

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Friday, December 9, 2011
9:36 a.m.

Location

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

Attending

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

Ray Bladine, Executive Director
Buck Forst, Information Technology Specialist
Kristina Gomez, Deputy Executive Director
Stu Robinson, Public Information Officer

Bruce Adelson, Legal Counsel
Joseph Roth, Legal Counsel

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

1 Tempe, Arizona
2 December 9, 2011
3 9:36 a.m.

4
5 P R O C E E D I N G S

6
7 (Whereupon, the public session commences.)

8 CHAIRPERSON MATHIS: Good morning. This meeting
9 of the Arizona Independent Redistricting Commission will now
10 come to order. Today is Friday, December 9th, and the time
11 is 9:36 a.m.

12 Let's begin with the Pledge of Allegiance.

13 (Pledge of Allegiance was recited.)

14 CHAIRPERSON MATHIS: We'll begin with roll call.
15 Vice-Chair Freeman.

16 VICE-CHAIR FREEMAN: Here.

17 CHAIRPERSON MATHIS: Vice-Chair Herrera.

18 (No oral response.)

19 CHAIRPERSON MATHIS: Commissioner McNulty.

20 COMMISSIONER McNULTY: Here.

21 CHAIRPERSON MATHIS: Commissioner Stertz.

22 (No oral response.)

23 CHAIRPERSON MATHIS: We have a quorum.

24 We are expecting Vice-Chairman Herrera a little
25 later.

1 And I don't think Commissioner Stertz can make it
2 today.

3 Other folks around the table include our mapping
4 consultant, Willie Desmond and Ken Strasma.

5 We have legal counsel, Joe Roth and Bruce Adelson.

6 And other staff in the room include Kristina
7 Gomez, our deputy executive director.

8 Our chief technology officer, Buck Forst.

9 And I think that's it for staff.

10 And then Marty Herder is our court reporter taking
11 an accurate transcript of today's proceedings.

12 So we'll go ahead and move to the next item on the
13 agenda, which says presentation on the draft congressional
14 and legislative maps by members of the Arizona state
15 legislature.

16 We did that earlier this week on Wednesday.

17 So number three, discussion, direction to mapping
18 consultant and possible action regarding adjustments to
19 draft congressional districts and possible action regarding
20 adoption and certification of final congressional districts.

21 The next item of course is the same thing, but for
22 the legislative map.

23 And I will defer to our mapping consultant to let
24 us know what they'd like us to start with.

25 We gave them some direction yesterday, and

1 Mr. Desmond can let us know what they were able to
2 accomplish last night.

3 WILLIE DESMOND: Okay. So the only new change I
4 have for today is a slight modification to the LD 26 change,
5 and that was to just grab that last 900 people in the
6 Dobson Ranch area.

7 We also printed up during the break yesterday and
8 distributed the change reports for the Show Low, Winslow
9 switch, along with the Arizona strip portion, so we could
10 re-discuss that if you like.

11 And then we also -- we have plenty of time, so if
12 there's any other scenarios that you'd like to explore, we
13 can do that.

14 And then if there are future modifications that
15 you would like me to start working on this weekend, we can
16 discuss that.

17 But, if it's all the same, I guess we should just
18 start with the LD 26, the report that you have in front of
19 you.

20 CHAIRPERSON MATHIS: Just a question. With regard
21 to the Show Low change, you were going to have one map, and
22 maybe you did this yesterday on the change report, where the
23 Colorado City stuff and the Show Low was all on one map, I
24 thought.

25 WILLIE DESMOND: Yes. And that I did distribute

1 yesterday.

2 CHAIRPERSON MATHIS: That's the one.

3 WILLIE DESMOND: That's the one. So those three
4 changes are all reflected in that change report, and we can
5 go over how that looks.

6 CHAIRPERSON MATHIS: Okay. Good.

7 WILLIE DESMOND: If you'd like to start there, or
8 if you would like to start with Legislative District 26.

9 CHAIRPERSON MATHIS: Yeah, let's start there.

10 WILLIE DESMOND: Okay.

11 VICE-CHAIR FREEMAN: Which document are we making
12 reference to again? Is it VRA LD 26 version three?

13 WILLIE DESMOND: No, that is entitled Winslow,
14 Show Low, Arizona strip.

15 VICE-CHAIR FREEMAN: Okay.

16 WILLIE DESMOND: I distributed it yesterday. I do
17 have an additional copy here, and I can use that -- I have
18 two, I have copies if anyone needs it.

19 So you can see the districts that are affected
20 here are Districts 5, 6, and 7.

21 District 5 takes on 10,503 people, moving its
22 population deviation from negative 2.1 percent up to
23 positive 2.8 percent.

24 District 5 is not a voting rights district. So it
25 is not -- there's nothing we really need to report there.

1 District 6 goes from a population deviation of
2 plus 1,762 people to a negative deviation of 920 people,
3 positive .8 percent to negative .4 percent.

4 And then District 7, which is the voting rights
5 district, goes from a population deviation of about 2700, a
6 negative 2700, to a deviation of negative 10,574, or
7 5 percent. That is a voting age -- or a majority-minority
8 district, Native American district.

9 The voting age Native American percentage goes
10 from 61.9 percent up to 62.4 percent.

11 The total Native American population goes from
12 63.7 up to 65.2, gaining 1.4 percentage points.

13 CHAIRPERSON MATHIS: Do you mind showing us on the
14 map the changes?

15 WILLIE DESMOND: Sure.

16 So the first change is this section, Mohave
17 County, is clipped out of District 7 and added to
18 District 5.

19 Basically this is kind of following the
20 direction that Mr. Adelson has given us, that removing
21 non-Hispanic White voters to be beneficial to the voting
22 rights district.

23 Additionally District 7 loses some, some areas
24 here. Specifically Winslow, and Winslow West, some of the
25 unincorporated areas surrounding it.

1 Joseph City started in District 6 and remains in
2 District 6.

3 So, these are the only two census places that
4 move.

5 In order to equalize the population, Show Low is
6 then added into District 7, keeping it with
7 Pinetop-Lakeside.

8 So that's -- those are the three changes.

9 CHAIRPERSON MATHIS: Mr. Adelson, do you have any
10 thoughts on the majority-minority district and what it does
11 to that?

12 BRUCE ADELSON: Madam Chair, I think as we had, as
13 we had started to talk about this yesterday, the -- in the
14 percentages, in the metrics that the Department of Justice
15 will look at under Section 5, the metrics are favorable as
16 far as population.

17 I think as you go further down and look at the
18 results of some of the elections, like the '04 presidential,
19 '06 secretary of state, and '08 presidential, and the
20 mine inspector, there is some difference as far as
21 effectiveness.

22 The -- although the minority candidate of choice
23 continues to win in those four elections, the margin of
24 victory has declined.

25 The margin of victory is not that significant

1 statistically.

2 The key factors in population are the, as you
3 know, the VAP, voting age population, the overall
4 Native American population.

5 These are, these are changes that typically is
6 very important to get the input of the affected minority
7 community. In this district it would be the Native American
8 community.

9 So the -- one of the things that we had talked
10 about yesterday was seeing the -- what the population is in
11 Show Low, for example, to see how that -- what the
12 demographics are as far as the racial makeup of the
13 community.

14 WILLIE DESMOND: I can show you those numbers
15 right now.

16 So, in Show Low, in Wagon Wheel, and the areas
17 that are also affected has a Hispanic voting age population
18 of 10.4 percent, a non-Hispanic White percentage of
19 84.31 percent, and a non-Hispanic Native American percentage
20 of 3 percent.

21 BRUCE ADELSON: Madam Chair, does this change
22 report, does this also reflect moving Winslow from -- is
23 that from District 7 to District 6?

24 WILLIE DESMOND: Yes.

25 BRUCE ADELSON: Can you do the population for

1 Winslow too, please?

2 WILLIE DESMOND: Yes.

3 (Brief pause.)

4 WILLIE DESMOND: This change, which isn't quite
5 everything, but I don't think these areas have any
6 population, is 10,000 people.

7 Of that, it has a Hispanic voting age population
8 of 30.1 percent, or 31 percent, basically, a non-Hispanic
9 White percentage of 38.5, and a non-Hispanic voting age
10 Native American percentage of 21.7.

11 BRUCE ADELSON: Thank you.

12 You know, this is a good example of comparing the
13 demographics of two communities that are, of course, very
14 relevant to this change.

15 You have one community that has a very large
16 non-Hispanic or Anglo -- a non-Hispanic White or Anglo
17 population in Show Low.

18 And Window Rock -- I'm sorry, not Window Rock.
19 Winslow has a population that's lower non-Hispanic White and
20 higher in Native American.

21 So one of the things that Justice would look at
22 is, does the swap, does that dilute minority voting
23 strength, which here would be Native American voting
24 strength. Does the swap reduce, hinder, weaken, or diminish
25 the minority's opportunity to elect candidates of choice,

1 meaning the Native Americans' opportunity to elect
2 candidates of choice.

3 The electoral -- electoral margins in four of the
4 five demonstrated races did decline with this change. As I
5 said, the decline is not that significant.

6 This is one of those changes in a way that could
7 be on a tipping point in a sense that if minorities in the
8 district argued strongly that this dilutes their voting
9 strength and their concern that the change may impair their
10 opportunity to elect over the next decade, that is something
11 that Justice would look at quite seriously and then do the
12 analysis to determine whether or not they agree with that
13 point.

14 But this is a very good example, because the
15 minority populations in both municipalities are so different
16 of exactly what Justice will do in determining
17 retrogression, whether intentional or accidental, in
18 swapping these two municipalities between this district and
19 District 6.

20 CHAIRPERSON MATHIS: Thank you.

21 Mr. Strasma, do you have anything you wanted to
22 add to this?

23 KENNETH STRASMA: Yes, if I could, harkening back
24 to yesterday's conversation where we discussed the fact that
25 there's only the one Native American district, so that

1 bulking up its percentages didn't really raise packing
2 issues, because there wasn't the ability to make a second
3 district.

4 And, Mr. Adelson, is my understanding correct from
5 yesterday that this does appear to be very solidly an
6 ability to elect district, with or without those changes?

7 BRUCE ADELSON: I agree.

8 I think that draft District 7, with the
9 percentages, just putting aside what we have today, does
10 appear to be a very favorable district.

11 I think that when I said that this is on the, on
12 the margin, as far as swapping these municipalities, this is
13 not a situation where you go from 60 percent ability to
14 elect in the metric elections to 45 percent.

15 So the difference is not overwhelmingly
16 significant as to reveal clear retrogression.

17 But because there is a reduction in performance,
18 even though there is an increase in the proportions of
19 Native American, for example, voting age and total
20 population, this is something that if it -- if this -- for
21 example, and hypothetically if the Commission approved this,
22 this would be something that Justice would think a lot
23 about.

24 Because under the regulations, the regulations
25 talk about any reduction, diminution, or weakening of

1 minorities' ability to elect.

2 And although the margins are strong as far as
3 electoral performance, it is something that they would take
4 a second look at, particularly if the minority community in
5 the district opposed the change.

6 But I do agree with Mr. Strasma that this does
7 appear to be a strong district. That's why this is a --
8 it's a difficult issue in the sense that there is some
9 reduction.

10 This could, this could be determined in part by
11 the -- what the minority community in the district had to
12 say and whether or not Justice agreed with them, as far as
13 the swapping of municipalities.

14 COMMISSIONER McNULTY: Madam Chair.

15 CHAIRPERSON MATHIS: Sure.

16 COMMISSIONER McNULTY: Mr. Adelson, so, is the
17 regulation that diminution against anything that might have
18 been possible as distinct from a diminution against the
19 benchmark?

20 BRUCE ADELSON: Madam Chair, Commissioner McNulty,
21 that's a -- that goes to the heart of the issue.

22 The regulations have been strengthened in part
23 because the Voting Rights Act was strengthened in 2006.

24 This would be something -- if I were sitting at
25 the department today and this was presented to me, and

1 assuming, and this is, this is a very significant caveat,
2 that the minority community had a very strong opposition to
3 this, this would be something that we would -- I'd have to
4 look at a lot.

5 Now, I can't say that in the end it would or would
6 not be a cause for a question. But because there is a
7 reduction, even though it's slight, if the minority
8 community weighed in heavily opposing the change, then this
9 would involve at the department additional discussion and
10 analysis.

11 It's hard to say in the end necessarily what the
12 decision would be. I think that that would be somewhat
13 implicated in part by perhaps the rest of the map and
14 perhaps other metrics that the department would look at.

15 But, this, this would involve additional
16 conversation.

17 I would -- if this had been presented to me, I
18 would call the minority community in the district and
19 speak to as many people as possible who, assuming they
20 objected to this, in addition to perhaps analyzing a couple
21 of other elections to see whether there's any significant
22 difference.

23 But, in the end, because the electoral performance
24 is still strong, this is not something, as I said, where the
25 electoral performance goes from being able to elect to not

1 being able to elect.

2 Which is a significant consideration.

3 So, this, this would definitely involve other
4 conversation, but, as I said, one of the key factors here is
5 what does the minority community in the district think about
6 this.

7 That is a very significant point that the
8 department would look at.

9 CHAIRPERSON MATHIS: Other comments from others
10 commissioners?

11 Mr. Freeman.

12 VICE-CHAIR FREEMAN: Just so I understand the
13 change report, the change report reflects two changes, one,
14 the Winslow, Show Low swap, and, two, the removal of the
15 portions of Mohave County north of the Colorado River from
16 that proposed LD.

17 So -- and I would think that the slight uptick in
18 native voting age population is probably attributable more
19 to the losing of the population in Mohave County.

20 Is that something Justice is going to look at?
21 They're going to -- because one change perhaps masks the
22 effects of another change.

23 BRUCE ADELSON: Commissioner Freeman, Madam Chair,
24 I think that's an excellent point, in that the demographics
25 in the Colorado River area are very heavily non-Hispanic

1 White.

2 So I think that that -- the department -- I'm
3 completely confident that the department would be very
4 favorably disposed to that change.

5 Also, the move of that community back into
6 Mohave County I know is favored by the people who live
7 there.

8 So, that, that change would be viewed differently
9 in the sense that there would likely be no minority
10 opposition to the change, because -- excuse me, because of
11 the demographics of that area.

12 So, I take your point that that -- that, that is a
13 different type of issue in that there would not be any
14 likely minority opposition, Native American opposition, to
15 moving the Colorado community back into Mohave County.

16 (Brief pause.)

17 CHAIRPERSON MATHIS: Yeah. Mr. Desmond, yesterday
18 you presented the change report that removes the
19 non-reservation portions of Mohave County. Right?

20 And it was just those in isolation so we could see
21 what those changes did to number -- to District 7?

22 WILLIE DESMOND: Correct.

23 District 7 and District 5.

24 CHAIRPERSON MATHIS: And five.

25 So what are your thoughts, Mr. Strasma and

1 Mr. Adelson, on proposed changes for further evaluation with
2 regard to this?

3 BRUCE ADELSON: Madam Chair, I think as we had
4 talked about yesterday, I'm very supportive of moving the
5 changes that the Commission wants to consider to the next
6 step for analysis. Because whatever changes are being
7 considered will have to go to that next step, even if the
8 changes -- the Commission decides eventually not to consider
9 certain changes.

10 So my view is to take a, a less conservative
11 approach when it comes to submitting things for analysis,
12 since it will have to be done anyway.

13 If this is something that the Commission wants to
14 consider, then I certainly would endorse going to that
15 analysis stage.

16 I think what's also important is that, given that,
17 to entertain as the Commission has been doing comments from
18 people in the community, that may be helpful in deciding
19 what direction to eventually go.

20 But I certainly endorse what Mr. Strasma had said
21 yesterday about getting the additional analysis that we
22 would need to meet our burden.

23 KENNETH STRASMA: And I would second that, that if
24 the Commission supports this change, I think it would be
25 good to submit it for further analysis and make this change

1 part of the working map going forward.

2 COMMISSIONER McNULTY: Madam Chair.

3 CHAIRPERSON MATHIS: Ms. McNulty.

4 COMMISSIONER McNULTY: I think we have
5 representatives of the Navajo Nation here today, and I
6 wonder if it makes sense to reserve a final decision on this
7 until we've heard from them.

8 Mr. Adelson is telling us that it's going to turn
9 on their perspective or it may well turn on their
10 perspective.

11 And we may have others here who have comments
12 about this district also.

13 I think we also wanted to include the Schultz
14 flood area, or wanted to consider including the Schultz
15 flood area in LD 6.

16 And as I look at that change report, that doesn't
17 have any significant consequence from a minority standpoint.
18 So we may want to include that also before we submit this
19 district for analysis.

20 WILLIE DESMOND: One thing to keep in mind there
21 is that would remove a few thousand more people from
22 District 7. With these changes, District 7 is becoming even
23 more underpopulated.

24 It's at 10,574. With these changes, I think it
25 would probably be somewhere around 13,000, 14,000 with that

1 change. So the deviation would grow more.

2 If you like, I can prepare that quickly and just
3 show you what that would do to the total population.

4 I won't have the full change report, but I can
5 show you how that would work.

6 COMMISSIONER McNULTY: I think that would be
7 helpful.

8 Do others?

9 CHAIRPERSON MATHIS: Sure. That's fine.

10 (Brief pause.)

11 WILLIE DESMOND: Looking at an earlier change
12 report, I was thinking it looks like moving the Schultz
13 flood area moves roughly 2400 people from District 7 into
14 District 6.

15 So it would put District 7 at a population
16 deviation of about 13,000 people. I believe that's about
17 six and a half percent.

18 So that's just one other thing to consider with
19 that change.

20 COMMISSIONER McNULTY: But that move doesn't have
21 significant Native American population.

22 WILLIE DESMOND: Moving that area from District 7
23 into District 6, actually it increases the Native American
24 percentage of District 7 by about .7 percent, or
25 seven tenths of a percent.

1 Of the 2400 people that are moved, 1850 are
2 non-Hispanic White.

3 So it is a largely non-minority group of people in
4 that affected Schultz flood area.

5 So the change would just further increase the
6 Native American percentage in that district.

7 COMMISSIONER McNULTY: I see Mr. Adelson nodding.

8 CHAIRPERSON MATHIS: Yeah.

9 COMMISSIONER McNULTY: That seems like a good
10 thing.

11 BRUCE ADELSON: Commissioner McNulty, Madam Chair,
12 I think I'm going to have to, like, hide under the table.

13 But this is also -- let's look at this compared to
14 the other things, the changes that we're talking about, just
15 as far as population.

16 This is similar to the Colorado River community
17 move, where the population is overwhelmingly non-Hispanic
18 White.

19 So from a retrogression standpoint, this really
20 does not appear to be retrogressive. Like the Colorado
21 switch.

22 Because the population is overwhelmingly
23 non-Hispanic White, and the Native American population in
24 the jurisdiction -- in the district increases.

25 So, if there's no tie to retrogression or

1 potential retrogression, that this is -- this is not
2 something that the department would be concerned about,
3 because it doesn't relate to issues within the department's
4 Section 5 review jurisdiction.

5 WILLIE DESMOND: So, just to confirm, it does move
6 about 2,450 people from District 7 to District 6.

7 Of that 2450 people, there's a voting age
8 population of 1846. That is, 159 are non-Hispanic -- or are
9 Hispanic. 1440 of the 1850 are non-Hispanic White.

10 So this change does remove a higher percentage
11 of non-Hispanic White voting age people than, than the
12 District 7 is.

