

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Thursday, December 1, 2011
1:05 p.m.

Location

**Fiesta Resort
2100 South Priest Drive
Tempe, Arizona 85282**

Attending

Colleen C. Mathis, Chair
Linda C. McNulty, Commissioner
Richard P. Stertz, Commissioner

Ray Bladine, Executive Director
Kristina Gomez, Assistant Executive Director
Buck Forst, Information Technology Specialist
Stuart Robinson, Public Information Officer

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

Reported By:
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Phoenix, Arizona
December 1, 2011
1:05 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 Thursday, December 1st, and the time is 1:05 p.m. Let's begin with the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON MATHIS: So, let's start with roll call.

Vice-Chair Freeman.

(No oral response.)

Vice Chair Herrera.

(No oral response.)

Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.

Unfortunately, Commissioner Herrera is ill today and so won't be joining us, but he'll be watching online and

1 following along, as will Commissioner Freeman, who we
2 announced yesterday is out this week due to some family
3 circumstances, and, of course, the birth of a new baby.

4 So they'll be, I'm sure, following -- they'll both
5 be following along or watching this when it's uploaded.

6 Our first -- our next item on the agenda is number
7 two, discussion concerning process and schedule for
8 adjusting draft maps to develop final maps.

9 We've had this on the agenda the last two
10 meetings, and just wanted to raise it again in case there
11 was anything new with regard to anyone's schedules or on the
12 process that anyone wanted to raise.

13 Sounds like everyone's okay with the process and
14 schedule as we've discussed.

15 COMMISSIONER STERTZ: Madam Chair.

16 CHAIRPERSON MATHIS: Yes, Mr. Stertz.

17 COMMISSIONER STERTZ: May I offer a -- two nights
18 ago, or two meetings ago, we had a very light presentation
19 in sort of a -- included in the record of the house
20 memorial, as well as the joint document that came over from
21 the Joint Legislative Redistricting Committee that came over
22 from the Senate and the House.

23 Would it be appropriate for us to invite someone
24 to make a presentation on the --

25 CHAIRPERSON MATHIS: Yes, I think that's great.

1 And I'm asking Mr. Bladine to come up, because I
2 just heard from him right before this meeting that he just
3 heard from someone in the Legislature to possibly present
4 that information.

5 Mr. Bladine.

6 RAY BLADINE: Madam Chair, Commissioner Stertz, I
7 did have a call from the staff at the Senate, and Senator
8 Biggs would like to come and present the report.

9 I know he can't. He's not available on Monday.

10 We're looking tentatively at Wednesday, or
11 whatever his schedule will allow.

12 COMMISSIONER STERTZ: Perfect.

13 CHAIRPERSON MATHIS: Great.

14 And I think they'll be getting the schedule out
15 for next week soon, too, but it's, I think, just from
16 recollection, we're meeting Monday, Wednesday, Thursday and
17 Friday.

18 But we'll confirm that once the schedule does go
19 out, because it hasn't yet.

20 So, our next item on the agenda is discussion and
21 possible direction to mapping consultant regarding
22 adjustments to draft congressional districts, and, of
23 course, the next agenda item is on legislative districts.
24 And we've been talking about different adjustments to both
25 of those maps all this week, and that will continue today.

1 Our direction to the mapping consultant yesterday
2 was primarily to focus on the voting rights districts on
3 both of those maps, since we need to ensure those are sound.
4 And if there are ways to strengthen them marginally around
5 the edges, that that always makes sense from a DOJ
6 standpoint, as Mr. Adelson has told us. So they were given
7 the direction to do so, and we'll have to see what they came
8 up with overnight.

9 WILLIE DESMOND: Okay. We have fully prepared
10 some small changes to the three voting rights districts we
11 talked about yesterday, Districts 24 and 26, which are the
12 weakest in terms of minority percentage. District 4, which
13 we were concerned could be the ability to elect.

14 So it's available to the Commission and we'll make
15 available online when the meeting is over, three change
16 reports that will serve as what we plan to supply to all the
17 proposed changes, not just the voting rights districts.

18 Is there any preference of which district we start
19 with?

20 CHAIRPERSON MATHIS: Anyone have a preference?

21 WILLIE DESMOND: If not, we'll start with
22 District 26.

23 If you look at the change report, maybe it would
24 be helpful to go through that and we can look at the map.

25 I'll show you briefly where the changes occurred

1 and then -- then we can look at the change report.

2 The main changes that happened in District 26 are
3 there's an area in the southern boundary that we moved
4 population from District 26.

5 We didn't add anything to District 26. We just
6 took a little bit of white non-crossover voters away.

7 Those people were then put into District 18.

8 District 18 started out a little high already, so
9 with that change alone, District 18 was about 10,000 people
10 overpopulated. To compensate for that, I balanced the
11 population between 18 and 17.

12 That 10,000 people would be probably within the
13 range that is signified as acceptable, so that particular
14 balancing isn't necessary, but it seemed to make 17 and 18
15 both about 5,000 people overpopulated.

16 So I'll go in and show you where those two changes
17 are in the map. The streets that pick up that area.

18 So, here on Dobson Road we up to -- previously the
19 border was straight across Baseline Road.

20 At Dobson we went up to Southern Avenue, followed
21 that west to McClintock, and then back down to Baseline.

22 And I can show you the rationale there. That's in
23 both Mesa and Tempe.

24 We remove the census place shading, and you can
25 see that is one of the least Hispanic areas in the

1 districts.

2 When we look at the performance, it was also not
3 among the worse, but among the worse of the areas that has a
4 low minority percentage.

5 Then continuing down the change between 17 and 18.
6 Previously the green line came across here. I'm not sure
7 where that is. At Western? Then it went south at Santa Ana
8 and back over at Elliot.

9 And it went down at Alma School until it hit Ray
10 Road, at which point it went back down at Dobson.

11 With the change, it just kind of moved that over a
12 little bit.

13 Now it goes down farther at Dobson to Warner.

14 Then it goes down to Alma School, back over to Ray
15 Road following the original line.

16 And that balanced 5,000 people, as I said.

17 So those are the two changes that we did to try to
18 improve District 26.

19 We go to the change report, and then the report
20 you guys all have, you can see just exactly how that -- how
21 that worked.

22 So starting with District 17, you can see that
23 previously it was overpopulated by 381 people. Following
24 this change, it's now overpopulated by 5,695 people, a
25 change of 5,314 people.

1 It gained about 1,000 Hispanic population, gained
2 about 3800 white population.

3 When we look at the voting age, it gained about
4 672 Hispanic voting age population, and about 3,000 voting
5 age white population.

6 Also, we've included now the CVAP. So those are
7 estimates that I believe Ken has explained in the past, to
8 give the citizen voting age population, also the Hispanic
9 percentage of registration.

10 Those numbers were again supplied for District 18
11 about what was expected, and District 26, which is the
12 district that we were trying to improve.

13 Looking at District 26, you'll notice that when
14 we look at voting age Hispanic populations, it did move 743
15 voting age Hispanics.

16 However, since it lost 4,919 voting age
17 non-Hispanic white voters, there's actually a net gain in
18 the percentage of .71 percent.

19 So it's clear you can lose population, but as long
20 as you lose that population relative to others in the
21 population, it can be a net gain in total percentage.

22 So in all, this change raised the HVAP of the
23 district by .7 percent.

24 And it raised the Hispanic percentage of
25 registration .06 percent.

1 Continuing onto the next page -- I'm sorry if I
2 didn't follow through on the screen, but considering the
3 next page, we can start with the splits. So the only thing
4 this affected as far as the splits we're looking at, is
5 there is one fewer unsplit census tract.

6 So, we did split an additional census tract here.

7 So, from that criteria, it's slightly worse.

8 Other than that, the rest of the map hasn't really
9 changed and none of these other splits have been affected.

10 Continuing on to the competitiveness, you can see
11 we have the numbers for all three districts. The four
12 competitiveness indexes I've been using, I'll reiterate
13 briefly what those are.

14 Index two is an even rating of the election
15 results from 2008 and 2010.

16 Index three is a one-third 2008, one-third in
17 2010, and one-third voter registration.

18 Index four, is an even weighting of 2004, 2006,
19 2008, 2010 election results.

20 Index five is those four years and one-fifth voter
21 registration.

22 We can see the mine inspector's race is here.

23 The reason that's included is because that is a
24 proxy for ability to elect candidates of choice.

25 KENNETH STRASMA: I just wanted to make a note. I

1 think we need to disregard for the moment the registration
2 line. There appears to be something wrong with that, in
3 that it's showing the Democratic registration going up for
4 all three portions of the split.

5 So we'll need to recheck the registration numbers
6 and get that for you.

7 COMMISSIONER McNULTY: Would it also make sense to
8 move the mine inspector out from underneath the competitive
9 heading?

10 I think it would make more sense to have that with
11 a different heading, really.

12 KENNETH STRASMA: That makes sense to me. It's
13 more a voting rights measure.

14 COMMISSIONER McNULTY: Yeah.

15 WILLIE DESMOND: So we can move the mine inspector
16 to CVAP and Hispanic registration to their own section.

17 COMMISSIONER McNULTY: That would be good. Thank
18 you.

19 WILLIE DESMOND: I mean, the -- the major take
20 aways from this, I guess, are that there are effects to the
21 competitiveness of the districts, however, they're not
22 major.

23 Are there any questions about this report, how to
24 read it?

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: To our DOJ consultant and
3 expert, when you're looking at -- I guess my first question
4 is, while you're getting your mike together for Strategic
5 Telemetry, can we get the numbers -- obviously, it's set out
6 to be pretty clearly that the registration percentages
7 there's a flaw in your -- in your strategy somewhere. When
8 will we get the updates on these?

9 KENNETH STRASMA: Sometime tomorrow.

10 COMMISSIONER STERTZ: How in the world can you
11 have that big of a swing with that few people being moved?
12 So we'll have that tomorrow?

13 KENNETH STRASMA: Yes.

14 COMMISSIONER STERTZ: All right. Thank you.
15 After your cursory review of this information, what's your
16 reaction to it?

17 BRUCE ADELSON: Commissioner Stertz, Madam Chair,
18 just from a DOJ Section five perspective, giving it cursory
19 review, I think the numbers are more favorable from the
20 Department of Justice standpoint in looking at the Hispanic
21 population, the non-Hispanic Anglo population, the HVAP
22 numbers. Just looking at it quickly, I think that as we
23 talked about yesterday, this is a good trend. Because from
24 the Section five standpoint, the changes are beneficial.

25 And this is not a situation where the numbers of

1 minority voters, for example, are going down.

2 So just from a very quick glance, the changes seem
3 to me, from the Department of Justice's perspective, to be
4 salutary.

5 COMMISSIONER STERTZ: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Stertz.

7 COMMISSIONER STERTZ: Were there -- when you
8 were -- this is to Strategic. When you were doing your
9 analysis of locations, would you assume that there could be
10 other blocks that you could have chosen from in a similar
11 way and still get to the -- this same net effect?

12 WILLIE DESMOND: It's entirely possible that
13 there's other blocks that we could have gotten the same
14 effect.

15 I did look at a couple different ways of doing it
16 and this seemed to make the most sense.

17 I think this is a good example of how we're hoping
18 you guys can use this information and consider these
19 changes, that if you generally like the concept of the
20 change, but you have some -- you think it can be done
21 slightly differently to accomplish the same goal, it's
22 entirely possible to throw these out and start again.

23 Or we can go over in session, just kind of the
24 rationale behind it. We can do that right now, if you like.

25 I started with the Hispanic percentage, and looked

1 for areas to take it from.

2 I also looked at the mine inspector's race, so
3 that I was not removing strong crossover voters.

4 And then as far as the population balancing
5 between 17 and 18, I ideally tried to get rid of -- I
6 started with trying to get rid of this little loop right
7 there, just to improve the compactness slightly.

8 And then I -- I was kind of torn between using the
9 block groups that comprise the center of this to make it
10 more of a smoother line, but then I wasn't sure if it would
11 be better to go with kind of the main roads that everyone
12 knows, so you have precinct -- I mean district boundaries
13 that are more on main thoroughfares.

14 And that's the type of input that I would love and
15 welcome greatly.

16 So that was kind of my process. There's
17 undoubtedly ways to do this that could be better.

18 This is not the way it has to be if it's something
19 you wanted to do.

20 COMMISSIONER STERTZ: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Stertz.

22 COMMISSIONER STERTZ: As a follow-up to that, it
23 goes back to the discussion yesterday that if there are
24 other ways to be able to achieve this goal that are not
25 going to -- that we're going to be able to interlace the --

1 the other criteria, or we're not necessarily breaking up
2 neighborhoods and geographical features, et cetera, to come
3 into play, and by no means are you saying that these are
4 arbitrary, these were specific based on -- on statistical
5 analysis, and that so, Madam Chair, maybe this is a question
6 I should ask. What are you -- what are your expectations
7 from this Commission to be able to deliver to you to assist
8 you to move this ball down the field.

9 CHAIRPERSON MATHIS: Consensus.

10 COMMISSIONER STERTZ: I'm speaking about -- so, it
11 sounds to me like there are a couple of different ways to
12 achieve the goal, that the goal from our DOJ consultant's
13 perspective is a good one, and appear we're moving in the
14 right direction. That we're still -- I'm still hoping that
15 we're going to be able to use this, use the baseline numbers
16 that we currently have, and to reference back to those. And
17 sometime, I'm hoping by our first meeting on Monday, that we
18 sort of have that baseline checklist we can go, okay, if
19 we've got one that's hitting this.

20 Because I'm still a little concerned on the
21 legislative side that we have moved below 50 percent from
22 Pima County, or from southern Arizona, to below 50 percent
23 up in Maricopa County. And I want to have some discussion
24 about that and how we're going to react to that as an
25 answer.

1 I don't know what that answer is going to be yet.

2 But I would guess that that's a question that DOJ
3 will come up with.

4 And as we start to look at the other criteria,
5 constitutional criteria mandate how we can assist Strategic
6 Telemetry in making these adjustments that keep us going in
7 this direction.

8 WILLIE DESMOND: And I think when we look at the
9 changes in District 24, there are cases where you -- there's
10 an obvious swap when you look at one of the criteria or
11 minority percentage or the mine inspector's race, but when
12 you consider municipal boundaries, it's a tougher call. So
13 I suggest not splitting up boundaries.

