

**ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

Monday, December 12, 2011  
9:49 a.m.

Location

**Fiesta Inn Resort - Fiesta 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  
Richard P. Stertz, Commissioner

Buck Forst, Information Technology Specialist  
Kristina Gomez, Deputy Executive Director

Joe Kanefield, Legal Counsel  
Kristin Windtberg, Legal Counsel

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

1 Tempe, Arizona  
2 December 12, 2011  
3 9:49 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.

11 Today is Monday, December 12th. And the time is  
12 9:49 a.m.

13 Let's begin with the Pledge of Allegiance.

14 (Whereupon, the Pledge of Allegiance was recited.)

15 CHAIRPERSON MATHIS: I apologize for the late  
16 start this morning.

17 I was caught in traffic and rain, and  
18 unfortunately couldn't get here sooner.

19 We'll begin with roll call.

20 Vice-Chair Freeman.

21 VICE-CHAIR FREEMAN: Here.

22 CHAIRPERSON MATHIS: Vice-Chair Herrera.

23 VICE-CHAIR HERRERA: Here.

24 CHAIRPERSON MATHIS: Commissioner McNulty.

25 COMMISSIONER McNULTY: Here.

1           CHAIRPERSON MATHIS: Hi, Linda. Well, let me go  
2 through roll call.

3           Commissioner Stertz.

4           COMMISSIONER STERTZ: Here.

5           CHAIRPERSON MATHIS: We have a quorum.

6           Ms. McNulty is on the phone, but it sounds like  
7 there's a long delay/echo.

8           I'm checking with our chief technology officer.

9           Commissioner McNulty, do you want to say a few  
10 words just to test it?

11          COMMISSIONER McNULTY: I feel I am a long way  
12 away, and I guess I am. Can you hear me?

13          CHAIRPERSON MATHIS: We can. There seems to be a  
14 very long delay.

15          COMMISSIONER McNULTY: From this end also. You  
16 were all seated during the Pledge of Allegiance and then you  
17 suddenly jumped up, and the pledge was over. So I'm not  
18 sure.

19          CHAIRPERSON MATHIS: Okay. Can you hear us okay?

20          COMMISSIONER McNULTY: I can right now, yes.

21          CHAIRPERSON MATHIS: Okay. There's, there's a  
22 long 15-second delay. So just bear with us. And jump in if  
23 you need to, if you have any input you want to provide. But  
24 it's almost like you're in space, so this will be  
25 challenging.

1           Other folks at the table include our legal counsel  
2 this morning. We have Joe Kanefield and Kristin Windtberg.

3           Our mapping consultants, Willie Desmond and Ken  
4 Strasma.

5           Our deputy executive director is Kristina Gomez.

6           We have our chief technology officer, Buck Forst.

7           And I think that's it for staff.

8           And then we have our court reporter, Marty Herder,  
9 who will be taking a transcript of today's proceedings.

10           With that, we'll move to number two on the agenda,  
11 discussion, direction to mapping consultant and possible  
12 action regarding adjustments to draft congressional  
13 districts and possible action regarding adoption and  
14 certificate of final congressional districts.

15           So when we last left off from our meetings last  
16 week, we had talked about a number of adjustments to both  
17 the congressional and the legislative draft maps, with  
18 regard especially to the voting rights districts.

19           We wanted to focus on those because there will be  
20 an additional analysis that needs to occur. And in order to  
21 get those somewhat tentatively locked in, I'll say, so that  
22 more analysis can be conducted, we focused on those first.

23           And those have been submitted for further  
24 analysis, and we should hear back -- we'd love it if we  
25 could hear back in a week on that, but we'll see how long it

1 takes to get that information.

2           So in the meantime, there are other adjustments  
3 that we can talk about on the congressional map.

4           And in front of us it looks like our mapping  
5 consultants have prepared a congressional working map, which  
6 I assume is up on our website too.

7           Is that right?

8           WILLIE DESMOND: It's being posted. Buck says in  
9 about ten minutes it should be up.

10          CHAIRPERSON MATHIS: Okay.

11          WILLIE DESMOND: So, if I can just explain what  
12 that is.

13          CHAIRPERSON MATHIS: Please.

14          WILLIE DESMOND: We updated a working map on  
15 Friday, with both congressional and leg following the  
16 changes that you had submitted for approval on Thursday.

17                 There is more changes to the legislative map than  
18 on Friday, so there's another new working map to that.

19                 Just, just what I did here was I went together and  
20 put together a full packet of reports of these working maps,  
21 so you have the compactness and competitiveness. You have  
22 the splits report, the plan components report, and then the  
23 population data tables. So more than just included in the  
24 change reports.

25                 It's just so you have kind of like a reference

1 point. So when we're discussing changes, this is where we  
2 currently are.

3 There's also in your packet of information today  
4 and going up on the website some information on the new  
5 competitiveness indexes that you asked us to take a look at  
6 and put together. If you'd like to, we can go through those  
7 now or we can do that later in the meeting, whatever works  
8 best for you.

9 CHAIRPERSON MATHIS: I think we could go through  
10 them now.

11 KENNETH STRASMA: Mr. Desmond will bring those up.

12 And regarding the working maps, as the chairwoman  
13 mentioned, these reflect changes to voting rights districts,  
14 so LDs 2, 4, 24, and 26 were adjusted last week, as were the  
15 two voting rights congressional districts.

16 Those have been sent to Dr. King, and he's been  
17 working with his people over the weekend so that further  
18 analysis is in progress, and we hope that that will be done  
19 as quickly as possible.

20 As you may recall during the course of the second  
21 round of public hearings, the '04 through '06 election  
22 results became available.

23 We generated some indexes that had just those  
24 weighted evenly, and solicited input from commissioners  
25 about if they would like to see any different weighting

1 schemes.

2           One of the suggestions was -- okay, and this is in  
3 the last page of your packet, the chart that's -- that will  
4 be up on the screen and will be on the website as well.

5           The two suggestions that were brought up.

6           One was to weight more recent elections more  
7 heavily. And.

8           The second was to remove outlier elections. For  
9 example, the 2004 election for U.S. Senate was more than a  
10 landslide.

11           And so it made sense to eliminate that, because  
12 that didn't give us a sense of what a typical election would  
13 be.

14           So we now have, if you look in the packet, it  
15 looks like this.

16           And the spreadsheet that's entitled elections  
17 used, if you're looking on the web.

18           The first page lists all of the elections that are  
19 available, and in the right-hand note column will indicate  
20 whether or not it was used.

21           So, for example, U.S. Senate '04, the second row  
22 down, says not used in some indexes because it was over  
23 60 percent of one candidate.

24           We used 60 percent as the threshold for saying a  
25 statewide race was competitive.

1           And so in some indexes that was not used.

2           I will just flip to the second page and walk you  
3 through the new indexes that were created.

4           The first new one is index six, which is the  
5 average of 2004, 2006, 2008, and 2010.

6           Each year weighted equally.

7           And races were removed if one candidate or the  
8 other got 60 percent or more of the two-way vote.

9           So that has the effect of dropping the race for  
10 U.S. Senate in 2004, the race for attorney general in 2006,  
11 the race for governor in 2006, and the races for corporate  
12 commission and U.S. Senate in 2010.

13           And in this version all the years are weighted  
14 equally. One of the suggestions that came up was to weight  
15 more recent elections more heavily.

16           With that in mind we ran one version where 2010  
17 and 2008 were both given one third of the weighting, 2006  
18 and 2004 were each given one sixth of the weighting. Again,  
19 with the candidates who received 60 percent or more of the  
20 vote removed.

21           The thought process behind weighting '08 and '10  
22 equally and '06 and '04 equally is because they are  
23 presidential and non-presidential years, which show variant  
24 turnout patterns.

25           And because we're trying to find -- we're trying

1 to draw competitive districts over the course of the next  
2 decade rather than just in the next election, going into a  
3 presidential year, we thought it was important to average  
4 together presidential and non-presidential turnout, but  
5 definitely made sense to given double weighting to the more  
6 recent 2010, '08 elections.

7           And then the final index, index nine, is the same  
8 only we had a major party registration.

9           So it's one-fourth share from 2010, one fourth  
10 from '08, one eighth from '06, one eighth from 2004, and one  
11 fourth the two-way major party percent.

12           But, again, with the races where there was  
13 60 percent or more suppressed.

14           The center two columns show the two-way percent  
15 Republican and percent Democrat under these indexes. And  
16 you'll see that it -- that these changes don't actually  
17 affect the overall outcome that much.

18           They all tend to be in the 53, 55, or I guess  
19 56 group percent Republican range.

20           So it's -- these end up being fairly minor  
21 adjustments.

22           Another thing that we looked at was correlation  
23 between these two -- these indexes and the number of seats  
24 won by one party or another.

25           After all, what we're trying to do here is find

1 some proxy for the likelihood of a district swinging from  
2 one party to the other.

3           So we calculated the correlation between these  
4 indexes and the number of seats won by one party or another  
5 in the elections run on these lines, from '04 to 2010.

6           There were three elections, races each year,  
7 senate and two house. So there's the potential of  
8 12 different races.

9           The correlation between these indexes and the  
10 number of seats won by one party or the other is at .9 or  
11 higher under any one of these indexes.

12           So actually in terms of predicting competitiveness  
13 of the legislative seats, these indexes all seem to work  
14 roughly equally well.

15           We now have a fair number of indexes. So I did  
16 want to ask the commissioners if they had any preferences  
17 among these.

18           I know we've gotten some feedback from the public  
19 that it gets confusing having all these different measures  
20 on our change reports. So if the commissioners wish to pick  
21 one or two that they were interested in, we could have those  
22 be the regular ones that go on their change reports going  
23 forward.

24           And of course the others will all be available as  
25 needed.

1           So I would be happy to answer any questions or  
2 receive any direction that the commissioners might have  
3 about which indexes they would want to see.

4           CHAIRPERSON MATHIS: Thank you, Mr. Strasma.

5           It's interesting how similar the outcomes are in  
6 just looking down the list of indices.

7           Do commissioners have thoughts or preferences on a  
8 particular index in terms of how things were weighted or  
9 which races were included?

10           (Brief pause.)

11           KENNETH STRASMA: And I realize this is a lot of  
12 information to absorb so we can certainly answer more  
13 questions later in the week and add indexes if the  
14 commissioners wish to follow up once they've had a chance to  
15 absorb and analyze this information.

16           If there wasn't a strong opinion, perhaps what I  
17 would suggest is that we use index nine as sort of the gold  
18 index going forward as the one with all the elections  
19 weighting the most recent ones most heavily and including  
20 one-fourth major party registration.

21           CHAIRPERSON MATHIS: And why do you make that  
22 recommendation?

23           KENNETH STRASMA: Because it incorporates all of  
24 the suggestions we received to date and all the elections  
25 from '04 through 2010.