13 CHAIRPERSON MATHIS: Does that include all of the
14 Schultz flood people?

15 WILLIE DESMOND: This is the narrow -- narrow one
16 that we prepared.

17 It includes all of the people, but not all of the
18 land.

19 CHAIRPERSON MATHIS: Any comments or questions
20 from commissioners on this?

21 I think Ms. McNulty's suggestion to maybe take
22 some public comment now might make some sense.

23 We've got a number of sheets, and there is a lot
24 of interest in this area, and we could use some guidance
25 from folks impacted.

1 And so, if that sounds good -- I don't know,
2 Mr. Freeman, do you agree?

3 VICE-CHAIR FREEMAN: Yes.

4 CHAIRPERSON MATHIS: Okay. Why don't we do that.
5 Let's see what time it is.

6 It's 10:09, and we've got about ten sheets right
7 now.

8 So let's just go through some of these, and then
9 we'll see where we want to go afterwards with this LD 7.

10 Richard Lunt, chairman Greenlee County Board of
11 Supervisors.

12 RICHARD LUNT: Richard Lunt, L-U-N-T.

13 CHAIRPERSON MATHIS: You're a professional. You
14 know to spell your name in the microphone.

15 I meant to say that beforehand. When you come up
16 to address the Commission, please spell your last name so
17 that our court reporter gets an accurate transcript.

18 RICHARD LUNT: Well, once again, hope everyone had
19 a good holidays, and welcome back, Commissioner Mathis.

20 And I've been here several times, as you well
21 know. This is very important to our area, and I would like
22 to address what is happening with LD 7.

23 As you know Greenlee County is put in LD 7, and we
24 feel that if that -- if we continue to be in LD 7, we will
25 have no voice.

1 We feel like, you know, we have counties around us
2 that have the same interest. We're -- we have
3 Freeport-McMoRan in our county, the second largest open pit
4 mine in the world. It produces eight percent of the world
5 copper.

6 We are a contributing county, but we are, we are
7 considered a frontier county.

8 There's only less than 8500 people in Greenlee
9 County, and -- but we are very active.

10 And we feel like what you're doing with LD 7, it
11 just doesn't work for us.

12 We feel like we could go, you know, west, with
13 Graham County, who we share a lot of the same services.

14 You know, we've learned to stretch our buck the
15 best way we can, and, you know, a lot of times it means
16 counties getting together and sharing services to better
17 serve our constituents. And we feel here in the proposed
18 maps, you've split us. They're mining. We're farming. We
19 have the same water issues.

20 We just feel this is unacceptable to us.

21 You know what, you can move 8500 people anywhere
22 on the map, and it's -- we're, we're just a little speck.
23 And we would really, really like being moved into another
24 district.

25 You know, as many of you, I've been here many

1 times, so you know this is important.

2 And I'm sure you guys feel like the ducks at a
3 shooting gallery. I mean, everybody's got their guns
4 pointed at you.

5 And, you know, you volunteered for this.

6 And my sympathy goes with you, but, anyway, but I
7 also feel like the starfish on the seashore. You know, a
8 little boy is throwing the starfish back into the sea, and
9 someone says, well, hey, you can't make a difference. The
10 little boy picks up the starfish and throws it back into the
11 sea and says to that starfish, I made a difference.

12 And that's the way we feel in Greenlee County.
13 You know, it makes a difference to us.

14 We're that starfish, and we're wanting to be
15 thrown back into the sea.

16 Because we feel like the proposed legislative
17 District 7 is leaving us out on the seashore.

18 Anyway, thank you so much.

19 I know you -- it's just what you want to hear is
20 me come and once again beg you to change, but, please, let
21 us be that starfish you throw back into the sea, because it
22 does matter to us.

23 And, you know, I'm traveled a lot of distance to
24 come to be before you, this Commission, several times. And
25 I hope that my voice doesn't fall on deaf ears, because it

1 is important to me and my constituents.

2 And, once again, thank you for what you do. I, I
3 feel for you guys, you know.

4 I mean, time and time again, and thank you for
5 your service.

6 But, please, consider what we'd like to do in
7 Greenlee County. Thank you.

8 CHAIRPERSON MATHIS: Thank you.

9 Our next speaker is Vince Leach, representing
10 self, from Saddlebrooke.

11 VINCE LEACH: Madam Chair, I think I'm from LD 26.

12 CHAIRPERSON MATHIS: Oh, okay.

13 VINCE LEACH: On the edge, so if I can defer until
14 open comment or the discussion on LD 26, I would appreciate
15 that.

16 CHAIRPERSON MATHIS: Sure. Our next speaker is
17 Doris Clatanoff, representing self, from Saddlebrooke.

18 DORIS CLATANOFF: Thank you, Madam Chair. My name
19 is Doris, D-O-R-I-S, Clatanoff, C-L-A-T-A-N-O-F-F.

20 And I am here today to ask that you return the
21 proposed LD 8 legislative draft map you had before the
22 current one.

23 We were pleased with, with -- I think it was the
24 October map that you had for the proposed LD 8 that was
25 compact, it was concise, it placed us in an area where we

1 felt that we did have a commonality and a community of
2 interest.

3 Now the new proposed map loses the compactness.

4 It is actually a couple of communities of interest
5 placed together.

6 Because if you look at the community of Maricopa,
7 they identify with Phoenix. We're from Saddlebrooke. We
8 identify more with Tucson and the southern part of Pinal
9 County, although we can also very easily identify with Globe
10 and other parts of Pinal County.

11 And I couldn't help but wonder this morning as I
12 was listening to you, how it reflected the past when I
13 listened to the decisions that you are making.

14 And this particularly ties in with the minorities.
15 And you might think, you know, what does that Anglo woman
16 know about stereotyping.

17 Well, in 1951, my contract for teaching stipulated
18 that if I were to be married, my contract would be
19 terminated immediately.

20 In 1988, I was a professor at a college in Texas.
21 I applied for a position of the dean of the College of Arts
22 and Sciences.

23 I was told, Doris, the guys like you, but they're
24 not ready for a woman dean.

25 The state of Texas had legislation that stipulated

1 that you could not discriminate against minorities but you
2 could discriminate against women.

3 As a chair of the women's commission for the Texas
4 faculty association, I made sure that that changed.

5 Now, that was over 20 years ago.

6 So if -- today I almost feel that I am being
7 reversely discriminated against because I am being placed in
8 a community where Saddlebrooke is supposed to be competing
9 with Maricopa, where we are not going to have competition
10 anymore.

11 And this bothers me.

12 That's one of the reasons.

13 But mainly because of the compactness, and because
14 of the fairness. I think fairness to both Republicans and
15 Democrats, I would like to see that you return to the
16 October proposed legislative district map.

17 Thank you for that map and keep it.

18 CHAIRPERSON MATHIS: Thank you.

19 Our next speaker is Richard Brinkley, representing
20 self, from Pinal County.

21 RICHARD BRINKLEY: I'll be speaking to Legislative
22 District 26.

23 CHAIRPERSON MATHIS: Okay. I'll put you in that
24 pile.

25 Richard Miranda, state representative,

1 representing Arizona Minority Coalition.

2 REPRESENTATIVE RICHARD MIRANDA: Good morning,
3 everyone. Richard Miranda, last name spelled M-I-R-A-N-D-A.

4 And I am here on behalf of the Arizona Minority
5 Coalition.

6 And it's my understanding -- I tried to stay here
7 the other day, but it took too long so I had to leave.

8 But I got a couple phone calls and e-mails. There
9 was a proposal to put the town of Guadalupe, and I'm not
10 sure if that's still going on, because I didn't see it up
11 there, to put it in the next district, which would be Tempe.

12 And in speaking with the town of Guadalupe
13 this morning, they're getting a letter written again
14 expressing their concerns if that was to happen, and to keep
15 that in the district that it is associated with in south
16 Phoenix.

17 And then speaking on the Voting Rights Act --
18 and I did want to tell you also, it's a very hard job that
19 you do, and I think you've put a lot of time and effort into
20 it.

21 And, you know, naturally not everyone's going to
22 be happy with it, but quite a few people.

23 But there are requirements that you have to do.
24 And so that would be, you know, making sure that the Voting
25 Rights Act is followed.

1 And so I feel, if that's still an idea that's
2 floating out there, my thoughts to you would be that it's
3 going to be hard enough, I think, to get the map as their
4 written right now to get past DOJ.

5 It's not going to be a rubber stamp here. They're
6 still going to have questions, and they're still going to
7 try and see whether or not everything -- you know, Voting
8 Rights Act is protected and people have the ability to elect
9 a candidate of choice.

10 If you were to put -- if the idea is still being
11 floated out there that you put the town of Guadalupe in the
12 demographics of the Tempe area, you're even making it less
13 likely.

14 It's, you know, next to -- you know, I'm not sure
15 if it's going to be successful at all.

16 It just -- you would -- you're putting in some
17 demographics that are entirely different with the rest of
18 Tempe.

19 And so, you know, you know, the maps as drawn
20 right now are still going to have some very legitimate
21 questions concerning the Voting Rights Act.

22 And, again, if that were to happen, the mountain
23 would even get steeper if you did put the town of Guadalupe
24 in with Tempe.

25 So, I was expecting -- I just got on the phone

1 with them this morning. I was expecting somebody from the
2 city council to be here. And they still very well may be
3 coming.

4 I know they had a letter that they had already
5 drafted and maybe was just trying to get all the city
6 councilors to, to sign off before they get here.

7 So those were my comments. And I'm not sure what
8 the idea is out there still.

9 CHAIRPERSON MATHIS: Any questions?

10 VICE-CHAIR FREEMAN: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Freeman.

12 VICE-CHAIR FREEMAN: I know this is public
13 comment, but I appreciate the opportunity to ask
14 Representative Miranda a question.

15 You say that the demographics are just completely
16 different and it would be inappropriate to put the town of
17 Guadalupe with Tempe.

18 Can you, can you expand upon that or would you
19 defer to city council? I -- help me understand why that is.

20 REPRESENTATIVE RICHARD MIRANDA: Well, I know
21 we've had the town of Guadalupe here, and, and, you know, I
22 am sure the map people have given you the demographic, but
23 I'll do it again.

24 It's entirely -- 99 percent minority population,
25 most Yaqui and Latino decent.

1 And, you know, it doesn't take far, just a couple
2 blocks, for you to go from that part of town, and then go
3 into the next neighborhood that it's entirely different.

4 And so I think DOJ would be very concerned if that
5 were to happen.

6 It would be disenfranchising a population of
7 almost 6,000 people.

8 We're not talking census blocks of, you know,
9 non-descriptive type of -- we're talking about DOJ. So
10 that's why, that's why we're bringing it up.

11 You are talking about 6,000 people DOJ is going to
12 be extremely, extremely concerned about.

13 And if you were to relocate that entire
14 6,000 people, this, you know, this community, and you still
15 have to get the Department of Justice to approve the map,
16 you're making, again, the mountain a lot bigger, so. . .

17 VICE-CHAIR FREEMAN: Entirely different from the
18 surrounding areas of Tempe, or is it also entirely different
19 than the associated areas in south Phoenix, or are there
20 some similarities there?

21 REPRESENTATIVE RICHARD MIRANDA: I think
22 there's -- again, I think we presented the argument both at
23 South Mountain Community College, in Glendale, and I spoke a
24 little bit in Maryvale.

25 But, again, that community is very much similar to

1 if you go into south Phoenix.

2 You know, you have families that grew up in
3 Guadalupe, and now their families have moved into south
4 Phoenix.

5 And it isn't just the -- there's families that
6 have been there for generations, way before you had
7 Arizona Mills, way before you had all this development
8 around there. And have always felt their own community.

9 So, you know, to take that community and put that
10 with the rest of that area that's east of it and southeast
11 of it and north of it, you know, you're asking DOJ to
12 approve that and I don't think that's going to happen.

13 CHAIRPERSON MATHIS: Other questions or comments?
14 (No oral response.)

15 REPRESENTATIVE RICHARD MIRANDA: Thank you.

16 CHAIRPERSON MATHIS: Thank you.

17 Our next speaker is Carole Klopatek, from
18 Fort McDowell Yavapai Nation.

19 CAROLE KLOPATEK: Madam Chair, I specifically had
20 some questions with regard to District 24, or so I'm not
21 sure whether it's appropriate to speak now or wait to make
22 those comments --

23 CHAIRPERSON MATHIS: If you like to, it's up to
24 you. We can do it later too.

25 CAROLE KLOPATEK: Why don't I wait until we get to

1 that.

2 CHAIRPERSON MATHIS: Okay.

3 Our next speaker is Nolan Larson from Navajo White
4 Mountain area.

5 NOLAN LARSON: Nolan Larson, L-A-R-S-O-N.

6 I've been a lifelong resident of the
7 White Mountains. I'm a business owner up there.

8 A little better?

9 I own a trash company, so I'm a little bit of a
10 fish out of water right now. I'm more comfortable behind a
11 business picking up trash than addressing you today, so I
12 have a few notes to help me stay focused here.

13 I employ 25 people. They reside in the towns of
14 Snowflake, Taylor, Heber-Overgaard, Show Low, Pinetop, and
15 Lakeside.

16 I'm also a member of the Real Arizona Development
17 Committee, and we meet trying to bring economic development
18 to our cities and counties in that area.

19 I regularly attend meetings with elected officials
20 and other businesses and civic leaders in my area, and work
21 on economic development issues and conduct my business.

22 I'm here because I recognize that there's a
23 growing concern that our communities are not being placed in
24 a position to succeed in the legislative process.

25 My primary concern is a situation taking place

1 within the communities of Show Low and its neighboring
2 communities of Pinetop and Lakeside.

3 During the last ten years, our communities and
4 their interests have been addressed, and our citizens have
5 had representation that fits us well.

6 As I look at the legislative draft map, I see that
7 you put Show Low and Pinetop-Lakeside in two separate
8 districts. This definitely is a problem with the
9 communities of interest, compactness, and contiguous
10 factors.

11 I also have seen several proposals which place
12 Pinetop-Lakeside and Show Low in the new LD 7, which is
13 dominated by the Native American communities.

14 I don't see much reason for this. And these are
15 the two reasons.

16 The Commission has been looking at minority voting
17 rights for the Native Americans, and LD 7 is what you have
18 developed to satisfy that segment of the population of
19 northern Arizona.

20 Based on that data associated with your maps,
21 there are more than enough voters to elect a candidate of
22 their choosing. However, if you follow through with what
23 you're planning to do, Pinetop and Show Low, the voters
24 of these areas, would be swallowed up and effectively
25 silenced.

1 I live in a community that has a right to be
2 counted at the ballot box.

3 We should not be an afterthought in the minds of
4 those who run our elected offices.

5 Based on what I see, elected representatives from
6 LD 7 would have absolutely no accountability to our
7 communities because it will not need their votes to win an
8 election.

9 It is clear that Pinetop-Lakeside and Show Low are
10 better served by being in the same legislative district as
11 Flagstaff.

12 This course of action would not be my first
13 choice, but it most definitely keeps the votes of my
14 community relevant.

15 Therefore I ask for two things.

16 In every circumstance you keep Show Low in LD 6.

17 And, two, make every effort to add
18 Pinetop-Lakeside into LD 6 to preserve the communities of
19 interest, compact geography, and contiguous nature of our
20 two communities.

21 Thank you.

22 CHAIRPERSON MATHIS: Thank you.

23 Our next speaker is David Tenney, Navajo County
24 Supervisor.

25 SUPERVISOR DAVID TENNEY: Good morning. My name

1 is David Tenney, T-E-N-N-E-Y.

2 I'm a lifelong resident of the White Mountains. I
3 currently serve as supervisor on the Navajo County Board of
4 Supervisors representing District 4.

5 Which includes Show Low, Heber-Overgaard, and
6 Taylor, a few other unincorporated communities in between
7 all those.

8 I've been serving there for the last seven years,
9 and I also currently serve on the executive board of the
10 County Supervisors Association.

11 This is, I believe, the third time that I've come
12 to a -- I should -- maybe it's the first time I've come to
13 testify, because the first two you came up there into the
14 Pinetop area.

15 Good choice to come out here. It's a bit cold up
16 there this time of year. So thank you for allowing me. It
17 was about six below the other day when I got up. A little
18 nicer this morning when I left the hotel. So thank you for
19 allowing us to travel down today.

20 I have testified before this body, and I am here
21 again in my capacity as leader of these communities, to try
22 to help explain some of the things that we feel like we need
23 from this, from this process.

24 I spoke previously about how much we have
25 appreciated and enjoyed the last ten years, what we call our

1 ECO district, or the Eastern Counties Organization, the
2 counties of Navajo, Apache, Greenlee, Graham, and Gila have
3 all been in the same district last ten years and had service
4 well.

5 I feel there is no doubt that there was wisdom
6 exercised on the part of your predecessors when they formed
7 that district ten years ago, because it did give a very
8 strong rural voice in the legislative process.

9 One example I could give you is, if not for that
10 district, the state certainly wouldn't have ever come to
11 know the speaker of the house named Jake Flake, the late
12 Jake Flake.

13 I know many of you here know who he was and what
14 an impact he had on the legislative process and on the
15 overall well-being of the state of Arizona. And he was
16 elected by that district.

17 And with some of the proposed changes, that
18 certainly would not have been something that he would have
19 been able to do.

20 Anyway, I have advocated for keeping that district
21 similar to what we have had the last ten years. I recognize
22 that that's not going to be possible.

23 So the next step we took was the second time I
24 testified to advocate for not splitting Show Low and the
25 Pinetop-Lakeside communities.

1 However, I must say that in doing so, it was not
2 my imagination that you put us back together in LD 7, but
3 you put us back together in LD 6.

4 Sometimes it feels like, as Supervisor Lunt
5 expressed earlier, that sometimes we feel like our
6 population is being used for nothing more than to fill those
7 population numbers and not realize that we are a block of
8 citizens and voters who have had a relevant voice in the
9 legislative process and who deserve one going forward.

10 I do believe if the proposal to move both Show Low
11 and Pinetop into the new LD 7, that then those voters would
12 be overwhelmed and would be effectively silenced due to the
13 fact that elected representation from that area would have
14 no accountability to the voters of that area because they
15 would not be the ones crucial to them being elected.

16 I believe it is clear that the residents of
17 Pinetop-Lakeside and Show Low are better served if they're
18 allowed to be in one district. But if that is not possible,
19 by all means it is better to leave Show Low in District 6
20 than to move Show Low into District 7.

21 So those are my, my two asks today.

22 If at all possible, move Pinetop into six with
23 Show Low, because of so much that we share between those
24 two communities.

25 But if that's not possible, then first and

1 foremost to leave the community of Show Low in the new
2 proposed LD 6.

3 That is my request today. And I also thank you
4 for what you do. It has been a crazy ride for you, folks.
5 I know it has.

6 And my wife will probably shoot me if this makes
7 the newspaper, because I always say stuff that she wishes I
8 hadn't, but I will liken what you do to, to someone who wets
9 themselves in a dark suit. You get a warm feeling, but nobody
10 really notices.

11 And that's kind of the job you guys have got. And
12 I recognize that.

13 And there's no reporters here, I hope.

14 CHAIRPERSON MATHIS: There are.

15 SUPERVISOR DAVID TENNEY: Okay.

16 Can you have that stricken from the record,
17 Madam Chair?

18 Anyway, I hope you understand what I'm saying. I
19 do recognize the tenuous situation you find yourself in.
20 And you are getting harped at and yelled at from every side.
21 And we recognize that.

22 And so first and foremost, I thank you for your
23 service. As a public servant myself, I recognize that
24 that's not always easy, especially when you get paid the big
25 bucks that you guys are getting paid for this, for this gig

1 you have.