14 COMMISSIONER STERTZ: It may be helpful during
15 this study break that we've got tomorrow through Sunday,
16 that we would be able to have this data as you now have it
17 crafted, available to us, dropped down to our laptops before
18 we start the next session.

19 WILLIE DESMOND: Absolutely. We're ready to do
20 that and the block equivalency files from this report on the
21 website along with these reports, so that members of the
22 public can also evaluate these possible changes as you
23 evaluate them.

24 BRUCE ADELSON: Madam Chair, if I could, just to
25 pick up on what Commissioner Stertz is saying, and just

1 comment also regarding the changes as a whole, it's
2 important to proceed to document why certain changes were
3 made, considered, not considered, because as the working map
4 is revised and altered, and then moving forward to adoption,
5 the Department will want to see specifically why certain
6 changes were made, what were the rationale for them, and why
7 certain changes, if they were considered, were not made. So
8 that's a very important part of the overall submission from
9 a documentation standpoint.

10 CHAIRPERSON MATHIS: Thank you.

11 Any other comments on this?

12 COMMISSIONER McNULTY: It appeared to me that what
13 you moved today is a little different from what you were
14 picking out yesterday.

15 WILLIE DESMOND: Yeah. I kind of scaled back the
16 changes yesterday a little bit.

17 We had initially talked about taking this area
18 right here.

19 What I did was actually net loss on that Hispanic
20 percentage. It was ever so slight, but since it couldn't
21 really be justified as HVAP, I didn't, I didn't do that.

22 So I think the changes are perhaps a little more
23 modest than what we looked at yesterday. We could expand on
24 them, you know, at any point. We're free to change anything
25 we want.

1 COMMISSIONER McNULTY: I like the idea of having
2 the material to take a closer look at, because it's going to
3 be hard without the benefit of the, at least the snapshot of
4 the geography to fully understand what we're working with
5 here.

6 WILLIE DESMOND: So, if there's not any more
7 questions on district -- one other thing, just to clarify,
8 too. The population balance in between Districts 17 and 18
9 is not a voting rights concern there.

10 So, it's not a minority-majority district.

11 So, in that case, I was simply trying to improve
12 compactness as one of the measures.

13 And as you see, it's an area that's wholly
14 contained in Chandler, so that it wasn't going to create an
15 additional municipal split or anything like that.

16 It's responsible to remove the split, but it
17 wasn't like that big of a change to make.

18 With that, I'll go to District 26 -- or 24.

19 I have a similar report for that, also.

20 There were two changes in District 24 as well.

21 One of them was to make District 23 take a little
22 bit from 24 in the Scottsdale area.

23 The other was to have 28 take a little bit from 24
24 in the Phoenix area.

25 The changes there were meant to reflect areas that

1 have a lower -- oh, and there is a small typo at the top.
2 Where it says ERA 26, it should be 24.

3 The title is correct when you look at the new map.
4 I'm sorry. We're trying to work out some of the kinks on
5 this.

6 So the districts affected were 23, 24 and 28.

7 Starting with the changes geared to the Phoenix
8 area in District 28 and 24.

9 As you can see, these are some of the least, as to
10 the highest non-Hispanic white population, so they were
11 obvious places to grab on that front. And also the numbers
12 here represent how the Hispanic candidate did in the mine
13 inspector's race. So they were a combination of both being
14 highly white, and also low performing as an ability to
15 elect.

16 There are other areas that were similar percentage
17 white but much higher ability to elect.

18 So that's why I made these choices, and the
19 changes that this line will run across here in 24, 24th
20 Street over to 36th, went across at Camelback.

21 It goes down south slightly further now and runs
22 across at Campbell.

23 The other change took place between District 23,
24 District 24, and that's in the Scottsdale area.

25 Again, these are areas that have a low minority

1 percentage of total voters, and also a relatively low
2 support for the Hispanic candidate of the mine inspector's
3 race.

4 In looking, there's this block right here, also
5 fit the bill. It's a very low minority percentage and also
6 wasn't very supportive of the mine inspector.

7 The reason I did not do that, add that to District
8 22, would be because to do so would add another split to
9 Scottsdale, and to add it to 23 would kind of negatively
10 impact the compactness and the shape of the district.

11 So those are the considerations that I was using,
12 something you have to follow.

13 I was kind of looking for the low hanging fruit,
14 so to speak, of how to improve these maps.

15 Those are the two changes to District 24.

16 Again, there was no population added. Just moving
17 white population to try to increase the minority percentage
18 to better comply with the Voter Rights Act.

19 I'll put the change report up again so that the
20 audience can see that.

21 So District 23 started under-populated. By taking
22 from District 24, actually it gets a little closer to the
23 population size but it is still under-populated, so
24 District 23 could still stand to gain population.

25 District 24 started about 500 people

1 overpopulated, and it dropped to about 7400 people
2 overpopulated in the voting rights district.

3 When we look at the Hispanic percentage, it went
4 from 38.57 percent total Hispanic population to 39.58.

5 The non-Hispanic white percentage dropped from
6 42.35 to 45.05, a change of about 1.3 percent.

7 Looking at the voting age non-Hispanic white,
8 dropped by 1.21 percent, and the HVAP went up by almost
9 9/10ths of a percent.

10 So, again, these are small changes, but they do
11 increase. At this point in time, it's insignificant.

12 I guess the important thing, from a voting rights
13 perspective, would be to make sure that the mine inspector's
14 race and the other voting rights elections that we're going
15 to use should also be included in subsequent drafts, aren't
16 negatively harmed by these changes.

17 We look at how District 24 did in the mine
18 inspector's race.

19 Previously, the Democratic candidate would have
20 received 54.7 percent of the vote. After these changes it
21 goes to 59.11 percent. So it is an improvement.

22 District 23 started out using just index two at
23 62.4 percent Republican. Did drop a little bit to 62.1
24 percent. Then district -- District 28 had the same thing.

25 Are there any questions about this?

1 Oh, also looking at the splits, there was one
2 fewer census block group that is not split. So there was a
3 slight improvement there.

4 CHAIRPERSON MATHIS: Any questions on 24?

5 COMMISSIONER McNULTY: Madam Chair.

6 Mr. Desmond, did you have a chance to look at the
7 material that we received from the Scottsdale hearing?

8 WILLIE DESMOND: From Susan --

9 COMMISSIONER McNULTY: Gerard.

10 WILLIE DESMOND: I did. It wasn't quite ready to
11 produce a report, although we have those maps ready to look
12 at.

13 COMMISSIONER McNULTY: I'd like to look at that.
14 You can judge who, and go through this analysis.

15 WILLIE DESMOND: There's two ways to do it right
16 now.

17 COMMISSIONER McNULTY: You don't need to do it
18 right now. I'd like you to consider that material.

19 WILLIE DESMOND: Okay.

20 So are there any other questions about this?

21 (No oral response.)

22 WILLIE DESMOND: Then the other one we have
23 prepared for today is changes to Legislative District 4, the
24 district that goes through southern Yuma and comes up
25 through the western portion of Maricopa County, and also

1 includes the Tohono O'odham Nation.

2 CHAIRPERSON MATHIS: While you're pulling that up,
3 I should also recognize the other members of our team, and I
4 forgot to do that after roll call.

5 We have legal counsel with us today, Bruce
6 Adelson, Joe Kanefield and Mary O'Grady.

7 Our mapping consultant, Willie Desmond and Ken
8 Strasma.

9 We have staff in the room. Chief technology
10 officer, Buck Forst. Ray Bladine, who's our executive
11 director.

12 And our deputy executive director, Kristina Gomez
13 is here.

14 And I believe Lisa Schmelling, our public outreach
15 coordinator, and Stu Robinson, our public information
16 officer.

17 And then we have our trusty court reporter, Marty
18 Herder, who will be taking -- is taking a transcript of
19 today's proceedings.

20 WILLIE DESMOND: District 14, looking at it in the
21 Tucson area, there wasn't any real obvious places to grab
22 minority population, because it does border voting rights
23 districts in Districts 2 and 3.

24 And then the area by Picture Rock, Marana and
25 stuff, there wasn't any real good population to grab that

1 would improve it.

2 I'll turn on the block. This is shaded
3 differently.

4 There was no real strong areas following in
5 District 11 to pick up minority population.

6 So continuing along, I went up into Maricopa
7 County, and found kind of the same thing.

8 It runs along District 19, which is one of our
9 voting rights districts. And on the north side, District 13
10 does not have much to offer by way of minority population or
11 strong support for the mine inspector's race.

12 So, really, we're left with the possibility of
13 removing population is the only -- only method.

14 Again, because in this area we didn't want to
15 remove any of the reservation area, in order to keep that
16 whole, that was not a very good option.

17 There is the town of Three Points here. We didn't
18 want to split another boundary, so I left that.

19 And found the same thing in Maricopa.

20 What we're left with, really, is trying to improve
21 it in Yuma, so that's where I proceeded.

22 District 4 did not gain any population. It really
23 just shed some of its whiter areas.

24 In this case, since District 4 already started
25 with a fairly strong voting age percentage, there wasn't

1 consideration to increase that.

2 What we were aiming to do was to improve the
3 ability to elect.

4 So the consideration that kind of trumped the
5 racial makeup of the area was the performance.

6 Again, I used mine inspector here, and probably
7 looked at other races. We certainly want to verify it and
8 make sure the changes are good, and put it in the report.

9 But you can see again the numbers are on the
10 whole, let me -- are how the Hispanic candidate performed in
11 the mine inspector's race.

12 So by and large, these areas were very low
13 performing. That's why they were removed.

14 District 4 started highly overpopulated, so it did
15 have quite a lot of population to shed.

16 District 13, where the population was transferred
17 to -- started about 600 people under-populated, so with that
18 population to gain, I guess.

19 We moved about 8,000 people. 8,622 people from
20 District 4 to District 13. And by doing so, we were able to
21 -- District 4 went from HVAP of 53.65, up to 54.46. So it
22 did improve there.

23 And also we were able to bring the mine inspector
24 race from 51 percent up to 52 percent, so it gained about
25 one percent.

1 Curious, I'll turn on the streets here, so you can
2 kind of see where these changes are.

3 So I used the one when -- Palo Verde back up at
4 Pacific.

5 Then on 26th Place, what we did is take it
6 straight across at 24th Street and then down here at, I
7 think that's First Avenue, kind of around, following the
8 census block.

9 One other thing that was affected by this is there
10 are two fewer unsplit districts for census tracts and five
11 fewer census block groups, so it did improve on our splits
12 report, also.

13 Are there any specific questions?

14 COMMISSIONER McNULTY: Madam Chair, my question's
15 for legal counsel.

16 As we're looking at these things, we've gone in
17 District 13 from a deviation from ideal population of 594 to
18 8,000. And so that now we have almost 4 percent deviation
19 in population of District 13, which is not a voting rights
20 district.

21 How are we best to document, you know, if we did
22 this, that the reason for that population deviation was
23 based on what we just did in the voting rights district so
24 that we have a, you know, a good record for -- to explain
25 that deviation.

1 MARY O'GRADY: Commissioners, I'll take the first
2 chance and people can supplement.

3 I think that this change order form does help
4 provide that documentation, if the change is made in the
5 context of this, I think you are making a record.

6 But in addition to that, I think it makes sense
7 to, since this change was made for a specific purpose, to
8 include the voting rights district, probably as perhaps a
9 later step, looking at all the population deviations and
10 make sure they can be justified. Because it may be there's
11 a way to lower that number when you look at the map as a
12 whole.

13 So at some point that needs to be done so that the
14 changes are justified map-wide.

15 COMMISSIONER McNULTY: At this point we just have
16 such a huge amount of documentation and data, I guess my
17 question is, can we track this in some way so that, I guess,
18 we'll look back at these change orders and we'll know the
19 districts that we've altered in conjunction with altering
20 the voting rights districts?

21 MARY O'GRADY: The change orders help a lot.

22 JOSEPH KANEFIELD: Madam Chair, Commissioner
23 McNulty. We concur with Mary that that's the appropriate
24 way to document the changes, through the change orders. And
25 through the testimony we, of course, would keep track of

1 this submission and draw attention to the reason that this
2 change is being made to strengthen a majority-minority
3 district which resulted in a new population deviation in a
4 non-majority district.

5 BRUCE ADELSON: Madam Chair, if I could ask a
6 question with the change order, please.

7 Willie, on the second page, looking at the mine
8 inspector race, with the index two, index three, index four
9 and five, I was just curious why index four shows a
10 different result in the mine inspector race, Republican,
11 Democrat, compared to the other three indexes? Why would it
12 be -- why would there be one different?

13 KENNETH STRASMA: If I could clarify the question,
14 what's the difference?

15 BRUCE ADELSON: Sure. Looking on Page 2, the mine
16 inspector for District 4, in three -- under index two, index
17 three and index five, the Democratic candidate won. But
18 under index four, the Republican candidate won. I was just
19 curious why one result would be different than the other
20 three.

21 KENNETH STRASMA: Thank you for that
22 clarification.

23 Index four includes results from 2004, 2006. You
24 have eight and you have ten, but not registration. The big
25 difference is that the 2004 result, which includes Senator

1 McCain's re-election in 2004 by a lopsided roughly 73
2 percent margin.

3 The -- that's even out in index five for election
4 -- all four election years plus registration.

5 That's why index four is normally the lowest
6 percent.

7 BRUCE ADELSON: Thank you.

8 Also, just so -- so I understand, the four indexes
9 don't represent the result of the mine inspector. They're
10 an aggregation of election returns for this draft district?

11 KENNETH STRASMA: That's correct. They're --
12 they're a aggregation of past election results to the new
13 lines. So how the district would have performed had this
14 existed under those elections.

15 And just to recap, clarify if I'm wrong, Willie,
16 but index two is the average of results from the state --
17 statewide partisan races from '08 and 2010.

18 Index three is '08, 2010 and partisan
19 registration.

20 Index four is 2004, 2006, 2008 and 2010, averaged
21 each year weighted equally.

22 And index five is the four years plus partisan
23 registration.

24 BRUCE ADELSON: Thank you.

25 COMMISSIONER McNULTY: And then if I could just

1 add -- that's all right. When you're done.

2 We're going to move the data up to the voting
3 popu -- minority voting population chart, so it will be with
4 CVAP and Hispanic percentage of registration.