1           So it removes outliers, it weighs most recent  
2 elections more heavily, and it does include party  
3 registration.

4           CHAIRPERSON MATHIS: Thank you.

5           I want to check in. Is Ms. McNulty still on the  
6 phone?

7           BUCK FORST: No, she's watching online.

8           CHAIRPERSON MATHIS: Okay. Great.

9           COMMISSIONER McNULTY: (Inaudible.)

10          CHAIRPERSON MATHIS: Okay. Great.

11          Okay. Any comments or questions for Mr. Strasma  
12 on the different indices for competitiveness?

13          VICE-CHAIR HERRERA: Madam Chair.

14          CHAIRPERSON MATHIS: Mr. Herrera.

15          VICE-CHAIR HERRERA: The, the registration to me,  
16 usually the registration is an issue. When you look at  
17 District No. 1, District No. 1 has, I think, an  
18 overwhelmingly Republican -- excuse me, Democratic  
19 registration, and it's probably one of the most competitive  
20 districts.

21                 So I don't -- if we're going to use registration,  
22 I think it should be weighted. It shouldn't be given equal  
23 weight.

24                 I think -- again I'm using District 1 as a, as an  
25 example where it's -- again, more Democrats, but that we

1 currently have a Republican as the -- as congressman for  
2 that district.

3           So just wanted to see what your thoughts were,  
4 Mr. Strasma.

5           KENNETH STRASMA: I do agree in concept, and with  
6 that in mind index nine is weighted one-fourth the major  
7 party registration, made the party registration equal to the  
8 component that comes from 2010 and 2008 respectively and a  
9 little more, twice as much from '06 and '04. So one fourth  
10 of the total.

11           Part of the reason for that is registration does  
12 in my experience tend to be a lagging indicator of  
13 partisanship. People don't often when they change their  
14 political preferences go out and change their party  
15 registration.

16           So it tends to be a lagging indicator.

17           Also, the -- as been discussed before, areas with  
18 large number of Independents may very well skew towards one  
19 party or the other typically when they vote.

20           So I would never recommend using partisan  
21 registration by itself, but I do have a place weighted in  
22 these, in some lesser role, is why I was recommending  
23 index nine as the index for the report going forward.

24           VICE-CHAIR FREEMAN: Madam Chair.

25           CHAIRPERSON MATHIS: Mr. Freeman.

1           VICE-CHAIR FREEMAN: That district certainly was  
2 competitive, I believe, in 2010. Congressman Gosar managed  
3 to win it with less than 50 percent of the vote.

4           Now that new district is being augmented with  
5 significantly more registered Democrats being put into it,  
6 so I don't even know if I would consider it competitive  
7 going forward.

8           WILLIE DESMOND: And you were provided also with  
9 data tables that show the working maps, all eight of these  
10 indexes.

11           So you can see, looking at District 1, how it does  
12 do under index six, seven, eight, nine, as well as the ones  
13 that you had earlier.

14           That's this sheet that looks like this.

15           So if you have questions about how these different  
16 indexes fit the districts, you'll see that in index nine  
17 District 1 is 51.9 percent Democrat or index eight is 50.3.

18           And also looking at the registration, you see why  
19 it's 56.8 percent registered Dem, 43.2 registered  
20 Republican.

21           KENNETH STRASMA: And to expand on that, the  
22 56.8 to 43.2, that's the two-way major party registration.

23           But the swing nature of the district also shows up  
24 in that it's the 30.1 percent Republican, 39.6 Democratic,  
25 and 30.2 percent other and Independent.

1           So I do feel it's important to look at both the  
2 two-way and the all-way registration to get the full  
3 picture.

4           CHAIRPERSON MATHIS: That's a lot of data to  
5 study.

6           Thanks for compiling all this for us.

7           I think we're all going to need time to digest  
8 this, but are there any questions or comments based on what  
9 you see in front of you, at least this morning?

10          COMMISSIONER STERTZ: Madam Chair.

11          CHAIRPERSON MATHIS: Mr. Stertz.

12          COMMISSIONER STERTZ: A question for Mr. Strasma.

13                 Can we get, for the registration, can we get  
14 actual numbers rather than just percentages for registration  
15 in each one of the districts?

16          KENNETH STRASMA: Sure. We would be happy to add  
17 that.

18          VICE-CHAIR HERRERA: Madam Chair.

19          CHAIRPERSON MATHIS: Mr. Herrera.

20          VICE-CHAIR HERRERA: I agree that we have a lot of  
21 information to look that. So I would like to do is  
22 hopefully review some of it today and come back with a  
23 recommendation or a re-recommendation by tomorrow.

24          COMMISSIONER STERTZ: Maybe we can do that after  
25 lunch.

1 CHAIRPERSON MATHIS: Okay.

2 Any other comments for now?

3 (No oral response.)

4 CHAIRPERSON MATHIS: Okay.

5 Mr. Desmond, do you want to go back to just the  
6 congressional working map that you prepared for us?

7 WILLIE DESMOND: Okay.

8 CHAIRPERSON MATHIS: And so this incorporates the  
9 changes that we discussed last week or possible adjustments  
10 regarding the congressional map of at least the Districts 3  
11 and 7, two voting rights districts.

12 Is that right?

13 WILLIE DESMOND: Correct. Those are the only  
14 changes that have been --

15 CHAIRPERSON MATHIS: And then are there any other  
16 adjustments on here that --

17 WILLIE DESMOND: Not at this point.

18 CHAIRPERSON MATHIS: Sorry.

19 WILLIE DESMOND: No, not at this point.

20 CHAIRPERSON MATHIS: Thank you.

21 WILLIE DESMOND: So both for the legislative and  
22 congressional, all the changes have been those that affect  
23 voting rights districts.

24 Most cases making them stronger.

25 One exception being the legislative map. The arm

1 in Cochise County was cut out. And at the reason we tackled  
2 that last week was because Mr. Adelson was there, and we  
3 kind of weighed the effects of that more, more with his  
4 advice.

5 CHAIRPERSON MATHIS: Okay.

6 So are there other adjustments that people want to  
7 raise this morning, or was there anything that you were  
8 working on, Mr. Desmond, I should check that, in terms of  
9 input from commissioners?

10 WILLIE DESMOND: There's no other changes that we  
11 have for today that we've prepared.

12 There have been other changes that have been  
13 suggested, so we can look back through those.

14 At this point we don't think there's anything that  
15 needs to be done to any of the voting rights districts, so  
16 now it's about all the other changes that the Commission  
17 would like to consider.

18 How you guys proceed on accepting those changes is  
19 up to you.

20 But from a voting rights preclearance perspective,  
21 we're comfortable, I think, us and Mr. Adelson and the legal  
22 team, moving forward with both this legislative and  
23 congressional map, as it currently stands.

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1           COMMISSIONER STERTZ: Mr. Desmond, you're speaking  
2 only about legislative or Congressional Districts 3 and 7;  
3 correct?

4           WILLIE DESMOND: In this map -- well, I guess what  
5 I'm trying to say is that from a Department of Justice  
6 perspective, we'd be comfortable going with these, these  
7 maps. With the exception of Districts 3 and 7, there's some  
8 very slight population balancing that would have to happen  
9 in this congressional map before it could be adopted.

10           There's a deviation of 92 people, to the greatest  
11 extent.

12           But with that fixed, you know, this map can be  
13 done whenever you like.

14           You know, we had been working with the counties to  
15 try to incorporate some technical changes having to do with  
16 their precincts that they helped to draw, their new EVT  
17 lines.

18           So that's one thing to consider obviously.

19           But we don't think any more work needs to be done  
20 to either -- to District 3 or District 7.

21           KENNETH STRASMA: And obviously echoing what was  
22 said a number of -- in fact, last week, all pending the  
23 further analysis, you know, we are hopeful and fairly  
24 confident that that will show these districts will be able  
25 to preclear.

1           But that's one of the reasons why we've done a  
2 tentative lock in to get further analysis.

3           Also, and obviously there's a great deal of public  
4 input about other changes that don't impact voting rights  
5 districts, which is what we hope will be discussed this  
6 week.

7           But we had hoped those districts could be done  
8 without affecting the voting rights districts, so that the  
9 analysis can be continued on those while the other changes  
10 reflecting public comment, those other changes the  
11 commissioners might have receive the separate tracking.

12           CHAIRPERSON MATHIS: So, we explored last week  
13 some ideas. I know Commissioner McNulty presented some  
14 possible adjustments. So did Commissioner Stertz.

15           Mr. Herrera had ideas.

16           And possibly Mr. Freeman too. I'm forgetting.  
17 Apologies if there were others.

18           But, did any commissioners want to discuss any of  
19 those in more detail?

20           It seems like on the congressional map one of the  
21 bigger ones is this idea of three border districts.

22           COMMISSIONER STERTZ: Madam Chair.

23           CHAIRPERSON MATHIS: Mr. Stertz.

24           COMMISSIONER STERTZ: The map presented last  
25 Monday actually had several considerations.

1           One, the -- in the analysis for the -- the voters  
2 rights analysis that was done and provided, it actually  
3 became a slightly higher enhanced district statistically  
4 than -- very, very close to what is being currently shown in  
5 the working draft map, as quickly as I could do a  
6 side-by-side analysis.

7           We also were able to achieve in Congressional  
8 District 2 meeting of the desires of a strong outreach of  
9 the communities of interest of, of Saddlebrooke, Oro Valley,  
10 Marana, Green Valley, Sahuarita, and the southwestern corner  
11 of Cochise in joining that together in a district.

12           So we were able to achieve a relationship within  
13 Congressional District 2, as well as meeting the  
14 enhancements of Congressional District 3 statistically.

15           And I'd like to have the Commission consider the  
16 adoption of both that design for CD 2 and CD 3 as part of --  
17 as well as CD 7, which is identical to what is being  
18 presented today in the, in the map for CD 7, as being  
19 designs to have to be integrated into the final map.

20           VICE-CHAIR HERRERA: Madam Chair.

21           CHAIRPERSON MATHIS: Mr. Herrera.

22           VICE-CHAIR HERRERA: If -- I mean, I agree with  
23 Mr. Strasma. I think we -- it would make sense for us to  
24 lock, at least tentatively, the majority-minority districts.  
25 And if there's any changes that are being proposed that even

1 change them slightly compared to what we were working on, I  
2 wouldn't approve us moving forward with those changes or  
3 even considering them.

4 Because I think we, we need to first work on those  
5 majority-minority districts. And I think we've done that.

6 I think we have to wait for the results to get  
7 back. Let's try to see if we can tinker with the other  
8 districts without touching those majority-minority districts  
9 at all.