2 So thank you for what you do.

3 If at all possible, if you can see to it to
4 leave -- if you find a way to get Pinetop back in Show Low
5 with six, that would be great. If not, by all means we
6 request that Show Low be allowed to remain as proposed
7 previously was on the maps in LD 6 along with the Flagstaff
8 area.

9 Thank you for very much, and I will stand for any
10 questions you might have.

11 CHAIRPERSON MATHIS: Thank you.

12 Any questions?

13 (No oral response.)

14 CHAIRPERSON MATHIS: Okay. Thanks for your
15 service too.

16 SUPERVISOR DAVID TENNEY: Thank you.

17 CHAIRPERSON MATHIS: Our next speaker is Judith
18 Dworkin, representing Navajo Nation.

19 (Whereupon Vice-Chair Herrera arrives.)

20 JUDITH DWORKIN: Good morning. Judith Dworkin.
21 Last name is spelled D-W-O-R-K-I-N.

22 And I am actually here -- I represent the
23 Navajo Nation, but I'm here to read a letter from the Hopi
24 Tribe chairman.

25 December 8, 2011, Arizona Redistricting

1 Commission, Phoenix, Arizona.

2 Dear Redistricting Commission, the Hopi Tribe has
3 been made aware that the commissioners are proposing a
4 revision to the draft Legislative District 7 and moving
5 Winslow into Legislative District 6.

6 The Hopi Tribal Council objects to this revision
7 and does not support this change.

8 The Hopi Tribe has an interest in this area. We
9 own property and ranches within and around the Winslow area.
10 Winslow's population includes a substantial Native American
11 population, who would be able to elect a candidate of their
12 choice only if they are located in District 7.

13 Hopi continues to uphold the position that all
14 Hopi lands remain in the same district.

15 We understand that the Apache tribes may also be
16 interested in including Show Low in LD 7. Perhaps there is
17 a way to include both Winslow and Show Low.

18 We believe that Navajo Nation may have already
19 introduced a map that does that.

20 We ask that you consider our position and urge you
21 to retain Winslow in LD 7.

22 And it's signed, since sincerely by the chairman
23 of the Hopi Tribe.

24 And I have copy -- I have the original for the
25 record and copies for all of the commissioners.

1 CHAIRPERSON MATHIS: Great.

2 JUDITH DWORKIN: That's the full amount of my
3 comment this morning.

4 Thank you.

5 CHAIRPERSON MATHIS: Thank you.

6 I think Ms. Gomez will take that from you. Thank
7 you very much.

8 JUDITH DWORKIN: I'll give one to the
9 commissioners.

10 CHAIRPERSON MATHIS: Sure.

11 Our next speaker is Brad Lundahl, representing
12 city of Scottsdale.

13 BRAD LUNDAHL: Good morning, Madam Chair. I'm
14 also here for Legislative District 23, 24. I didn't know if
15 you wanted to take testimony now or wait. I'm happy either
16 way.

17 CHAIRPERSON MATHIS: It's up to you.

18 BRAD LUNDAHL: I'll go ahead and get it out of the
19 way then.

20 CHAIRPERSON MATHIS: Okay.

21 BRAD LUNDAHL: I see the mic guy coming toward me.

22 I'm Brad Lundahl, L-U-N-D-A-H-L. I'm the
23 government relations director for the city of Scottsdale.

24 And I'm here today -- our city council on Tuesday
25 night adopted a resolution pertaining to the legislative

1 district maps. And they requested that I bring that
2 resolution to you today and deliver it to you.

3 Essentially the resolution requests that the
4 legislative district map be redrawn to place Scottsdale in
5 one legislative district.

6 Currently we're split up into two, with the split
7 occurring on the southern portion of Scottsdale.

8 The emphasis from the city council was to move
9 that southern portion of the city back into the main part or
10 back into the main map.

11 They felt that splitting that southern portion of
12 Scottsdale definitely got away from the community of
13 interest parameter.

14 So with that, I've got copies of the resolution
15 that I've brought for you, and I'd be happy to answer any
16 questions.

17 CHAIRPERSON MATHIS: Thank you.

18 Any questions?

19 (No oral response.)

20 CHAIRPERSON MATHIS: Okay. We'll take those
21 copies.

22 Our next speaker is Michael Mandell, attorney for
23 Coconino County.

24 MICHAEL MANDELL: My name is Michael Mandell,
25 M-A-N-D-E-L-L. I'm an attorney representing Coconino

1 County.

2 I just wanted to thank the Commission for
3 including or talking to include the Schultz flood area into
4 LD 6, in those changes. And I just wanted to again
5 reiterate our support for that change.

6 CHAIRPERSON MATHIS: Thank you.

7 Any questions on that one?

8 (No oral response.)

9 CHAIRPERSON MATHIS: Okay. Thank you.

10 Our next speaker is Pete Bengtson, representing
11 self, from Pima.

12 PETE BENGTSON: It's Peter Bengtson,
13 B-E-N-G-T-S-O-N.

14 I feel I've gamed the system or lucked out to show
15 up and get called to speak right away.

16 I wanted to commend the Commission for CD 2.

17 That's my new congressional district. I'm very
18 happy with it. It's compact, contiguous.

19 It seems to be very competitive.

20 In addition, it maintains the communities of
21 interest of the military bases in the western foothills.

22 The other thing I wanted to mention, the first
23 time I attended these meetings was a June 30th meeting in
24 Tucson. And it was pretty scary to me. And a lot of
25 Tea Party folks beat on the Commission and especially

1 Strategic Telemetry.

2 I've been trying to only come to one meeting a
3 week, so I've been watching it on TV.

4 And I'm really impressed with how carefully
5 Strategic Telemetry is to always get direction from the
6 Commission on any proposed changes that are made.
7 They're -- I think they're to be commended for that.
8 They're making it very obvious that they're not inserting
9 themselves in any way into the mapping process. All the
10 direction is coming from the commissioners.

11 And that's all I need to say.

12 Thank you.

13 CHAIRPERSON MATHIS: Thank you.

14 VICE-CHAIR HERRERA: Thank you.

15 CHAIRPERSON MATHIS: Our next speaker is Gino
16 Turrubiartes, from the town of Guadalupe.

17 GINO TURRUBIARTES: Very well pronounced there,
18 chairwoman.

19 CHAIRPERSON MATHIS: Thanks.

20 GINO TURRUBIARTES: My name is Gino, G-I-N-O, last
21 name is Turrubiartes, T-U-R-R-U-B-I-A-R-T-E-S.

22 I'm the community development director for the
23 town of Guadalupe.

24 Dear IRC Commission, the town council of Guadalupe
25 voted and requested that we stay in Legislative District 16

1 as presented by Senator Leah Landrum Taylor and
2 Representative Richard Miranda to the IRC in previous
3 meetings.

4 The town of Guadalupe finds commonality with its
5 neighbors to the west, south Phoenix, and Laveen.

6 The town council of Guadalupe would also like to
7 support the congressional maps proposed by the Hispanic
8 Coalition for Good Government.

9 To that end, we would also like to note that the
10 Town of Guadalupe has successfully worked together with the
11 City of Tolleson on economic development for both of our
12 communities, and we share a lot of commonality within our
13 well-established community.

14 I ask that the IRC include the town of Guadalupe
15 called with its neighboring communities to the west on both
16 legislative and congressional districts.

17 Gracias and thank you for your hard work. We
18 recognize the challenges that you continue to have in front
19 of you.

20 Is this something -- would you like me to give
21 that to Ms. Gomez?

22 CHAIRPERSON MATHIS: Yes, please.

23 And are there any questions on this?

24 (No oral response.)

25 CHAIRPERSON MATHIS: Okay.

1 GINO TURRUBIARTES: Have a great day.

2 CHAIRPERSON MATHIS: Thank you. You, too.

3 My last request to speak form, so far, is from
4 Leonard Gorman, executive director of the Navajo Nation
5 Human Rights Commission.

6 LEONARD GORMAN: Madam Chair, and members of the
7 Commission, good morning. Leonard Gorman. First name
8 L-E-O-N-A-R-D, last name Gorman, G-O-R-M-A-N.

9 I have a map that's being provided to you on
10 legislative district -- draft map Legislative District 7.
11 And it's entitled Native American adjustments December 9,
12 2011.

13 First I just want to point out that Navajo Nation
14 has been an intimate participant in this -- in your
15 discussions since you started your meetings earlier this
16 year. And we've made submissions, comments, and
17 recommendations about Navajo Nation's concerns and points
18 that it wishes to be incorporated into the legislative
19 district in which the Navajo Nation is located.

20 We've also talked to you extensively about the
21 compliance with the Voting Rights Act, Sections 2 and 5, the
22 state of Arizona being a covered jurisdiction.

23 We've presented to you ample amount of information
24 in our opinion that Navajo people that live on the Navajo
25 Nation are complicated when election day comes about,

1 especially when the Navajo Nation election happens on the
2 same day as the state election.

3 And we recognize that there are times in which
4 Navajo voters are disenfranchised simply because we have to
5 travel distances from polling place to polling place to
6 complete their participation in elections.

7 Since your second round of meetings started back
8 on -- in the latter part of November, 2011, Navajo Nation
9 also reassessed based on some of the comments and
10 recommendations that Navajo Nation heard, and submitted the
11 new map on Monday, December 5, in which our effort is, is of
12 primary concern to ensure that the voters of the Navajo
13 Nation are appropriately protected, their voting rights are
14 appropriately protected, and that competitiveness is either
15 secondary or fourth or fifth down the list of concerns of
16 the Navajo Nation.

17 The second part of the concern is the community of
18 interest. In relationship to the geographic areas,
19 Navajo Nation has clearly demonstrated throughout the
20 course of several months that it has landholdings off the
21 Navajo Nation, and these are the efforts of long-term plan
22 basis by the Navajo Nation to ensure that sacred places,
23 sacred lands are appropriately cared for into the future.
24 And those are some of the reasons why Navajo Nation is
25 making strategic effort to ensure that lands that the

1 people have held traditionally are appropriately considered.

2 Likewise, the Hopi Nation has accompanied the
3 Navajo Nation in expressing strong concerns about lands they
4 have purchased off their nation in areas surrounding the
5 city of Winslow.

6 We have joined the Hopi Nation to express those
7 concerns.

8 Additionally the Navajo Nation has met oftentimes
9 with the Apache Nations. Specifically the San Carlos Apache
10 have been very supportive of the Navajo Nation's maps that
11 have been submitted.

12 So, today concerns are being expressed about
13 communities in Greenlee, and Show Low, and also concerns
14 about the Schultz fire/flood area.

15 So as we go through this map that I'm sharing with
16 you, the Navajo Nation, again, is listening to the comments
17 and recommendations that are being offered by not only folks
18 that are now in the legislative district, proposed
19 District 7, but also the surrounding -- immediate
20 surrounding areas.

21 And Navajo Nation has made many compromises. And,
22 again, today we submit to you a map that we believe
23 illustrates another compromise, at the same time making
24 every effort to protect the Native American voting age
25 population in the proposed Legislative District 7.

1 We all know that that particular district is a
2 protected district.

3 It has to go through the scrutiny of the
4 U.S. Department of Justice.

5 So all of the iterations and comments that
6 Navajo Nation has made certainly would be on the desktop of
7 whomever that person is going to be to review your
8 recommendation.

9 And we appreciate all of the opportunities and
10 comments and also the renditions that were provided and
11 continue to be provided by, by your mapping firm.

12 I think the Navajo Nation, the Navajo people, are
13 in the best position to determine what is in their best
14 interest. And the Navajo Nation Human Rights Commission has
15 been given that responsibility while consulting with elected
16 officials back on the Navajo Nation to present these stated
17 positions.

18 Again, this is the position as of December 9,
19 2011.

20 So as we go through the map, for the northwest
21 corner, we do take out the area in Mohave County, as was
22 presented to you earlier when the Winslow, Show Low switch
23 was presented to you.

24 We continue to incorporate the Havasupai,
25 Hualapai nations, along with the Navajo Nations'

1 Big Boquillas Ranch in, in Coconino County.

2 The area that we are recommending the adjustment
3 is in the southern area, the southern rim of Grand Canyon.

4 There is a voting district that the Navajo Nation
5 is willing to release into now the draft proposed
6 District 6.

7 It's a population of 2,000 -- over 2,000 people in
8 that area.

9 We're willing to work with that.

10 But as you go down south from there, we have made
11 the adjustments from your draft District 7 map to also tweak
12 on the western side of the Espil Ranch, and also give that
13 population to District 6.

14 In the northeast area of Flagstaff, we had
15 proposed originally, which is in the draft map, to also give
16 Doney Park to Legislative 6.

17 We also made the recommendation based on the
18 requests from Coconino County to include the Timberline and
19 Fernwood area based on the map that was shared with the
20 Navajo Nation by Coconino County.

21 So the iteration that was projected on the screen
22 earlier that represents the narrow Schultz fire area, that
23 does not, that does not represent the Navajo Nation's
24 proposal in that area.

25 It grabs land areas that are now permitted to the

1 Navajo Nation under the Espil Ranch. The Navajo Nation
2 opposes that rendition.

3 Now, as we go towards the Winslow area, along the
4 interstate, the Hopi ranches are included in this proposal,
5 as it is in the draft map.

6 As the Hopi Nation submitted its letter, the
7 Navajo Nation continues to support the effort to ensure that
8 these lands that have been purchased by the Hopi Nation and
9 also by the Navajo Nation be incorporated into Legislative
10 District 7.

11 So we continue to state that position.

12 In the area where Holbrook and Joseph City are
13 located, we have worked with the Navajo County in their
14 efforts to redraw their districts.

15 The Navajo County, as the chairman has presented
16 to you earlier, the Navajo Nation has diligently worked with
17 the County and their redistricting committee to come up with
18 a plan that both the County and the Navajo Nation find is
19 satisfactory.

20 In our work with them, the District 1, in the
21 Navajo County, the southern boundary runs north of the city
22 of Holbrook. The recommendation from the Navajo Nation is
23 to simply follow that southern boundary of District 1 in
24 Navajo County for Legislative District 7.

25 So that is the adjustment that we have also made

1 from the draft District 7 to the December 5th proposal.

2 We still run the district boundary seven along the
3 path of the Navajo County line to the highway that runs from
4 Show Low to Apache County.

5 We use that highway and go westward, and go around
6 the city limits of Show Low.

7 And then this is where we also make the adjustment
8 today.

9 Our recommendation is to pick up the city
10 limits of Linden to be incorporated into Legislative
11 District 7.

12 The remainder of the district boundary around the
13 White Mountain and the San Carlos Apache Nations and their
14 lands remain the same.

15 Our proposal also is, from the December 5th, to
16 remove the entirety of Greenlee County from Legislative
17 District 7.

18 We certainly would like to have an opportunity to
19 resuscitate some of these areas that have been commented on
20 earlier today. However, as we have indicated time and time
21 again, that we are very concerned about the Native American
22 voting age population.

23 That is the factor that, for Navajo Nation, that
24 directs how the mapping should be done. Secondly, third,
25 fourth, and fifth, areas of concerns, compactness,

1 contiguity, communities of interests, competitiveness, those
2 are also factors that Navajo Nation hopes to take into
3 consideration.

4 So with that presentation, I think the
5 Navajo Nation has made ample efforts to work not only with
6 this Commission, but also comments and recommendations that
7 have been offered to this honorable Commission by members of
8 the public, by members -- dignitaries from various agencies,
9 the counties, the cities, to, to seek a plan that they
10 feel -- that they would feel comfortable with.

11 We've made that effort to the state.

12 So with that, I stand for questions, Madam Chair.

13 CHAIRPERSON MATHIS: Thank you very much.

14 Any questions for Mr. Gorman?

15 COMMISSIONER McNULTY: Do you have a block
16 equivalency file of this map that we could give to
17 Mr. Desmond?

18 LEONARD GORMAN: Madam Chair,
19 Commissioner McNulty, yes, we can forward the -- either
20 the equivalency or the shapefiles to your mapping
21 consultant.

22 COMMISSIONER McNULTY: Okay.

23 VICE-CHAIR HERRERA: Madam Chair.

24 CHAIRPERSON MATHIS: Were you finished,
25 Ms. McNulty?

1 COMMISSIONER McNULTY: I was going to ask if you
2 had done the same kind of analysis on this map that, that
3 we've done, but if you can give the file to Mr. Desmond, we
4 can do that.

5 Thank you.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: Mr. Gorman, this map that we
8 just went over is different from the one we went over on the
9 5th of December; correct? Slight modifications?

10 LEONARD GORMAN: Madam Chair, members of the
11 Commission, Commissioner Herrera, as I pointed out, there's
12 only two differences from the December 5th map that we
13 submitted to the one that's dated December 9th.

14 The areas that are different is in the South Rim
15 of the Grand Canyon. That is the voting district of the
16 population a little over 2,000 that would be extracted out
17 of District 7.

18 In its place the community, the city limits of
19 Linden would be added to District 7 that is west of
20 Show Low.

21 VICE-CHAIR HERRERA: The reason I ask is that it
22 was at yesterday's meeting one of the commissioners proposed
23 to increase the voting age population for Navajo Nation in
24 District 7, to go into -- to start going into Flagstaff and
25 take population there. And I don't see you doing that on

1 this map.

2 So, is it safe to assume that you're not in favor
3 of that?

4 LEONARD GORMAN: Madam Chair, members of the
5 Commission, Commissioner Herrera, we will make the comment
6 when that issue comes on the table for litigation.

7 VICE-CHAIR HERRERA: Thank you.

8 CHAIRPERSON MATHIS: Any other questions for
9 Mr. Gorman?

10 (No oral response.)

11 LEONARD GORMAN: Thank you.

12 CHAIRPERSON MATHIS: Thank you very much.

13 That was my last request to speak form -- oops,
14 maybe not.

15 Oh, okay.

16 I think Mr. Leach would like to speak. He spoke a
17 little bit earlier, from Greenlee -- oh, this Mr. Leach, I'm
18 sorry, a different person.

19 VINCE LEACH: Madam Chair, Leach, L-E-A-C-H,
20 Vince.

21 Is there going to be a discussion presentation
22 on -- as confusing maybe to, obviously with all you dealing
23 with the maps, also members of the public. I live in --
24 currently in LD 26.

25 Is the discussion that's forthcoming on the

1 current LD 26 or the LD 26 that is now proposed by the
2 Commission?

3 Because I want to speak to where I currently
4 live. So that's where I want to address my remarks, so
5 that's the reason, please, please, if you -- if I may have
6 you straighten me out.

7 CHAIRPERSON MATHIS: Sure. No problem.

8 We -- right now we're -- we've been focusing as a
9 Commission on making adjustments to voting rights districts
10 so that we can all agree upon different things to propose
11 for further analysis from our racially polarized voting
12 expert, who's doing some work on these maps from a voting
13 rights' perspective.

14 We are though taking comment on just other
15 districts as well.

16 We won't be necessarily presenting anything on the
17 LD 26 area. We can certainly pull it up though on the
18 map --

19 VINCE LEACH: My specific question, if I may,
20 Madam Chair, is, does LD 26 refer to the current LD 26 or to
21 the LD 26 -- I see Mr. Herrera shaking his head no.

22 It would, it would be to your new LD 26.

23 CHAIRPERSON MATHIS: Correct.

24 VINCE LEACH: Then with the chair's permission, I
25 would like to say a few comments now.

1 CHAIRPERSON MATHIS: Sure.

2 VINCE LEACH: Madam Chair, members of the
3 Commission, and those that I have had the privilege of
4 meeting in prior meetings, it's good to be here in Phoenix.