5 BRUCE ADELSON: Thank you.

6 CHAIRPERSON MATHIS: Any other questions on, or
7 comments on these legislative districts?

8 COMMISSIONER STERTZ: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Stertz.

10 COMMISSIONER STERTZ: As a follow-up to
11 Mr. Adelson's, it would probably be prudent for a re-
12 publication of the inclusions of the indices, with the
13 specificity of what races were or were not included, just to
14 make sure that we can revisit those. It's been 45 days
15 since we looked at those and since that time the '04 or six
16 was included.

17 Prior to that the '04, '06 was not.

18 So when the draft maps were approved, the indices
19 of four and five were not taken into consideration.

20 So it would be good to, one, have the information
21 about what is included, what races are included. And have
22 we done a indices four and five analysis on the current
23 draft maps?

24 KENNETH STRASMA: Yes, we have, Commissioner.

25 COMMISSIONER STERTZ: Has that been distributed?

1 KENNETH STRASMA: Yeah, that was distributed at
2 the time we did the '04.

3 COMMISSIONER STERTZ: Oh, it's in that packet.

4 KENNETH STRASMA: Thank you for the suggestions.
5 We'll add a footnote displaying the indexes to this
6 document, and also I would welcome any suggestions about
7 different weights.

8 I know there's specific discussion about how
9 different election years should be weighted. We only
10 generate a straight average of the different races.

11 I know there are some people who discuss
12 weighting, more recent years, more heavily, weighting more
13 close elections more heavily. Anything along those lines
14 that a Commissioner wants to suggest, we would be happy.

15 COMMISSIONER STERTZ: I know there were certain
16 races, I believe you pointed out the '04 McCain race, which
17 was a heavily lopsided victory.

18 And there might be others.

19 We'll take a look at those as soon as you
20 republish that information.

21 Thank you.

22 CHAIRPERSON MATHIS: Any other comments on the
23 three legislative districts we just discussed?

24 (No oral response.)

25 CHAIRPERSON MATHIS: Okay. Well, the analysis for

1 what you guys suggested yesterday, that it's a game of
2 inches, and there's really not huge amounts to be gained,
3 but Mr. Adelson has suggested that even these tenth of a
4 percentage point increments make a difference from DOJ's
5 standpoint. So they're definitely worth considering.

6 And whether we do these particular ones or not,
7 you have to decide as a Commissioner if there's any other
8 ones that people want to explore of these three districts.

9 I was kind of wondering if it's possible to, once
10 we do decide on any of these adjustments to the voting
11 rights district, as a Commission, once we agree that these
12 -- we like lines the way they are, and we've sufficiently
13 improved them in a way that improves the ability for a
14 candidate to -- for a voter to elect a candidate of their
15 choice, can we lock in those voting rights districts, and
16 then deal with the rest of the map? Or is that not
17 something you can do from a process standpoint?

18 I'm curious from legal counsel what your thoughts
19 are on all of that.

20 MARY O'GRADY: Madam Chair, I guess both a lawyer
21 question and a mapping question, so you might want to hear
22 from both of us on those issues. But I think procedurally,
23 you're certainly welcome to take whatever approach you want
24 to take.

25 And if you want to lock those in before you do the

1 rest of the map, I think you could.

2 You might want to leave yourself some flexibility,
3 because of a -- particularly with the congressional -- or
4 the need for precise population figures map-wide. But,
5 again, you certainly can close these out from a legal
6 perspective. And the reason it also helps provide some time
7 to do the analysis. So you might want to also leave
8 yourself some flexibility not just for technical changes,
9 but also for any tweaks that the analysis might suggest
10 would be helpful.

11 Although, as we've seen, there's not a lot of
12 movement that one gains to be had there.

13 I don't know if there's anything from a legal
14 perspective. And I don't know if Ken has some mapping
15 considerations.

16 JOSEPH KANEFIELD: Madam Chair, the only thing we
17 would add is that we agreed that -- we might suggest that
18 the Commission consider doing that, locking the districts
19 in, subject to analysis, subject to change following the
20 analysis. Because the analysis often takes 2, 3 weeks.

21 While that's being undertaken, the Commission
22 could look at other districts and come back, and
23 Mr. Strasma's analysis can go from there.

24 That might be the best approach.

25 BRUCE ADELSON: Madam Chair, members of the

1 Commission. I agree with that. I think that to the extent
2 that you can reserve, lock in the majority-minority
3 districts, pending additional analysis, I think that that's
4 a good way to go.

5 As we've been discussing, there clearly could be
6 additional changes, but from a Section five standpoint, the
7 Department is going to be looking at those ten districts.
8 So I think we agree to the extent that you can do that, with
9 the caveat being, pending additional analysis, that it will
10 be necessary to confirm whatever our thoughts were.

11 Thank you.

12 CHAIRPERSON MATHIS: Thank you.

13 Do you have any comments, Mr. Strasma?

14 KENNETH STRASMA: I just wanted to second what
15 legal counsel said. It would certainly help the analysis if
16 we know there's 90 percent likelihood that these will be the
17 final districts. We can begin the analysis, and go from
18 there.

19 CHAIRPERSON MATHIS: And that was my only reason
20 for suggesting locking these in, just so that the analysis
21 can then get started. And then if we have to roll back any
22 changes or make additional ones because of the analysis, we
23 can.

24 But it seems like the analysis takes a long time
25 and we want to do it right.

1 So to the extent we can get those nailed down, we
2 should first.

3 COMMISSIONER McNULTY: As I understand it, you
4 told us way, way back, that the analysis was going to be an
5 ongoing process, and we did analysis all along. We're doing
6 analysis now.

7 And what we're really talking about is final
8 analysis in order for us to bring closure to the analysis
9 for purpose of submission. We need to bring closure to the
10 extent we can and subject to the ongoing analysis to our --
11 to our districts.

12 BRUCE ADELSON: Commissioner McNulty, Madam Chair.

13 I think that's a good way to look at it, that
14 analysis is ongoing, and as far as additional analysis
15 that's needed, the analysis would be to answer the questions
16 that we've been talking about, to confirm what our thoughts
17 are, what our presumptions are.

18 Then, if we have confirmation and we can start
19 making the checks to say, this is good, this is good, that
20 satisfies the standards, yes, that's, I think, where we're
21 all -- what we're pointing towards, and where the analysis
22 is heading.

23 That's certainly a lot different than three or
24 four months ago when we were starting from the beginning.

25 But now with what's on the table with the working

1 map, the analysis is all designed to confirm theories,
2 answer questions that are necessary for this submission,
3 yes.

4 CHAIRPERSON MATHIS: So on the legislative map,
5 are there other things we want to talk about in terms of
6 other districts in regard to majority-minority districts?

7 COMMISSIONER McNULTY: Madam Chair, I wonder if
8 Willie and Ken had a chance to look at Legislative District
9 2?

10 WILLIE DESMOND: Yes. A little bit.

11 I can show you where we are with that.

12 COMMISSIONER McNULTY: Yeah, okay. Just kind of a
13 status update.

14 I'm concerned about that. I don't want to dilute
15 the effectiveness of that district in a way that jeopardizes
16 preclearance. So I want to put that probably on our
17 priority list of potentially confirmed districts that we
18 need to make sure have been addressed.

19 WILLIE DESMOND: So just to give a little
20 background on what this is, this is not -- this green line
21 is not the draft map as it was approved.

22 This is, you know, assuming that we took those
23 changes where the Cochise County section was clipped out and
24 Green Valley was put into that to balance the population to
25 keep it whole, or ways that we can minimize the negative

1 effect on District 2, which is a voting rights district.

2 I guess there are two considerations when
3 evaluating whether or not this is a change to make. One is,
4 simply that we want to do just based off of public comment
5 and the constitutional criteria. And the other is how much
6 does this hurt the voting rights district? Is it still
7 strong enough that it would likely pass preclearance?

8 So what I attempted to do was look for some areas
9 that we could perhaps increase the Hispanic percentage back
10 up, where possible.

11 COMMISSIONER McNULTY: Mr. Desmond, before we get
12 there, what are we comparing this against in terms of the
13 benchmark? I know there's no straightforward to that, but
14 can you give us any help?

15 BRUCE ADELSON: Commissioner McNulty, Madam Chair.
16 One way to look at it is, I've been looking at the
17 chart of the current legislative districts, and going down
18 the chart to see, for example, which district has the lowest
19 amount of Hispanic voting age population, which district has
20 the lowest minority voting age population.

21 In the current districts, for example, District 23
22 has a free 8 percent minority population. So one thing I'm
23 looking at is, are there any districts in the working map
24 less than that.

25 Whether there are or are not, by itself doesn't

1 necessarily mean that that's a problem.

2 But then continuing to look at the HVAP, the
3 overall Hispanic population, in District 23, for example,
4 the Hispanic percentage of total VAP is 27 percent, which is
5 relatively low.

6 I don't think in any of the working maps of
7 majority-minority districts the percentage is that low.

8 So that's a very important distinction in
9 comparing this to the benchmark.

10 One -- two basic ways DOJ will look at this.

11 DOJ will look at the geographic equivalent, if
12 there is one, of the draft District 2.

13 If there is no geographic equivalent, then DOJ
14 will look at the numbers across the whole plan. Because
15 retrogression is measured across the state.

16 So, if, for example, there is one less district in
17 a geographic area than there was under the benchmark, then
18 DOJ will look to see where is that being compensated for.

19 So that's an example.

20 I know that doesn't get to your whole question.

21 But there's one thing that I'm dealing with, as
22 we're discussing, is I keep looking at the percentages,
23 which I'll keep doing, to see are we below any significant
24 percentage in the benchmark.

25 And if we are, then that's something that we'll

1 need to address.

2 But as far as geographic equivalent, I don't know
3 if there -- there's been any discussion of what a
4 geographic, what this would be the equivalent for under the
5 benchmark.

6 MARY O'GRADY: And to that point, this is
7 basically 44 percent of LD 2 is old 29, which was a voting
8 rights district.

9 46.8 percent is old 25.

10 It is stronger even with this change than old 25.

11 And I think the numbers say it's not as strong as
12 old 29. So it's kind of in the middle of the two that --
13 voting rights district that primarily comprise this new area
14 based on the preliminary analysis, so that might be okay.

15 So we have a case to present there, that we have
16 improved on old 25 by bringing these communities together.

17 And analytically, looking at the statewide,
18 compare it to make sure that we are -- that as Bruce
19 described, the same or better statewide as well.

20 So I don't know if that answers your question.

21 In terms of whether this is good enough, this
22 might be one that if there is a consensus that they're
23 interested in doing this particular change, that perhaps we
24 get started with that deeper analysis of this particular
25 change, even while the rest of the map is in flux, if they

1 would like us to do that.

2 I mean, is this worse than the draft map? Is it
3 weaker than the draft map?

4 And then we're documenting the reason for the
5 change. It's not to weaken it from a voting rights
6 perspective. It's to deal with the public input as far as
7 keeping Cochise County whole, which included public input
8 from former representatives of the area, and I-19 and those
9 communities of interest, which are all the legitimate,
10 traditional, you know, redistricting criteria.

11 As long as we document our reasons and do the
12 deeper analysis, and perhaps want to go forward with that
13 deeper analysis, which really is just looking at the
14 elections for that area.

15 COMMISSIONER McNULTY: Madam Chair, I would really
16 support that. I think it's very important to be clear that
17 we would not be making these changes to weaken the
18 effectiveness of voting rights in this area.

19 We got comments from Hispanic people in Bisbee and
20 Douglas who prefer to have their legislative district be
21 with the surrounding communities.

22 And we also got comment before we started
23 considering this, that this -- that this district might be
24 patched too much.

25 So what we're trying to do is achieve a balance

1 here in the context of a lot of community comment, and
2 legitimate, real legitimate, I think, communities of
3 interest kinds of issues.

4 MARY O'GRADY: And in terms of public comment,
5 that was the other public comment in terms of this -- there
6 was testimony in Tucson about whether this was packed,
7 whether this was too high.

8 BRUCE ADELSON: Commissioner McNulty, Madam Chair.
9 I wanted to follow up on what Ms. O'Grady said.

10 This is really a great example of looking at this
11 from the Department of Justice's standpoint. Where, as you
12 know, there's two types of retrogression; essentially
13 intentional discrimination and accidental discrimination.

14 Putting on the record, as you have done, that this
15 is not being done to intentionally discriminate, is very
16 important. Because there are many jurisdictions around the
17 country who do the opposite, and there is a public record
18 that says, no, we're doing this to discriminate.

19 So it's very important to do exactly what you have
20 said and what has been explained to document that.

21 On the other hand, as far as accidental
22 discrimination, the analysis that Ms. O'Grady talked about
23 is essential to show there isn't any.

24 So if the analysis can show that there's no
25 accidental discrimination, that this was not being done to

1 discriminate intentionally, and it was done in response to
2 the public comments, assuming then that everything looks
3 good with the analysis and that it measures up with the
4 benchmark, that's a good template of how to approach looking
5 at the majority-minority districts from the submission
6 standpoint.

7 Because that's exactly what the Department will
8 want to see. That's something to highlight in submission to
9 explain why the change was made, so that they could look at
10 the narrative and see, okay, we understand that this was
11 done in response to public comment.

12 Here's the analysis to show that there is no
13 accidental discrimination.

14 They do their own analysis.

15 If it confirms that, and all other things being
16 equal, then they move on.

17 So that's really essential to do just as you have
18 said today, that this is being anticipated not to
19 discriminate, not to discriminate against minorities.
20 That's very important. That's something that is often
21 lacking in the record in other jurisdictions around the
22 country.

23 Thank you.

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: There is something, again,
2 that I mentioned earlier about that, and currently it
3 doesn't really appear to have a lot of contemplation in the
4 record, is the relocation of our -- of the majority-minority
5 district from southern Arizona to Maricopa County.

6 How would you perceive us, or how would you make
7 recommendations for us to be addressing that? That one of
8 those is our under 50 percent population benchmarks.

9 BRUCE ADELSON: Thank you, Commissioner Stertz.
10 That's a great point as far as moving forward. In
11 documenting any changes geographically, for example,
12 compared to the benchmark and explaining that as a function
13 of population growth and population change, and that these
14 changes were not made to discriminate against minorities, is
15 very important.

16 And moving forward to getting to the point of
17 adoption, and beyond that, submission, yes, having material
18 like that in the record is very important. That goes along
19 with a narrative description of why certain changes were
20 made, with an indication of census data and population
21 change to support what changes have been adopted.

