
16 you.

17 CHAIRPERSON MATHIS: So our next -- is there
18 anything on the attorney general inquiry?

19 (No oral response.)

20 CHAIRPERSON MATHIS: Okay. So agenda item six we
21 have covered.

22 And that leaves us with just a few more public
23 comment, and then we'll adjourn.

24 So my first one is Richard Tracy from Mesa.

25 (No oral response.)

1 CHAIRPERSON MATHIS: We think he left.

2 Shirley Dye, representing self, from northern
3 Arizona.

4 SHIRLEY DYE: Commissioners, Shirley Dye, D-Y-E.
5 From Payson.

6 And I am in obvious support of version -- option
7 number one of version 8A.

8 The reason being twofold.

9 Let me start out discussing option number two.

10 Option number two splits Gila County into
11 District 6, District 12, and District 7.

12 And that's too reminiscent of the three
13 supervisorial districts we have just completed where we
14 were -- have been working very, very hard to tie the
15 northern part of the county and the southern part of the
16 county together as a unit. Over the years there's been some
17 hurt feelings, and we finally worked through all that.

18 And to see our county and Legislative District 5,
19 as we have known it, split into three and even four
20 different districts, is really a horrifying thought.

21 We've built relationships.

22 The rural Arizona of the District 5 of option
23 number one. It does -- I know you were supposed to start
24 from scratch. However, this does -- the Graham, the
25 Greenlee, the Navajos, the Apaches, and Gila County, is

1 very, very well balanced with your ethnic minorities.

2 We have Hispanics. We have Native Americans. We
3 have Whites. We have some others. We even have some
4 Koreans and Chinese, especially up in the Gila County area
5 and in the White Mountains areas.

6 And we have very, very similar communities of
7 interest, very, very similar economic issues, tourist
8 issues, and all that.

9 As far as the rest of the map goes, going back to
10 option number two, it looks very, very gerrymandered to me.

11 I do agree, and I'm just really sorry we haven't
12 gotten some more of our San Carlos Apache to these meetings,
13 but because the Navajo says the White Mountain -- the
14 San Carlo Apaches want to be with them doesn't necessarily
15 make it so.

16 And just because Mr. Titla has come here, and to
17 the Pinetop meeting, and said it is so does not make it
18 overall so.

19 So keep that in mind.

20 In working with the -- we just did our
21 redistricting. We've been working a lot with the San Carlos
22 Apache, and the Tonto Apache, which is right up by Payson,
23 in working with our redistricting, so we have been talking
24 to them.

25 The fact that -- I've been networking. I went to

1 the Flagstaff public meeting before, I went to the Pinetop
2 public meeting, and I went to the Prescott public meeting.

3 I went to all three of them, and I listened really
4 well. And I have lots of people out there that I do network
5 with, and I have heard and you had -- Friday you had a gal
6 down here, Joy, who was talking about that the majority of
7 Flagstaff people don't necessarily agree with what your
8 Flagstaff Forty people have been telling you.

9 And there are a lot of other people that do want
10 Flagstaff to be separated out from the Navajo Nation that
11 they have been with over the last ten years.

12 So, I agree that option number one, placing
13 Coconino and Yavapai in the same district, makes a very,
14 very balanced district. Politically, if you are looking at
15 competitiveness, more so than the item -- the option number
16 two, which really runs -- number six kind of gerrymandered
17 through there.

18 And so, so those are the issues that I am
19 obviously most concerned with.

20 On the other hand, the Voting Right Act -- Rights
21 Act does not guarantee that you can elect a more --
22 majority -- minority candidate. It just says you have the
23 right -- your right to elect cannot be diluted.

24 And so diluting memorial -- diluting minority
25 rights in different areas I can see. But taking on and

1 trying to create new districts when there's not
2 necessarily -- they don't already necessarily exist, or
3 they're way spread out and you're trying to capture these
4 people to make them a minority district, that to me doesn't
5 seem altogether right.

6 So -- let's see, what else was I going to say.

7 I would like to see what would happen if you took
8 the Yuma sector, the blue and the green there, and maybe had
9 two vertical districts.

10 I know maybe geographically that wouldn't work.

11 But I would like to see the line up so that you
12 can have more border representation with legislative
13 districts.

14 So if you could try to do 14 and 4 vertically
15 instead of horizontally, so that there is -- and see how
16 you could -- I wish, I wish, I wish your gentleman had not,
17 um, left, because I very much would have liked to see from
18 option number two, you know, where you take their area here
19 and keep this county area together, and this here area here
20 and just see how you could do that so you would have more
21 representation on border issues.

22 I also think this area of Cochise down here where
23 you picked up Bisbee and Douglas, I think that's
24 gerrymandering.

25 And trying to take away from the Cochise County as

1 a whole county, I really like the whole county -- counties
2 concept, and I think that that's why I prefer option one way
3 better than option two.

4 But if you're looking at the southwest corner of
5 the state there, I'd like to see the two vertical districts
6 instead of horizontal. See how that could look.