5 Let me go back, if I may, a few meetings ago where
6 I addressed the Commission in Casa Grande and we talked
7 about communities of interest.

8 Living in Saddlebrooke at that time, there was
9 some discussion about moving us completely north into
10 Casa Grande and possibly Phoenix. And I am pleased that the
11 Commission so far has seen fit to keep us, at least
12 Saddlebrooke and Oro Valley, together as a community of
13 interest.

14 My concern is thus that what I see from LD 8 from
15 the map that was approved in, in October, to what I'm seeing
16 is proposed now for the Saddlebrooke, Oro Valley area, is a
17 complete breakage of that group.

18 While Oro Valley and Saddlebrooke still remain
19 together, you now have put us potentially in with Maricopa
20 and dragging us further north basically into the Phoenix
21 metro market.

22 We argued -- those of us in Saddlebrooke have
23 argued that vehemently at the county level, as the county
24 level has done the same thing in taking our district and
25 making it basically a dogleg out of it and making it very

1 much non-community of interest.

2 In south Tucson, I spoke with the Commission about
3 the competitiveness of where we stand.

4 I haven't seen any numbers on the new proposed
5 change on LD 8, but it is foreign to me how you can take the
6 Saddlebrooke, Oro Valley area, which is primarily of the
7 R nature, and combine it with Maricopa, which is of the
8 R nature, the Republican nature, and make that so Republican
9 that it would seem to me that those that have -- carry a D
10 behind their name certainly would be disenfranchised in that
11 area.

12 And my word to the Commission would be I have
13 heard competitiveness, competitiveness, competitiveness
14 since this has started. And I'm having problems
15 understanding how you can pack an area, such as the proposal
16 would indicate, and make it highly Republican, and, in fact,
17 putting two sitting senators of the R nature together, and
18 call that being more competitive.

19 I'm sure that there will be some definition from
20 that as we, as we go forward.

21 Moving on to a Phoenix meeting where we had all
22 kinds of problems getting everybody hooked up on the
23 computer and the telephones and one thing or the other, and
24 Mr. Freeman chaired that along with Mr. Herrera trying to
25 get everybody connected.

1 I talked the three-minute length we were given in
2 that meeting about what seemingly the Commission is trying
3 to do with working with mathematical numbers.

4 We had a very long, very interesting presentation
5 by ST.

6 You remarked that they -- and you went through the
7 types of maps, the circular maps, and how the perfect
8 district would be set up.

9 And my, my point at that meeting and my argument
10 at that meeting is it seems as though the Commission, and
11 certainly the mathematicians on the Commission, seem to want
12 to reduce everything down to a mathematical equation.

13 We have to remember that the situation coming out
14 of Washington, the situation coming out of Phoenix, and
15 certainly the situation in my home county where we're
16 looking at being \$60 million in debt, in debt beyond the
17 rainy day fund, it would seem to me that you can play with
18 mathematical equations all the day long, but the fact of the
19 matter is if you don't have good governance, the fact is
20 those people will be thrown out.

21 I don't care if they're D's, if they're R's, or if
22 they're I's or if they're PNBs.

23 And so, you know, we can balance this on
24 mathematical and we can take it to DOJ all we want, but the
25 fact is I would think that the Commission wants to be very,

1 very careful, you know, in looking forward and saying this
2 is how we're going to do it ten years out.

3 You've heard that from me before.

4 But you're taking information, for example, a
5 miner -- the department of mine inspections in 2010 and
6 trying to equate that out to something in 2020, is, is
7 beyond, certainly beyond the scope of what this mind can
8 handle.

9 My message, my request today is that you leave
10 LD 8 as it was proposed in October, and not make it -- the
11 bottom of Saddlebrooke and Oro Valley the bottom part of a
12 windshield wiper, where we were basically included in over
13 to San Manuel, up through Winkleman, Hayden, and the copper
14 corridor, and take us away from the Maricopa.

15 I do thank you for the extended time today. And
16 with that, if anyone has any questions, I'd be pleased to
17 answer them.

18 CHAIRPERSON MATHIS: Thank you.

19 Any questions?

20 (No oral response.)

21 CHAIRPERSON MATHIS: Thank you.

22 VINCE LEACH: Okay.

23 CHAIRPERSON MATHIS: Okay. Thank you.

24 Did the other two folks that opted to decline want
25 to speak now by chance, Richard Brinkley and Carole

1 Klopatek?

2 Okay. Richard Brinkley, representing self, from
3 Pinal County.

4 RICHARD BRINKLEY: My name is Richard Brinkley.
5 I'm from southern Pinal County.

6 I am a bit perplexed.

7 The Commission has called for public comment on
8 proposed changes to LD 8 and 11.

9 In fact, I saw a map on that this morning.

10 Yet the Commission as failed to provide the public
11 with the detailed data supporting the changes, and now I'm
12 asked to respond before the changes are even made public in
13 this hearing.

14 As a result, the proposed map changes for LD 8 and
15 11 failed to pass the proverbial sniff test for the
16 following reasons.

17 Casa Grande is split.

18 Where is the community of interest criteria.

19 Where are the backup data supporting the split.

20 The absence of voter spread numbers speaks volumes
21 regarding the lack of transparency of this process.

22 Where are the backup data.

23 The criteria of compactness has been ignored.

24 Where is the rationale for abandoning compactness
25 criteria.

1 Hyperpacking of either party within a legislative
2 district is not competitive. On the contrary, it's
3 anti-competitive.

4 I would hate to see this Commission endorse
5 anti-competitive criteria.

6 As a result, I respectfully urge the Commission to
7 keep the proposed maps of October, 2011, for LD 8 and 11.

8 Thank you. And I'll answer any questions you may
9 have.

10 CHAIRPERSON MATHIS: Thank you.

11 Any questions?

12 (No oral response.)

13 CHAIRPERSON MATHIS: Thank you.

14 And, Carole Klopatek, do you --

15 CAROLE KLOPATEK: I'll wait.

16 CHAIRPERSON MATHIS: Okay.

17 We'll have another public comment at the end of
18 the day, which is normally when we do do public comment, but
19 today we just thought it would be helpful given all this
20 talk about LD 7 and any proposed changes.

21 So thank you for everyone one who did provide
22 input on that. And we really did prior your help.

23 The time is 11:09.

24 Do we want to take a quick break at all?

25 Okay. Just a five-minute break, and we'll be back

1 shortly.

2 The time is 11:09.

3 (Brief recess taken.)

4 CHAIRPERSON MATHIS: Okay. We'll enter back into
5 public session.

6 The time is 11:36 a.m.

7 And the public comment I received is very helpful.

8 I think Mr. Desmond is working on pulling up the
9 shapefile that Mr. Gorman submitted, with the new
10 Navajo Nation adjustments for LD 7.

11 How far would you say we are from that,
12 Mr. Desmond?

13 WILLIE DESMOND: I have the file and can show you
14 the outline.

15 The issue right now is that I haven't been able to
16 load it as a plan yet to totally analyze the effects on the
17 other districts.

18 So I would say maybe five more minutes until I
19 have it.

20 CHAIRPERSON MATHIS: Okay.

21 WILLIE DESMOND: And then I can hand it off to
22 Ken, and he can be cranking away on that.

23 CHAIRPERSON MATHIS: Okay. Thanks.

24 Do commissioners have any thoughts on what we just
25 heard during public comment?

1 VICE-CHAIR FREEMAN: Just a question.

2 Have we been posting on the website the proposed
3 changes, including the proposed changes by the
4 Navajo Nation?

5 BUCK FORST: Everything is current through today.

6 VICE-CHAIR FREEMAN: You posted today's
7 December 9th version from Mr. Gorman.

8 BUCK FORST: Yes, it's on there now.

9 CHAIRPERSON MATHIS: And that goes for all the
10 other changes that they've been working on? They're
11 updated? Good.

12 BUCK FORST: Yes. They're sorted by date.

13 CHAIRPERSON MATHIS: Okay.

14 Ms. McNulty?

15 COMMISSIONER McNULTY: I think that means that the
16 LD L 11 change is posted.

17 WILLIE DESMOND: Yes.

18 COMMISSIONER McNULTY: Thank you.

19 WILLIE DESMOND: I can show you how those are, but
20 there's four types of files for each one of the changes.
21 There's a block equivalency report so that if you have
22 mapping software and want to load it on your own computer
23 you can do that.

24 There is a JPEG, that is kind of a picture of the
25 map, just so you can kind of roughly see where the change

1 is.

2 There's the Google maps, KMZ file, so that if you
3 want to load the change and compare it to the draft
4 district, you can look at it in Google maps.

5 And then there is the PDF, which is the same exact
6 change report that you guys receive when we present a new
7 change.

8 And those are available for each one of the ones
9 that have been discussed on the website.

10 VICE-CHAIR HERRERA: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Herrera.

12 VICE-CHAIR HERRERA: There isn't any question
13 about a comment, but I do have a question about some of the
14 proposed changes that we were talking about yesterday with
15 the majority-minority districts and ways to improve them.
16 When are we going to be able to hear presentation on how
17 those will look?

18 CHAIRPERSON MATHIS: I believe that the ones that
19 we talked about yesterday we agreed would be proposed for
20 further analysis.

21 And so are you asking when will we get that
22 further analysis?

23 My understanding is it could take at least
24 two weeks, so I don't know.

25 I'll ask.

1 WILLIE DESMOND: And I should also mention the
2 changes that were submitted for analysis yesterday led us to
3 having a new working map, so a new baseline that we're
4 working off of.

5 If you go to the maps page on the website, there
6 is a section on the top that says working maps. So what
7 that is, is it's the draft maps with those changes that we
8 submitted for analysis.

9 And those are available as a -- it's a block
10 equivalency file, as a shapefile, as a Maptitude map file.
11 And there's also a short Word document that lays out what
12 the starting point was and what changes were made to it to
13 get to that working map.

14 But Ken will talk more about Dr. King's analysis.

15 KENNETH STRASMA: I was just going to confirm
16 what, what Chairwoman Mathis said. That it will be a week
17 or two probably.

18 I expect Monday to have a better sense of the time
19 line on the changes that we've submitted today and
20 yesterday.

21 CHAIRPERSON MATHIS: Thank you.

22 VICE-CHAIR HERRERA: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Herrera.

24 VICE-CHAIR HERRERA: This is for Mr. Strasma.

25 What can we do -- is there anything -- actually is

1 there anything we can do on our part to make that a one week
2 as opposed to two week?

3 So is there anything we can do at our end to limit
4 that to one week?

5 KENNETH STRASMA: I don't believe there's anything
6 that you as commissioners can do to speed Dr. King's
7 process.

8 The one thing that will help is to the extent that
9 we can get any changes that we're contemplating to voting
10 rights districts nailed down today, that gets us, you know,
11 two more days over the weekend for processing that we --
12 discussed on Monday, so I would encourage you to do whatever
13 possible to come to a tentative at least conclusion on
14 voting rights districts today.

15 VICE-CHAIR HERRERA: Thank you.

16 COMMISSIONER McNULTY: Madam Chair, Mr. Strasma,
17 I'm looking at what we did yesterday.

18 It looks like we need to talk about LD 26, LD 7,
19 which we just spoke about, and LD 2 today.

20 Is that right?

21 KENNETH STRASMA: Yes. We do have a minor change
22 for LD 26 prepared.

23 And I believe we're close, close on that, and the
24 Commission will probably be -- and, and also there is some
25 more discussion on the LD 2 change.

1 COMMISSIONER McNULTY: Okay. So we'll get to both
2 of those things.

3 WILLIE DESMOND: I do have the Navajo Nation Human
4 Rights Commission map loaded now.

5 I'm running it on my computer, and Ken is going to
6 do so also.

7 So we'll keep track of where that is as soon as
8 the change report is ready.

9 Once the change report is ready, I won't be able
10 to print copies for you obviously, but we can discuss some
11 of those changes right now.

12 Before we do that though, I can show you, you
13 know, just emphasize some of the changes that the
14 Navajo Nation submitted.

15 One thing I'd like to note is that it's a slightly
16 different area of the Schultz fire/flood area, so it's not
17 to go into the Espil Ranch at all.

18 Also, and I don't know if this was mentioned, this
19 proposed District 7 does have Greenlee County removed.

20 So Greenlee County would then go with district --
21 District 1.

22 We're considering the changes to Cochise and
23 Green Valley. We're going to need to pay attention to that.
24 I believe that change left District 1 slightly higher. So
25 that District 1 then become overpopulated by about

1 3300 people.

2 Adding Greenlee County into that also would add
3 another 9 or 10,000 people. So it would be a pretty high
4 population deviation.

5 Just one thing to keep in mind is that these
6 changes where they do overlap sometimes can have unintended
7 consequences with higher population deviations than we
8 necessarily thought looking at the changes depending on one
9 item or another.

10 CHAIRPERSON MATHIS: Can you just point to the
11 areas of change on the map, Mr. Desmond? Just for visual
12 purposes.

13 WILLIE DESMOND: Sure.

14 So, starting with changes to the -- there's one
15 change I did not get, so I have to add that in also.

16 The change would be to remove this area of
17 Mohave County.

18 Additionally there are some changes here in
19 Coconino County.

20 I don't believe there's -- they're in any census
21 place. Maybe a little portion here in Parks.

22 A little section of Parks there is added into
23 District 6.

24 So District 6 goes a little bit there.

25 Also District 6 goes here at the Schultz flood

1 area.

2 Additionally District 6 takes in Sun Valley -- or
3 District 7, I mean. District 7 takes in Sun Valley.

4 And also takes in Show Low and Linden, Arizona.
5 And then also the border changes here slightly, also taking
6 in some of this unincorporated area.

7 CHAIRPERSON MATHIS: And now Greenlee County is
8 completely out of seven? Or not.

9 WILLIE DESMOND: Yes, also Greenlee is. I'll just
10 come up with that.

11 So Greenlee County goes from District 7 into
12 District 1.

13 If you would just give me one second, I'm going to
14 work this plan so Ken can run the numbers on it.

15 CHAIRPERSON MATHIS: Chairman Lunt left too early.
16 He'll be happy with that change, if that's what the
17 Commission decides.

18 (Brief pause.)

19 WILLIE DESMOND: Any other questions I can answer
20 without using my computer?

21 COMMISSIONER McNULTY: I think we need the change
22 report in order to make any real progress on this.

23 There is a business center here too where we
24 could -- if we could load it into the computer, we could
25 print out the change report.

1 CHAIRPERSON MATHIS: Mr. Bladine, maybe, or
2 Ms. Gomez can help us with that in terms of getting the
3 change report printed on this, so that we can look at it for
4 today.

5 WILLIE DESMOND: It will be about five,
6 ten minutes before the change report is ready. And then
7 we'll have Ms. Gomez, Mr. Bladine, go find a place to print
8 it, I guess, quickly.

9 In the meantime, is there other questions I
10 can answer about this change, or should we just kind of
11 table this for a moment while we wait for that to finish
12 running?

13 CHAIRPERSON MATHIS: I'll ask Mr. Adelson and
14 Mr. Strasma. Is there any comments you wanted to make now
15 or would you rather wait until we have the map?

16 KENNETH STRASMA: No. Nothing from me until we're
17 able to see the data and change report.

18 CHAIRPERSON MATHIS: Okay.

19 BRUCE ADELSON: Madam Chair, certainly when the
20 report is ready we can comment on that and the other
21 comments that are associated with it altogether.

22 CHAIRPERSON MATHIS: Okay.

23 Anything from commissioners?

24 VICE-CHAIR FREEMAN: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Freeman.

1 VICE-CHAIR FREEMAN: That change, if adopted,
2 wholesale would, I believe, include Show Low and Linden in
3 LD 7, whereas I believe before it was only Pinetop-Lakeside.

4 Can we also look at a map if Show Low,
5 Pinetop-Lakeside being placed in proposed LD 6?

6 WILLIE DESMOND: Yes, I can look at that.

7 Let me just quickly tell you how many people are
8 in that area.

9 (Brief pause.)

10 WILLIE DESMOND: So, in Show Low and Linden are
11 roughly 16,700 people.

12 So adding them into District 6 would work with
13 the rest of these changes, because District 6 is, is
14 underpopulated here. It's 9,912 people underpopulated.

15 So we can also run a change report.

16 That would make District 6 slightly overpopulated
17 but within our comfortable margin.

18 As soon as this one is finished, I will prepare
19 that also.

20 That's, again, both are going to take a little
21 time. I don't know if you want to take a quick break so we
22 can get these ready, or if we'll just do these in the
23 background while you discuss other matters.

24 CHAIRPERSON MATHIS: Are there other changes or
25 suggestions that people have?

1 COMMISSIONER McNULTY: Would we want to hear the
2 public comment that we haven't heard yet?

3 CHAIRPERSON MATHIS: Sure.

4 I think there's only one, Carole Klopatek. That
5 would be great.

6 COMMISSIONER McNULTY: We'll be moving on to LD 26
7 pretty soon, so that would make sense.

8 CHAIRPERSON MATHIS: Great.

9 CAROLE KLOPATEK: My name is Carole Klopatek,
10 C-A-R-O-L-E, K-L-O-P-A-T-E-K, representing Fort McDowell
11 Yavapai Nation.

12 Madam Commissioner, commissioners, thank you for
13 allowing me to appear again before you.

14 Fort McDowell has previously provided testimony,
15 written, oral testimony. We've met with the Commission.
16 We've met one on one with individuals. We've met with
17 attorneys. We've met with the staff.

18 And we want for thank you for allowing us to
19 provide you information based on -- new information that we
20 have to give you today.

21 We have stated in the past that Fort McDowell in
22 terms of the congressional legislative district, we
23 appreciated being in Congressional District 6 as opposed to
24 being in Congressional District 1, which is a large rural
25 district, because, quite frankly, the Nation doesn't feel

1 that they are a part of or have a community of interest with
2 Congressional District 1.

3 We feel that being part of the Phoenix
4 metropolitan and Maricopa County area, that we share
5 boundaries not only with Salt River Pima Maricopa, with
6 other municipalities, with Fountain Hills, with Scottsdale.

7 We're working partners.

8 We have jointly formed numerous IGA. We have
9 various mutual aid agreements, development agreements. Our
10 children go to neighboring schools. We've formed strategic
11 economic alliances, tourism bureaus, and joint tourism
12 ventures.

13 We've jointly resolved transportation issues and
14 received funding for that.

15 So basically resource allocations.

16 And so we are basically part of a group in the
17 east valley who very strongly connect in a lot of different
18 ways.

19 So, as a result of becoming such bonded neighbors,
20 we like this. Basically Fort McDowell, Scottsdale,
21 Fountain Hills, we like this.

22 So when we discussed our request and asked IRC to
23 realign Fort McDowell in a legislative side to be in
24 District 23, as opposed to District 24, we gave all of those
25 reasons as we did for the congressional district.

1 Now, when the Nation proposed changes to the map,
2 we were talking about the total population for Fort McDowell
3 of 971 people, moving them from Legislative 24 to
4 Legislative District 23, of which only 614 people are of
5 voting age.

6 Now, if you look at it from a standpoint of what
7 this equates to, it's about 23 percent of the total
8 population would move from Legislative District 24 to
9 Legislative District 23.

10 Now, rough analysis based on the draft map shows
11 that LD 24's deviation from the target district population
12 would decrease from .3 to minus 2.5, while LD 24 would go
13 from .2 to minus .2.

14 And that's without tweaking the map.

15 The Hispanic voting age population would decrease
16 by only 85 people -- or, excuse me, 86 people, or .165
17 percent.