22 COMMISSIONER STERTZ: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Stertz.

24 COMMISSIONER STERTZ: How would you recommend that
25 we build that at this point?

1 BRUCE ADELSON: Commissioner Stertz, Madam Chair.

2 I think moving forward with one example being what
3 Commissioner McNulty was talking about earlier. As you go
4 from district to district, if there are districts that
5 you're looking at or reviewing, and can explain the
6 Commission's rationale in making the addition -- the initial
7 draft working map, and then whatever alterations are done to
8 that, explaining why they're being done, is important.

9 Because that would be something that can be
10 highlighted in the submission with specific references to a
11 transcript, or also taking quotations out of a transcript to
12 explain why certain changes were made to demonstrate the
13 absence of discrimination.

14 MARY O'GRADY: In terms of the pre-draft record
15 that we have, we started with these three, we picked the
16 alternative based on the alternative plans that were
17 available. And the other had two southern Arizona
18 districts, and we picked the one with the most, which was
19 three. This map.

20 And did also the same in Maricopa trying to look
21 at the alternatives that were available, and see where they
22 had the most viable minority districts. And so we have that
23 record already, in terms of the alternative that we
24 selected, that favor compliance with the Voting Rights Act,
25 as Bruce said, just continuing to build from that would be

1 helpful.

2 CHAIRPERSON MATHIS: So where do we go from here?
3 Ms. McNulty, you want this looked into further. You
4 mentioned, right, the change with Cochise County.

5 COMMISSIONER McNULTY: I really like the idea of
6 doing the further analysis if what I'm hearing from
7 Ms. O'Grady and Mr. Kanefield and Mr. Adelson is that this
8 doesn't jump out at them as something that's not workable.

9 That it might achieve a good balance between where
10 we were before, which was a potentially ineffective district
11 down in that part of the state, and a potentially overpacked
12 draft district.

13 And that it's worth looking at in more detail, if
14 what they were telling us was, no, you crossed a line here,
15 and this is too weak. Then we recommend now that you retain
16 the border communities in the district. Then that's what I
17 would want to do.

18 But I hear them saying that this may be just fine
19 and it's worth doing the further analysis.

20 Is that a fair --

21 BRUCE ADELSON: Commissioner McNulty, Madam Chair.

22 I think that your description really is right on
23 point.

24 Because let's assume that the alterations that
25 you've been discussing are looked at.

1 And let's assume that the alterations are
2 problematical from a Section five standpoint.

3 There's really nothing better from a Department of
4 Justice perspective in looking at the submission, to see
5 they considered A, to see how it would work, and they found
6 out it would discriminate or would retrogress.

7 They abandon that in the other direction.

8 That is a very clear record of nondiscrimination,
9 which the Department will want to see. So I think looking
10 at it in that perspective really works very well from
11 Justice's standpoint of analyzing the submission under
12 Section five.

13 COMMISSIONER McNULTY: And it is a situation where
14 it's not something that has a ripple effect for other
15 districts, because we do -- we can just go back to what
16 we've done here.

17 I think we can, if we need to, we can improve the
18 area that extends into Cochise County, because there's some
19 areas there that -- we heard that testimony from the folks
20 who live in Fort Huachuca that wouldn't need to be there
21 from a voting rights perspective at all. But other than
22 that, it would be a fairly straightforward exchange if we
23 needed to go back to that.

24 CHAIRPERSON MATHIS: Mr. Desmond, can you pull up
25 the draft map just with that, so that both are on screen?

1 I assume that the only change that was made there
2 was the tail?

3 WILLIE DESMOND: This is the draft map. As you
4 can see, there's an arm that sticks out into Cochise County,
5 and also this area here, Green Valley.

6 When we removed this population from District 2,
7 we gain population by including Green Valley.

8 And then the only thing -- and so that is what we
9 looked at yesterday as an example of changes we would look
10 at. I haven't presented that yet, I also explored in here a
11 little bit, areas to add some more Hispanic back into
12 District 2 to minimize the hit it takes.

13 There's some small tweaks around the edges,
14 although I didn't have a chance to fully explore it, and I'm
15 not sure if it's -- this is a work in progress, I guess,
16 essentially.

17 But there are some border areas that have
18 relatively high Hispanic population in District 10, but it's
19 something that I would like to look at more before we go
20 there.

21 Just speaking from a practical sense about
22 considering these changes and stuff like this, what I think
23 would be very good to avoid would be to have two sets of
24 maps. One that has this change and one that doesn't.

25 So if it's something that we need to decide if

1 it's practical or not, maybe that's something that we can
2 work on and Ken can give some insight. But, if we accept
3 the change, that would be the new baseline. So, in the
4 future, any other change that you're looking at would be
5 based off of that map.

6 So we're always kind of evolving.

7 If it needs to grow a tail again, we can always do
8 that.

9 But going back to the draft map, it would be
10 changing the working map to look more like the draft map.

11 And that's the kind of process that I think we
12 need to use going forward.

13 Also, Buck, can I get batteries, so I can go on to
14 that.

15 Ken?

16 KENNETH STRASMA: And to expand on what
17 Mr. Desmond said, I think what I would like to suggest is
18 that we look at, to change it as it is up here without any
19 other tweaks over the course of the weekend, and see if we
20 can get to the point where Mr. Adelson and the rest of legal
21 counsel, where we can give a -- this probably is good so we
22 can freeze it for the more in-depth analysis or we work
23 harder by Monday, and with hopes of Monday making a decision
24 and forward it in either direction.

25 COMMISSIONER McNULTY: Sounds good to me.

1 CHAIRPERSON MATHIS: Do you agree Mr. Stertz?

2 COMMISSIONER STERTZ: Madam Chair, I think the --
3 a couple of things.

4 One, it would be terrific for us to establish what
5 our benchmarks are, what they have been, so that we are --
6 we are working off of the same -- I know that we've all been
7 distributed data. It's all been available to us since the
8 very, very first meeting. We should sort of recapture that.
9 Revisit that. Make sure we have that available to us and
10 are using that again.

11 I love the idea that whenever we can achieve or
12 continue to work towards achieving all six of the criteria,
13 the constitutional criteria, as well as meeting with respect
14 in the response that we got, that we received from the
15 public, anytime we're moving down that path, I'm going to be in
16 agreement. So I'm delighted that we're able to meet numbers
17 one and two, and then three through six are also being
18 followed and respected, to move the ball down the field.

19 CHAIRPERSON MATHIS: So you guys will be dealing
20 with this over the weekend.

21 Any other legislative district discussion we need
22 to have from a voting rights perspective?

23 COMMISSIONER STERTZ: Madam Chair, I've also just
24 received a request for Strategic. If you could date and
25 time this whenever you're -- today, so that we could also

1 load where you are today, this version. Even though it's
2 not been integrated and you have not completed your
3 analysis, it would be good to continue along with you in
4 looking at what you are working on as well.

5 KENNETH STRASMA: We have been and will continue
6 to do.

7 COMMISSIONER STERTZ: I'm not talking about
8 loading onto our personal data. Even though we shouldn't be
9 uploading it to the website at this point, because we've not
10 integrated it, it would be good to load it to our work
11 product.

12 KENNETH STRASMA: Okay.

13 CHAIRPERSON MATHIS: Any other discussion we want
14 to have on any of the other legislative districts from a
15 voting rights perspective?

16 COMMISSIONER McNULTY: I'll ask a question.

17 We talked about improving all the districts, but
18 we were focusing on these four.

19 Are we in the future going to be looking at the
20 others, or do -- I mean, the others seem fine to me.

21 Is there anything that you're expecting from us in
22 the other voting rights districts, is my question?

23 Or is there anything else that you will be
24 bringing back to us on the legislative voting rights
25 district?

1 KENNETH STRASMA: If I can start to answer that.
2 I'm sure Mr. Adelson will want to add to it.
3 My sense is that once we look at these three
4 districts, we would be at a position where the Commission
5 wanted to do both tentative degrees, or whatever we call
6 them, for the in-depth analysis, the average would be fine.
7 But, of course, if Mr. Adelson has anything that we want to
8 look at specifically, now is the time.

9 BRUCE ADELSON: Madam Chair, following up on what
10 Mr. Strasma said, I think that as we talked about the other
11 day, that there are the questions that I've mentioned, and I
12 know that those questions are being analyzed, and continue
13 to be analyzed. I think that the working map Districts 2,
14 4, 24 and 26, that we've been looking at, are a good
15 snapshot of districts, because the public comment were
16 things that we've been discussing, such as the additional
17 attention.

18 But in moving forward, I'm certainly comfortable
19 with what -- where things have been going so far, pending
20 the additional analysis that's necessary for the submission
21 and to confirm our suppositions about the district so far.

22 CHAIRPERSON MATHIS: Thank you.

23 No other questions? Comments?

24 Okay. So on Monday we'll see a change report for
25 LD 2 in terms of what that would look like?

1 WILLIE DESMOND: I think as it stands now, I'll
2 probably -- was it two? Or just ...

3 KENNETH STRASMA: I'm sorry. That was off the
4 microphone.

5 I think the plan would be we will present this
6 change and the change report, and also the recommendation
7 that we come up with in consultation with lawyers over the
8 course of the weekend as to whether or not this looks okay.
9 And then we can decide out of three approaches, good, don't
10 do it, or try some other approaches.

11 CHAIRPERSON MATHIS: Okay. Sounds good.

12 Great. Thank you.

13 So, check the time.

14 Sure. We can -- it's 2:25. We'll take a quick
15 five-minute break.

16 Be back shortly.

17 (Brief recess taken.)

18 CHAIRPERSON MATHIS: Recess is over.

19 We'll go ahead and get started.

20 It's 2:43 p.m.

21 We were in the midst of discussing adjustments to
22 legislative districts, particularly, voting rights
23 districts.

24 Is there any -- are there any other thoughts we
25 want to cover before we move on to talking about

1 congressional?

2 MARY O'GRADY: Madam Chair, I have one point I
3 wanted to note.

4 We've talked about sort of improving the numbers,
5 improving the strength of the voting rights district.

6 And some conversation about the public input down
7 in LD 2.

8 But there are other districts where we received
9 public input that would have an impact on voting rights
10 districts that may not have come up in these discussions.

11 For example, in Maricopa County we have three
12 Indian tribes, two of which are in voting rights districts
13 on our legislative plan, and how they come into play and how
14 changes might be considered.

15 There is an eastern Arizona proposal that had a
16 lot of support from eastern Arizona, but had significant
17 impact on District 7.

18 So perhaps Monday, when we're talking about LD 2
19 and those changes, we talk about some of those other public
20 input.

21 We've been looking -- the lawyers have been
22 looking at that and also looking at the public input
23 affecting the other minority districts.

24 Maybe we can have more conversation in more detail
25 at the next meeting.

1 CHAIRPERSON MATHIS: Sure, that sounds good.

2 Any other comments or thoughts?

3 COMMISSIONER STERTZ: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Stertz.

5 COMMISSIONER STERTZ: In regards to the level of
6 detail that we're talking about, you said earlier that the
7 only way that we're going to be able to -- I think
8 Commissioner McNulty, you really alluded to it. My
9 understanding is that there's been study, ongoing analysis
10 that's been taking place.

11 What's the deeper analysis that's going to take
12 place once we presumably fix these districts? Because I'm
13 trying to find out what hasn't been?

14 CHAIRPERSON MATHIS: It's a great question, but
15 there is more analysis, so I've asked actually Bruce Adelson
16 to address that question, and if Ken wanted to chime in.

17 BRUCE ADELSON: Madam Chair, Commissioner Stertz.

18 Yes, I think that let's talk a little bit about
19 what some of that analysis is.

20 We have the questions that I raised earlier in the
21 week about using voters, using residents from districts that
22 currently do not elect, and putting them into districts that
23 are proposed majority-minority districts, whether or not
24 that changes the district. Does that weaken the district?
25 Is that a retrogressive issue?

1 None of the districts, as they are now, suggest
2 something that jumps off the page as a problem. But these
3 are questions that we will have to answer to meet our burden
4 of proof with the Department.

5 Looking at additional elections like, for example,
6 the Proposition 200 contest in 2004, may be indicative of
7 polarized voting and minority support in certain
8 jurisdictions.

9 In the Texas litigation, for example, the United
10 States is analyzing or has analyzed five elections from
11 various years in each of the majority-minority districts to
12 determine their effectiveness.

13 So the Department has indicated in that case,
14 which is certainly correct, that analyzing an election from
15 one cycle is not enough.

16 That you need to analyze multiple contests over
17 several cycles to get a snapshot of voter performance and
18 electoral performance.

19 So those are some examples of additional
20 information that needs to be analyzed and needs to also have
21 the analysis of Dr. King to plug into his technological
22 inference analysis, racially polarized voting, so that we
23 can have these questions answered not only for -- for our
24 sake, but your sake, of course, but to also answer the
25 questions from the Department and meet our burden.

1 So that's kind of a snapshot of what additionally
2 needs to be done. So that in the things that we've looked
3 at today, as we talked about earlier, just looking at a very
4 cursory review of the change orders, there does not seem to
5 be any problems with the changes relative to the draft
6 majority-minority district.

7 But we need to be as sure as we can statistically.

8 To do that we need to have the other analysis that
9 we've been talking about.

10 Is that helpful?

11 COMMISSIONER STERTZ: Yes. With a continuation.

12 Is it your expectation that the only -- that we
13 would not be moving forward with that level of analysis
14 until the Commission made a substantive agreement that those
15 districts would be the ones that would be fixed to move
16 forward to analyze?

17 BRUCE ADELSON: I think, Commissioner Stertz, as
18 we talked about, with the locking in for, tentatively, of
19 the majority-minority districts, and having them analyzed as
20 a group, subject to additional analysis, I think that as
21 we're -- as we were talking about, I think that makes sense
22 to facilitate moving forward with whatever additions,
23 changes, alterations that the Commission is interested in,
24 in the non majority-minority districts. Because it will
25 take time to do the analysis necessary to meet our burden

1 and answer the questions that we've talked about, and also
2 answer the questions that the Department will have.

3 To facilitate moving forward, I think it was a
4 good point earlier about locking them in, tentatively,
5 subject to additional analysis.

6 COMMISSIONER STERTZ: Okay. As a final followup
7 to that, the draft maps, as they were approved, I'm trying
8 to determine why we would need to -- this gets into my head,
9 that we've got to approve it before we find out what's in it
10 scenario. And that concerns me that we are going to have to
11 approve it and find out whether or not it works.