10 COMMISSIONER STERTZ: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Stertz.

12 COMMISSIONER STERTZ: The map I presented on  
13 Monday for Congressional District 3 does that exactly. And  
14 it enhances, as directed by our counsel, Congressional  
15 District 3 to meet the enhancement directives that our, that  
16 our counselor was looking for.

17 So it actually is a slightly higher enhancement  
18 and will meet the, will meet the, will meet the test.

19 So I'd like to, I'd like to get the Commission's  
20 opinion on Congressional District 2 as presented,  
21 Congressional District 3, and Congressional District 7.

22 VICE-CHAIR FREEMAN: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Freeman.

24 VICE-CHAIR FREEMAN: I think lock in and tinkering  
25 were the code words there. But, I also recall back in

1 October when the Commission approved this as a draft map,  
2 with phraseology being used that while the public was being  
3 assured that it was a draft map, that simple tinkering would  
4 be done later with respect to the congressional map.

5           And that's what I fear is going to take place with  
6 respect to this map.

7           I did look at possible changes based upon public  
8 comment.

9           Unlike what I did in September and October, when I  
10 literally pulled all-nighters, multiple all-nighters with  
11 Maptitude in a windowless conference room trying to map it  
12 out exactly, because I knew our mapping consultant was  
13 really burdened by all the maps that was coming his way  
14 during that time period, I didn't do that this time. But I  
15 did flush out, since that is really more the function of our  
16 mapping consultant, I did flush out changes that I thought  
17 were appropriate to the congressional map and found them to  
18 be by and large in line with Commissioner Stertz's.

19           The only possible significant difference was that  
20 Cochise County, while I think should be whole, it should  
21 either be in CD 1 or with CD 2, one way or another.

22           I think there's good reasons to support it being  
23 in CD 1 given its rural nature and some of the public  
24 comments. But I think either way it can be accommodated  
25 with the changes to these maps. And those changes by and

1 large look the same as what Commissioner Stertz proposed  
2 last week.

3           So I guess while I do have some differences with  
4 his approach, I guess if I wanted to be somewhat  
5 disingenuous with the public, I could say I agree with  
6 Commissioner Stertz's changes in the spirit of compromise  
7 and negotiation.

8           Although there has been no compromise I've made  
9 with Commissioner Stertz, or no negotiations certainly I've  
10 made with Commissioner Stertz or any other commissioner in  
11 public hearing or in any respect.

12           So I would support taking a look at  
13 Commissioner Stertz's map.

14           I think it by and large keeps communities of  
15 interest whole in southeast Arizona.

16           It keeps Pinal County as whole as possible.

17           It keeps Graham, Greenlee, and Gila Counties whole  
18 and together.

19           It makes CD -- proposed CD 4 and CD 1 more  
20 competitive.

21           It eliminates the CD 8 or modifies the proposed  
22 CD 8, which right now combines, you know, far west valley of  
23 Phoenix valley with the rural areas off to the west and  
24 makes -- you know, puts the rural areas with the rural  
25 district CD 4 and keeps the urban areas urban.

1           It eliminates the lobster claw coming across over  
2 urban Maricopa County, and makes CD 4 more compact.

3           And it makes more sensible districts within the  
4 urban Phoenix area.

5           I think -- you know, I don't think it was meant to  
6 be a final finished product, but it was -- it's certainly  
7 close enough.

8           And that would be a map that I would support  
9 looking at further.

10           VICE-CHAIR HERRERA: Madam Chair.

11           CHAIRPERSON MATHIS: Mr. Herrera.

12           VICE-CHAIR HERRERA: If you remember something  
13 last week when Commissioner Stertz was talking about his  
14 changes, that I pointed out that he had not explained, like  
15 Commissioner McNulty did, like I did, go step by step in how  
16 he made those changes.

17           And I think he promised that he was going to do  
18 that. So hopefully he has that information handy for all of  
19 us, so we can look at it. Because I think that's something  
20 that, that is useful for us. And if someone is going to  
21 create -- make changes to the map, which they're entitled  
22 to, I want him to be able to explain it and also tie it to  
23 the four state mandated criteria.

24           I think Commissioner McNulty, as I mentioned, did  
25 it. I did it. And I think Commissioner Stertz said he

1 would do it.

2           So I'm curious to see if he has that information  
3 for us now.

4           VICE-CHAIR FREEMAN: Madam Chair.

5           CHAIRPERSON MATHIS: Mr. Freeman.

6           VICE-CHAIR FREEMAN: I was listening, and I heard  
7 Commissioner Stertz go through and describe his changes to  
8 the same length and extent as any other commissioner did.  
9 And I understood them.

10           Look, I would, with respect to modifications to  
11 this map, I would, I would certainly state for the record  
12 that I still have some more fundamental concerns as to  
13 whether all of these changes are being made and can be  
14 traced back to the grid map.

15           But that being said, I certainly understood his  
16 changes. And when I, when I flushed out changes that I  
17 thought were appropriate, I could certainly tell that my map  
18 was going to look substantially similar to  
19 Commissioner Stertz's map.

20           VICE-CHAIR HERRERA: Madam Chair.

21           CHAIRPERSON MATHIS: Mr. Herrera.

22           VICE-CHAIR HERRERA: Maybe I should remind  
23 everybody that Commissioner Stertz has districts that  
24 migrate from one side to the other side of the valley  
25 without any true explanation how they happened other than it

1 just appeared that way.

2           So I think it would benefit us all, including the  
3 public that are here and people that are listening, that we,  
4 that we have step-by-step directions in terms of how things  
5 are, how things are being moved, and when you moved  
6 something, where is it going, and then follow a pattern.  
7 Again, like Commissioner McNulty did, I think it was so easy  
8 to explain and for us to understand.

9           And I think, as I mentioned, I think  
10 Commissioner Stertz was okay with doing that. So I don't  
11 know what happened since then.

12           COMMISSIONER STERTZ: Madam Chair.

13           CHAIRPERSON MATHIS: Mr. Stertz.

14           COMMISSIONER STERTZ: I'm satisfied with the  
15 delivery of the testimony that I gave. I --

16           COMMISSIONER McNULTY: Madam Chair.

17           CHAIRPERSON MATHIS: Commissioner McNulty.

18           COMMISSIONER McNULTY: Are you ready for me?

19           CHAIRPERSON MATHIS: Yes, we are.

20           Do you mind waiting?

21           COMMISSIONER McNULTY: The delay on this end is  
22 really a probably. Sorry. Let me try and put that on mute.

23           Okay. Is that better?

24           CHAIRPERSON MATHIS: Yes.

25           COMMISSIONER McNULTY: I just wanted to say I'm

1 not sure I can contribute very much because of the delay.

2 But my perspective is the changes that I thought  
3 were most important based on the public comment were the  
4 ones that I presented.

5 I have not had an opportunity to look at all of  
6 the changes that Mr. Stertz has made and to determine  
7 whether I feel as though any of those make sense, because he  
8 had in the meeting said he was going to provide us with a  
9 change-by-change analysis.

10 That's in the transcript if we need to look back  
11 at it.

12 And we haven't received that yet.

13 I don't believe that his map reflects communities  
14 of interest in a way that I could support.

15 I also feel he's presented a wholly new map, which  
16 isn't a map derived from our draft map.

17 And as I say, because we haven't seen the way that  
18 the changes were made from the draft, we can't track them.

19 But before I could take a position on when --  
20 whether any of the elements of Mr. Stertz's map would be  
21 acceptable to me, I need to be able to track those changes  
22 and a spend a lot more time with that.

23 So those are my comments.

24 And I don't want to keep jumping in and out,  
25 because I know that's going to interfere with the flow of

1 the meeting.

2 CHAIRPERSON MATHIS: Thank you.

3 VICE-CHAIR HERRERA: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Herrera.

5 I think Mr. Stertz actually it was his turn.

6 COMMISSIONER STERTZ: I appreciate that.

7 Madam Chair, I'll go through the, I'll go through  
8 the specifics.

9 And, again, my recommendation was as of  
10 representing this today was to speak specifically about  
11 Congressional Districts 2, 3, and 7.

12 Three and seven are the minority-majority  
13 districts, of which in calculations both met or exceeded  
14 including the enhancements were required to us and  
15 recommended to us by legal counsel.

16 And follow ostensibly the exterior lines with very  
17 minor changes of which were examined and explored  
18 specifically during public comment, and were reflected in  
19 the online version showing the difference between the draft  
20 maps and the adjusted maps.

21 Specifically looking at Congressional District 2  
22 and Congressional District 3 and Congressional Districts 7,  
23 because they have -- they relate to one another.

24 So speaking specifically of regarding  
25 Congressional District 2, in regards to the specific, the

1 modifications included the elimination of lobster claw along  
2 the southern side and a large chunk of Cochise County being  
3 taken out, eliminating the single point of contact in the  
4 southeast corner of Cochise County.

5           The public testimony that we received in Nogales  
6 and Sierra Vista confirm that if we could not -- if they  
7 could not keep Cochise County whole, that there was  
8 relationships that Cochise County had, with its county seat  
9 being in Bisbee, that the town of Bisbee wanted to remain as  
10 its county seat, and there was a strong relationship between  
11 Greenlee and Graham County and Cochise County that did not  
12 want to be bifurcated.

13           There was a relationship between Fort Huachuca,  
14 which is located in -- outside of Sierra Vista.

15           There is commerce, and there are transportation  
16 corridors that connect for communities that actually utilize  
17 Sierra Vista and its surrounding areas as bedroom support  
18 communities for people that live in Sierra Vista and work in  
19 the city of Tucson.

20           There are mountain ranges that flank either side  
21 of the valley, which were taken into consideration, that  
22 follow our -- the concept of geographic, geographic  
23 features, of maintaining continuity of geographic features.

24           There was substantive, in fact, it was 100 percent  
25 of the testimony we received in Green Valley wanted to --

1 said to us very clearly that Sahuarita and Green Valley  
2 were a single community that grew from and about one  
3 another.

4           There is also connecting down to the community of  
5 Tubac, those they found that that overall community is  
6 overarching and one complete community.

7           We also heard enormous volumes in both in public  
8 testimony from the very beginning of this hearing process to  
9 as late as a few weeks ago, public testimony in regards to  
10 Saddlebrooke, Oro Valley, and Marana.

11           This map keeps the city of Marana whole, the town  
12 of Saddlebrooke and Oro Valley, all within the greater  
13 Tucson area.

14           We've got enormous volumes of testimony from the  
15 public sharing that those communities wish to remain within  
16 and be represented by a congressional representative that  
17 would represent Tucson, Saddlebrooke, Oro Valley, and  
18 Marana.

19           And this map keeps the community of Marana whole,  
20 it keeps Saddlebrooke and Oro Valley within Congressional  
21 District 2.