18 Moreover, although we haven't calculated this,
19 since the current alignment of Legislative District 24 is
20 currently overpopulated by 517 people, this would help to
21 alleviate or even out the population in Legislative
22 District 24.

23 In our opinion, this move would not impact the
24 ability to elect.

25 Now, although this change in our opinion has

1 now -- we feel we have negligible effect on both districts
2 requiring no further changes or at maximum requiring a very
3 minor tweak that can be easily accomplished, we had heard on
4 December 5th and then we had also heard on December 7th at
5 the IRC business meetings that it may -- may not be
6 something that this Commission is in support of the Nation's
7 request.

8 Now, from what we understand is that there haven't
9 been any tweaks to the map, the draft map, and with the
10 mapping consultant. And that's meaning moving any certain
11 populations or tracts or data analysis or change reports
12 that have been done in order to accommodate our request.

13 Now, last month, as I said, you know, we had, we
14 had met before, and there were comments that were made to us
15 saying, no, this change is, is so minor, we really can't see
16 this is really going to have much of an effect.

17 And so we were under the impression that this was
18 going to be fine.

19 Now, the only rationale that we heard why we may
20 be denied this, within our population may have the ability
21 to enhance Legislative District 24 as a majority-minority
22 district.

23 Now, we understand this concern.

24 However, what was also stated in the IRC meetings,
25 business meetings, is that absolute population numbers are

1 not the only governing criteria, standard, or legal
2 threshold to construct districts that can commonly uphold
3 the Voting Rights Act.

4 Now, from our point of view, in not accommodating
5 or finding a means to accommodate the Nation, the current
6 alignment places the burden of this district squarely on the
7 shoulders of an entire sovereign nation.

8 Now, if you indulge me for a moment, I would like
9 to read something that the president would like me to go
10 ahead and read into the record.

11 And I want to read it exactly the way he had
12 phrased it.

13 That we would like to share with IRC Fort McDowell
14 Yavapai Nation's deep seated appreciation, commitment, and
15 knowledge of the Voting Rights Act and what voting means to
16 the people of the Nation.

17 As you are aware, Native Americans were denied a
18 legal right to vote for a very, very long time.

19 In the 1940s Mr. Frank Harrison, a gentleman and a
20 veteran of Fort McDowell Yavapai Nation, was denied the
21 right to vote after he came back from serving his country
22 from World War I -- excuse me, World War II.

23 Why, because, quote unquote, he was Indian.

24 In the meantime, we observed that more Yavapai
25 elders were in need of assistance following the war.

1 Despite have paid their fair share of taxes
2 through their payroll deductions, they were repeatedly
3 denied services from the federal or services from the state
4 or federal benefits that were so desperately needed.

5 Essentially the Yavapai people were paying taxes
6 but denied representation.

7 In order to combat these injustices, on
8 November 8th, 1947, Mr. Harrison joined by then chairman --
9 Yavapai Chairman Mr. Harry Austin who walked all the way
10 from Fort McDowell Yavapai Nation from the reservation to
11 Maricopa County Recorder's Office to register to vote,
12 where they were summarily denied any type of voter
13 registration.

14 The suit was filed, and eventually the Arizona
15 Supreme Court unanimously allowed them their constitutional
16 right to vote.

17 This decision led the way for all Native Americans
18 across the U.S. to enjoy the most basic and fundamental
19 right of American citizens. The right to vote.

20 Thus we are well aware of what it means to protect
21 the rights of everyone.

22 The Nation requests this move from LD 24 to LD 23
23 as we provided the information to support our findings and
24 recommendations. We truly feel not only allowing for
25 analysis or accommodating this very minor change will

1 disenfranchise an entire sovereign nation.

2 It feels as if you're basically slighting the
3 voters in a sovereign nation, basically how Fort McDowell
4 feels.

5 And they fought so hard for these rights to vote,
6 and yet nobody's listening.

7 Now, instead we see efforts being put on minority
8 coalitions or other individuals, and work is being performed
9 and requisite analysis, change reports, they're all being
10 done.

11 But nobody is looking at what Fort McDowell has
12 presented.

13 Now, from president, again, I want to quote him.

14 I am a tribal elder and I am an elected official
15 that's been serving for over 44 years at the pleasure of the
16 citizens of the small but proud community of Fort McDowell
17 Yavapai Nation. I can attest that I along with my fellow
18 council members understand the needs, the desires of our
19 people.

20 While the Nation is deeply sad and frustration --
21 frustrated by this, we sincerely trust you will provide a
22 means to accomplish our request and perform the analysis you
23 have performed and made accommodations for others.

24 We greatly appreciate it.

25 Thank you. That was the comment.

1 And I just need to add is that when we were
2 looking at our tribal council and we were looking at the
3 number of years that our current tribal council has over
4 200 years of elected experience.

5 People come in their door every single day. They
6 don't just have once a month meetings. They don't have just
7 once a week.

8 They are dealing with their individuals every day.
9 So they know what their people want.

10 So that's basically what I had to say today. And
11 if you have any questions, I'll be happy to answer.

12 And I will go ahead, and there's the actual signed
13 report is being sent over, the original copy, to the
14 chairwoman and any additional information I can go ahead and
15 provide. Any questions?

16 CHAIRPERSON MATHIS: Thank you.

17 Any questions?

18 COMMISSIONER McNULTY: I do have one question,
19 Madam Chair.

20 Ms. Klopatek, you're here on behalf of the
21 Fort McDowell Nation.

22 I understand from that that the Salt River tribe
23 is satisfied to stay in District 24.

24 Is that correct?

25 CAROLE KLOPATEK: Yes. And we have had multiple,

1 multiple, multiple meetings in terms of, you know, where --
2 in making sure the congressional district, legislative
3 district, and we've met with the three urban tribes, and met
4 with Gila River, and we are all comfortable and we all agree
5 in all of the principles which we put forth today.

6 COMMISSIONER McNULTY: Thank you.

7 CAROLE KLOPATEK: Anything else?

8 CHAIRPERSON MATHIS: Any other questions?

9 (No oral response.)

10 CAROLE KLOPATEK: Thank you very much.

11 CHAIRPERSON MATHIS: Okay. Thank you.

12 Is there anyone else from the public who wanted to
13 address us?

14 (No oral response.)

15 CHAIRPERSON MATHIS: Okay. We'll check in with
16 Mr. Desmond and see how things are coming.

17 WILLIE DESMOND: Ms. Gomez has the change report
18 to the map that the Navajo Nation submitted today to print.

19 Commissioner Freeman, I looked at making Show Low
20 and Lakeside -- or, I'm sorry, Linden in District 6. And
21 while District 6 can take that population and only have a
22 deviation of positive 6500 people, that does affect
23 District 7 to a very large amount that I just didn't, didn't
24 see at first.

25 So that District 7 would then be underpopulated by

1 26,501 people, a deviation of negative 12.44 percent.

2 So for Show Low and Linden to stay in District 6
3 with this change, District 7 would need to makeup population
4 somewhere.

5 One possible place to do it is again to pick up
6 Greenlee. That would add -- I can show you this on the
7 screen.

8 So with Show Low, Linden in District 6, District 7
9 is underpopulated by 26,501 people.

10 District 7 picks up that -- some population.

11 In Greenlee, that would add 8,437 people.

12 District 7 would still be underpopulated by
13 18,064, a deviation of negative 8.48 percent.

14 So it's likely that they would have to make up a
15 little bit more population somewhere else.

16 So --

17 VICE-CHAIR FREEMAN: And then, Mr. Desmond, if
18 Show Low, Pinetop-Lakeside remain split, what was the
19 population deficit for LD 7?

20 WILLIE DESMOND: Well, right here, as we -- as it
21 is right now, it is remained split if you add Pinetop also
22 into District 6, so that those areas stay together. But in
23 the non majority-minority district, District 7 then is
24 underpopulated by 36,000 people.

25 So --

1 VICE-CHAIR FREEMAN: Okay.

2 WILLIE DESMOND: So, if we're going to --

3 VICE-CHAIR FREEMAN: We're not communicating.

4 If Pinetop-Lakeside stays in LD 7 and Show Low
5 stays in LD 6.

6 WILLIE DESMOND: That's, that's this scenario
7 here, underpopulated by 26,000.

8 VICE-CHAIR FREEMAN: What's the percent?

9 WILLIE DESMOND: 12.44 percent underpopulated.

10 When you add Greenlee back in, that drops to
11 8.48 percent underpopulated.

12 VICE-CHAIR FREEMAN: Okay. And that's also
13 accepting all the other changes.

14 WILLIE DESMOND: All the other changes, yeah.

15 VICE-CHAIR FREEMAN: Okay.

16 WILLIE DESMOND: So, and then, you know, obviously
17 the current map doesn't have a deviation in District 6 or
18 District 7 that high.

19 And I was printing it, but I can show you some of
20 the change report if that's helpful, or we can just wait for
21 it to be printed.

22 CHAIRPERSON MATHIS: No, go ahead.

23 WILLIE DESMOND: Okay. So the districts that are
24 affected with this map that was submitted by the Navajo
25 Nation are one, five, six, and seven.

1 District 1 goes from a population deviation of
2 negative 2.4 percent to a population deviation of positive
3 1.5 percent.

4 It's not a voting rights district.

5 We can look at what effects that would have on its
6 splits of competitiveness in a second.

7 But as far as the other categories, those probably
8 aren't very applicable.

9 District 5, again this is taking in the Arizona
10 strip portion of Mohave County, goes from 4500 people
11 underpopulated, or 2.1 percent, to overpopulated by about
12 6,000 people, or 2.8 percent.

13 Again, not a voting rights district.

14 District 6, in this scenario, loses 11,674 people.

15 So District 6 goes from a population deviation of
16 positive .8 percent to a population deviation of negative
17 5.5 -- or negative 4.7 percent.

18 So it's underpopulated by 9,912 people.

19 District 7, the voting rights district, goes from
20 a population of -- deviation of negative 1.3 percent to a
21 population deviation of negative 4.7 percent.

22 It is a voting rights district. So the population
23 deviation is a little less troubling there, if we could
24 justify it.

25 The Native American percentage goes from 63.7 up

1 to 65.9.

2 The voting age Native American percentage goes
3 from 61.9 up to 63.1.

4 The total minority voting age goes from 71.9 up
5 to 70 -- down to 71.3.

6 So the district did become less Hispanic, but it
7 became more Native American.

8 As far as the ability to elect indicators that we
9 have here, it was fairly strong on all of those before, and
10 it -- although it lost a little bit, it remained very
11 strong. But it did --

12 CHAIRPERSON MATHIS: Go ahead.

13 KENNETH STRASMA: Although the ability to elect
14 races that are programmed in here are primarily focused on
15 candidate of choice for Hispanic districts.

16 In another race that we wanted to look at
17 specifically for this district was secretary of state 2010,
18 where their Democratic candidate was very clearly the
19 candidate of choice for the Navajo Nation community.
20 Getting more than, I believe, 88 percent in, 90 percent in
21 Native American precincts.

22 Under the old Legislative District 2, that
23 candidate received 78.7 percent of the vote.

24 Old Legislative District 2 was underpopulated, had
25 to grow, so it's not possible to maintain that level under

1 the draft map.

2 That vote was 68.4 percent. And under this
3 version two that we got today, it goes down slightly to
4 66.9 percent.

5 So it's still a very strong ability to elect,
6 although down slightly.

7 CHAIRPERSON MATHIS: Can you scroll up to one?

8 WILLIE DESMOND: Yes.

9 CHAIRPERSON MATHIS: And that's due to the change
10 of Greenlee County and 8400 people; right?

11 WILLIE DESMOND: Correct.

12 So basically the changes to Legislative District 1
13 and Legislative District 5 are Legislative District 1
14 picked up a population of Greenlee County,
15 Legislative District 5 picked up the population of the
16 Arizona strip.

17 They did not lose anything in this change. It's
18 just adding more, adding more in.

19 You can also -- I can show you the splits quickly.

20 So there was a few more split census tracts, block
21 groups, reservations, and tribal subdivisions with this
22 change.

23 If you would like to look at the competitiveness
24 also, you can see that District 1 became slightly less
25 Republican, although it's probably a fairly non-competitive

1 seat.

2 District 5 became slightly more Republican, but,
3 again, probably not more competitive.

4 District 6 became about a point to 1.3 percent
5 more Democratic, making it slightly more competitive.

6 Using index two, District 6 has a, has a
7 Republican percentage of 54.1 after this change and a
8 Democratic percentage of 45.9. That's a little bit closer
9 to 50/50 from 55.4 Republican, 44.6 Democrat.

10 And then District 7 becomes about a point to a
11 point and a half less Democratic.

12 Again, that's probably not a change you
13 necessarily like to see, but as Ken mentioned, it's still
14 very safe in the ability to elect.

15 And then for the last chart showing where the
16 populations come from. I'm not sure what this all looked
17 like before.

18 Once you have the printed out copy, you can study
19 those for yourself.

20 Are there other questions about the change report,
21 or should we go back to the map?

22 We also haven't fully explored ways, I guess, for
23 Commissioner Freeman to add more population into District 7,
24 so that the -- so that Show Low and Pinetop -- or that
25 Show Low and Linden can remain in District 6 with this

1 change.

2 CHAIRPERSON MATHIS: Any comments or questions on
3 this change report?

4 COMMISSIONER McNULTY: Madam Chair, it looks like
5 the population -- the addition of population to CD 1 is
6 actually a good thing -- not CD 1, LD 1.

7 WILLIE DESMOND: It is a good thing, based off of
8 the deviation from the draft map.

9 However, if you -- when we discuss keeping
10 Cochise County whole and adding Green Valley in, that will,
11 that will add more population to that legislative district
12 also, which might take you too high.

13 COMMISSIONER McNULTY: Okay. Thank you.

14 CHAIRPERSON MATHIS: Any other comments,
15 questions? Do we want to talk about the voting rights part
16 of it?

17 BRUCE ADELSON: Madam Chair, yes, with looking at
18 the change reports that are on the screen, let's look at
19 some of the metrics.

20 Willie, could you please scroll down to
21 District 7.

22 Let's look at some of the significant figures and
23 comparing them with the benchmark.

24 The total minority population in the proposal
25 that's on the screen is higher than the benchmark.

1 The minority VAP is higher than the benchmark.

2 The -- I don't have figures for -- Ken, do you
3 have the figures under the benchmark for the Native American
4 total population and VAP, please?

5 KENNETH STRASMA: Okay. Just a moment.

6 BRUCE ADELSON: So those figures are higher.
7 I think -- let's talk, if we could, about the
8 municipalities.

9 With -- Willie, in this, the proposals that's on
10 the screen, this keeps Winslow in draft LD 7?

11 WILLIE DESMOND: Correct.

12 BRUCE ADELSON: I think that, you know, like we
13 were talking about before with comparing the two populations
14 as far as the racial percentages in each, there's an
15 additional consideration is one of the reasons in talking
16 about many of the things that have come up is that the
17 Navajo Nation has lost population over the last decade.

18 With Winslow -- keeping Winslow in the district,
19 respectfully I would suggest, is beneficial over the next
20 decade because that potentially insulates the Commission and
21 the state from retrogression by effect claims. In other
22 words, accidental retrogression.

23 So if the other, the other metrics are better than
24 the benchmark or at least the same, the fact that the
25 electoral performance declines marginally is not something

1 that in this configuration concerns me as much as
2 previously, primarily because of by keeping Winslow that is
3 an additional safeguard to population lost over the next
4 decade.

5 What's also significant is that with this proposal
6 by the Navajo Nation, while proposals by Indian nations and
7 minority organizations are not necessarily dispositive to
8 the Department of Justice, because sometimes they can be
9 retrogressive themselves, if a recommendation from a
10 minority group or Indian nation is -- which they endorse is
11 not retrogressive, then respectfully I would suggest that
12 that be given consideration.

13 The department would also look at that favorably
14 in the sense that if you just look at the electoral
15 performance, one of the things that the department would do,
16 if the electoral performance declines marginally as it does
17 on the screen, the department would also view the fact that
18 this has been submitted by the Navajo Nation.

19 The department would call the Nation and discuss
20 the changes. Presumably the Nation endorsed the changes
21 and said that they would support them, then the department
22 would conduct an analysis to confirm. And then if the
23 department determines there's no retrogression, then would
24 proceed.

25 So my sense is that this appears to be

1 non-retrogressive. And retaining Winslow in the district,
2 my belief is significant. So that it does appear to me that
3 this change being endorsed by the Nation is -- does not
4 raise any issues that the department would have under
5 Section 5.

6 So respectfully I would say that -- and I want to
7 get the benchmark numbers from Ken. But this, this does
8 appear to be a change that is salutary and would not be
9 problematic under Section 5.

10 Ken, do you have the numbers?

11 KENNETH STRASMA: Yes, I do. It does appear to
12 improve the benchmark from -- in the benchmark district, the
13 total Native American population is 58.9 percent of total
14 population.

15 And a voting age population, 62.9.

16 The voting age population goes up to 63.1 in this
17 proposal, and the total population Native American up to
18 65.9.

19 BRUCE ADELSON: Yes, Madam Chair, I think that
20 that just confirms the other benchmark numbers, so that
21 if the -- if a specific district has the metrics that
22 either meets or exceeds the benchmark, that is extremely
23 beneficial and is looked favorably upon by the Department of
24 Justice.

25 CHAIRPERSON MATHIS: Thank you.

1 Any comments from Mr. Strasma?

2 KENNETH STRASMA: I believe this change looks
3 good.

4 CHAIRPERSON MATHIS: Thank you.

5 Any comments from commissioners?

6 VICE-CHAIR FREEMAN: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Freeman.

8 VICE-CHAIR FREEMAN: Perhaps not directly on
9 topic, but I was noticing U.S. Census Bureau just released
10 the new American community survey data. Is that being used
11 and employed by us? Is that being incorporated into our
12 data set?

13 KENNETH STRASMA: No, that's not incorporated in
14 these numbers.

15 VICE-CHAIR FREEMAN: Is that something that we're
16 going to need to do to incorporate before we make any final
17 submission?

18 KENNETH STRASMA: I do not believe so.

19 The most recent ACS data we've had is from the '07
20 through '9 rolling of American community survey data.

21 The ACS is released on a rolling basis, and so
22 there will always be new data, not all of which will be
23 included in our submission.

24 If there is anything new, different, or
25 noteworthy, that would be something we would want to take

1 into account.

2 And I would defer to Mr. Adelson if there is
3 anything specific that DOJ would add in that regard.

4 BRUCE ADELSON: Madam Chair, Commission Freeman,
5 on that, that point, the ACS data, I agree. It says
6 released on a rolling basis.

7 Some of the data can be relevant. Some of the
8 data might not be.

9 If there is particular data as ACS continues to
10 roll out information that's relevant to the submission,
11 certainly that would be something to consider.

12 One of the things that the ACS does that is not
13 necessarily in the regular sense is that it might relate to,
14 for example, language proficiency, which wouldn't
15 necessarily be determinative with what we're doing.

16 But I certainly agree with Mr. Strasma, that if
17 information is disclosed by ACS over the next period of
18 time until the submission is made, we can certainly
19 determine if any of that data would be relevant for this
20 submission.

21 CHAIRPERSON MATHIS: Other comments from other
22 commissioners?

23 COMMISSIONER McNULTY: Madam Chair.

24 CHAIRPERSON MATHIS: Ms. McNulty.

25 COMMISSIONER McNULTY: Hello.

1 I like that Greenlee and Graham Counties would be
2 combined in Legislative District 1. I think that's a very
3 positive step.