12 I'm hearing that most of the way that we've gone
13 down this path, that they're working and you're looking to
14 prove that they're -- that initial layer of proof.

15 BRUCE ADELSON: Commissioner Stertz, I think
16 that's a great way to look at it. In satisfying the burden
17 of proof, the level of analysis that's been done now is
18 suggestive that things are moving in a very positive
19 direction as far as Section five is concerned.

20 In order to satisfy federal law and satisfy the
21 Department, you're exactly right. We're at the stage of
22 proving things.

23 From my perspective, and looking at things as
24 sceptically as I can with the eye of the Department, I look
25 at it as, okay, this says X. Prove it.

1 So by doing the additional analysis that we've
2 been talking about, that's proving it, that there isn't
3 anything here that jumps off the page at me that suggests,
4 boy, this is a major problem.

5 There's nothing like that.

6 This is all from a Section five standpoint dotting
7 all the I's and crossing all the T's.

8 The most important point is so that we have
9 answers to questions that the Department will have, so they
10 don't have to come back to you to answer their questions in
11 a request for additional information. Which is -- that's
12 what happened nine years ago.

13 Having that, anticipating their questions and
14 having answers for them is part of meeting our burden of
15 proof.

16 COMMISSIONER STERTZ: Again, Madam Chair, if you
17 can indulge me in a couple other questions.

18 My -- I guess my anticipation was that the -- the
19 report that was prepared, I'll call it the off season, that
20 we've been presented with, against the draft maps, would
21 have been the -- would have actually taken it down to that
22 higher level. Are we saying that that level of detail is
23 not included in this?

24 BRUCE ADELSON: Commissioner Stertz, the level of
25 detail in the analysis is very good.

1 What can be very frustrating, and for me,
2 sometimes, frankly, mind numbing about the whole entire
3 process, and I don't mean the process in Arizona, is that
4 all of the information that the State is required to
5 provide.

6 Let's assume that we use that analysis without
7 anything else as the basis for the submission; that we're
8 presuming that the Department may just accept what we have,
9 which they would have to do, but if they have any questions
10 about it, if we're just relying on what we have, we may not
11 have the answers.

12 If they had it right now, they would have the same
13 questions that I have about using, for example, residents
14 from this district that cannot currently elect and be able
15 to speak to that, but the memo doesn't speak to it to the
16 level of what happened in the Texas case.

17 And these things just happened in the last week or
18 two.

19 So looking in that case and seeing that the
20 Department has analyzed five elections per district, as I
21 said, this just came up in the last two or three weeks.

22 So this is relatively new, and I believe can be a
23 reflection of the change to Section five in 2006 that
24 President Bush signed into law, that could be indicative of
25 their approach, in a public way, which we have the benefit

1 of seeing their approach to the new Section five.

2 In the typical preclearance process, outsiders
3 don't have an opportunity to see what the Department is
4 doing.

5 We've been given the -- we have the fortune of
6 seeing how this plays out publicly by reviewing what the
7 Department has filed. So that is a tremendous benefit for
8 us.

9 And, so, frankly, I'm very grateful for the state
10 of Texas that they timed things the way they did so we have
11 the opportunity to learn from what the Department has filed.

12 COMMISSIONER STERTZ: I appreciate that.

13 That leads me into my next question, is that we
14 appear to be or we have gone down the path in these three
15 analyses that were done today in, quote, unquote, improving
16 these districts. Which means that it's the presumption that
17 they needed improvement.

18 BRUCE ADELSON: Commissioner Stertz, thank you for
19 that question, because that's a great point.

20 I think from my perspective, I would use the word
21 enhance, rather than improve, and not suggest that there was
22 a problem that needed to be fixed.

23 So I look at it as if you have a jewel and you
24 polish it, and it shines, but you can polish it a little
25 more to get it to shine brighter.

1 I like to use the word enhance, because, as I
2 said, I haven't seen anything from the Section five
3 perspective that jumps off the page.

4 So the more things that can be enhanced, the
5 questions can be answered, so that when the Department
6 calls, we just run down the list and say, okay, here's the
7 answer to this, this, this, and this.

8 They say, thank you. It's a short phone call.
9 And then they go back and start doing more analysis.

10 To me, that's my goal.

11 And it seems as if the process is moving along in
12 a very positive way to get to that favored end point.

13 Thank you.

14 COMMISSIONER STERTZ: So the concept of
15 enhancement, this is what it leads back into, now the
16 District 1, LD 1, LD 2 analysis that's going to take place
17 this week, because there was -- in the analyses that were
18 done for today, it was subtle adjustments around the edges
19 and perimeter. Whereas, if we're making a potentially
20 substantive change in LD 1 and LD 2.

21 So that's the -- that's the -- when we're looking
22 for enhancing certain districts, we're also looking at what
23 may be the reaction for trying to react to some of the other
24 constitutional criteria as to how they're going to play into
25 effect on the current district.

1 So I think this leads back into the question about
2 process that we've been talking about, is that if we -- I'm
3 trying to ascertain how much more we're going to learn by
4 fixing these districts while we're still doing adjustments
5 to the other districts based on other constitutional
6 criteria. And I want to caution fixing them before, because
7 we have not done the analysis.

8 We know we've had some enhancements to three of
9 the districts now.

10 We know that we're going to do analysis on four of
11 the ten districts over the weekend. We still have got to
12 contemplate all of the other public testimony to integrate.

13 Prior to, quote, unquote, fixing or establishing
14 them as being where our goal would be, reviewing those
15 against the benchmarks, I think is imperative. And
16 continuing to ask these questions on a case-by-case basis,
17 and moving forward, is also going to be very important.

18 So I guess from a process perspective, that's
19 where I would like it to continue to go.

20 CHAIRPERSON MATHIS: I agree with that.

21 That all sounds like what we're trying to
22 accomplish. I think what people said yesterday about first
23 do no harm, it sounds like the official RPV analysis that's
24 been done, that nothing jumped off the page, that the voting
25 rights districts on both maps were sound, and now it's this

1 scheme of enhancements, that if there are things around the
2 edges that we can do, we should. But we also need to ensure
3 that we're not worsening the numbers in any way.

4 But also taking in public comment, which I think
5 we're going to be talking about on Monday, anything that
6 impacts those voting rights districts we also need to be
7 considering, too, at the same time.

8 But, once we get done with that, I would really
9 like to lock in, so to speak, those districts, so that then
10 that deeper analysis can get done that Bruce just described
11 on those voting rights districts.

12 And it's a tentative lock in, because, of course,
13 if the analysis comes back and we're -- we need to make
14 changes, we will.

15 We just have to keep pressing forward, and we know
16 that that analysis is going to take at least two weeks.

17 The sooner we can get that moving down the path,
18 the better, in my opinion.

19 Was there anything that you wanted to add,
20 Mr. Strasma, to that discussion?

21 KENNETH STRASMA: I did want to clarify the
22 process for the longer term analysis once it happens.

23 In the district where we made subtle changes, and
24 have shown improvements based on percent Hispanic and mine
25 inspector race, I would be very surprised if the analysis

1 showed that those improvements worsened the district.

2 But we, you know, well, obviously is it acceptable
3 to the DOJ.

4 So we need to have that level of analysis as part
5 of our submission, and the sooner we start, the better.

6 CHAIRPERSON MATHIS: Okay. Any other comments on
7 legislative?

8 (No oral response.)

9 CHAIRPERSON MATHIS: All right. We're on to the
10 next agenda item, which is the congressional districts.

11 I know that Ms. McNulty yesterday presented some
12 concepts, over-arching concepts. Maybe you would like to go
13 over those again.

14 And then she also had specific ways to accomplish
15 those over-arching concepts and provided those notes.

16 I think Mr. Bladine sent those around to all of
17 us, so all the Commissioners should have a copy of the
18 suggested changes. And I know our mapping consultant was
19 working on voting rights, so they didn't have time to do the
20 congressional, but that will be something for their fun
21 weekend.

22 But I think it would be worth starting to talk
23 again just to go over what your words were. And then I know
24 Mr. Stertz is going to have some additional things he'd like
25 to see, so he's ready to give that presentation, too. But

1 we'll start with Ms. McNulty's sheet she started yesterday.

2 COMMISSIONER McNULTY: Well, in keeping with the
3 concept of first do no harm, what I had proposed were some
4 small changes that I thought had large impact in terms of
5 responding to several pieces of public comment that we heard
6 again and again.

7 One was to remove the portion of Congressional
8 District 1 that extended down into Cochise County, so that
9 Cochise County was whole.

10 That had the effect of reducing the size of
11 Congressional District 1 a little bit, increasing the
12 compactness a little bit, and most importantly, responding
13 to the public comment to keep Cochise County whole.

14 That resulted in some overpopulation in District 2
15 that needed to be moved into District 3.

16 And I proposed an area kind of south, the south
17 Tucson area south of 22nd Street along the interstate, that
18 overpopulated District 3, and kind of moved around from
19 there.

20 The District 1 under-population would be resolved
21 by addressing the public comment we heard concerning the
22 community of interest of the town of Oak Creek, or the
23 Village of Oak Creek. And it would combine Oak Creek with
24 Sedona, which I think was really an oversight when we first
25 prepared the congressional map.

1 I'm not sure we were aware that we had split those
2 two communities.

3 At the same time, I proposed to move the community
4 of Fountain Hills from Congressional District 4 back into
5 the Phoenix metropolitan area, and that had the effect of
6 addressing a lot of public comment, a lot of concern about
7 moving those communities.

8 I don't see that entire area as a community of
9 interest, but I do, at the same time, think the Commission
10 can take into account how best to align communities and
11 congressional districts, and we can certainly respond to
12 public comment.

13 There was a lot of concern about having Fountain
14 Hills separated from Scottsdale.

15 We had comment from the Fort McDowell tribe
16 requesting that the three of those communities be in one
17 congressional district.

18 And then to accomplish all of those things without
19 making any substantial changes to the map, make some
20 population changes, combine some splits of counties and
21 communities, Wickenburg, Gila, there was one more in
22 northwestern Maricopa County.

23 And so those are all things that I think Ken and
24 Wally are going to be looking at.

25 But it was kind of a zero sum to move around the

1 clock that didn't have any other ripple effects on the map.

2 CHAIRPERSON MATHIS: Thank you.

3 Any comments or questions on Ms. McNulty's
4 suggested changes?

5 We've covered those in detail yesterday and we all
6 have copies of her notes that the mapping consultant will be
7 working on over the weekend.

8 (No oral response.)

9 CHAIRPERSON MATHIS: Okay. So, Mr. Stertz, you
10 have some additional things you would like to see them do?

11 COMMISSIONER STERTZ: I do. And I will -- I'm
12 having -- struggling with opening up my Maptitude map that
13 I've got this on. So, I'm going to work my way through
14 this.

15 KENNETH STRASMA: Madam Chair, Commissioner
16 Stertz.

17 Will you be able to e-mail around a summary of
18 this as well?

19 COMMISSIONER STERTZ: Oh, positively.

20 KENNETH STRASMA: Okay. I'm just wondering how
21 often I should interrupt you for clarification. So, I will
22 refrain from doing that, knowing there will be details.

23 COMMISSIONER STERTZ: In fact, the mechanism that
24 -- the methodology that Commissioner McNulty used is one
25 that I will modify my notes to match, in an effort to make

1 it very easy as far as population transfer and reasoning
2 behind.

3 I'll give you a general overview.

4 It was the -- the keeping of Cochise County whole.

5 There were the 7631 movements needed to be
6 readjusted.

7 The biggest change that I am going to be proposing
8 is going to be the inclusion of putting more Oro Valley,
9 Marana, Saddlebrooke, back whole again with the City of
10 Tucson. And making Marana back whole.

11 I'm able to do that by -- that they then go from
12 -- back into CD 2.

13 It makes the change adjusts from the periphery of
14 the aviation corridor connection. It pulls that all the way
15 over to Alvernon. And that's what's allowing me to make the
16 deviation of the population.

17 I'm also, and I haven't worked out the total
18 offset of population of Apache Junction, the San Tan, and
19 Florence, bringing them into CD 1.

20 And I am working on that at this time.

21 But the general over 30,000-foot view for
22 Commissioner McNulty's recommendations, after reviewing
23 those last night, made perfect sense, and I'll be e-mailing
24 out a similar detail, as well as I mapped this already, so
25 that I can forward that to Mr. Desmond, and the rest as

1 well.

2 I've already mapped these changes.

3 I'm not sure why I -- maybe during break I can
4 figure out why I can't open the file.

5 CHAIRPERSON MATHIS: Great. Thank you.

6 Any questions for Mr. Stertz on that?

7 (No oral response.)

8 CHAIRPERSON MATHIS: I don't hear any from the
9 other Commissioners, so... Okay?

10 So you'll be sending those to Mr. Bladine or
11 Mr. Desmond?

12 COMMISSIONER STERTZ: Yes, it will just take a
13 moment. So I could just take you down the streets and the
14 roads, it will make it easier for me to give you this map.

15 I'll also re-prepare it in a way to match
16 Commissioner McNulty's spreadsheet.

17 I thought that was very well done.

18 CHAIRPERSON MATHIS: Great.

19 Is there anything on the voting rights districts
20 for the congressional maps that we need to discuss?

21 BRUCE ADELSON: Madam Chair, just to reiterate
22 what I had said yesterday, about wanting to see if there are
23 residents that have been brought into the working maps
24 majority-minority districts, from districts that where they
25 cannot elect currently, and if so, we will need to analyze

1 their -- their being in these districts is not potentially
2 retrogressive.

3 And the comment I made yesterday about the
4 similarity between the minority population and the Maricopa
5 district, currently the benchmark district and the proposed
6 district are very similar.

7 Ms. O'Grady and I had a chance to talk about that,
8 and she was telling me about population growth in certain
9 areas potentially being higher to support any growth rates
10 being higher to support the numbers being very similar.
11 That's a great example of something, from a narrative
12 standpoint, that would be in the submission to explain to
13 Justice why the population numbers are so close, which again
14 does not suggest that there's a problem, but it is a
15 question that they will ask.

16 In looking at the numbers, they will say, oh, the
17 population between the benchmark and what the Commission has
18 sent us are virtually the same. Why is that?

19 Then they'll look at the narrative description as
20 Ms. O'Grady was talking about, that shows population growth
21 justifying that.