22           And the -- so those, that was the testimony that I  
23 put on the record last week. I am reiterating it today.

24           I'm speaking specifically about Congressional  
25 Districts 2 and 3 and 7 today.

1           Seven remained ostensibly the same. And whatever  
2 minor changes that have taken place over the last seven days  
3 in regarding the edges of Congressional District 7 are fine.

4           And the modification to the small border edge of  
5 the eastern side of Congressional District 7 to be able to  
6 accomplish the -- being able to keep Green Valley and  
7 Sahuarita whole in Congressional District 2 were also put on  
8 the record last week.

9           So if there, if there is something more detailed  
10 in regard to those, if you want me to go down to the voter  
11 block, I can. And I can, as I expressed last week, I have  
12 this it mapped, which is the map that you are looking, that  
13 I provided, and that is on our website, and we can take this  
14 on block by block of communities of interest and how they  
15 relate.

16           What was able to be accomplished by this was we  
17 were able to meet all six of the criteria for districts --  
18 Congressional District 2, Congressional District 7, and  
19 Congressional District 3.

20           Those are the three that I'd like to -- in fact,  
21 I'd even be willing to place it in the form of a motion, to  
22 accept those congressional districts, two, three, and seven,  
23 as drawn in my map for approval to act as the baseline for  
24 us to continue going down the rest of the design.

25           VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 VICE-CHAIR HERRERA: I don't think we're at the  
3 point where we're going to be accepting motions right now.

4 At least I don't -- I'm not.

5 And I hope that we need to -- there's other people  
6 that have ideas as well.

7 So, I mean, I appreciate Commissioner Stertz's  
8 information, but motions probably not going to be necessary  
9 right now.

10 VICE-CHAIR FREEMAN: I'd second the motion.

11 CHAIRPERSON MATHIS: Okay. Any discussion?

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: I'd like for him to explain  
15 each change and the shift in population, as  
16 Commissioner McNulty and myself did.

17 We explained the change. Every change we made to  
18 population we explained every step by step.

19 And I think Commissioner Stertz, again, last week  
20 agreed he was going to do that.

21 I'm sorry he changed his mind, but I think that  
22 we, not only commissioners, but also the public, would like  
23 to know, okay, explain every little change, step by step,  
24 shift of population, and all that.

25 It would make a lot of sense for me, and I think

1 it would help a lot of people out there that are listening  
2 to this presentation.

3 CHAIRPERSON MATHIS: Ms. McNulty, are you on?

4 VICE-CHAIR HERRERA: Madam Chair, before -- if  
5 she's not able to speak right away, let me just say that the  
6 changes that Mr. -- that Commissioner Stertz made degrades  
7 the competition on the competitiveness of District No. 2.

8 And, again, competition, as he stated last week,  
9 is an important topic, an important criteria.

10 But, again, I just want to point that out.

11 COMMISSIONER STERTZ: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Stertz.

13 COMMISSIONER STERTZ: Could you show me what  
14 you're referring to?

15 VICE-CHAIR HERRERA: Madam Chair, I guess, that  
16 based -- again, I don't have any information in front of me,  
17 only is based on what he's talking about, it appears that  
18 District 2 has lost some of its competitiveness.

19 CHAIRPERSON MATHIS: Ms. McNulty, are you there?

20 COMMISSIONER McNULTY: Madam Chair.

21 CHAIRPERSON MATHIS: Yes.

22 COMMISSIONER McNULTY: I am now. Sorry.

23 CHAIRPERSON MATHIS: Okay. We have a motion on  
24 the table that's been seconded.

25 A motion made by Commissioner Stertz and seconded

1 by Commissioner Freeman.

2 Did you hear all that?

3 COMMISSIONER McNULTY: Yes, I did.

4 Can you hear me now?

5 CHAIRPERSON MATHIS: Yes.

6 COMMISSIONER McNULTY: My perspective is that each  
7 change that Mr. Stertz has made on his totally redrawn map  
8 leads to another change and affects the districts in central  
9 Phoenix, he had agreed and he had explicitly said that he  
10 was going to provide us with a spreadsheet which showed how  
11 the changes were made from the draft map.

12 He hasn't done that.

13 I haven't had a chance to analyze that, and so I  
14 could not possibly agree to certain changes in the map  
15 without understanding how they flowed through the rest of  
16 the map.

17 I don't agree with Mr. Stertz's characterization  
18 of the public comments.

19 And in other cases, we just -- you know, this is  
20 now a different map, and I think he and I just have  
21 different perspectives on how to address the public comment,  
22 and that's where I am.

23 But I can't support the changes that he's  
24 proposing to that.

25 VICE-CHAIR HERRERA: Madam Chair, I agree.

1 CHAIRPERSON MATHIS: Any other discussion?

2 (No oral response.)

3 CHAIRPERSON MATHIS: All in favor?

4 VICE-CHAIR FREEMAN: Aye.

5 COMMISSIONER STERTZ: Aye.

6 CHAIRPERSON MATHIS: Any opposed?

7 VICE-CHAIR HERRERA: Strong nay.

8 COMMISSIONER McNULTY: Nay.

9 CHAIRPERSON MATHIS: Nay.

10 And I'd like to explain my nay, because I am  
11 completely open to considering these changes that Mr. Stertz  
12 has proposed, but I would like to see the analysis of his  
13 District 2 and what that does compared to our draft map  
14 for -- I'll call it the draft map that we approved.

15 Because I don't know the comparison between the  
16 constitutional criteria in terms of the advantages to each.

17 I'm also unclear on the three and seven,  
18 Mr. Stertz, are those exactly, on your three and seven, are  
19 those exactly as they were when -- what we submitted to  
20 Mr. King -- or Dr. King for further analysis, or are they  
21 different?

22 COMMISSIONER STERTZ: Madam Chair, District 7, as  
23 I described, on the eastern edge, as you can see in the map,  
24 it encroached across -- to be able to keep the -- and to  
25 enhance the ability to elect, we have added population on

1 the west side of Interstate 10.

2 And you can follow the line as, in fact, if  
3 Mr. Desmond would bring up the map.

4 It's there. Would you go ahead, and you can bring  
5 up the line of where we were able to --

6 CHAIRPERSON MATHIS: So this is three, not seven.

7 COMMISSIONER STERTZ: This is three.

8 WILLIE DESMOND: I'm sorry.

9 The green line is Commissioner Stertz's map. The  
10 black line is the working map.

11 So places where you can't see the black --

12 COMMISSIONER STERTZ: Because they follow the same  
13 line.

14 WILLIE DESMOND: Yes.

15 COMMISSIONER STERTZ: So the directive that I gave  
16 to Strategic Telemetry was to, was to enhance the district,  
17 District 7, as directed. So the areas that you see that are  
18 currently green are the -- is that the draft or the working?

19 WILLIE DESMOND: This is the working.

20 COMMISSIONER STERTZ: So the green is the working.

21 WILLIE DESMOND: I'm sorry, the green is your map.

22 COMMISSIONER STERTZ: Is my map.

23 WILLIE DESMOND: The black is the working.

24 COMMISSIONER STERTZ: Okay. So there -- I've got  
25 no, I've got no disagreement at all about the working map as

1 it currently is drawn as being able to be the working --  
2 able to be an approved and accepted district for, for CD 7.

3           There's nothing substantive that I gave any  
4 directive to to Mr. Desmond, other than to follow the, the  
5 design as it was done in draft, and to enhance by picking  
6 up -- and I see that it's picked up or it's extracted or  
7 deleted certain areas of certain pockets that have followed  
8 to get to the working.

9           So whether or not that -- you would want to  
10 integrate that, that's totally acceptable to me.

11           As far as the changes that have been made into the  
12 working design.

13           My, my desire is that I'm, I'm currently really  
14 truly focused on CD 2 and how that relates to the comments  
15 that we received throughout Tucson, Saddlebrooke,  
16 Oro Valley, Marana, Sierra Vista.

17           And that that design of that, Green Valley,  
18 Sahuarita, Tubac, that that design of CD 2, actually, it was  
19 able to accomplish meeting all six of the criteria, in my  
20 opinion.

21           I may differ from Commissioner McNulty in this  
22 regards, but in my opinion.

23           And in a plethora of research that, that meets the  
24 criteria.

25           So, if you look at the edge as it pertains to what

1 was moved from the original CD 2 and CD 3, you can see --

2 CHAIRPERSON MATHIS: Do we have a pointer?

3 (Brief pause.)

4 BUCK FORST: Here.

5 CHAIRPERSON MATHIS: Do we have another one?

6 COMMISSIONER STERTZ: As you can see that that  
7 line, the green line, is the map as I've presented.

8 This dark line is the map as it currently exists  
9 as the working map.

10 To be able to keep the -- and to enhance the  
11 balance in this map, we've gone into certain areas that we  
12 have heard in testimony -- if you can blow that area up  
13 right in there, please.

14 We've gone into the south side of Tucson, going up  
15 to 22nd Street, going across, if you can come up to the  
16 corner here, please, Willie.

17 And going up and picking up the Flowing Wells  
18 district and coming -- this was the original, or that's  
19 what's called the working map line.

20 I came across so that these areas here truly are a  
21 part -- these are neighborhoods that relate to one another.

22 And improve and enhance the voter -- or the  
23 Hispanic voting age population in CD 3.

24 So this takes us all the Flowing Wells district,  
25 coming down over towards, down.

1 WILLIE DESMOND: Sorry.

2 COMMISSIONER STERTZ: That's Campbell.

3 And then coming across and picking up the southern  
4 side of -- where there are large neighborhoods and  
5 populations that exist.

6 This allowed for two changes to be made -- if you  
7 can continue going down the map, please.

8 This allowed for -- going down Interstate 19,  
9 please.

10 This allowed for this configuration to take place,  
11 coming back and following the same horizontal line, picking  
12 up these communities, which is pulling Sahuarita in and its  
13 expansion area in.

14 Keep going down.

15 Pulling in Green Valley and its expansion area in.

16 Coming back into the area of Amado in Santa Cruz  
17 County.

18 I then picked up Tubac, which is -- has got a  
19 strong relationship with Amado, Green Valley, Sahuarita.

20 And then following -- again, you won't see this,  
21 the geography takes place here, there's a mountain range.

22 So this follows on the mountain range and it picks  
23 up all the communities within that area, which is Patagonia,  
24 and Elgin, the winery districts in here which have got a  
25 tremendous relationship with Tubac and the artist community

1 that's taking place there.

2           This is an area that's heavily visited, when  
3 visitors come to Tucson will come into Patagonia and Elgin  
4 and enjoy the wineries that are taking place in the Sonoita  
5 vineyards that are, that are here.