4 I know we can't do everything. This is a
5 balancing act, but that would be another advantage of this
6 proposal.

7 I think that someone sent us last night the
8 testimony of Mr. Titla from the San Carlos Apache Nation and
9 also his reference to Mr. Lupe's desire that Show Low remain
10 in the district with the native -- in the Native American
11 district, so I think this would satisfy that request.

12 And looking at the competitiveness number, which
13 is important to me, I see that it's the same as in what I
14 had proposed. It's still a Republican district, but it's
15 closer than it might have been. And I appreciate that,
16 that that has been taken into consideration in the proposal
17 also.

18 CHAIRPERSON MATHIS: Yes. Thanks to Mr. Herder,
19 we received the excerpt on those comments from December 5th.
20 It was very helpful. Thank you.

21 And we also have this letter from the Hopi Tribe
22 today, dated December 8th, from Chairman Shingoitewa. And
23 he specifies that the tribe does not want to see Winslow
24 moving into LD 6, so. . .

25 And I also agree with the comment on Greenlee.

1 That seems to make a lot of sense.

2 And we'll have to see what happens down in the
3 corner once we deal with the tail. But for now, it
4 definitely seems like a positive move in the right
5 direction, so. . .

6 So, any other further thoughts on this?

7 Do you have something?

8 I see you moving, and I think you're going to
9 talk.

10 COMMISSIONER McNULTY: I'm must playing with my
11 mic.

12 CHAIRPERSON MATHIS: Okay.

13 COMMISSIONER McNULTY: I guess my thought would be
14 to move this forward for further analysis at this point,
15 incorporate this in our, in our map and have it analyzed.

16 CHAIRPERSON MATHIS: I would agree. We heard both
17 from Mr. Strasma and Mr. Adelson, and it seems like a
18 positive change.

19 And without objection, I would propose moving this
20 forward for additional analysis as well.

21 VICE-CHAIR FREEMAN: Madam Chair, I'm all for
22 continuing further analysis at every step of the game, but I
23 just want to make clear I don't agree that those should be
24 the final lines.

25 I just still want to study it and look at -- I

1 notice we've got it on the website, so I would still like to
2 continue to look at this area of the state.

3 CHAIRPERSON MATHIS: Okay.

4 So we'll go ahead and move forward for additional
5 analysis on this proposed change report.

6 Anything else from our mapping consultant on this
7 that you need from us?

8 WILLIE DESMOND: On this, no. Since we did just
9 get it recently, I don't have all the files ready for the
10 website.

11 I would like to go through and just make sure I
12 followed the line and don't have any unassigned census
13 blocks or non-contiguous areas. I might need to clean it up
14 just ever so slightly.

15 I doubt that that would affect any population. It
16 would more just be a geographic thing.

17 Depending on what the schedule is for today, if we
18 have a break for lunch or if we adjourn sometime, I will try
19 to get this stuff done today and post it to the website as
20 soon as possible.

21 I also think it would be good if we are looking at
22 any other changes, specifically the one that Cochise County,
23 to use this as the baseline, so perhaps rerunning change
24 reports with this as the starting point.

25 But, again, that will take some time.

1 So, on this, I will just make sure that what we
2 have is correct, and then we'll use this as the new kind of
3 working map that that will be submitted to Dr. King for
4 analysis.

5 CHAIRPERSON MATHIS: Okay.

6 So do we want to move to the next LD change
7 report?

8 WILLIE DESMOND: Okay.

9 The other one we did today is the changes to
10 Legislative District 26.

11 We heard some public testimony about this today.

12 Just to bring everyone back up to speed. What's
13 happened here is that Legislative District 26 has given up
14 some population in the Dobson Ranch area and in Tempe and
15 Mesa.

16 It's picked up population from District 27 and
17 Guadalupe and slightly in Tempe.

18 District 27 has picked up population then in the
19 Maricopa County portion of the Gila River reservation. And
20 there has been a population balancing between Districts 17
21 and 18.

22 So, again, the green line is the old map.

23 In this case, if you'll notice on your change
24 report, for the first time at the top when it says, when it
25 says old map, it's the leg working map, December 8th, 2011.

1 So this map does have those changes that were submitted for
2 analysis yesterday included in them.

3 So, just a note there. It doesn't really affect
4 anything here.

5 But the green line was the -- is the working map
6 in this case is the draft map.

7 You can see there is a change where the population
8 between 17 and 18 is balanced.

9 The district used to run like this.

10 I will turn on census places.

11 In Chandler there, in order to balance population,
12 it's a little bit cleaner I think now. It just goes more
13 north-south.

14 Guadalupe went into District 26.

15 The difference between what, what's happening here
16 and what happened yesterday is that -- and, Buck, can I get
17 a laser pointer? Is that possible?

18 Is this portion that occurs right here is also
19 included in District 18 now.

20 Are there questions about this? Or -- I believe
21 you all have the change report from today that discusses
22 what happens here.

23 Significantly District 26 becomes about
24 2.8 percent higher total minority population.

25 The Hispanic registration district, 26, goes up by

1 2.9 percent.

2 Hispanic citizen voting age population goes up by
3 a point and a half.

4 The voting age total minority goes up by
5 2.6 percent.

6 And then all of the indicators of elections are
7 improved by anywhere from a point to two points.

8 CHAIRPERSON MATHIS: And that also satisfies the
9 request that we had from the Dobson Ranch folks; right?

10 WILLIE DESMOND: Yes, it does.

11 And that was just kind of a happy accident.

12 CHAIRPERSON MATHIS: We like those.

13 WILLIE DESMOND: Yeah.

14 COMMISSIONER McNULTY: Do legal counsel have any
15 comments on Guadalupe in light of the comments this morning?

16 BRUCE ADELSON: Madam Chair, Commissioner McNulty,
17 yes.

18 One of the things that's very important to
19 remember, and I think that sometimes it's very difficult for
20 a lot -- for many to really appreciate this. The -- really
21 the only issue for the Department of Justice in Section 5 is
22 retrogression.

23 Now, there are connections to retrogression.
24 Packing racial minorities, for example, even though that's a
25 Section 2 issue under the Voting Rights Act, can indicate

1 the presence of retrogression.

2 Certainly in redistricting as we see today there
3 are blocks and groups of people that are assigned to certain
4 districts that are necessary for many, many reasons.

5 So that I certainly can appreciate, because I've
6 been looking at redistricting for 11 years, that moving
7 populations around is not always something that pleases
8 everybody.

9 From the Department of Justice's perspective, the
10 department looks at retrogression. If there is a move that
11 improves, enhances minority voters' opportunities to elect
12 and reduces any suggestion of retrogression, whether now or
13 in the future, that's something that is quite relevant, very
14 important to the department.

15 So that in looking at the changes on the change
16 report, I certainly agree that the changes in draft 26 are
17 very positive.

18 Even though the changes in some part may seem
19 relatively small, I think when you increase total minority
20 population as much as is being done, Hispanic population
21 across the board, Hispanic voting age population,
22 particularly HCVAP, Hispanic citizen voting age population,
23 there's almost a three percent increase in Hispanic
24 registration.

25 So I think that the changes are very positive.

1 And I certainly, from a Section 5 perspective, view them as
2 very salutary and beneficial.

3 And were I still with the department, I would
4 certainly view these changes as, as being positive.

5 If you look at District 27, by contrast
6 District 27 is a, is a very strong district from what the
7 numbers appear to indicate.

8 If you look at the electoral performance at the
9 bottom of the page, it's a very strong district as far as
10 performance with the four races that are listed, including
11 an individual candidate. All the metrics are very
12 significant, from the mid 60 percent approval up into the
13 70s. That's, that's a very powerful district. As shown by
14 the electoral performance indicators.

15 So my opinion is that the change to 26 is very
16 beneficial and would be looked at favorably by the
17 Department of Justice from a Section 5 point of view.

18 Thank you.

19 CHAIRPERSON MATHIS: Thank you, Mr. Adelson.

20 Any comments, Mr. Strasma?

21 KENNETH STRASMA: I agree that the changes are
22 beneficial. We spent a fair amount of time debating how --
23 I try to find a stronger word than necessary. What was the
24 word Mr. Adelson used yesterday?

25 CHAIRPERSON MATHIS: Essential.

1 KENNETH STRASMA: Essential.

2 There was some debate as to whether these changes
3 were necessarily essential, and perhaps -- because I feel a
4 good case could be made that draft 26 as it exists could be
5 precleared. But obviously Mr. Adelson is the expert on
6 that, so perhaps pass the question back to him of does it
7 meet the essential bar.

8 BRUCE ADELSON: Thank you, Mr. Strasma. I always
9 like being put on the spot like that.

10 Yes, in -- respectfully in my opinion the changes
11 are essential. That I certainly agree that previously the
12 district had a lot of strengths. The district has more
13 strengths and resolved several questions for me.

14 So in looking at it from the Justice Department's
15 perspective, the changes appear to be only positive. And to
16 the degree that, as we've been talking about, we can
17 eliminate questions and eliminate -- instead -- let me back
18 up.

19 Instead of saying eliminate questions, have
20 answers to questions, and resolve questions, more to the
21 benefit of the Commission and the state, because then we
22 won't have to deal with situations down the road as the
23 Commission did nine years ago where the answers may not
24 satisfy the Department of Justice.

25 CHAIRPERSON MATHIS: Thank you.

1 COMMISSIONER McNULTY: Madam Chair, I noticed that
2 on the District 27 report, the Hispanic population has
3 actually increased.

4 And I wonder why that is.

5 And I also think it's important for the record to
6 note that the Maricopa County portion of the Gila River
7 Indian community has been moved into 27 at the request of
8 that community.

9 It doesn't wholly satisfy a request that they made
10 to be split up and tied to metro legislative districts, but
11 it does -- it's a compromise, and it does partially satisfy
12 that request, and it was done at their request.

13 KENNETH STRASMA: Bear with us for a minute,
14 please.

15 CHAIRPERSON MATHIS: We actually can hear from the
16 White Mountain Apache Tribe right now if that would work for
17 folks while you're looking that up, via phone.

18 Okay. Great.

19 It's going to be Mr. Jerry Gloshey, Jr.

20 (Whereupon, the teleconference connection was
21 made.)

22 CHAIRPERSON MATHIS: Hello. This is the Arizona
23 Independent Redistricting Commission.

24 Is this Mr. Gloshey?

25 JERRY GLOSHAY, JR.: Hi. Yes. It's kind of

1 muffled. I hope you can hear me. But I got a really
2 difficult time hearing you.

3 CHAIRPERSON MATHIS: Okay. We can hear you really
4 well.

5 Is this Mr. Gloshey?

6 JERRY GLOSHAY, JR.: I heard that.

7 CHAIRPERSON MATHIS: Sorry. Is this Mr. Gloshey?

8 JERRY GLOSHAY, JR.: Yes, this is Jerry Gloshey.

9 CHAIRPERSON MATHIS: Great. We appreciate you
10 calling in. And you're representing the White Mountain
11 Apache Tribe.

12 JERRY GLOSHAY, JR.: Yes. I can do my part on
13 behalf of recall from the last conversation from chairman
14 officially on Monday on this matter.

15 CHAIRPERSON MATHIS: Wonderful. Thank you for
16 dialing in and please feel free to proceed.

17 And if you wouldn't mind spelling your last name
18 for our court reporter, we have somebody transcribing.

19 JERRY GLOSHAY, JR.: Jerry is with a J and it ends
20 with a Y. Gloshey is G-L-O-S-H-A-Y, junior. Jerry Gloshey,
21 Jr.

22 CHAIRPERSON MATHIS: Perfect. Thank you.

23 Feel free to go ahead and proceed.

24 JERRY GLOSHAY, JR.: Basically from what I gather
25 from this morning's conversation on what you were all there

1 for, Chairman Lupe wanted to say that we wanted to have the
2 Independent Redistricting Commission to completely try to
3 enhance the Native American voting age population vote for
4 District 7.

5 Not just general population, but voting age
6 population of Native Americans within District 7.

7 And that, in addition, we are in favor, and you
8 may have our last letter of the Navajo Nation proposal,
9 which would involve the native tribes Hopi, Kaibab, Navajo,
10 White Mountain Apache, and San Carlos.

11 And I may be missing some other tribes, but I
12 don't have all the tribes in front of me. But we wanted to
13 have that and to include the cities of Pinetop-Lakeside and
14 Show Low.

15 CHAIRPERSON MATHIS: Okay. Thank you.

16 Are there any questions for Mr. Gloshey from the
17 Commission?

18 (No oral response.)

19 CHAIRPERSON MATHIS: Okay.

20 JERRY GLOSHAY, JR.: Thank you very much.

21 CHAIRPERSON MATHIS: We appreciate you dialing in.
22 Thank you.

23 JERRY GLOSHAY, JR.: Have a great day.

24 CHAIRPERSON MATHIS: You, too. Thank you.

25 (Whereupon, the teleconference connection was

1 terminated.)

2 CHAIRPERSON MATHIS: Okay. Is there anything -- I
3 think you were looking into a question that Ms. McNulty had
4 regarding HVAP.

5 WILLIE DESMOND: Yes. And I apologize, the change
6 report you have, for whatever reason, did not have one of
7 the changes that was involved in yesterday's.

8 The only thing we intended to do differently than
9 what you looked at yesterday was just add that little corner
10 of Dobson Ranch.

11 For whatever reason, the portion of Gila River
12 that's in Maricopa County was left out of the District 27,
13 so there is an additional affected legislative district,
14 District No. 11. And District 27 is slightly different.

15 It doesn't affect the way that 26, 17, or 18 would
16 look.

17 I do have copies of yesterday's change report if
18 you would like to see how -- basically the portion from,
19 from yesterday, that is District 11 and District 27, is
20 correct.

21 The portion from today's report that is 17, 18,
22 and 26 is correct.

23 And I'm very sorry about that.

24 So if anybody needs a copy, I do have a few extra
25 I can share with the commissioners if they don't have from

1 yesterday.

2 CHAIRPERSON MATHIS: Any questions on that?

3 WILLIE DESMOND: Basically you're taking about
4 3,000 people from the Gila River portion, or the Maricopa
5 portion of Gila River reservation and adding them into
6 District 27.

7 That was something that they asked for. So, so
8 we're following up on that.

9 It also helps kind of mitigate the population lost
10 in District 27 by giving up Guadalupe to District 26.

11 If you look at today's report and you want to
12 study some of the non, I guess, voting rights implications
13 of this change, you can look at the effects to Districts 17
14 and 18.

15 They are -- basically what happens is that
16 District 18 takes on a lot of District 26's less than ideal
17 population.

18 That makes District 18 too large.

19 So then District 18 shares some of that burden
20 with District 17.

21 So if you'll notice that District 17 and
22 District 18 now have positive population deviations of
23 3.6 and 4.2 percent respectively in this change.

24 Are there questions?

25 I'm sorry for the confusion.

1 CHAIRPERSON MATHIS: Just so I have this right, so
2 LD 26, version three, that change report --

3 WILLIE DESMOND: Yes.

4 CHAIRPERSON MATHIS: -- should have an additional
5 district in it; is that right? Eleven?

6 WILLIE DESMOND: It should also reflect some
7 changes to District 11 that are fairly minor. But if you're
8 interested in those changes, you can look at those in
9 yesterday's change report, of which we do have extra copies.

10 CHAIRPERSON MATHIS: All right.

11 And those were just handed out in case anybody
12 didn't have theirs.

13 WILLIE DESMOND: Yeah.

14 CHAIRPERSON MATHIS: Any other questions on this?

15 (No oral response.)

16 CHAIRPERSON MATHIS: Well, given that Mr. Adelson
17 used the word essential, the buzz word, I would now propose
18 we, without objection, move forward to submit this for
19 further analysis, this change report.

20 (No oral response.)

21 CHAIRPERSON MATHIS: Hearing none, we'll go ahead
22 and do that.

23 WILLIE DESMOND: Great.

24 CHAIRPERSON MATHIS: Does that conclude all of our
25 voting rights enhancements?

1 KENNETH STRASMA: One more thing, back to the
2 Navajo Nation map that was adopted for further analysis. We
3 do now have the hard copy just so that commissioners have
4 that for their records.

5 CHAIRPERSON MATHIS: Oh, great. The change
6 report. Good.

7 COMMISSIONER McNULTY: Madam Chair, I think we
8 submitted LD 24 for analysis yesterday, but given the
9 testimony today from the Fort McDowell Nation, I wonder if
10 we could just discuss the implications of moving that
11 971 people to LD 23 and get Mr. Adelson's reaction to that.

12 CHAIRPERSON MATHIS: This would be for LD 24?

13 COMMISSIONER McNULTY: I believe it would involve
14 moving 971 Native Americans out of LD 24 into LD 23.

15 I don't want to set a precedent for rescinding a
16 submittal for analysis, but at the same time it's such a
17 small change and it is something that we had discussed
18 yesterday.

19 BRUCE ADELSON: Madam Chair, Commissioner McNulty,
20 if -- Madam Chair, would you like me to comment on that?

21 CHAIRPERSON MATHIS: That would be great. And
22 these changes I think are the ones outlined in the
23 November 1st letter from Fort McDowell Yavapai Nation.

24 BRUCE ADELSON: In looking at what the Nation
25 talked about today as far as the changes, the change in --

1 with the voting age population of about 600 people, the
2 discussion that the HVAP decreases, and forgive me if I
3 don't have the exact number, by, I believe it was, under
4 50 people, moving the Nation into 23, and looking at --
5 well, before I, before I get into that, I mean, District 24
6 as we've talked about, it is important to enhance the
7 district as far as several of the metrics that we've
8 discussed.

9 The -- what I would respectfully suggest is given
10 the numbers of people that we heard about today that go to
11 the issue of retrogression and the Section 5 review by the
12 Department of Justice, what I would suggest is looking to
13 see that all these numbers match up, so that if the loss is
14 as small as it is given that it's a Native American
15 population rather than a Hispanic population, and the
16 Hispanic population is the majority minority in the
17 district, that makes it less of an issue potentially for the
18 department.

19 So what I would respectfully suggest is that we
20 take the new information that's been given today as far as
21 the specific population, have that confirmed. And if,
22 indeed, the numbers are as small as indicated, I would
23 respectfully suggest that this would not be something that
24 the department would view negatively, because the change is
25 potentially quite marginal.

1 I mean, one of the things that I would think would
2 be very important is that we would have to do the -- make
3 sure under the election performance metrics that they don't
4 really change.

5 And if, indeed, the removal of the Nation does not
6 change the electoral performance, then I think that this
7 would not be a Section 5 issue for the department, but
8 certainly for the record and for the due diligence of the
9 Commission, as well as to prove to the department that
10 there's no retrogression, either accidental or intentional.

11 Getting that confirmation is very important. If
12 we do have it, as I said, I would respectfully suggest that
13 this would not be a change that would be viewed
14 problematically by the department.

15 CHAIRPERSON MATHIS: Thank you.

16 So given that, Ms. McNulty, are you suggesting
17 that we propose that additional piece to be considered for
18 further analysis?

19 COMMISSIONER McNULTY: Yes, I would make that
20 suggestion.

21 VICE-CHAIR FREEMAN: Are we analyzing two
22 scenarios, one with the Fort McDowells in and one without?

23 COMMISSIONER McNULTY: I would propose only to
24 analyze the scenario which assuming the numbers are
25 confirmed, as Mr. Adelson said, we would be analyzing

1 District 24 with the Salt River community in District 24,
2 but the Fort McDowell community moved out into District 23.

3 MR. STRASMA: If I may, for awesome additional
4 information, although it is a very small in terms of
5 population, because it's more than 90 percent minority,
6 Native American, it does decrease the district's overall
7 total minority percent by about half a percent.