22 So that the danger of retrogression by effect,
23 accidental retrogression over time is much less.

24 But that's a great example of something that may
25 not appear in this chart showing the comparison between the

1 two plans, but it is in a census data and other demographic
2 information which would be part of the submission to meet
3 the Commission's burden and show that there's no
4 retrogression.

5 CHAIRPERSON MATHIS: Okay.

6 Any questions or comments for Mr. Adelson on that
7 one?

8 COMMISSIONER McNULTY: We're doing that analysis,
9 right?

10 CHAIRPERSON MATHIS: Someone's doing it.

11 BRUCE ADELSON: Commissioner McNulty -- I'm sorry.
12 My microphone fell off. The soft part fell off.

13 Sorry guys.

14 The analysis is ongoing.

15 The demographic information is something that, to
16 paraphrase what the Department says, it's either there or
17 not.

18 As Ms. O'Grady was explaining, the fact that that
19 does exist, that's not something that necessarily involves
20 analysis. It's more including in the narrative description
21 of the submission to make sure that in telling the story,
22 Justice understands why the populations are basically so
23 occludent. So it's less analysis and more narrative.

24 MARY O'GRADY: And I don't think I put my comments
25 on the record yesterday.

1 I was taking issue with the idea that we had to
2 bump those up, because I don't think we do. And with the
3 preclearance, the DOJ preclearance for the Maricopa County
4 voting rights district last time, this specific demographic
5 information there, it was precleared at a 51.8 percent
6 Hispanic VAP level, but over the course of a decade, it
7 actually became more Hispanic up until, you know, it was at
8 the 56 percent level or so, where it is, when we started our
9 redistricting process. And we bumped it up a couple tenths
10 of a percent, but not much. It's basically the same. It's
11 an area that has grown more Hispanic.

12 And in terms of the concern that was also
13 expressed about whether we have a strong incumbent, and
14 whether that would need to improve in case it didn't have
15 that same strong incumbent, at least the analysis that we
16 have, and it will get deeper when you look at the mine
17 inspector race, the mine inspector actually ran better in
18 2010 than the incumbent in the congressional race.

19 So it runs strong for the other reasons that have
20 been tested so far.

21 So, but again, that's just the narrative. That's
22 just the explanation to explain why it's not retrogressive.

23 And I think we're on the same page there now.

24 CHAIRPERSON MATHIS: And then we had that input
25 from the Hispanic Coalition For Good Government, the letter

1 that we received yesterday, and those are some precinct
2 level, I think, changes that were suggested, that I think
3 our mapping consultant has a copy of, and I think we're
4 going to take a look at it.

5 WILLIE DESMOND: So we'll have that loaded up on
6 Monday, have that change report and how that will impact the
7 plan.

8 CHAIRPERSON MATHIS: Good.

9 COMMISSIONER STERTZ: Madam Chair.

10 Since I am able to bring my map up right now, I
11 would like to at least walk through some of the changes I'm
12 going to be recommending.

13 CHAIRPERSON MATHIS: Sure.

14 COMMISSIONER STERTZ: I'll start with CD 1. CD 1
15 I am not keeping -- recommending today. Cochise County
16 still has a small split in it.

17 It starts north of Interstate 10, and picks up and
18 improves Sierra Vista, Fort Huachuca, going all the way down
19 to the border of Arizona and Mexico, to the corner point of
20 -- it's just outside of Cochise, into -- from CD 1 and CD 2.

21 Follows the river, splitting Santa Cruz County,
22 bringing half of Santa Cruz County into CD 2.

23 And it brings Saddlebrooke, Oro Valley, Marana,
24 out of CD 1 and places it into CD 2, following county road
25 or state road 79, and going north by voter block following

1 77. Then going west to the county line back south.

2 MARY O'GRADY: Not to disrupt the flow too much,
3 but I will, if it's okay, Madam Chair, Commissioner. As you
4 kind of -- once you kind of wrap up your detailed
5 description, maybe step back and link it to the
6 constitutional criteria, public input. That would be
7 helpful in terms of the record --

8 COMMISSIONER STERTZ: I will --

9 MARY O'GRADY: -- area by area.

10 COMMISSIONER STERTZ: -- do that. Area by area.
11 So, in regards to the -- and I appreciate that.

12 In regards to the public comment that we received,
13 there were two layers of public comment that we received.

14 One was to keep Cochise County intact.

15 The other was that there was a stronger
16 relationship between Sierra Vista, Fort Huachuca and Tucson
17 than there was with Sierra Vista, Fort Huachuca and Douglas,
18 so I made that connection.

19 There was also a deeper connection with the
20 eastern side of Santa Cruz County with Sierra Vista and Fort
21 Huachuca, making that a community of interest.

22 We also have a geographic feature, two mountain
23 ranges, both flanking to the southwest and to the northeast,
24 allowing those areas to be flanked by mountain districts.

25 In regards to Oro Valley, Saddlebrooke, Marana,

1 and we heard a tremendous amount of testimony in regards to
2 the relationship between Oro Valley, Saddlebrooke, and
3 Marana to the City of Tucson, where they were linked as a
4 community of interest, including traffic corridors, and
5 they're also flanked by geography and by transportation.

6 As we move further into Maricopa County, moving
7 Apache Junction, San Tan and Florence out of CD 4 and into
8 CD 1. Those are -- are relationship. The comments that
9 we've heard in Casa Grande and Pinal County, as well as from
10 the residents of Johnson Ranch, San Tan, Apache Junction and
11 Florence, that board should be remaining in Florence where
12 it is the County seat, and San Tan, Apache Junction are
13 contiguous in their transition corridors, in their shopping
14 habits, as well as their communities and how their
15 relationships work.

16 There was a greater sense, a higher sense of
17 relationship between those communities than there were with
18 those communities being linked over into the northwest
19 corner of the state.

20 So those are the substantive changes outside of
21 the ones that Commissioner McNulty has already recommended.

22 And I'll be documenting these, as well as the
23 constitutional criteria, why they should be put in place.
24 And I'll put those in the record by e-mail.

25 CHAIRPERSON MATHIS: Great. So how will that

1 work, from a change report perspective, in terms of seeing
2 what Mr. Stertz's suggestions and Ms. McNulty's do.

3 Can you go over that again for us.

4 KENNETH STRASMA: We'll prepare those as two
5 separate change reports.

6 The ones that you saw for the voting rights
7 districts were a fairly small number of districts affected.
8 Two or three.

9 These will be longer, multi-page reports, because
10 of the sort of around-the-clock effect necessary for both of
11 these. So we'll have one set of change reports for each of
12 these two approaches.

13 CHAIRPERSON MATHIS: And then what about the
14 voting rights changes? Would that be a third one, the ones
15 from the Hispanic Coalition For Good Government?

16 KENNETH STRASMA: Yes, that would be a third one.

17 And I know there's a few others that we'll work
18 on, time permitting, in keeping with the strategy of
19 prioritizing voting rights to get that approval. We'll work
20 on those first.

21 CHAIRPERSON MATHIS: Right.

22 KENNETH STRASMA: Taking it to some of the other
23 technical elements.

24 CHAIRPERSON MATHIS: Right. That sounds fair.

25 Anyone else?

1 COMMISSIONER McNULTY: I would like to make a
2 comment on the Hispanic Coalition For Good Government
3 changes.

4 The change in Districts 2 and 3 looks fairly
5 discreet, and then there is probably a way to make a swap
6 between those two districts that would accommodate that.

7 I was kind of looking at that last night, but I
8 haven't had a chance to finish it.

9 The changes proposed in District 7 seem to be more
10 comprehensive, and I need more time to think about all of
11 that.

12 It seems to me to implicate broader implications
13 than the proposed change in District 3.

14 KENNETH STRASMA: Well, with that in mind, we'll
15 see if we can implement those as separate changes so they
16 can be analyzed separately.

17 COMMISSIONER McNULTY: Thank you.

18 CHAIRPERSON MATHIS: Great.

19 Any other comments on congressional that you want
20 to talk about?

21 COMMISSIONER STERTZ: Madam Chair, followup on
22 Commissioner McNulty's. And you're right. In looking at
23 the changes to CD 7, you've got some -- we're not just
24 affecting geography, but affecting some pretty big
25 population centers.

1 Commissioner McNulty, did you have an opportunity
2 to study any of those?

3 COMMISSIONER McNULTY: No, I just started looking
4 at the change at three last night, and I haven't really had
5 a chance to look at seven at all.

6 It seemed to me that there was a fair amount to
7 look at.

8 COMMISSIONER STERTZ: In my quick analysis of it,
9 we have a -- we have some big -- we have some population
10 shifts that would need to be accounted for. And as we're
11 contemplating some of these other changes that we're looking
12 at, the potential of not only enhancing CD 7 and improving
13 the quality of the environment as it pertains to the
14 constitutional criteria, as recommended by the Hispanic
15 Coalition's letter, we might also be able to pick up and to
16 make some -- integrate some of the recommendations that we
17 heard through public testimony on the adjacent districts.

18 So, for example, there might be a place in a nine
19 or a five, or a six, that we might be able to make some
20 improvements on, some areas that might have had some edges
21 that might want to be cleaned up because of the transfer of
22 population that may occur.

23 I want to be able to take all those into account
24 simultaneously.

25 COMMISSIONER McNULTY: I would go back to -- my

1 perspective is to go back to Ms. O'Grady's comment that CD 7
2 looks very good right now and is a very strong district, and
3 I am not sure that we need to improve it.

4 So I want to take that into account also as we
5 look at what's been requested.

6 I think making the improvements in the legislative
7 districts falls into a slightly different category than the
8 congressional districts where I think we have two very solid
9 districts.

10 We just have one issue of proof, so to speak,
11 issue of analysis and documentation that Mr. Adelson has
12 asked for, but I don't think we have any suggestion that we
13 need to improve either of these districts.

14 COMMISSIONER STERTZ: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Stertz.

16 COMMISSIONER STERTZ: Commissioner McNulty, are
17 you suggesting that we not take into consideration the
18 letter that was delivered yesterday by the Hispanic
19 Coalition?

20 COMMISSIONER McNULTY: No, no. I definitely am
21 suggesting that we consider it, as I said.

22 I just had a chance to start looking at it and a
23 change in CD 3 seems fairly discreet.

24 The change proposed in CD 7, I need to spend more
25 time with before I draw any conclusions.

1 COMMISSIONER STERTZ: Thank you.

2 CHAIRPERSON MATHIS: Okay.

3 Any other comments on congressional districts?

4 Thank you both for your suggestions for the
5 adjustments and presentations, and we'll look forward to
6 seeing what they result in on Monday to the extent you're
7 able to complete all of it.

8 COMMISSIONER McNULTY: Madam Chair, before we move
9 on, I think we moved from Voting Rights Act legislative
10 districts to congressional districts, and I kind of -- I
11 think I missed your call for other comments on legislative
12 districts. And I did have a couple thoughts about things
13 that I would like Strategic Telemetry to be thinking about
14 on legislative districts that don't bear on the minority --
15 majority-minority districts we look at.

16 CHAIRPERSON MATHIS: Sure. I'm not sure I gave
17 that call. So thanks for prompting me.

18 There's definitely an opportunity for us to go
19 back and talk about legislative districts, other
20 opportunities outside of voting rights districts, so if you
21 would like to go over some now.

22 COMMISSIONER McNULTY: Just a couple.

23 There are -- there are others that -- that I'm
24 looking at and thinking about. I think some things that
25 legal counsel is looking at, that do potentially relate to

1 the voting rights districts.

2 And something I just haven't worked through yet,
3 but a couple things that I thought were fairly discreet that
4 I might raise that we might think about, are in Legislative
5 District 6.

6 We heard a lot of comment about the fact that we
7 have Show Low and Pinetop in separate legislative districts,
8 when they really are adjacent communities.

9 My suggestion, or my request, is that we look at
10 moving the town of -- swapping in LD 6 the town of Winslow,
11 which would come out of the Native American district, into
12 the Flagstaff district, and comparable in population almost.
13 We would move Show Low into the district with Pinetop.

14 That would solve a lot of comment.

15 It would also bring Winslow and that I-40 corridor
16 that we heard a lot of discussion about in Flagstaff
17 together.

18 And I wondered if we could look at whether there's
19 a way to do that while at the same time keeping most of the
20 tribal lands that we heard discussed in the Native American
21 district.

22 I think we have the information about where most
23 of that is. So that was one -- one thought.

24 And then the other thought, I don't know if we
25 want to discuss that first. I'll just throw them both out

1 there and we can discuss both of them.

2 Legislative District 23, the existing legislative
3 district is and has been for some time a competitive
4 district.

5 So I would like to look at what we might do to
6 create a more competitive district in Pinal County out of
7 our -- we currently have the proposed legislative districts
8 8 and 11.

9 And there are different ways we could configure
10 those towns, which work, or which don't work, probably in
11 equal measure, from various perspectives.

12 And I'd like to look at whether there's a way that
13 we can improve the competitiveness of one of those
14 districts.

15 CHAIRPERSON MATHIS: Having been at the Hon Dah
16 hearing, I would definitely concur that Show Low and Pinetop
17 want to be together.

18 So that's definitely a change that I had on my
19 list.

20 Any thoughts, Mr. Stertz?

21 COMMISSIONER STERTZ: Madam Chair, we received
22 from the -- from Eagar, Pinetop, Lakeside, Show Low,
23 Springerville, I can't go down the entire list, 15 different
24 city resolutions in five different county resolutions to
25 bring those communities back.

1 I think that the Show Low, Pinetop, Lakeside
2 corridor is imperative to keep intact as a great starting
3 point.

4 But I want to introduce all of those at -- start
5 to bring all of that engagement.

6 There's that -- that group, that group of 15
7 cities alone represents close to 70,000 residents that the
8 cities themselves took the time to give to provide
9 resolutions of what they were looking for, and the counties
10 that are being represented are close to 200,000 population
11 that were being represented.

12 So I want to make sure that, although, of course,
13 I'm not prepared to go through the details of the remedy
14 today, we can certainly be prepared to do that on Monday, as
15 far as some potential remedies to meet with desires of those
16 residents, those 70,000 cities combined and 200,000 in
17 county.

18 Some of those may not be able to be met in their
19 entirety, but I would like to give it a try to do the best
20 we can to meet their request.

21 CHAIRPERSON MATHIS: Okay.

22 So, how are we -- are we going to focus on the
23 voting rights districts first, on both congressional and
24 legislative? I'm thinking priorities.

25 Then we look at the additional changes,

1 adjustments that we might consider on the congressional, and
2 then we do legislative?