6           As I continue over to the base and Sierra Vista  
7 and Fort Huachuca, there's a natural connection from  
8 military, connecting up into -- from military families  
9 either through active at Fort Huachuca or retirees that are  
10 living that have been high military, which enjoy the  
11 lifestyle of living in this area because they are people  
12 that relate to one another.

13           I've extracted Bisbee because Bisbee is the county  
14 seat of Cochise County, and it placed the folks in  
15 Sierra Vista and Fort Huachuca back up relating more so to  
16 the military community in the south and the southeast side  
17 of the urban Tucson area.

18           So I was able to do two things that we've talked  
19 about.

20           I -- I've always felt that having representation  
21 on the border, it started with our original draft -- our  
22 original grid maps.

23           That's where the three borders came from.

24           Madam Chair, you and I both were intrigued by the  
25 concept of three border districts.

1           But the concept of having a touch of a border here  
2 never really was relevant to me.

3           It never -- it was like this is here just almost  
4 superfluously as trying to make an attempt to say, oh, we  
5 have three border districts so we comply.

6           What this does is that this general area of  
7 Cochise County is relatively rural and has got a long, long  
8 history of relationship between Graham and Greenlee --  
9 Graham and Greenlee Counties.

10           And that relationship now has got a much larger  
11 representation, one, because we've got county seats as a  
12 relationship, and, for District 1, even though there was  
13 some contemplation that District 1 was an enormously large  
14 district, by clipping off Cochise County, and plugging it  
15 with Tucson doesn't really -- wasn't able to accomplish the  
16 Sierra Vista -- or excuse me, the Sierra Vista or --  
17 Sierra Vista did, but not the, but not the Green Valley,  
18 nor, and more specifically, the Saddlebrooke, the keeping of  
19 Marana whole, splitting the community of Marana on, on -- by  
20 virtue of the original line being placed down the  
21 interstate.

22           That was able to be remedied.

23           And, and keeping Saddlebrooke, Oro Valley, and  
24 Marana within the metro Tucson area made perfect sense.

25           The relationship that these communities have for,

1 for business, for, for transportation, for economics, for  
2 industry, are all with the greater Tucson metro area.

3 And their representative in congress should --  
4 will represent this community much more intimately and much  
5 more than it would by extracting these communities to be  
6 placed up into this large rural county.

7 CHAIRPERSON MATHIS: Just a clarification though.

8 Marana, it's not split on the old map, is it? On  
9 the working -- or either the draft map --

10 COMMISSIONER STERTZ: On the draft map it was  
11 split.

12 You don't show the draft map, but it was split on  
13 the draft.

14 CHAIRPERSON MATHIS: Isn't the brown line the  
15 draft --

16 COMMISSIONER STERTZ: No.

17 CHAIRPERSON MATHIS: -- and the green is yours?  
18 Mr. Desmond.

19 WILLIE DESMOND: I'll bring up the draft map.  
20 Just one second.

21 VICE-CHAIR HERRERA: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: While Mr. Desmond is doing  
24 that, I just want to point to some of the changes that  
25 Mr. Stertz has made, I mean, drastic changes, that he --

1 almost like he's creating his own map.

2 We have District 6 that moves from the northeast  
3 valley to the west valley.

4 We have District 8 that moves from the west valley  
5 to Tempe.

6 District 5 that moves from east valley to the  
7 north valley.

8 CD 9 that moves from Tempe to Gilbert.

9 And, again, makes CD 2 less competitive. That  
10 basically on index two it goes from 50.4 Republican to  
11 52 percent Republican.

12 So I think Mr. Stertz is creating his brand -- a  
13 whole new map, and I don't think that was the intention of  
14 when we were planning on making changes, we were still  
15 basing it on the, on the draft map.

16 So that these are significant changes that he  
17 really hasn't explained well. He didn't -- and so I  
18 just want to point that out, the significant changes to this  
19 map.

20 But I know Mr. Freeman has something to say,  
21 so. . .

22 VICE-CHAIR FREEMAN: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Freeman.

24 VICE-CHAIR FREEMAN: I don't think any explanation  
25 Commissioner Stertz is going to offer is going to satisfy

1 Commissioner Herrera.

2 I understood the moves he made.

3 For example, the line which currently splits  
4 Cochise County was moved to the west, so that it keeps  
5 Cochise County as whole as possible, wraps around  
6 Sierra Vista, and puts that with CD 2 to accommodate that  
7 change and population lost to CD 2.

8 The communities of Saddlebrooke, Oro Valley, and  
9 Marana were kept whole.

10 That line was moved to the north to include them  
11 in CD 2.

12 So I don't know how much clearer it could be.

13 I also think Commissioner Stertz did a very  
14 thorough explanation of the communities of interest he was  
15 attempting to accommodate with these changes to this map.

16 CHAIRPERSON MATHIS: Thank you.

17 Mr. Desmond, are you. . .

18 WILLIE DESMOND: Yes. The red line is the draft  
19 map line.

20 So Marana is not split in the draft map.

21 Picture Rocks looks like there's a small portion  
22 here that might be split.

23 We're confirming right now, but I think Marana is  
24 split in the draft legislative district, not congressional.

25 CHAIRPERSON MATHIS: Okay. Thank you.

1           Just a few comments on this whole -- this corner  
2 of southeast corner is tricky.

3           The original --

4           COMMISSIONER McNULTY: Madam Chair.

5           CHAIRPERSON MATHIS: I don't know what it was  
6 called at the time, but the map that I had proposed, the  
7 everything bagel one map where we came up with the  
8 framework, and we all voted on the framework 5-0, was three  
9 border districts, two rural.

10           And, and the concept I proposed, it was based on  
11 the whole county 6D map, or whatever, where I tried to just  
12 create that third border district by dropping the CD 2 down,  
13 is my recollection.

14           And I was trying to follow using census tracts.  
15 It was similar to Mr. Stertz's in that it followed that  
16 mountain range.

17           And I like elements of Mr. Stertz's map. Like,  
18 for instance, keeping the I-19 corridor together to the  
19 extent possible, I think is a really good thing to do.  
20 There are a lot of relationships there.

21           But with regard to the three border districts, I  
22 had hoped that we could create three border districts where  
23 each military installation, major military installation was  
24 in a different border district, because I think that really  
25 makes a powerful case with regard to BRAC. And we've talked

1 about that in the past.

2 But it became clear that in my version that I had  
3 created where that was done, where Cochise was whole and  
4 each military installation was in a different border  
5 district, we had problems then with our minority --  
6 majority-minority district, and received some input from  
7 Hispanic Coalition for Good Government that it was not  
8 acceptable and it didn't follow what they had submitted in  
9 terms of their lines for an acceptable majority-minority  
10 district.

11 So we were trying to accommodate that by following  
12 their original lines.

13 And then having to move over to the east into  
14 Cochise County, unfortunately. And, again, that takes away  
15 that third military installation in a separate district.

16 It puts two into number two, and then we end up  
17 with what we've called the token border district, with CD 1,  
18 and it's not ideal.

19 And to the extent there is a way to do it that  
20 makes more sense, but that I don't -- you know, I don't know  
21 enough of the analysis to say -- Mr. Herrera said  
22 competitiveness is impacted in two with the changes  
23 Mr. Stertz has made.

24 And I think it would be useful to see what  
25 Mr. Stertz has suggested in three and seven, assuming that

1 three and seven are the same as what we've submitted to  
2 Dr. King for further analysis, and then run numbers using  
3 his CD 1, 2 combination down in the corner with those --  
4 with the rest of the map to see what the numbers are like.

5 Because I don't see how else we can compare and  
6 contrast between the two.

7 There was something else I wanted to say.

8 Oh, and then Ms. McNulty last week suggested an  
9 adjustment where we abandon the three border district idea.

10 And it would -- there are an advantages to that.

11 Because, of course, then compactness is increased  
12 significantly, which is one of our criteria. And CD 1 would  
13 become more compact because it wouldn't go all the way down  
14 to the border. It stops at the border line.

15 There's, you know, some -- a good tradeoff there.

16 And it also keeps Cochise County whole, which is  
17 public input that we got that Mr. Stertz mentioned.

18 So I can see both as being legitimate proposals.

19 And so we need to understand, I think, the numbers  
20 just to the extent that we can of what Mr. Stertz has  
21 presented. And then, and then also look at the numbers for  
22 what Ms. McNulty presented in terms of abandoning the three  
23 border concept.

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1           COMMISSIONER STERTZ: I've just brought up on my  
2 screen just so that in regards to Commissioner McNulty's  
3 keeping Cochise County whole.

4           It keeps Cochise County whole, Santa Cruz County  
5 whole, but the -- but it breaks apart Marana, Oro Valley,  
6 Saddlebrooke, away from the greater Tucson area.

7           That to me is --

8           CHAIRPERSON MATHIS: Which is how it currently is;  
9 right? In the draft map.

10          COMMISSIONER STERTZ: In the draft map, that's  
11 correct.

12          And we have heard -- and, again, looking at -- it  
13 does a couple of things. One, it -- by having two border  
14 districts, it combines Fort Huachuca and Davis-Monthan in  
15 the same district, and the Yuma -- the proving grounds into  
16 another district.

17          But by extracting out the communities of  
18 Saddlebrooke, Oro Valley, and the greater Marana area, and  
19 pulling those into CD -- which would be ostensibly CD 1,  
20 the -- we've broken a, we've broken a, we've broken a real  
21 connection of those communities that we heard over and over  
22 and over again, and we've got resolutions for each one of  
23 their town councils, that they wish to remain with the  
24 greater Tucson area.

25          So we're -- if we could come to some resolution or

1 some design that would be able to accomplish, accomplish  
2 both, that was -- Commissioner McNulty has taken one attempt  
3 at it.

4 I've taken a second attempt.

5 I have the side by side, block by block that I can  
6 work with Strategic Telemetry to give the data points that I  
7 think that Commissioner Herrera and you are looking for,  
8 which is the trade of population of these block by blocks on  
9 the edges.

10 CHAIRPERSON MATHIS: Right. I think, I think  
11 that's important to understand the analysis of what that --  
12 your change does to CD 2 in terms of the constitutional  
13 criteria.

14 I also would note that just because HVAP is  
15 increasing in two, as we've learned, and I learned the hard  
16 way, when I made this proposal, that doesn't mean that the  
17 Hispanic Coalition for Good Government or any other group  
18 that's concerned about majority-minority districts will be  
19 okay with the change.

20 And so it would require, I think, their analysis  
21 as well to determine that they feel like they are happy with  
22 whatever changes or border you have.