8 That was one of the things that I wanted to flag
9 for Mr. Adelson. I know that's one of the many things that
10 would be looked at.

11 BRUCE ADELSON: Madam Chair, I appreciate that
12 that is important information. That's why we need to run
13 all the numbers.

14 If the electoral performance does not really
15 change, then I think that the department would not
16 necessarily look on the .5 decrease as being retrogressive
17 or significant.

18 If, for example, the electoral performances would,
19 let's say, decrease by a point or two points or three
20 points, that would be significant.

21 But assuming that that is not the case, and we'll
22 have the analysis to confirm that, the drop in the minority
23 population would likely not be dispositive as far as the
24 department under the Section 5 analysis.

25 WILLIE DESMOND: Just, just so everyone

1 understands, this is 971 people.

2 Of that, 96.1 percent are minority, either
3 Hispanic, Native American.

4 Looking at the 2010 mine inspector's race, there
5 is 128 votes cast. One hundred of them went for the
6 Hispanic candidate. Twenty-eight were cast for the
7 non-Hispanic candidate.

8 Removing this would change District 24's total
9 minority percentage. As of yesterday's change, it was at
10 54.9 percent. Moving this would make it, I believe, around
11 54.5 percent, 54.4 percent. So it's about half a, half a
12 percentage point of the district from earlier.

13 BRUCE ADELSON: Madam Chair, if I could add on to
14 that.

15 If you look at the changes that we had discussed
16 yesterday, the -- even if the Nation is removed, the
17 minority population is still higher than the original draft
18 number.

19 I would be interested also when looking at the
20 electoral performance to see by contrast the 2010 secretary
21 of state race, as well as the presidential elections, to see
22 how we measure up too, because -- and also turnout. If
23 turnout is relatively low in the Nation, I mean, that would
24 be -- that's an important factor too. Because that might
25 indicate that this would not have a negative effect on the

1 district as far as Section 5.

2 WILLIE DESMOND: The secretary of state race
3 tracks just about at the same rate as the mine inspector
4 race.

5 The mine inspector Democratic candidate received
6 100 votes. The secretary of state race, the Democratic
7 candidate received 102 votes. The Republican received
8 28 for mine inspector. Republican received 30 for the
9 secretary of state.

10 So. . .

11 BRUCE ADELSON: Madam Chair, what about the
12 presidential in '08 and '04?

13 WILLIE DESMOND: Presidential in '08, the
14 Democratic candidate received 151 votes, the Republican
15 received 64 votes, so about 60 percent.

16 BRUCE ADELSON: In '08?

17 WILLIE DESMOND: That is '08.

18 BRUCE ADELSON: What about '04.

19 WILLIE DESMOND: I do not have '04 loaded right
20 now.

21 BRUCE ADELSON: I think in -- turnout seems to be
22 relatively low, although the minority candidate of choice is
23 the favored candidate, the numbers of voters apparently is
24 about a hundred. So how that factors into all the numbers,
25 we'll get confirmation, but it certainly appears from what

1 we're talking about that there are not significant blocks of
2 people and numbers of people that would be potentially
3 retrogressive.

4 So, as I suggested earlier, once we get all the
5 confirmation of the numbers infused into the change report
6 and see how it looks, if things look as they seemed to
7 indicate now, this, in my opinion, does not appear to be an
8 issue that would be a problem for the Department of Justice
9 in the Section 5 review.

10 CHAIRPERSON MATHIS: Thank you.

11 Other comments?

12 KENNETH STRASMA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Strasma.

14 KENNETH STRASMA: Following up on
15 Commissioner McNulty's, I believe it was, question on if we
16 would be submitting two maps. Or perhaps it was
17 Commissioner Freeman.

18 My suggestion, because I would like to avoid that,
19 as I've said all along, avoid having more than one working
20 map. It sounds like Mr. Adelson is relatively comfortable
21 with this change, assuming there are no red flags.

22 So perhaps what I would suggest if the Commission
23 feels this is a change they want to make, that this be
24 adopted and submitted for analysis.

25 We will do some of the quicker analysis that

1 Mr. Adelson was talking about of turnout and other
2 elections. Assuming there are no major red flags raised by
3 that, we would go ahead for the more in-depth analysis and
4 keep -- have this be our -- part of our working map.

5 If there were any red flags when we discuss the
6 initial numbers with Mr. Adelson this weekend, we would
7 bring that information back to the Commission on Monday.

8 BRUCE ADELSON: Madam Chair, I certainly agree
9 with that.

10 And I think for me one of the most central numbers
11 is that the number of voters who have voted for the minority
12 candidate of choice all appears to be around 100.

13 That number is just going to be too low to have
14 any district-wide impact.

15 Now, I think that that's also a distinction
16 between this and some of the other things that we've
17 discussed. In the other potential moves and alterations,
18 the numbers were much higher, in the thousands. So when
19 you're talking about, about 100 people, from a turnout
20 perspective, given the size of the district, that's not
21 going to tip the district in any direction.

22 CHAIRPERSON MATHIS: Thank you.

23 Well, then without objection, I propose we go
24 ahead and submit this for further analysis, this particular
25 change.

1 WILLIE DESMOND: Okay.

2 CHAIRPERSON MATHIS: Okay. I think we're going to
3 lose a commissioner right now at 1:00 p.m.

4 VICE-CHAIR FREEMAN: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Freeman.

6 VICE-CHAIR FREEMAN: I apologize. I know I was
7 looking -- when Mr. Desmond earlier talked about lunch, I
8 panicked, and that's why I stepped away to talk to
9 Mr. Bladine, because I was under the understanding our
10 meeting today terminated at 1:00 o'clock. And I wanted to
11 confirm that I wasn't just imagining that. And he did
12 confirm that commissioners had been told that.

13 And although I was in my office briefly on Monday
14 morning, I have not seen my office since then. And I did in
15 reliance on that end time schedule a few things this
16 afternoon I just cannot get out of, so I apologize.

17 I will have, to the public, I will have to excuse
18 myself.

19 CHAIRPERSON MATHIS: No problem. Thank you for
20 being here.

21 And are there any other items that -- any
22 direction to the mapping consultant that you need from the
23 Commission?

24 I just would like to get that before Mr. Freeman
25 leaves, if there is anything.

1 KENNETH STRASMA: There was some discussion as the
2 meeting was breaking up yesterday about the Cochise County
3 LD 1 situation.

4 My summary would be that we did not find any
5 alternatives that seemed to improve the split.

6 We are looking at narrowing the tail, making the
7 shape seem a little less odd.

8 With that in mind, you know, perhaps the
9 Commission would want to direct us to submit for further
10 analysis the change keeping Cochise County whole and also
11 with one minor amendment that because of some of the changes
12 today that might affect population, that Mr. Desmond might
13 need to look at some suggestions if the population deviation
14 is wider than would be accepted -- acceptable, and we would
15 come back to you with those on Monday.

16 CHAIRPERSON MATHIS: Any thoughts from
17 commissioners on that?

18 VICE-CHAIR HERRERA: Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Herrera.

20 VICE-CHAIR HERRERA: You know, when I look at
21 CD 1, not only is it an odd looking -- it's -- legislative
22 district, but it also has a high Hispanic voting age
23 population. I think my opinion too high.

24 And I feel like we need to address that issue with
25 that arm appear extends out into Cochise, that, you know,

1 maybe we can do away with that.

2 And then I think look at some of Mr. Strasma's
3 recommendations with all the changes we made. We may be
4 able to fix that.

5 So I think that's something that's worth looking
6 into.

7 CHAIRPERSON MATHIS: Okay. Any other comments on
8 that?

9 COMMISSIONER McNULTY: Mr. -- can you tell us what
10 the deviation is right now with the addition of
11 Greenlee County? Just so we can be thinking about how
12 significant an issue it is and thinking over the weekend
13 about how -- whether and how we would want to address it.

14 WILLIE DESMOND: So, district -- District 1, if
15 you were to keep Cochise County whole, keep everything else
16 about the same, has a positive deviation of 3,330.

17 If we add in, add in Greenlee County, that
18 deviation would go to 11,776, or 5.52 percent.

19 COMMISSIONER McNULTY: That's a total.

20 WILLIE DESMOND: That would be the total.

21 COMMISSIONER McNULTY: 11,776.

22 WILLIE DESMOND: 11,776, positive deviation of
23 5.52 percent.

24 COMMISSIONER McNULTY: Madam Chair, Mr. Adelson,
25 can we justify the deviations in non majority-minority

1 districts that result from changes to majority-minority
2 districts? I mean, is that -- I'm not familiar enough with
3 that case law.

4 I know it's not a Department of Justice issue.

5 BRUCE ADELSON: Madam Chair, Commissioner McNulty,
6 the -- in deviating from the absolute equivalency, the --
7 typically courts will look at whether you have a rational
8 basis for doing so.

9 So a non-rational basis, of course, would just be
10 putting population and dumping them into the district, so to
11 speak, without consideration for all the factors that you
12 have to contract.

13 So having a deviation in approximately the
14 five percent range, if that is done in part to satisfy the
15 Voting Rights Act, would likely not be considered
16 problematic in a -- by a court.

17 The -- what's also true, as I said, from the
18 federal perspective, having a deviation anyway around the
19 five percent, around five percent is arguably not
20 problematic.

21 Even under the Larios v. Cox case, although that
22 court that the 10 percent accepted deviation was probably
23 not acceptable anymore, the court did not pinpoint what
24 would be.

25 Five percent is something that I typically

1 recommend as my benchmark in working with local
2 jurisdictions with redistricting. So ordinarily I think
3 five percent, all things being equal, would be okay.

4 COMMISSIONER McNULTY: Thank you. So we aren't
5 too far off here.

6 And I guess I would just like to put on the record
7 that the deviation that Mr. Desmond just described is a
8 result of a change that was made at the request of the
9 Navajo Nation to improve the majority-minority district
10 LD 7.

11 CHAIRPERSON MATHIS: Any other comments on this?

12 (No oral response.)

13 CHAIRPERSON MATHIS: Okay. So we want to go ahead
14 and explore this idea over the weekend, and so you'll come
15 back on Monday and let us know what we might do here.

16 Is that correct?

17 KENNETH STRASMA: We could -- I guess I could ask
18 for clarification.

19 Is this at least LD 2 portion something that we
20 would want to make part of our working map going forward and
21 submit for further analysis this weekend?

22 CHAIRPERSON MATHIS: The LD 2 piece?

23 KENNETH STRASMA: Uh-hmm.

24 CHAIRPERSON MATHIS: Yes --

25 VICE-CHAIR HERRERA: Madam Chair, I --

1 CHAIRPERSON MATHIS: -- I would.

2 VICE-CHAIR HERRERA: I just want to make sure that
3 we're talking about the same thing.

4 You're talking about the arm that extends into
5 Cochise?

6 KENNETH STRASMA: Right. So what's outlined in
7 green is the existing draft map. And so under the proposed
8 change, LD 2 would stop at the Cochise County border, and
9 Cochise would be entirely in LD 1.

10 VICE-CHAIR HERRERA: Sure. And we'll have to
11 see -- and I know -- you know, I have a lot of respect for
12 Mr. Adelson. I know sometimes he can be a little cautious,
13 maybe sometimes hypercautious, if I can use that word. It's
14 a new word now.

15 But I just don't like the way that looks.
16 It's a -- it's, it really is an ugly district.

17 And then also, like I said, it does, in my
18 opinion, pack Hispanics into District 2, so -- and affecting
19 other districts surrounding it. So I want to make sure that
20 we look at it extensively and come up with a better
21 solution.

22 BRUCE ADELSON: Madam Chair, Commissioner Herrera,
23 I take the hypercautious -- I'm going to tell my wife that.
24 See what she has to say.

25 I think that as we talked about yesterday, I think

1 it's -- I'm very open to moving forward, and having seen
2 what the analysis shows, and then going on from there.

3 And certainly in discussing this with
4 Mr. Kanefield, although we have questions about that, let's
5 see how -- what the analysis shows.

6 And if the analysis resolves the questions, then
7 so be it. Because I think that what, what is, what is very
8 important, I think it's very incumbent upon me to make the
9 point for the record is that we're doing these analyses to
10 not only help the Commission and the state of Arizona
11 satisfy its burden of proof, but also make clear that these
12 issues are not being done to retrogress or discriminate.

13 That it's very important that the record reflect
14 that, in going forward with analysis, that satisfies that
15 concern.

16 So I'm certainly with you as far as let's see what
17 the analysis shows and if that can resolve the questions,
18 then so be it.

19 VICE-CHAIR HERRERA: Thank you.

20 CHAIRPERSON MATHIS: Okay. Any additional
21 direction we need to provide for the mapping consultant?

22 (No oral response.)

23 CHAIRPERSON MATHIS: Okay.

24 Anything else that commissioners wanted to raise
25 on proposed adjustments to either of the legislative or

1 congressional maps for the weekend?

2 COMMISSIONER McNULTY: Madam Chair, Mr. Strasma,
3 Mr. Desmond, do you have enough to do this weekend?

4 WILLIE DESMOND: I do.

5 We can probably find something to do.

6 COMMISSIONER McNULTY: Okay. I'll withhold any
7 further comment until Monday.

8 KENNETH STRASMA: In addition to some of the
9 mapping work we have laid out, there was request for another
10 look at some competitive indexes for outliers, so we'll have
11 that prepared for Monday.

12 CHAIRPERSON MATHIS: And then was there the item
13 from Mr. Adelson on comparing the benchmark just side by
14 side?

15 KENNETH STRASMA: Yeah, and that is something that
16 we had shared with Mr. Adelson this morning.

17 And I do have copies for the commissioners.

18 The -- thank you for reminding me, Madam Chair.

19 The bottom line on this is our draft congressional
20 districts do look very good compared to the benchmarks.

21 They are -- they exceed or equal the benchmarks in
22 all but one measure, and that measure being the vote for
23 mine inspector in 2010, in the Maricopa district, which went
24 from 68.7 percent to 66.9 percent, so still, you know, over
25 two thirds of the vote in 2009, a very slight decrease.

1 Every one of the other measures went up.

2 So it certainly seems to my judgment like there is
3 no danger that these could be viewed as retrogressive.

4 Mr. Adelson wants to expand further.

5 BRUCE ADELSON: Thank you, Madam Chair, I mean --
6 I certainly -- I agree, the measurements all exceed the
7 benchmark except for the two that Mr. Strasma mentioned.

8 But I don't view those as being problematic.

9 The differential between the mine inspector race
10 in the draft and the benchmark is pretty insignificant in my
11 opinion.

12 The different -- and the Hispanic population is
13 the other distinction. Yeah, the Hispanic population is the
14 same as it is under the benchmark, so that's not
15 problematic.

16 So I think as Mr. Strasma and I communicated this
17 morning for purposes of the Commission's full information
18 and for the submission, seeing how the two districts measure
19 up in the other elections is important.

20 But certainly with the information that we have
21 here, I agree that there seems to be no Section 5 issue and
22 all the metrics seem very positive compared to the
23 benchmark.

24 CHAIRPERSON MATHIS: Thank you.

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 VICE-CHAIR HERRERA: It seems like we're getting
3 closer and closer with the congressional map, in terms --
4 especially with the, with the majority-minority districts.

5 Do you see the -- us moving forward in trying not
6 necessarily finalize or vote on the map, but at least get to
7 it as close to a finished product as possible and then
8 concentrate our efforts on the legal legislative map?

9 CHAIRPERSON MATHIS: I haven't made a decision in
10 that regard.

11 I'd open that to other commissioners and their
12 thoughts. There may be a value to decoupling those two and
13 moving forward to get the congressional one going out the
14 door.

15 But there also may be value in treating them in
16 tandem. So I'm still open to whatever people think.

17 VICE-CHAIR HERRERA: Madam Chair, I don't -- I
18 didn't mean to vote on the congressional map and approve it
19 before we did the legislative. But I think, I think it
20 would serve us well if we approve both of them at the same
21 time and send them out the door at the same time.

22 But I think we can -- that doesn't stop us from
23 trying to get as close to a finished product on the
24 congressional side.

25 CHAIRPERSON MATHIS: I see what you're saying. So

1 focusing just on congressional now that these voting rights
2 districts are going out the door for further analysis.

3 Okay. We can talk about that on Monday and see
4 what folks think about that.

5 I'm open to just sticking with congressional
6 initially and getting that -- any adjustments that people
7 want to make, start looking at those, and talking about them
8 next week.

9 So we'll see what Mr. Stertz and Mr. Freeman say
10 too about that.

11 Other comments?

12 (No oral response.)

13 CHAIRPERSON MATHIS: Okay. Well, thank you all
14 for your help with these voting rights districts. They're
15 very tricky, and we appreciate this additional analysis.

16 We hope, just to reiterate what Mr. Herrera said
17 earlier, if we can encourage them to do the analysis as soon
18 as possible on these, that would be great.

19 KENNETH STRASMA: We will be burning the midnight
20 oil this weekend.

21 CHAIRPERSON MATHIS: All right. Thank you.

22 Thank Dr. King for us too.

23 So I have a couple -- three more request to speak
24 forms. And I believe that's about it on the agenda.

25 So, just making sure.

1 Mr. Bladine summarized his executive director's
2 report yesterday.

3 I don't know if there's anything new that you
4 wanted to add.

5 Okay. So we're good with that.

6 Review and discussion of possible future agenda
7 items.

8 Anybody have anything they wanted to add that we
9 haven't already talked about?

10 Our next meeting is Monday morning. I'm
11 forgetting where. Is it here? This room? So at the
12 Fiesta Inn.

13 Monday, Tuesday, and Thursday. And we start at
14 what time on Monday?

15 BUCK FORST: Please stand by.

16 CHAIRPERSON MATHIS: We're standing by.

17 VICE-CHAIR HERRERA: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Herrera.

19 VICE-CHAIR HERRERA: Is Tuesday the 13th? Or is
20 it the. . .

21 Yeah, I will not be -- I'm going to do my best to
22 make it, but I'm going to be in Tucson that day in a
23 meeting. And I don't know that I'll be able to make it back
24 in time.

25 And if Commissioner McNulty will be back from

1 Boston, I wanted to either limit or the -- make -- I don't
2 want -- I want one of us to be here.

3 COMMISSIONER McNULTY: That's a good point. I'm
4 sorry, but I will try and attend by phone on Monday, but I
5 will not be able to attend at all on Tuesday.

6 CHAIRPERSON MATHIS: On Tuesday I was going to be
7 chairing the meeting from Tucson. So I don't know if it
8 makes sense to have us in one location and have Mr. Stertz
9 and Mr. Freeman up here.

10 What do you all think?

11 VICE-CHAIR HERRERA: Madam Chair, the only thing
12 is I -- my meeting will be taking up the majority of my
13 time.

14 And I don't know if I'll be able to break away to
15 come to the IRC meeting either if it's in Tucson or if
16 I'm -- by driving. That's my problem. And I'll do my best
17 to do one or the other, but I don't think it's going to
18 happen.

19 COMMISSIONER McNULTY: Is there any possibility
20 that we could meet Friday next week instead of Tuesday?

21 RAY BLADINE: I can quickly go back and check on
22 what was submitted to us for Friday, whether there was a
23 conflict. I think someone was unavailable all day, but just
24 take a minute to pull out the sheet.

25 CHAIRPERSON MATHIS: Maybe you can check in with

1 Mr. -- Commissioners Freeman and Stertz, and just see what
2 they say too about that in terms of a swap between Tuesday
3 and Friday or -- I'm happy to continue to chair the meeting
4 from Tucson, if they prefer to keep the meeting for Tuesday.