3 How do you guys want to proceed on that in terms
4 of giving priorities to our mapping consultant?

5 COMMISSIONER McNULTY: Sounds like we need to do
6 the analysis on the majority-minority districts on the
7 legislative side, and get that under way. So that's our
8 first priority; is that right? And second priority,
9 minority-majority on the congressional side.

10 So all of that can be in progress while we're
11 working on the other things.

12 MARY O'GRADY: Madam Chair, some of these affect
13 majority-minority. The Show Low, Winslow swap do affect
14 majority-minority districts. And so I would think that
15 anything that touches on a majority-minority district would
16 count, not just those things that we're specifically
17 focusing on majority-minority, like the eastern Arizona
18 thing, because of the majority-minority district issue.

19 CHAIRPERSON MATHIS: Okay. So any adjustments
20 that would impact, based on public comment, any of those
21 adjustments that would impact the majority-minority
22 districts, we want to prioritize over the others.

23 Okay. So you guys feel comfortable with our
24 direction?

25 KENNETH STRASMA: Yes, if -- allow me to repeat it

1 to make sure I understand correctly.

2 CHAIRPERSON MATHIS: Okay.

3 KENNETH STRASMA: That what we will be working
4 through is the congressional changes provided by
5 Commissioner McNulty, and that Commissioner Stertz will be
6 sending around.

7 We will -- the Hispanic Coalition For Good
8 Government changes, we will prepare as separate change maps,
9 and we will be preparing details on LD 1 adjustments that
10 was discussed earlier today, and those will be our first
11 priorities in hopes that we can get tentative lock-in on
12 changes.

13 CHAIRPERSON MATHIS: Does that sound accurate to
14 you all?

15 COMMISSIONER McNULTY: The analysis, would it be a
16 correct statement that the analysis needs to begin
17 progressing on the Hispanic majority-minority districts? Do
18 we have the same concern about the Native American
19 districts, the same analysis, does that need to be
20 undertaken? And if so, I guess we would need to include in
21 what Ken just said LD 6 and CD 1.

22 BRUCE ADELSON: Commissioner McNulty, Madam Chair.

23 To the extent that for the minority Native
24 American district there is -- there are contemplated
25 changes, the effect is the same as for the majority Hispanic

1 districts to determine if there is any retrogression in
2 changes that are being discussed.

3 So to that degree, yes, anything that implicates
4 that district, just as the other nine, would be the same as
5 far as an analytical priority, I guess.

6 CHAIRPERSON MATHIS: Okay.

7 Anything else on this? Do we want any direction
8 or comments, questions?

9 COMMISSIONER STERTZ: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Stertz.

11 COMMISSIONER STERTZ: We have not had a business
12 meeting. I know this is not an agenda item. We have not --
13 we've got some business that needs to be taken care of as
14 well.

15 I'm jumping because the answer is, no, I don't
16 have anything else on that point. But we are going to need
17 to start taking care of some of the outstanding business
18 items, and there's nothing on our agenda item to speak about
19 future agenda.

20 CHAIRPERSON MATHIS: Right. So I'm not sure how
21 much detail we can go into on that, but I know Mr. Bladine
22 received some direction the other day from us as to his
23 executive director report and things that he'll be bringing
24 to the meeting next week.

25 And those agendas haven't been set yet, to my

1 knowledge, so that's right.

2 COMMISSIONER McNULTY: I think he's also prepared
3 to talk to us at any time that any of us have questions
4 about outside of the meeting, too.

5 COMMISSIONER STERTZ: Great.

6 CHAIRPERSON MATHIS: Okay.

7 So that takes us to agenda item five.

8 I'm not sure on 5 and 6 if there's anything that
9 you needed. Okay?

10 So we just have public comment left, and right now
11 I only have one Request to Speak form. Mr. Bladine is
12 bringing us some.

13 Just as a reminder for anyone who comes up to
14 speak to us, please state your name and spell it so that our
15 court reporter gets an accurate transcript.

16 Go ahead and start with the first person. I don't
17 think we have a lot of Request to Speak forms, so Jana
18 Granillo, representing self, from Tempe.

19 JANET GRANILLO: Hello. My name is Jana, J-A-N-A,
20 last name is G-R-A-N-I-L-L-O.

21 It's Granillo.

22 I live in Tempe, and am representing myself. And
23 I thank you all for giving the public an opportunity to
24 comment.

25 I currently live in an area that is proposed

1 District 26.

2 So today's meeting was of most interest to me as
3 you were looking at the different geographic areas to draw
4 out.

5 For that particular area, I consider myself middle
6 class, although I think I'm probably poorer than middle
7 class. But I'll take that.

8 And the neighborhood that I live in, it's a mixed
9 housing. There's homes and there are some high density
10 housing in there, apartments in Tempe. I live in Tempe.

11 The schools have lost population. And I know that
12 the statistics that you're using are only as good as at the
13 times when they were received when you got them.

14 But I will tell you for my particular daughter's
15 school that we have lost population, okay? So it's
16 reflective of some of the current -- the way it looks.

17 Also, there's a lot of empty houses because of the
18 economy, and because of the high density people moving in
19 and out of that particular area.

20 So I just wanted to share that reflection as far
21 as the characteristics of that particular area.

22 Yes, I know you have your statistics, but for me,
23 personally, I'd like to see as much increase of
24 minority-majority as possible, and I also know that you're
25 not looking at income and poverty.

1 Poverty is a real good indicator about the
2 populations and their ability to vote.

3 So I'd just like to throw that out there, as far
4 as Legislative District 26.

5 And as you were making the little move, I missed
6 the jog by that much of being either included in 26 or not.

7 Whether it stays that way or not, it's not going
8 to make a difference to me.

9 I think where it would make a difference where
10 folks who were -- who were involved in trying to get out the
11 vote and trying to find out where they fall in any lines.

12 So if that has any relevance in your decision,
13 making straight lines are always easier to communicate to
14 the public, especially younger populations, you have a lot
15 of challenges understanding where they stand and how they
16 vote.

17 That was my point there. Also, as a long time
18 resident of the state of Arizona.

19 I heard you talking earlier about Yuma and the
20 Republican vote there.

21 That's a big military area, so regardless of the
22 demographics, there they have to support the economy and the
23 economy is the military. And McCain is a military man. So
24 I just want to offer that insight to you all.

25 And, finally, as I heard today, the proposal of

1 Mr. Biggs coming to speak to you all regarding their work
2 that they've done. I was part of the hearing on day one of
3 the Senate testimony. And I'm here to tell you that that
4 was a hostile environment.

5 So my, as a citizen, I would say that if you had a
6 different opinion than the majority of that Board, it was a
7 hostile environment.

8 And to take their comments was an insult. I offer
9 caution to what proposals that they do.

10 Also, for that particular hearing of the
11 legislative body, I saw on day two where they were looking
12 at where people who are already Congressmen live.

13 And that's not part of the criteria.

14 So to quote one of our famous House of
15 Representatives, I think that poisoning the water in
16 considering what they propose.

17 And I hope that that doesn't carry any more weight
18 than what the citizens and other people have brought to you
19 or will bring to you for your consideration.

20 Thank you so much for your work that you all have
21 done, and I am just so glad that you're here and this
22 process is working and proving to the state of Arizona that
23 this process can work.

24 Thank you very much.

25 CHAIRPERSON MATHIS: Thank you.

1 Our next speaker is Chase Williams, representing
2 self from Maricopa County.

3 CHASE WILLIAMS: Chase, C-H-A-S-E, Williams,
4 W-I-L-L-I-A-M-S.

5 Just some general things that were talked about
6 today. First, when you're talking about whether we give
7 more weight to certain elections or not, I think the fact
8 that the McCain vote in 2004 was so lopsided probably means
9 there should be less weight given to that race, because it's
10 not an accurate reflection of election to election. It's
11 one candidate who happened to be very popular in the state,
12 so that's just one comment there.

13 Also, in the changes to LD 26, there were slight
14 changes in the competitiveness of 18 on a few of the
15 indexes. I want to make sure that we take a closer look at
16 that. Make sure we're not harming the competitiveness of
17 that district, because in that, as well as congressional
18 districts, when you're moving groups of people on the
19 statistics, you're also moving ideologies. So we have to
20 make sure that we're not messing with the competitiveness of
21 a district like 18.

22 Another thing was in the east valley, especially
23 the way that neighborhoods are created by the developers.

24 It may look like just kind of moving one block,
25 but it could be the middle of a development that's already

1 established or something like that. So I just want to make
2 sure that we're examining those things, especially in that
3 LD 26 and 28 area.

4 Furthermore, I would like to commend Commissioner
5 McNulty on her proposal for 8 and 11, to make those more
6 competitive. I think the more competitive districts we
7 have, it means more people get involved, and the more people
8 involved, the stronger our democracy is.

9 On congressional districts I want to make sure
10 that we're not touching 9.

11 Commissioner Stertz mentioned that if we do
12 something with 7, we can mess with 9.

13 But 9 is almost a perfect competitive district,
14 which is what we heard over and over again in public
15 testimony. So I think we need to preserve that type of
16 competitive 50/50 district.

17 Also, we have to make sure we keep Congressional
18 District 1 competitive. If we make these changes to Cochise
19 County and the rest of the state, we have to make sure that
20 we're not removing competitiveness because of these public
21 comments.

22 Because I think public comments across the state
23 asked for competitive, and although I may not live in
24 Congressional District 1, their vote still affects me on a
25 national level. So if I want competitiveness for the entire

1 state, it shouldn't just matter that people in Cochise
2 County wanted some changes.

3 Also, on the legislative presentation you're
4 expecting next week, I want to remind the Commission those
5 are the same people who voted to remove the Chairwoman, and
6 they and the Governor both have taken lots of actions to try
7 and make this process partisan instead of independent.

8 So I would ask you to make sure that you are
9 taking their presentation with a grain of salt, because they
10 do have a partisan agenda, as they've said over and over.
11 And as the previous speaker outlined, their report actually
12 takes no account for things for a partisan goal, that don't
13 even apply to this Commission.

14 So when they come to speak to you tomorrow, just
15 because they are a state senator does not make their voice
16 any more powerful just because they're making this
17 presentation, because they do have partisan agendas. And we
18 have to make sure that we're identifying those, making sure
19 that they're not creating a corruption process within this
20 Commission.

21 And, finally, for the Stertz/McNulty proposals on
22 the congressional districts, I was wondering if there's any
23 way we can get just like the general outline of what you
24 want to do online this weekend before we actually see the
25 maps, so that the people who are going to be here next week

1 have a better idea, rather than just these random roads
2 mentioned in the transcript. I don't know if we can also
3 see the e-mails that tells us things, or if something can be
4 posted online so we can evaluate those over the weekend. So
5 that's all.

6 Thank you.

7 CHAIRPERSON MATHIS: Thank you.

8 Our next speaker is Betty Bengtson, representing
9 self, from Pima.

10 BETTY BENGTON: Betty Bengston. B-E-T-T-Y,
11 B-E-N-G-T-S-O-N.

12 We were a little late arriving today, so I didn't
13 hear all of the discussion, but I'm just going to say that I
14 am happy to see the Chairwoman back in her position and the
15 Commission back at work again.

16 You all have worked very hard under very difficult
17 circumstances. I just want to encourage you to keep up the
18 good work, and to work through all the partisanship and the
19 rhetoric that you hear that is not always pleasant to hear.

20 So it's important for our state to have this
21 Independent Commission process and to see that the
22 Commission remain independent.

23 So thank you for your work, and keep it up.
24 Thanks.

25 CHAIRPERSON MATHIS: Thank you.

1 Our next speaker is Pete Bengtson, representing
2 self, from Pima County?

3 A. It's Peter Bengtson, P-E-T-E-R, B-E-N-G-T-S-O-N.

4 You all know I'm a competitive district guy, so I
5 won't talk about that anymore.

6 I'm really glad to see Colleen Mathis back as the
7 Chair. It's really important.

8 The other thing I wanted to comment on, I wanted
9 to commend Linda McNulty for her comments last night. I was
10 watching online.

11 One of the things that struck me was there are a
12 lot of comments that have been made where you can't make any
13 changes. One thing that was obvious to me is, this CD 1,
14 the big rural district on the east side, where a lot of talk
15 and a lot of comments about they want to grow districts, and
16 then the people in Oro Valley didn't want to be included in
17 that district.

18 There's not much you can do with a big rural
19 district like that.

20 There's not many people out there. They're going
21 to have to suck up some suburban areas like Oro Valley
22 somewhere in Maricopa County. And I was pleased to see
23 Commissioner McNulty recognize that some of these comments
24 you just can't do anything about.

25 And finally, I don't have any problems with any of

1 the congressional or legislative districts that I'm in. I
2 live in a suburban area, and it doesn't make a lot of
3 difference whether I'm in one legislative district or
4 another. So I guess in the suburban areas, I don't think it
5 matters that much.

6 So just to make it competitive, that's all you
7 need to do.

8 Thank you.

9 CHAIRPERSON MATHIS: Thank you.

10 Our next speaker is Steve Muratore, publisher of
11 the Arizona Eagletarian.

12 STEVE MURATORE: Thank you, Madam Chair,
13 commissioners.

14 My name is Steve Muratore, M-U-R-A-T-O-R-E.

15 I have two points.

16 Number one, I wanted to address the issue of the
17 change reports, change orders, touches on what Mr. Williams
18 said.

19 It occurs to me that if the mapping consultant is
20 preparing things to digital files, they should be considered
21 incom- -- their work should be considered incomplete if they
22 come to the meeting without making a file that can be,
23 during that meeting, at least posted to the website.

24 Because we have no clue what the heck you're
25 talking about if we can't see it.

1 And from my perspective, that presents a dramatic
2 lapse in the ability of the public to understand your
3 deliberations, if that's what you want.

4 The other thing I wanted to mention,
5 Commissioner Stertz made reference to a number of
6 resolutions that were presented to the Commission by cities
7 and towns in eastern Arizona.

8 I wanted to make it clear, and I have posted on my
9 blog November 16th about this, those resolutions were
10 largely obtained under false pretense, by a person that is
11 not registered to vote. And when he was asked by city and
12 town council's about his registration, he said he was
13 registered with neither party.

14 But he did tell them that he is not registered to
15 vote, and the reason he's not registered to vote is he's a
16 convicted felon and has not had his civil rights restored.