23 VICE-CHAIR HERRERA: Madam Chair, can I chime in?

24 CHAIRPERSON MATHIS: Yes, Mr. Herrera.

25 VICE-CHAIR HERRERA: You know, the, the changes

1 that Mr. Stertz made -- and I'm going to say this again. He  
2 affected some districts that he did -- he failed to mention,  
3 as, again, he avoided mentioning that the changes he made  
4 affected the competition -- the competitiveness index in  
5 District 2, because he doesn't want to approach that. He  
6 doesn't have those step by steps.

7           And that's, that's the problem. When somebody  
8 makes wholesale changes like this, almost basically creating  
9 a whole new map, which I could do as well, I can create --  
10 and Freeman is going to defend him -- but, you know, you  
11 have, you have these changes that are not being addressed --  
12 because he's not explaining them, not block by block, step  
13 by step, as Commissioner McNulty did, as I did when I made  
14 my changes to the congressional map. I explained in detail  
15 how it affected competitiveness and what districts were  
16 affected and how I remedied the issue.

17           And Stertz has failed to do that.

18           And, again, I can, I can present tomorrow a  
19 congressional map that has four competitive districts. I  
20 can easily do that. And I think that's something people  
21 want. They wanted from the beginning.

22           So -- and the changes that he made to the  
23 majority-minority districts are changes anyway. They are --  
24 even if you see them as minor, I would avoid making changes  
25 to the majority-minority districts, as I have, because I

1 think what we did last week was good work, and we don't want  
2 to be messing with them until we get back the analysis to  
3 see how good of the -- the changes we made.

4 Now, the changes that Stertz made, I'm not  
5 approving, because I'm not even recommending that we even  
6 look at them.

7 Because, again, he changed three and seven.

8 He's not explaining it in any detail, as I did, as  
9 McNulty did.

10 So I don't know how many times I have to say this.

11 If he's going to come back block by block, I would  
12 prefer that he go step by step, hopefully tomorrow.

13 COMMISSIONER STERTZ: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Stertz.

15 COMMISSIONER STERTZ: I appreciate that you do not  
16 want to repeat yourself again, because I -- it's unnecessary  
17 and obviating, is getting just old.

18 In regards to the -- in District 3, the mine  
19 inspector vote in 2010 actually had an improvement from the  
20 draft maps, where the ability to elect in the draft maps was  
21 60.3 percent, and under the new design actually went up to  
22 61.2.

23 So, in regards to the HVAP increase, testing that  
24 against the mine inspector, it actually did have an increase  
25 in the quality of the ability to elect.

1           And that's the -- and that's been our sort of  
2 baseline test that we've been using, was the mine inspector  
3 test.

4           So I'm not making wholesale changes for the  
5 purpose of making wholesale changes.

6           I'm making adjustments based on, on the -- my as  
7 an individual commissioner's interpretation of the public  
8 testimony that was given, volumes of public testimony that  
9 was given, in an attempt to follow all six points of the  
10 constitution.

11           So I -- that's, that's why I made the presentation  
12 today. I was speaking specifically regarding Legislative  
13 Districts 2, 3, and 7.

14           Seven, as far as, as far as I'm concerned, I'm  
15 fine with whatever the adjustments that were made last week,  
16 because they were edges -- they were adjustments to the  
17 edges, and that is the one that is under study, under -- we  
18 were instructed a week and a half ago when Mr. Adelson was  
19 here that District 3 needed enhancement.

20           I provided a map that actually enhanced it in  
21 voter age population but also keeping communities together.  
22 Because those southern, southern side -- if you know  
23 anything about Tucson, you would know that those areas are  
24 communities, that they're living communities. They work  
25 together. There is -- there are parks where people

1 aggregate together, and as well as to improve the ability to  
2 elect in Congressional District 3.

3           So meeting those -- meeting all of those  
4 objectives, being able to hit communities of interest as  
5 well as the minority-majority improvement enhancement as we  
6 were -- discussed.

7           So, I stand firm on my conviction that, that with  
8 some minor adjustments, two, three, and seven are solid.  
9 And they meet with the objectives.

10           And I've -- I can't -- I'm not sure how much more  
11 level of detail. I've listened to the testimony by  
12 Commissioners McNulty and Herrera. And I have given as much  
13 or more detail in my representation of these adjustments.  
14 And I feel extremely satisfied that, that I've met the  
15 burden of testimony in that regard.

16           CHAIRPERSON MATHIS: I have --

17           VICE-CHAIR FREEMAN: Madam Chair.

18           KENNETH STRASMA: Madam Chair.

19           CHAIRPERSON MATHIS: Sorry, Mr. Strasma.

20           KENNETH STRASMA: As there have been discussions  
21 on some of the numbers, I thought it would be useful to  
22 remind commissioners and members of the public that there  
23 was a change record for, for these changes last week.

24           We -- the commissioners may have it in the packets  
25 from last week. We can make additional copies at break if

1 that would be helpful. And it's on the AIRC website, I  
2 believe, under the 5th.

3 CHAIRPERSON MATHIS: Great. Thank you.

4 Yeah, I don't have mine with me actually, so it  
5 would be helpful.

6 Where was I?

7 VICE-CHAIR FREEMAN: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Freeman, go ahead.

9 VICE-CHAIR FREEMAN: Well, I would like to weigh  
10 in too, but I thought I heard Commissioner McNulty ask to be  
11 recognized earlier, so I want to make sure if you want to  
12 recognize her, that she has a chance.

13 CHAIRPERSON MATHIS: Ms. McNulty, are you -- do  
14 you have some input?

15 COMMISSIONER McNULTY: Yes, I do, if you can hear  
16 me.

17 CHAIRPERSON MATHIS: Yes. Okay.

18 COMMISSIONER McNULTY: My concern -- one of my  
19 concerns is that Mr. Stertz is reiterating his perspective  
20 on how he would like to see the districts drawn based on  
21 various communities of interest argument, some of which are  
22 and some of which are not consistent with the way that the  
23 testimony -- or the way that the public comments that we  
24 received.

25 But what he is not explaining is how the changes

1 that he would like us to accept affect the rest of the map.

2 And they do.

3 There's a significant amount of population in  
4 Tucson, in the metro Tucson area, that needs to be  
5 addressed.

6 Tucson has grown to the point that it makes sense  
7 to have that third congressional district representing those  
8 areas, at least from some perspective.

9 But whether Mr. Stertz and I agree on that or not,  
10 what he has not done is the procedure that we talked about,  
11 which is for every change we made in the map, we explained  
12 how it would impact the other parts of the map, so that we  
13 could at the same time consider whether those would be  
14 changes that were acceptable.

15 And what we have here is a map that's completely  
16 redrawn.

17 The Maricopa County metropolitan area and the  
18 other parts of the map.

19 And does not explain what the consequences are for  
20 the rest of the map if we were to commit ourselves to these  
21 changes.

22 In addition, I think I heard someone ask  
23 Mr. Stertz whether these districts were the same as what we  
24 had submitted for analysis to Dr. King. And they aren't.

25 So we've got new majority-minority districts.

1 We've got a very substantial population change in northwest  
2 Tucson, with no explanation of how that would fit into our  
3 working map and how we could accommodate it without  
4 completely changing our working map.

5 We've got a change to Cochise County, which  
6 frankly is completely contrary to the great, great weight of  
7 the testimony from Cochise County.

8 I'm done.

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

11 VICE-CHAIR HERRERA: In the interest of time, I  
12 think there's two commissioners that have repeatedly  
13 requested information from Stertz -- Commissioner Stertz.  
14 And I would want, in order for us to move forward, that he  
15 bring back, back, either tomorrow, with some good detail  
16 explaining step by step, and then we can move forward with  
17 at least recognizing what these changes are all about and  
18 how they affect each -- each district.

19 And I would recommend that we do that, instead of  
20 just going around in circles as we've been doing for at  
21 least 30 minutes, an hour.

22 CHAIRPERSON MATHIS: I would ask Mr. Stertz if, if  
23 he could look at his map based upon --

24 VICE-CHAIR HERRERA: Proposed.

25 CHAIRPERSON MATHIS: -- or his proposed

1 adjustments for the southeast corner, based upon what was  
2 submitted in three and seven already to Dr. King.

3 Is there a way that you can see -- if there's a  
4 way to work around what has already been submitted for  
5 further analysis?

6 COMMISSIONER STERTZ: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Stertz.

8 COMMISSIONER STERTZ: What was submitted to  
9 Dr. King was the draft map?

10 CHAIRPERSON MATHIS: I believe it's this working  
11 map.

12 Is that correct?

13 WILLIE DESMOND: It's the, it's the working map,  
14 correct.

15 So there was the draft map, then there was the  
16 tweaks that the Hispanic Coalition for Good Government asked  
17 for, and those were submitted for approval.

18 And just so everyone knows, I think Ms. Gomez is  
19 going to make copies of the change reports for both the  
20 Stertz and McNulty maps. So hopefully we'll have those  
21 shortly.

22 CHAIRPERSON MATHIS: Thank you.

23 COMMISSIONER STERTZ: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Stertz.

25 COMMISSIONER STERTZ: By maintaining those lines,

1 it will, it will breach -- will not be able to accomplish  
2 the, the breaking of certain communities that, that are  
3 currently -- were trying to aggregate together.

4 So, if, if we're saying -- if what I understand is  
5 correct, that this -- that the Commission has approved and  
6 fixed the boundaries of two and seven, as submitted to  
7 Dr. King?

8 CHAIRPERSON MATHIS: Three and seven.

9 COMMISSIONER STERTZ: Or three and seven. So  
10 those boundaries are fixed.

11 CHAIRPERSON MATHIS: They're not fixed. They've  
12 just been submitted for additional analysis so --

13 WILLIE DESMOND: I can show where those vary from  
14 the draft map also.

15 COMMISSIONER STERTZ: Pardon me?

16 WILLIE DESMOND: I can show where that varies.

17 So the -- I know this is confusing, but the black  
18 line is the working map.

19 The red line is the draft map.

20 So this area right here was added in the working  
21 map, as well as this area right here was added to District 2  
22 in the working map.

23 And that's the, I believe, the only changes that  
24 happened to District 3 in the working map.

25 COMMISSIONER STERTZ: Madam Chair.

1           CHAIRPERSON MATHIS: Mr. Stertz.

2           COMMISSIONER STERTZ: Commissioner McNulty is  
3 correct. The -- there is a large population in Marana,  
4 Oro Valley, and Saddlebrooke that is being pulled out of --  
5 by the virtue of this map, and the draft map, being pulled  
6 out of the greater Tucson area.

7           So that is -- now that, that group communities  
8 will not be represented by someone, someone in the large, in  
9 the large rural district.

10           Which we have, again, we've heard -- and, again,  
11 unless, Commissioner Herrera, are you looking -- I'll give  
12 you the step by step of the moving this area out and this  
13 area in, but my question is: Are you also looking for the  
14 public testimony to support, or just on a block by or a  
15 step-by-step basis?