5 But, yeah, we do need bipartisan representation.
6 And we know Ms. McNulty isn't going to be there. So, and it
7 sounds like Mr. Herrera is going to be indisposed.

8 RAY BLADINE: I'm sorry, Madam Chair, we'll check
9 with Commissioners Stertz and Freeman on the possibility of
10 Friday for Tuesday swap.

11 I think it may have been Friday that
12 Commissioner Stertz wasn't available, but we're trying to
13 pull that up now to see. But we'll, we'll ask and get back
14 to all of you via e-mail.

15 I guess the one question while we're talking about
16 scheduling is what do you think you want to do for the week
17 after next?

18 Do you want to wait and later next week tell me
19 what you want to do to send out information and requests?

20 But right now we have nothing scheduled beyond
21 Saturday the 17th.

22 CHAIRPERSON MATHIS: Right. I think that you
23 should check with all the commissioners and see what their
24 availability is, just to. . .

25 RAY BLADINE: So the next two weeks?

1 CHAIRPERSON MATHIS: Yeah.

2 RAY BLADINE: Okay.

3 CHAIRPERSON MATHIS: That would be good.

4 And what time are we starting tomorrow, Buck?

5 RAY BLADINE: 9:30.

6 CHAIRPERSON MATHIS: 9:30 -- I mean Monday.

7 RAY BLADINE: Monday.

8 CHAIRPERSON MATHIS: We're not meeting Saturday or
9 Sunday, this week.

10 RAY BLADINE: The last information we had, which
11 is, of course, a couple weeks old, is that
12 Commissioner Freeman was not available from like 9:30 to
13 3:00 on Friday, and Commissioner Stertz was not available at
14 all on Friday.

15 CHAIRPERSON MATHIS: Okay.

16 RAY BLADINE: So we'll double check with them.

17 CHAIRPERSON MATHIS: That would be great.

18 RAY BLADINE: In case something's changed.

19 But it looks like it will be hard to change to
20 Friday.

21 CHAIRPERSON MATHIS: And Wednesday too, I think,
22 was a day that --

23 RAY BLADINE: We have no meeting on Wednesday.

24 Let's see.

25 Commissioner Stertz was available -- unavailable

1 all day, and Commissioner Freeman is available only in the
2 morning.

3 CHAIRPERSON MATHIS: So there's a possibility --

4 RAY BLADINE: I'm sorry.

5 CHAIRPERSON MATHIS: Go ahead.

6 RAY BLADINE: I guess potentially do a morning
7 meeting on Wednesday.

8 And I know that Commissioner Stertz has tried to,
9 if possible, rearrange his schedule to attend those meetings
10 if he can. While it's not desirable, I know we have had
11 meetings with four commissioners.

12 CHAIRPERSON MATHIS: Okay.

13 Mr. Herrera, are you available Wednesday morning?

14 VICE-CHAIR HERRERA: Madam Chair, I had sent all
15 my dates or times that I wasn't available to Ms. Gomez, so I
16 don't have my calendar with me, but I've given her all the
17 dates.

18 CHAIRPERSON MATHIS: Okay. So we had initially
19 planned on not meeting Wednesday and Friday of next week,
20 but we may decide to meet Wednesday morning, so we'll
21 confirm with Commissioners Freeman and Stertz.

22 And then I don't think you'll be able to make
23 that; right?

24 You'll be traveling?

25 COMMISSIONER McNULTY: Probably.

1 CHAIRPERSON MATHIS: Yeah, so I don't know that
2 we'll have Ms. McNulty. But if we have Commissioner
3 Herrera, that would be great.

4 RAY BLADINE: That would be for Wednesday.

5 CHAIRPERSON MATHIS: Wednesday.

6 RAY BLADINE: And then on Tuesday, do you want to
7 still do Tuesday? Would you be doing telephonically or is
8 this a trade?

9 CHAIRPERSON MATHIS: We're looking at the
10 Tuesday-Friday option to see if we can swap Tuesday for
11 Friday.

12 RAY BLADINE: Okay.

13 CHAIRPERSON MATHIS: But we'll just have to see.
14 It's really hard without everybody here.

15 RAY BLADINE: We'll resend out memos for everybody
16 so we can get it together for you and we'll get it worked
17 out.

18 CHAIRPERSON MATHIS: That would be great.

19 VICE-CHAIR HERRERA: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Herrera.

21 VICE-CHAIR HERRERA: The Tuesday meeting, was it
22 scheduled all day? What was the start time and the end
23 time?

24 CHAIRPERSON MATHIS: I think the start was --

25 RAY BLADINE: 3:00 o'clock to 9:00 was the Tuesday

1 meeting, December 13, was 3:00 p.m. to 9:00. And there had
2 been -- and then the chair would be participating by
3 telephone on Tuesday the 13th.

4 VICE-CHAIR HERRERA: Madam Chair, if the meeting
5 is truly ending at 9:00 o'clock and starting at 3:00, which
6 I'm surprised we're having that late of a start time, but I
7 guess it will work out for me this time around. I may be
8 able to be back in time to -- in town to start the meeting,
9 possibly a little later. But if we, if we could meet, if
10 we're going to meet that late anyway, there's they nothing
11 stopping us from starting a little later, and so I can make
12 the meeting, and still meet on Wednesday, maybe from 5:00 to
13 9:00?

14 CHAIRPERSON MATHIS: Do you mean on Tuesday?

15 VICE-CHAIR HERRERA: On Tuesday.

16 CHAIRPERSON MATHIS: That's fine with me. I don't
17 know about Commissioners Stertz and Freeman.

18 RAY BLADINE: We'll ask by e-mail and phone.

19 CHAIRPERSON MATHIS: And you'd be participating
20 from Phoenix.

21 VICE-CHAIR HERRERA: Correct.

22 Just out of curiosity, why such a late start time
23 on Tuesday at 3:00 o'clock?

24 CHAIRPERSON MATHIS: I have a meeting from 1:30 to
25 2:30.

1 VICE-CHAIR HERRERA: I apologize. I didn't know.

2 CHAIRPERSON MATHIS: So we could have done
3 morning, but. . .

4 RAY BLADINE: I think we had conflicts in the
5 morning with other schedules.

6 CHAIRPERSON MATHIS: Yeah. Complicated.
7 Complicated.

8 VICE-CHAIR HERRERA: Madam Chair, if everything --
9 if it ends up working out that we can start the Tuesday
10 meeting a little later, maybe at 5:00, I'm willing to go
11 however long it takes to finish our business that day. If
12 it takes to 9:00 o'clock, I'm fine.

13 CHAIRPERSON MATHIS: Great. And Mr. Bladine will
14 check with the other two commissioners.

15 RAY BLADINE: Yes.

16 So Monday is okay.

17 Tuesday, we look at after 5:00 or switching with
18 Friday, depending upon.

19 And then we'll check availability on Wednesday --

20 CHAIRPERSON MATHIS: Right.

21 RAY BLADINE: -- with Commissioner Stertz and
22 Freeman.

23 CHAIRPERSON MATHIS: Sounds good.

24 RAY BLADINE: Okay. Thank you very much.

25 CHAIRPERSON MATHIS: Okay.

1 VICE-CHAIR HERRERA: Madam Chair, we should
2 probably still try to meet on Friday in addition to
3 Wednesday. I think we currently don't have a meeting
4 scheduled next Friday.

5 Is that correct?

6 CHAIRPERSON MATHIS: That's right.

7 RAY BLADINE: That's because we had one
8 commissioner not available all day, one commissioner
9 available not after 3:30, and another commissioner that was
10 not available 9:30 to 3:00.

11 So we had a bunch of conflicts on Friday the 16th.

12 VICE-CHAIR HERRERA: Can we get one, can we get
13 one Republican, one Democratic commissioner, and obviously
14 the Independent, together? If we can, I think we -- it's
15 worth meeting, even if it's in the morning.

16 I think the most important thing is that we have
17 at least a representative from each of the parties.

18 I think obviously we would prefer all five, but I
19 think Madam Chair would probably agree that at least having
20 one representative would be not ideal but the second best
21 choice.

22 CHAIRPERSON MATHIS: Yes. Now, we've talked about
23 that, if there's bipartisan representation available.

24 RAY BLADINE: We'll double check that, but right
25 now we show that Commissioner Stertz would not be available

1 and Commissioner Freeman wouldn't be available from 9:30 to
2 3:00.

3 And then we have another commissioner not
4 available after 3:30.

5 CHAIRPERSON MATHIS: Yeah, that's right. I have
6 an evening thing, I think, right. In Tucson, but, yeah, I'm
7 available all day.

8 RAY BLADINE: We'll send it all out to you so you
9 can see it begin in a typed up sheet and make some
10 suggestions and give us feedback.

11 Does that make sense?

12 CHAIRPERSON MATHIS: Yeah, it does.

13 RAY BLADINE: I might also mention, we sent out
14 notices for next week for the meetings, and we have posted,
15 and that's no problem. We can always change that. But
16 we're still learning our days of the week with the numbers,
17 so we had to revise it twice to get both days right.

18 So if you happen to get complaints, yes, we don't
19 know the days of the week, but we'll try to do better.

20 CHAIRPERSON MATHIS: Okay.

21 And I asked yesterday for all the commissioners to
22 check their schedules for that Monday the 19th, to -- just
23 to see, but you're going to go out and talk to them about
24 that whole thing just to see what's available.

25 RAY BLADINE: Right.

1 CHAIRPERSON MATHIS: Correct. Okay.

2 RAY BLADINE: Okay. Thank you very much.

3 CHAIRPERSON MATHIS: Thanks.

4 Okay. I don't think there's anything from number
5 seven today, legal advice.

6 JOSEPH ROTH: No, Madam Chair, and there's been no
7 update.

8 CHAIRPERSON MATHIS: Thank you, Joe.

9 So that leaves us with our residual public
10 comment. And right now I have three request to speak forms.

11 And we'll start with Andy Lockridge, from the city
12 of Maricopa, Pinal County.

13 And to remind everyone to please spell your last
14 name for our court reporter when you come up to address us.

15 ANDY LOCKRIDGE: Last name is Lockridge,
16 L-O-C-K-R-I-D-G-E.

17 And thank you, Madam Chair, Commission, for being
18 allowed to speak.

19 I have a question, and I'm a little confused, so
20 maybe you could help me out. I'm looking at the handout
21 that I got, and it has a Commission approved legislative
22 draft map.

23 And then I understand that there's a proposed one
24 that's different from that.

25 Is that correct?

1 CHAIRPERSON MATHIS: We've been talking about some
2 proposed adjustments to the draft map. Nothing has been
3 approved or finalized, but there is a working map that our
4 mapping consultant is moving forward with so that --

5 ANDY LOCKRIDGE: Is it possible that we can see a
6 map up on the screen of what that would look like?

7 CHAIRPERSON MATHIS: Mr. Strasma.

8 KENNETH STRASMA: Yeah, we can bring the working
9 map up. And also for the gentleman's benefit and for anyone
10 watching online, as these change -- tentative changes are
11 put forward, they're reflected on the working map, which is
12 up on the AIRC website under the map section.

13 There's a maps proposed changes, there's a working
14 map section. And just to reiterate, none of these have been
15 adopted, but these are the proposed changes that are being
16 incorporated going forward.

17 ANDY LOCKRIDGE: I was just looking, trying to
18 bring it up on the computer. I couldn't find it anyplace.

19 That may be my issue, but I'm just curious.

20 My point is that as part of Pinal County, Pinal
21 County is a rapidly growing county.

22 It's historically agricultural and mining.

23 And my understanding is that the proposed --
24 there's a proposal out there that would lump us with Tucson.
25 And that would be kind of like mixing oil and water.

1 Tucson is very different in terms of its
2 demographic and interests from what the rest of Pinal, what
3 Pinal County is.

4 Tucson is in Pima County.

5 And we really don't have a lot in common with
6 them.

7 So I would urge if there is a proposal floating
8 around out there to combine the districts in Tucson and
9 Pinal County, that that would be rejected.

10 The present current proposal I have in front of me
11 is great, because Pinal County and its interests stays, and
12 it would have common interests.

13 But if we go to Tucson, then that's a very
14 different picture, and so I would urge the Commission to
15 reject any proposal that's considered in that regard.

16 So thank you.

17 CHAIRPERSON MATHIS: Thank you.

18 Our next speaker is Ann Heinz, representing self
19 and Show Low residents.

20 JIM JORDAN: I'm not Ann Heins. I am Jim Jordan
21 speaking in her place.

22 CHAIRPERSON MATHIS: And if you'll spell your last
23 name, that would be great.

24 JIM JORDAN: J-O-R-D-A-N.

25 Ann was going to read a letter from Terry Hill and

1 Joyce Hill, both of Show Low.

2 The chairman and members of the Commission, having
3 spoken on the issue of the meeting -- meetings held at
4 Hon Dah Convention Center, White Mountain Apache reservation
5 on two separate dates, and once at the Eagar meeting, I wish
6 to reiterate the need to keep the rural congressional
7 districts as compact as much as possible.

8 And that communities of interest be of primary
9 consideration, unlike the current map outlining the new
10 District 1 which no congressman can manage. What you have
11 done to District 1 was not what we asked for.

12 You need to keep the counties intact and not
13 destroy the integrity of the district.

14 Number two, the proposed new Legislative
15 District 6 and 7 divides Navajo County without consideration
16 of the communities of interest and compactness.

17 We had suggested that the current LD 5 with a
18 slight modification would have been acceptable.

19 The map as drawn is not a good alternative, and it
20 separates the communities within the Navajo and Apache
21 Counties, where close ties have existed since before
22 statehood.

23 It would appear that you have disregarded what the
24 people of LD 5 proposed. It also appears that the
25 Commission is under the influence of special interest groups

1 and not acting in the best interests of the citizens of
2 Arizona.

3 Sincerely, Terry Hill and Joyce Hill.

4 Thank you.

5 CHAIRPERSON MATHIS: Thank you.

6 Our next speaker is Lynne Breyer, representing
7 self and residents of Show Low.

8 LYNNE BREYER: Thank you, Madam Chairman. I'm
9 actually going to read two letters, and then I would like to
10 hand them in for the record.

11 The first one is from William R. Faurot, in
12 Show Low. That is spelled F-A-U-R-O-T.

13 And, by the way, my name is B-R-E-Y-E-R.

14 This letter is dated December 6th, and reads as
15 follows.

16 I personally attended two hearings of the AIRC.
17 The Commission listened politely. The speaker speaking to
18 the Commission stressed that the existing districts were
19 compact, communities of interest with similar rural values.

20 Navajo County is distinctly different from
21 Flagstaff which has an urban character.

22 The reservations have their own governments and
23 societies quite different from the Anglo populations.

24 At the first meeting, I noted that no data was
25 presented by the Commission to support any map. At the

1 second meeting the Commission presented one table showing
2 minority populations, but no data supporting the other
3 higher level criteria.

4 At each meeting only a few spoke for the lowest
5 level criteria, competitiveness.

6 It is apparent that the Commission was not
7 independent in following its own guidelines, but instead
8 pandered to the Native Americans who did not have enough
9 population to form their own district unless some Anglos
10 were disenfranchised in the process.

11 All this was done without any statistical support.

12 This gerrymandered map was done by five
13 appointees. The result was a perfect example of
14 gerrymandering.

15 The AIRC should be eliminated. The ideal of
16 independence is a sham.

17 Better to let the legislature hammer out the
18 details. Commissioners are human and therefore fallible.

19 And the next letter is from Janet Reynolds, also
20 from Show Low.

21 This also is dated December 6th.

22 Reads as follows.

23 My name is Janet Reynolds, and I live in Show Low,
24 Arizona.

25 I attended three different redistricting meetings,

1 and it was very obvious that the redistricting committee was
2 listening politely to the statements being made by the
3 presenting citizens, but that the decision on the
4 redistricting had already been made.

5 Approximately 95 percent of top -- excuse me,
6 approximately 95 percent of the citizens and city officials
7 speaking were presenting their request to have communities
8 of interest as the top priority for consideration in the
9 redistricting of Arizona. However, this was totally ignored
10 as in our case, with Show Low, with the Indian casino called
11 Hon Dah at the southernmost end of Highway 260 -- I'm sorry,
12 I missed a line again.

13 This is all very closely typed.

14 However, this was totally ignored as in our case
15 the redistricting map split Show Low from our closest
16 neighboring towns of Pinetop-Lakeside.

17 I believe you have corrected that, is that
18 correct, in a modification you've made?

19 CHAIRPERSON MATHIS: We're working on that area.

20 LYNNE BREYER: Okay. If you drove south from
21 Show Low to the Indian casino called Hon Dah at the
22 southernmost end of Highway 260, you would be totally
23 unaware of where the town of Show Low left off and the towns
24 of Lakeside-Pinetop began. This is one contiguous area
25 sharing churches, business, recreation areas, et cetera.

1 Yet the Redistricting Commission saw fit to divide them into
2 two different districts.

3 We are all aware of the chairwoman's late night
4 behind the door drawing of the proposed maps and then
5 forcing a vote early the next morning.

6 This was done prior to the completion of all the
7 hearings.

8 What a sham.

9 I and the citizens of Arizona feel that once again
10 it is being done unto us instead of for us.

11 I would like the committee to prove that
12 communities of interest was the top priority for the
13 proposed redistricting maps.

14 This would be hard to prove but must be proved.

15 The way the current map is drawn communities of
16 interest cannot be proved as evidenced by the dividing of
17 Show Low and Pinetop-Lakeside.

18 We are communities in the White Mountains of
19 Arizona, and have totally different needs and interests from
20 those who live in the metropolitan areas or on the
21 reservations.

22 This redistricting process is a total disservice
23 to all the people who took the time to attend the various
24 redistricting meetings, and we wonder why people don't take
25 the time to become involved. When people do make the effort

1 to give input, the officials just shoot them down and it
2 goes ahead and does what the officials had wanted to do
3 originally.

4 There needs to be a complete justification for the
5 decision as to why the proposed adopted maps were drawn as
6 they were, as they definitely do not reflect the communities
7 of interest that were reflected in the hearings.

8 What a sham.

9 Janet Reynolds.

10 Can I hand this to somebody for the record?

11 CHAIRPERSON MATHIS: Yes. Mr. Bladine. Thank
12 you.

13 LYNNE BREYER: Thank you, Madam Chair.

14 CHAIRPERSON MATHIS: Our next speaker is Jay
15 Preskitt representing self, from Arizona City.

16 JAY PRESKITT: Yes, well, you've put us in a
17 district with Saddlebrooke and Maricopa, and gerrymandered
18 this thing around to where Peavis(phonetic) is guaranteed to
19 win District 1, and we should be in with -- we're just only
20 three miles away, and you've got us in with places that are
21 50 to 100 miles away from us.

22 And this is pathetic what you're doing to us.

23 That's all I got to say.

24 CHAIRPERSON MATHIS: Thank you.

25 Are there any other people that want to address

1 the Commission today? That was my last address to speak
2 form.

3 (No oral response.)

4 CHAIRPERSON MATHIS: Okay.

5 Well, that bring us to the last item on the
6 agenda, which is adjournment. And the time is 1:39 p.m.
7 Thank you all for coming and providing input today. This
8 meeting is adjourned.

9 (Whereupon, the meeting adjourned.)

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

4 BE IT KNOWN that the foregoing proceeding was
5 taken before me, Marty Herder, a Certified Court Reporter,
6 CCR No. 50162, State of Arizona; that the foregoing
7 147 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 16th day of
11 December, 2011.

12

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14

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

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