7 I think that's it.

8 I'll let you know tomorrow if I have something
9 different to say.

10 CHAIRPERSON MATHIS: Thank you.

11 Our next speaker is Kelly Townsend, Greater
12 Phoenix Tea Party, from Gilbert.

13 KELLY TOWNSEND: You need me to spell my name?
14 T-O-W-N-S-E-N-D. Kelly Townsend.

15 And I am here to talk some more about Gilbert
16 tonight. First I wanted to thank you guys. It looks
17 like it's Congressional District 5 that's in this proposed
18 map.

19 Thank you very much for keeping Gilbert intact.
20 And with that, it looks like it went up Mesa Drive, like we
21 had talked about, so that's fantastic. Thank you.

22 VICE-CHAIR HERRERA: Madam Chair, just to clarify.
23 Are you referring to which map? The --

24 KELLY TOWNSEND: Well, unless I missed something,
25 because we've been kind of dealing with another issue, but

1 the Commission approved congressional draft map.

2 VICE-CHAIR HERRERA: Thank you.

3 KELLY TOWNSEND: Okay. All right.

4 And then now concerning legislative districts,
5 right now apparently Legislative District 22, which has been
6 primarily all of Gilbert, Gold Canyon, some of
7 Apache Junction -- I don't think -- yeah, a portion of Mesa.

8 But as you guys know, Gilbert was one of the
9 fastest growing towns in the country, if not -- I think it
10 was the fastest growing town. And so now I think it's
11 actually the population is too large to be contained into
12 one legislative district, which my understanding is 213,000.

13 And so the town residents number approximately
14 208,000, which leaves a 5,000 difference, and I know we have
15 to have at least that in our county islands.

16 So we understand that Gilbert's going to have to
17 be split.

18 The question is where.

19 And just looking at a couple maps, one -- I can't
20 tell the streets, but it looks like Gilbert's split directly
21 in two, north and south.

22 Commissioner Freeman's map, however, keeps, keeps
23 Gilbert as a community of interest, but then it was brought
24 up that it's possible that there's three school districts in
25 there. They split three school districts.

1 So I just wanted to make some recommendations, if
2 you look at that. I know you're not to that area yet.

3 But when you get to that area, to give you a
4 little geographic information about that, the 202 was
5 recently completed down there, and Power Ranch is south of
6 the 202, south of Germann if I'm correct.

7 So if you're going to look at the south border of
8 what this district would look like, Germann Road would be
9 one of the options. Geographically the 202 would be an
10 obvious, but we've had a lot of residents say we want it to
11 go down at least to Germann, which isn't much more south
12 than the 202.

13 And the other thing is where is, is the Higley
14 School District. And I can get that information to you guys
15 from the next meeting. But what was brought up was there's
16 Gilbert Unified School District and then there's Higley
17 School District, which I do believe Higley is also south of
18 the 202 and from Higley east and south of the 202.

19 So I'll find that out and get that to you as well.

20 And then the natural boundaries are Power Road to
21 the east is dividing Mesa and Gilbert.

22 Baseline to the north, over to Gilbert Road, going
23 down on the west side.

24 And Gilbert Road kind of does its own little
25 gerrymandering for the town anyway.

1 So, but most -- what we need to look at the most
2 is that southern boundary, what would make the most sense.

3 And I am also -- I'm working really hard to get
4 the county islands. Do you guys have that with the county
5 islands population is?

6 You have that already?

7 Okay. So you don't need to have that.

8 So I'm sure that your mapping guy can figure that
9 out, but we would just -- what the residents are asking for
10 is somewhere Germann and south to be in another.

11 And the other point I wanted to make too about
12 that, is that community, the Power Ranch community, just
13 naturally goes into Queen Creek. They're very agricultural.
14 It's very hard to tell the difference between the two.

15 So, I think that's it for now.

16 But I just wanted to thank you again, and then to
17 try and ask you again to keep Gilbert as a community of
18 interest together in one legislative district.

19 Thank you.

20 CHAIRPERSON MATHIS: Thank you.

21 Our next speaker is Linda Milhaven, vice mayor,
22 city of Scottsdale.

23 (No oral response.)

24 CHAIRPERSON MATHIS: She left. Okay.

25 So that's the end of public comment.

1 Out of request to speak forms.

2 Thank you all for your, your -- for coming out
3 tonight and for your comment.

4 That leaves one item left on the agenda, and
5 that's adjournment. So I'll declare this item -- this
6 meeting adjourned.

7 The time is 7:20 p.m.

8 Thank you.

9 (Whereupon, the meeting adjourned.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA) ss.
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4 BE IT KNOWN that the foregoing proceeding was
5 taken before me, Marty Herder, a Certified Court Reporter,
6 CCR No. 50162, State of Arizona; that the foregoing
7 150 pages constitute a true and accurate transcript of all
8 proceedings had upon the taking of said meeting, all done to
9 the best of my skill and ability.

10 DATED at Chandler, Arizona, this 11th day of
11 October, 2011.

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C. Martin Herder, CCR
Certified Court Reporter
Certificate No. 50162

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