16           VICE-CHAIR HERRERA: Madam Chair, as I said  
17 repeatedly, step-by-step basis and how it affects each  
18 district.

19           For example, you know, I mentioned in my testimony  
20 when I was talking about changes to a congressional  
21 district, I made minor changes, but I explained each change  
22 in detail and also explained how it affects competitiveness.

23           Which you did not do.

24           But I think the changes that you made make the  
25 only three competitive districts more Republican.

1           You did not point that out.

2           But, just, again, it would make it easier for me,  
3 and Commissioner McNulty, probably Chairwoman Mathis, if you  
4 come back with step-by-step instructions without touching  
5 three and seven.

6           COMMISSIONER STERTZ: Three and seven as they have  
7 been moved forward as untouchable, but they're still able to  
8 be touched. Sorry.

9           CHAIRPERSON MATHIS: That's right.

10          COMMISSIONER STERTZ: Sorry. I can't quite get  
11 the vernacular --

12          VICE-CHAIR HERRERA: Well I can explain to you.

13          COMMISSIONER STERTZ: You don't need explain to me  
14 anything.

15          VICE-CHAIR HERRERA: I think you --

16          CHAIRPERSON MATHIS: Okay, guys --

17          COMMISSIONER STERTZ: You don't need to explain  
18 one thing to me, please.

19          VICE-CHAIR HERRERA: I can explain.

20          COMMISSIONER STERTZ: I've had enough of your  
21 little micro-explanations.

22                 They're irrelevant to me at this point. Okay.

23                 What I'm just trying to do is we, we -- when the  
24 draft maps were approved, they were approved with place  
25 holder districts.

1           The draft -- the word draft was defined as being  
2 draft.

3           Now we're -- now we've got two districts that are  
4 approved that may have some changes to them, but might not,  
5 but they've been moved up, and they've had their lines fixed  
6 of which we need to adjust to.

7           I'm just trying to figure out whether or not this  
8 is just a -- and the reason I wanted to call the vote on  
9 this, Madam Chair, I want to -- there is -- if we're going  
10 to vote on these maps with -- as they exist as draft maps or  
11 these little adjustments to them, let's, let's get on with  
12 it.

13           And if we're going to actually look at and to  
14 review and to react to the public comment that we have, then  
15 we react to it.

16           If not, let's just get on with it. Because I  
17 don't want this to be just a, just a waste of time.

18           And, and if we're going to vote on it, vote on it  
19 and get on with it. Or else we can do, we can do better  
20 things with our time.

21           VICE-CHAIR HERRERA: Madam Chair.

22           CHAIRPERSON MATHIS: Mr. Herrera.

23           VICE-CHAIR HERRERA: The last week we spent quite  
24 a bit of time, I mean, all commissioners that were here  
25 present, or if you were participating by phone, in terms of

1 the strengthening of the two, the three and seven, the two  
2 majority-minority districts.

3 And I think we had agreed when we were here that  
4 we were going to tentatively just lock them in until we get  
5 back the analysis.

6 The analysis is not done.

7 The analysis may come back and the analysis may  
8 say we need to tweak it some more.

9 Or they will be perfect as is and they'll probably  
10 pass DOJ.

11 So they're not set in stone, but I would like for  
12 us to wait until the analysis comes back.

13 But, again, nothing is stopping us from moving  
14 forward with the other districts.

15 And I think that's what would -- I think that's  
16 what we had agreed on.

17 We spent time with the majority-minority  
18 districts. Now let's work on the other districts. I think  
19 that's what we're trying to do this week.

20 CHAIRPERSON MATHIS: If there's a way, Mr. Stertz,  
21 to look at your proposed changes with three and seven as  
22 submitted last week to the, to the expert for additional  
23 analysis, that would be preferable to me, just to see if  
24 anything can be worked out.

25 I realize you're saying it can't, but if there is

1 an option there, I would be open to that.

2 I think it's also worth exploring the abandonment  
3 of the third border district in terms of Ms. McNulty's  
4 suggested change to just stop the CD 1 at the border of  
5 Cochise County.

6 And we'll have to look at the numbers in terms of  
7 how that affects the overall map and, and what  
8 constitutional criteria are impacted by those.

9 COMMISSIONER STERTZ: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Stertz.

11 COMMISSIONER STERTZ: What -- give me your opinion  
12 of the, of -- you live in Tucson. We're -- you live in the  
13 northwest.

14 What are your thoughts of Oro Valley,  
15 Saddlebrooke, and Marana being part of the greater Tucson  
16 area?

17 CHAIRPERSON MATHIS: Well, I think those  
18 communities definitely are a community of interest.

19 They made great -- a great case for staying  
20 together in terms of they all have very common interests in  
21 terms of the Marana, Oro Valley, and Saddlebrooke areas.

22 But, the question is: Do they go to the north or  
23 do they go to the south?

24 And, and they shouldn't be split. And so ideally,  
25 you know, they would be together and in one of those areas.

1 If they can go to the south, I'm open to that.

2 We heard -- we did hear conflicting testimony on  
3 that --

4 VICE-CHAIR HERRERA: We did.

5 CHAIRPERSON MATHIS: -- in terms of which way they  
6 wanted to go, but at least they're all together as a  
7 community of interest.

8 And this gets to that whole thing of we don't want  
9 to divide communities of interest, but it's also impossible  
10 to have homogenous community -- homogenous districts of  
11 communities of interest that are all the same.

12 So that's, that's been the challenge.

13 But we don't want to divide them to the extent  
14 practicable, and so I feel, you know, like, at least they're  
15 together in this particular iteration.

16 COMMISSIONER STERTZ: Madam Chair.

17 CHAIRPERSON MATHIS: Yes, Mr. Stertz.

18 COMMISSIONER STERTZ: The amount of conflicting  
19 testimony we had was -- that we keep hinging it on was I  
20 think there was two people that spoke at one time about,  
21 about wanting to make sure to remain whole.

22 Almost in, you know, almost in a sense of panic as  
23 they were, as they were -- as we were getting really close  
24 to the end of the testimonial period.

25 But as I went back into my binders and started

1 looking at the people from Saddlebrooke and looking at other  
2 than public testimony, the things that we got, it was clear  
3 that this group, one, wanted to stay together. They -- but  
4 they -- but more clearly that they wanted to stay as part  
5 of -- and it makes -- and honestly it makes sense being part  
6 of the urban, the urban Tucson area.

7           They're, they're bedroom communities that -- I  
8 mean, the whole Continental Ranch area, they all work at  
9 Raytheon.

10           So, there's a, there's a, there's a tight  
11 connection of community.

12           It's like on the legislative side breaking  
13 Rita Ranch away doesn't make any sense either. Which I'm  
14 hoping as we get through this that we'll be able to connect  
15 those.

16           But if, if your opinion is that if I can find a  
17 mechanism through design to keep those communities in with  
18 the general Tucson area, is that something -- and being able  
19 to make the numbers work, is that something that you would  
20 entertain?

21           CHAIRPERSON MATHIS: Sure.

22           VICE-CHAIR HERRERA: Madam Chair.

23           CHAIRPERSON MATHIS: Mr. Herrera.

24           VICE-CHAIR HERRERA: I would -- like you, I also  
25 heard conflicting testimony in that area.

1           I think I heard that Saddlebrooke, Marana,  
2 Oro Valley had nothing in common with Tucson.

3           I heard -- I could have sworn I heard that.

4           And so I think that's one of the reasons why we  
5 ended up keeping them together, but it was in CD 1.

6           And, again, there's nothing in the constitution  
7 that states you can't -- you have to have a homogeneous  
8 district. It would be virtually impossible to do that.

9           So keeping them together in a district that's a  
10 little more diverse, that's, that's fine, as long as you  
11 don't break them out.

12           VICE-CHAIR FREEMAN: Madam Chair.

13           CHAIRPERSON MATHIS: Mr. Freeman.

14           VICE-CHAIR FREEMAN: Well, I guess that goes  
15 directly to Commissioner Stertz's proposed change to CD 4.

16           It keeps all the north central Arizona communities  
17 together, Flagstaff and related communities, it puts them  
18 into CD 4 making that district more competitive.

19           It makes CD 1 more competitive.

20           The Arizona Supreme Court has said we're to favor  
21 maps that yield more competitive districts.

22           It also makes CD 4 more compact by eliminating the  
23 lobster claw.

24           So, I mean, you can't have it all ways.

25           His proposed changes address those features of the

1 map in the same way that Commissioner McNulty's proposed  
2 change arguably addresses other features -- issues with the  
3 map.

4 VICE-CHAIR HERRERA: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Herrera.

6 VICE-CHAIR HERRERA: It's taken me months to  
7 convince both Stertz and Freeman that how important  
8 competition is. And I'm glad they're -- that Stertz  
9 addressed it last week, and Freeman is just addressing it  
10 now.

11 Competition is equally as important than the other  
12 four state criteria. So I'm -- he's finally on my side, and  
13 I appreciate that, and hopefully I can convince him of other  
14 things I want to do.

15 VICE-CHAIR FREEMAN: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Freeman.

17 VICE-CHAIR FREEMAN: There you go again,  
18 Commissioner Herrera.

19 Commissioner Stertz and I have been mentioning the  
20 competitiveness factor from the get-go. If you would like  
21 me to cite you portions of the record on that, I would be  
22 happy to demonstrate your statement was false.

23 The competitive criteria is not equal. That's  
24 also clear from the Arizona Supreme Court decision.

25 It is mandatory and conditional.

1           None of the other criteria are conditional.

2           It is not equal also with equal population  
3 criteria in compliance with the Voting Rights Act.

4           So all the criteria are not equal. They're not  
5 all to be balanced together.

6           The first two federal requirements are preeminent.

7           The other four are subsidiary to the first two  
8 criteria.

9           And indeed the sixth criteria, competitiveness, is  
10 conditional on compliance with the other, the other  
11 remaining three criteria.

12           So it is a factor to be included, but it's  
13 conditional.

14           We have to determine whether to favor that map  
15 that features the competitive or more competitive district  
16 causes a significant detriment to the other goals.

17           I do not see how we can do that without creating a  
18 baseline map that shows us how the other five goals could be  
19 constructed and meet all those goals.

20           That's something that the first Commission did do.

21           We haven't done that, so we really are operating  
22 in the blind on that issue.

23           But at least with respect, and with those sort of  
24 reservations stated, at least the changes to CD 4 and CD 1  
25 keep those communities together and yield two districts that

1 are more competitive.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: I think Mr. Freeman --  
5 Commissioner Freeman is mistaken that CD 4 is competitive.  
6 CD 4 is extremely lopsided. And there's not much we can do  
7 to make CD 4 competitive.