17 As such, I spoke with him at length. I determined
18 that he was acting on the behest and as an agent of the LD 5
19 incumbent lawmakers who are referred to in eastern Arizona
20 newspapers as the ABC team.

21 Senator Allen is the A, representatives Brenda
22 Barton and Chester Crandall are the B and the C. As such,
23 they were interfering with this process by deceptively using
24 that young man as an instrument without full disclosure to
25 the city and town councils.

1 So with those resolutions, I think they should be
2 taken with that perspective in mind.

3 Thank you.

4 CHAIRPERSON MATHIS: Thank you.

5 Our next speaker is Leonard Gorman, executive
6 director of the Navajo Nation Human Rights Commission.

7 LEONARD GORMAN: Good afternoon Commissioners and
8 folks.

9 We are anticipating presentations by on the
10 Internet, I want to have an opportunity to distribute some
11 documents to the Commissioners because of the point we
12 raised yesterday in our comments, and the response that I've
13 been given with regards to Legislative District 6 that's
14 being suggested for review along the lines of making some
15 swaps in the Winslow area. And also Show Low area. And
16 what the impact of that will be with regards to the Voting
17 Rights Act concerns.

18 But before I get to that area of discussion, I
19 want to distribute some information that I think clearly
20 illustrates the point we're raising from the Navajo Nation
21 with regards to the voter effectiveness or the
22 ineffectiveness of voters on the Navajo Nation.

23 I don't know if somebody can help me distribute
24 two sets of documents that I want to provide.

25 I'll go through them at each point.

1 The document that's being provided to you
2 illustrates location on Highway 191, between Chinle,
3 Arizona, and out of Arizona on the Navajo Nation.

4 And you will see a precinct, some precinct lines.
5 The first set of precinct lines are the blue lines, the dark
6 blue lines, those are the state precinct lines.

7 Those are the ones used by the counties.

8 Second precinct lines are the green lines, those
9 are the green lines once used by the Navajo Nation during
10 the election time.

11 So you'll see the shaded area in the middle of the
12 page, in which it is noted that 29 voting age of Navajo
13 residents in this area who vote at Tselani/Cottonwood
14 Chapter for Navajo elections, while they vote at the Nazlini
15 Chapter for the state elections.

16 You'll see the distance between Cottonwood on the
17 far upper left-hand corner of the map, to the Nazlini
18 Chapter place.

19 It is approximately an hour and 20 minutes.

20 So the conditions that exist in this area, for
21 example, a Navajo person who lives in that shaded area would
22 have to go to Nazlini and then canvass across to Cottonwood
23 to cast both the Navajo Nation and the state election.

24 Similarly, I want to also illustrate to you again,
25 and I think this is primarily speaking to the U. S.

1 Department of Justice, since in your submission they will be
2 reviewing your proposal to the U. S. Department of Justice,
3 and how it's very complicated for a Navajo voter to
4 participate in this process.

5 Now, the second set, next map that I'm providing
6 to you, illustrates the similar situation on the Navajo
7 Nation.

8 In this case it's in Navajo County, the northern
9 part of Navajo County.

10 The locations of reference are Kayenta, Arizona,
11 Chilchinbito, Arizona and Shonto, Arizona.

12 And the shaded area is where there are 75 voting
13 age Navajo residents.

14 And they vote for Navajo elections at Chilchinbito
15 Chapter House, which is on the right side of the map.

16 You see the dotted line that connects to Shonto
17 for the state election. They have to go to Shonto Chapter.

18 So, a distance between Shonto and Chilchinbito is
19 an hour and a half drive one way.

20 So you can imagine a person that lives in that
21 shaded area, having to travel to Shonto, and also to
22 Chilchinbito.

23 Two different places, polling places, to cast
24 votes for the state and Navajo Nation election.

25 This is not at the fault of the Navajo Nation.

1 This is, I think, something that can be addressed
2 by the State of Arizona, the counties, in which they line
3 the precinct lines with the Navajo political boundaries and
4 you would not be putting Navajo voters in these dire
5 conditions.

6 So this -- these two are prime examples. You can
7 just look at the maps that I've given you, where the
8 precinct lines don't coincide.

9 There are gaps in between.

10 So it's relatively confusing. Even myself, as a
11 Navajo person that votes on the Navajo Nation in state
12 elections, looking at these maps, which direction does the
13 voter travel to cast votes for Navajo and state election.

14 So you have to take that into consideration.

15 This is a two to five percent issue in Native
16 American voting age population for the Navajo people when
17 you take into consideration Legislative District 7 at the
18 present time.

19 So turning to the concern about making some
20 possible adjustments, reviews that would be made on Winslow
21 and Show Low.

22 Navajo Nation, along with the Hopi Nation, have
23 made presentations that not only are culturally significant,
24 historically used, traditionally used land areas, but also
25 surrounding the Winslow area. Navajo Nation has lands to

1 the north of us, to the northeast of Winslow.

2 In the city of Winslow there's a substantial
3 number of Navajos that live in that community, too.

4 Those Navajos that live there often are not there
5 because of their choice.

6 They're there because of the forced relocation
7 activity that has been implemented by the federal
8 government.

9 They find themselves in those communities because
10 they could not find any other residence on a Navajo Nation
11 when they were being forced off the Navajo Nation to live
12 elsewhere. So there are a number of Navajos in that area.

13 Navajo Nation has very, very strong concerns about
14 how those numbers are going to be juggled around for the
15 sake of trying to accommodate other concerns.

16 Now, the Hopi Nation has also raised very, very
17 strong concerns and made recommendations that the land areas
18 that they have repurchased, which is south of Winslow,
19 Winslow is actually enclosed by these conditions I'm
20 describing.

21 We have spoken to the City of Winslow. People
22 from Winslow who we're dealing with on the Navajo County lot
23 district boundaries, have made iterations that they feel
24 very comfortable in being in a district where the Navajo
25 Nation is located, because of the community of like interest

1 and the residents and town have with the Navajo Nation. So
2 that's a record in the Navajo County's redistricting
3 activities.

4 Now, should you decide to add Show Low to
5 Legislative District 7, you will easily run into a situation
6 in which you will be lowering the Native American voting age
7 population from the current 61.9 percent, to probably as low
8 as 55 percent.

9 So as speaking to the U. S. Department of Justice,
10 we have very, very strong concerns about that type of
11 iteration.

12 So as I have explained to you just now with the
13 maps clearly illustrating the condition that exists on the
14 Navajo Nation. These are not isolated situations on the
15 Navajo Nation. This is riddled throughout the Navajo
16 Nation, not only in Arizona, New Mexico, but also the Utah
17 side. The state governments do not respect Navajo political
18 boundaries, and that's one of the most difficult situations
19 the Navajo voters face during election day.

20 I hope that we would be able to have you
21 understand, and be more educated about the choices you'll be
22 making in the near future with regard to Legislative
23 District 7.

24 Thank you.

25 CHAIRPERSON MATHIS: Thank you very much.

1 Our next speaker is Lauren Bernally, representing
2 Navajo Nation Human Rights Commission, too. Am I getting
3 that right? Is it Navajo Nation Human Rights Commission.

4 LAUREN BERNALLY: Yes, you are.

5 Good afternoon. My name is Lauren Bernally,
6 L-A-U-R-E-N, B-E-R-N-A-L-L-Y hyphen Long, L-O-N-G.

7 I want to talk to you about voter effectiveness
8 and how that relates to the presentation provided by
9 Mr. Leonard Gorman. Voter effectiveness is very important
10 to the Voter Rights Act that protects and preserves the
11 rights of the Navajo voters who face the environmental and
12 social challenges that are not purposely developed or
13 designed by the voter.

14 It is important that the Arizona Independent
15 Redistricting Commission understand conditions that make it
16 difficult for Navajo voters to vote. I want to give you
17 three particular issues that affect Navajo voters.

18 First, Navajo voters living on the reservation
19 lack physical addresses that has a ripple effect for Navajo
20 voters.

21 Roads on the Navajo Nation are not paved and do
22 not have proper street addressing as you find in the city or
23 town.

24 Many Navajo voters identify their homes as sites,
25 by sacred sites or cultural landmarks that are familiar

1 within Navajo culture.

2 As a result, many Navajos rely on post offices to
3 receive mail, which are spread out across the Navajo
4 reservation.

5 This causes problems for Navajo voters.

6 Let me give you some examples.

7 For voter registration, the voter must draw -- the
8 voter must draw where the voter lives on the voter
9 registration application.

10 We have found that registered voters are sometimes
11 not assigned to a voter district, or are not included on the
12 voter roles when they go to vote, because the county does
13 not know where or which precinct to put them in.

14 This can result in individuals getting frustrated
15 and not voting.

16 The lack of physical addresses have also resulted
17 in challenges to get certification of Navajo candidates for
18 office.

19 In 2008 there were challenges to a number of
20 Navajo candidates because their condition -- their petitions
21 were signed by Navajo voters with post offices addresses.

22 Not all Navajo candidates were able to respond to
23 the challenges and were left off the ballot.

24 Second, Navajo voters go to the polls to vote on
25 election day and do not vote by mail, because postal

1 services, postal delivery are not readily available.

2 Checking mail daily is not a daily ritual.

3 Getting to the nearest Post Office or relative's
4 home where your mail goes happens once or twice a month.

5 There are very few voting locations on the
6 reservation.

7 We also have Navajo voters who require Navajo
8 ballot translations.

9 Mail-in ballots or early voting is not an adequate
10 way to engage voters, especially a Navajo voter.

11 Third and final point, the Navajo Nation is a vast
12 area that encompasses 25,000 square miles spread across four
13 states. Water, electricity, and sanitation are not readily
14 available in more than half the homes on the Navajo Nation.

15 Community and economic development is sparse.

16 Navajo Nation residents must travel great
17 distances to populated communities to purchase goods and
18 services. For a voter that lives out in a rural area where
19 those can endure harsh weather, and gas and oil is a dollar
20 higher a gallon than in the city, these barriers make it
21 difficult for a voter to consider casting a vote on election
22 day.

23 In some instances, it takes almost all day and
24 maybe two days for a voter to get out to vote and get back
25 home.

1 The Voter Rights Act recognizes that for
2 indigenous people of this country, there are other
3 considerations that should be taken into account when you
4 start to draw your voting lines.

5 Thank you.

6 CHAIRPERSON MATHIS: Thank you.

7 Our next speaker is Patty Ferguson bony, attorney
8 for Navajo Nation.

9 PATTY FERGUSON: Good afternoon. My name is Patty
10 Ferguson Bohnee, P-A-T-T-Y, F-E-R-G-U-S-O-N hyphen
11 B-O-H-N-E-E. I'm an attorney representing the Navajo
12 Nation.

13 I would like to thank the Commission for their
14 efforts in drafting an effective majority-minority Native
15 American Legislative District LD 7.

16 And would like to express to you that the Navajo
17 Nation is interested in maintaining the current
18 configuration of LD 7 unless there are enhancements to the
19 Native American voting age population.

20 Also, on behalf of the Nation, I would like to
21 make a few comments regarding LD 7 in response to the
22 request made by Coconino County to remove the Schultz fire
23 area of Fernwood and Timberline from LD 7.

24 First, the Nation is concerned with removing this
25 area from LD 7 for the following reasons.

1 The Navajo Nation currently has leased lands in
2 LD 7, and by removing the Schultz fire or flood area from
3 this location it would divide the Navajo Nation lease land
4 into two separate districts.

5 The Navajo Nation also has ancestral land in this
6 area, and because of this, the leased land and ancestral
7 land of the Navajo Nation also has an interest in the
8 response and mitigation efforts in this area.

9 This area is working together with Coconino County
10 and we do not believe that its mission will change with
11 respect to the prevention plans that are working with the
12 flood district.

13 We believe that will be the same whether it's in
14 LD 7 or another legislative district, because this is
15 primarily a federal issue.

16 The County has done a lot of advocacy with the
17 federal government, all branches of the government, the
18 legislative, the White House, and also the agencies. With
19 any federal emergency area there are a number of federal
20 issues, and so we believe that this is an important
21 consideration.

22 They have been working with federal agencies such
23 as FEMA, the Forest Service, and the Corps of Engineers in
24 their issues with national flood insurance. They also been
25 working with our U. S. Senators and Congressmen on federal

1 legislation such as the Burn Area Flood Prevention Act of
2 2011.

3 While we do recognize that this area has concern
4 issue of interest together, we would ask that you consider
5 the Nation's request to maintain a high Native American
6 voting age population, and to not decrease the Native
7 American voting age population by removing this area.

8 If it is replaced by other -- another population,
9 that would decrease the Native American voting age
10 population.

11 Thank you.

12 CHAIRPERSON MATHIS: Thank you.

13 That was my last Request to Speak form.

14 Are there any other folks that would like to
15 address the Commission?

16 (No oral response.)

17 CHAIRPERSON MATHIS: Okay. Well, thank you all
18 for coming today and providing your input and participating
19 in the process.

20 I think that leaves -- is there anything else that
21 we needed to address?

22 Okay.

23 That leaves adjournment, and the time is 4:08 p.m.
24 -- I haven't banged the gavel yet. Okay?

25 Oh, okay.

1 Jose -- Commissioner Herrera called and he is
2 apparently watching the video streaming.

3 And, on the record, he asked if we could extend an
4 invitation to the Democratic leaders to come and present
5 their report, that was the minority report from the
6 Legislature that we have a written copy of.

7 And since the other group is going to be coming
8 next week to present, well, he'd like us to also extend it
9 to the minority.

10 So, do we need to discuss that in any way? Is
11 there any comments from Commissioners?

12 COMMISSIONER STERTZ: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Stertz.

14 COMMISSIONER STERTZ: I think when I spoke earlier
15 I actually included the minority report as making an
16 outreach to them as well.

17 CHAIRPERSON MATHIS: Great.

18 COMMISSIONER STERTZ: If I didn't make that clear,
19 I think I stumbled over the Arizona minority report, as well
20 as the majority report to come over and make presentations
21 to us.

22 CHAIRPERSON MATHIS: Great.

23 So we'll extend an offer to them to come and do
24 that next week as well.

25 CHAIRPERSON MATHIS: So with that, the time is

1 4:09 p.m., and this meeting is adjourned.

2 Thank you.

3 (Whereupon, the public session ends.)

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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 110
7 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 7th day of
11 December, 2011.

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C. Martin Herder, CCR
Certified Court Reporter
Certificate No. 50162

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