8 I mean, CD 4 is a highly populated area -- I mean,  
9 that is a highly Republican area.

10 I think no one here would disagree.

11 If you travel those areas, you'll know that  
12 Democrats are a minority. And it's not a competitive  
13 area -- district, and Stertz did not make it competitive.

14 So I think he's -- I don't think they're being  
15 honest when they're saying it's competitive. I mean, so,  
16 but, that's one thing.

17 And, again, I think the state Supreme Court was  
18 real pretty clear that competition is equal to the four  
19 stated mandated criteria. I think, I think it was pretty  
20 clear that that was the case.

21 And I agree that the first two are, are the most  
22 important ones that we need to meet. I don't think anybody  
23 is arguing that.

24 VICE-CHAIR FREEMAN: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Freeman.

1           VICE-CHAIR FREEMAN: Commissioner Herrera, I have  
2 that decision on my laptop, in Word format. It's  
3 searchable.

4           And under break I'd invite you to go ahead and  
5 search and show me in that decision where it says that they  
6 are all equal as you just stated.

7           It doesn't say that.

8           Also the Supreme Court said that we're to favor  
9 the creation of more competitive districts. And based on  
10 the change report that was presented last week, there's no  
11 question CD 4 is made more competitive.

12           Those different communities in Flagstaff are put  
13 into that CD 4 making it more competitive.

14           So that is something that I think should be  
15 considered.

16           And, you know, building upon that, it's also  
17 important to me that all voters in this state are treated  
18 equally and fairly.

19           And when we start --

20           COMMISSIONER McNULTY: Madam Chair.

21           VICE-CHAIR FREEMAN: -- creating certain  
22 districts, pet districts in certain areas of the state that  
23 are, quote unquote, competitive, we're doing damage,  
24 arguably, given the rationale I've heard sitting on this  
25 Commission, for the policy rationales underlying the

1 advantages of competitiveness. It supposedly helps those  
2 voters that are in the minority party and the majority  
3 party, because they are ill-served by being in a packed  
4 district.

5           So I think we need to apply this competitiveness  
6 criteria equally across the state, and not disadvantage  
7 certain voters to the detriment of their ability to vote in  
8 one area of the state versus those voters in another area of  
9 the state.

10           And I think that can be accomplished if we apply  
11 all of the six mandatory constitutional criteria in a fair  
12 and objective way, create a baseline map, and then look at  
13 ways to modify that baseline map to favor the creation of  
14 competitive or more competitive districts to the extent it  
15 doesn't cause a significant detriment to the achievement of  
16 the other goals.

17           CHAIRPERSON MATHIS: Ms. McNulty.

18           COMMISSIONER McNULTY: We have more data about  
19 competitiveness than the last Commission did. We have as  
20 much data about competitiveness and have had for months for  
21 each of these districts.

22           We did create a baseline map, and we've built into  
23 that baseline map three competitive congressional districts  
24 based on a working definition that given an average year  
25 with average candidates, candidates from either party would

1 have an equal or close to equal opportunity to win the  
2 election.

3 We heard Mr. Strasma say earlier today in this  
4 hearing that registration in and of itself is not indicative  
5 necessarily of competitiveness.

6 And we have five or six or seven sophisticated  
7 tools now to look at competitiveness that reflect that those  
8 three districts are, in fact, competitive.

9 CD 4 under Mr. Freeman's definition becomes more  
10 competitive only because the Republican registration goes  
11 from a very high number to a slightly less high number.

12 But it is not a district in which in an average  
13 year average candidates would have an equal chance of  
14 succeeding.

15 One of the things that flowed through from the  
16 changes that Mr. Stertz has made in northwest Tucson is the  
17 complete elimination of the competitive districts in central  
18 Phoenix.

19 It's a metropolitan area of over four million  
20 people.

21 There is absolutely no reason why there shouldn't  
22 be an opportunity in central Phoenix for citizens to have an  
23 election in which the outcome is not predetermined.

24 And the way that Mr. Stertz has redrawn the maps  
25 is to increase the Republican registration in that district

1 or increase the Republican edge by 15 percent.

2           So what I would want to see, if he is wanting to  
3 propose some way in which to either make Cochise County  
4 whole or remove the -- put Marana, Oro Valley, and  
5 Saddlebrooke back into the Tucson district, then how that  
6 flows through to those other districts and how we can  
7 achieve all of the other goals at the same time that we  
8 accomplish that.

9           So the short way -- I guess my short comment is  
10 that Mr. Freeman and I just have very, very different  
11 perspectives on that. And I think it's important given what  
12 he just said that I share my perspectives so that's on the  
13 record also.

14           CHAIRPERSON MATHIS: Thank you.

15           Well, it's about 11:30. It's 11:25.

16           Do we want to take a short break and come back?  
17 Or do you prefer, commissioners -- I guess Herrera isn't  
18 here --

19           COMMISSIONER STERTZ: Early lunch.

20           CHAIRPERSON MATHIS: Early lunch? Okay.

21           How long? Half hour? Forty-five minutes?

22           COMMISSIONER STERTZ: Half hour is going to be  
23 45 minutes.

24           CHAIRPERSON MATHIS: Yeah, okay. So we'll say a  
25 half hour break.

1           And then it's now 11:25, so we'll enter into  
2 recess.

3           Thank you.

4           (Lunch recess taken.)

5           CHAIRPERSON MATHIS: Okay. The time is 12:34 p.m.

6           We'll exit out of recess and back into public  
7 session.

8           We were in the midst of talking about  
9 congressional draft map adjustments, but I'd like to, if we  
10 could, just talk briefly about our schedule for the rest of  
11 the week, because it's required some changes and I wanted to  
12 get commissioners' thoughts on what we might do.

13           So, Ms. Gomez, I think you have what our current  
14 schedule is.

15           And what we might do to change it.

16           Last week we talked about how on Tuesday we can't  
17 get bipartisan representation until 5:00 p.m., so I think  
18 we've decided that it probably makes sense to swap in either  
19 Wednesday or Friday for that. And that Friday was looking  
20 like a better date from all commissioners' stand points.

21           KRISTINA GOMEZ: Right. Friday late start, so, so  
22 far it looks like a 4:00 o'clock start time would be best.

23           CHAIRPERSON MATHIS: Okay. So we'd start at  
24 4:00 p.m. Friday and go until -- for a few hours.

25           And then Saturday morning we're supposed to meet

1 at 9:00; is that right?

2 KRISTINA GOMEZ: Yes.

3 CHAIRPERSON MATHIS: Okay. So we would cancel  
4 Tuesday.

5 And we weren't going to meet Wednesday; right?

6 KRISTINA GOMEZ: Wednesday, no, there is no  
7 meeting scheduled for Wednesday.

8 CHAIRPERSON MATHIS: And what's the plan for  
9 Thursday?

10 KRISTINA GOMEZ: So the current plan is a start  
11 time of 1:00 p.m. and estimated time to 9:00 p.m.

12 CHAIRPERSON MATHIS: Okay. So Thursday we have a  
13 big block. Great.

14 So Thursday, Friday, Saturday, do commissioners  
15 have a thoughts on that and would you be open to making that  
16 change to next week -- I mean, to this week?

17 VICE-CHAIR FREEMAN: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Freeman.

19 VICE-CHAIR FREEMAN: I believe on November 21st I  
20 sent Mr. Bladine a pretty detailed e-mail where I tried to  
21 maximize my availability throughout December, and January  
22 for that matter, although I think probably dates beyond this  
23 week are probably going to be irrelevant.

24 But at least for this week, I'm certainly  
25 available today, and I do have a partner meeting --

1 partnership meeting at 5:00 o'clock today at my office.

2 Tomorrow I was available all day.

3 And I am looking to confirm Wednesday. I was  
4 available in the morning, and am available Thursday  
5 afternoon. I believe that's Thursday. And Friday I just  
6 have a conflict, kind of inconveniently right in the middle  
7 of the day.

8 Saturday I'm not available.

9 I had told Mr. Bladine that I would consider  
10 Saturdays on a case-by-case basis. And this Saturday it's  
11 the last Saturday before the Christmas weekend.

12 I do have a commitment to my daughters to take  
13 them to a play, and I'm going to keep that commitment.

14 So that Saturday hearing presents a problem for  
15 me.

16 CHAIRPERSON MATHIS: Okay. What about Monday the  
17 19th?

18 VICE-CHAIR FREEMAN: The 19th, yeah, I'm available  
19 all day, on Monday, and next Tuesday available in the  
20 afternoon as we do it in the Phoenix area.

21 CHAIRPERSON MATHIS: Let's hear from other  
22 commissioners.

23 COMMISSIONER STERTZ: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Stertz.

25 COMMISSIONER STERTZ: I'm also unavailable on

1 Saturday, and I am available on the 19th.

2 CHAIRPERSON MATHIS: Okay.

3 VICE-CHAIR HERRERA: Madam Chair, I am available  
4 Thursday, Friday, and Saturday. And I am also available on  
5 the 19th.

6 CHAIRPERSON MATHIS: Okay. Well, it sounds like  
7 we can't meet the 19th now, because neither of the  
8 Republicans can make it, so we'll have to --

9 COMMISSIONER STERTZ: The 19th is Monday.

10 CHAIRPERSON MATHIS: Oh, I know, but Saturday.  
11 Did I say the 19th?

12 COMMISSIONER STERTZ: Yes.

13 CHAIRPERSON MATHIS: Sorry, I meant the 17th. We  
14 can't meet Saturday.

15 So we should hold the 19th.

16 And I don't know about Ms. McNulty.

17 What about you, Mr. Herrera, on the 19th?

18 VICE-CHAIR HERRERA: I think I'm available. I  
19 think I sent Kristina, Ms. Gomez, some of the dates I wasn't  
20 available, and I think the 19th is fine.

21 CHAIRPERSON MATHIS: Okay. So we may have to go  
22 into next week, but we'll have to see.

23 KRISTINA GOMEZ: What about the 20th? Which was a  
24 Tuesday.

25 CHAIRPERSON MATHIS: How -- I don't know. How --

1 did you receive input from everybody?

2 KRISTINA GOMEZ: Not on that point, no.

3 CHAIRPERSON MATHIS: Okay.

4 So what are you -- what's your availability on the  
5 20th, commissioners?

6 VICE-CHAIR HERRERA: Madam Chair, I am available.

7 CHAIRPERSON MATHIS: Okay.

8 COMMISSIONER STERTZ: Available in the afternoon  
9 as normal. And then the rest of the week I'm unavailable.

10 VICE-CHAIR FREEMAN: Available in the afternoon.

11 CHAIRPERSON MATHIS: Okay. And I have a meeting  
12 from 1:30 to 2:30, but I can start after that, or -- yeah,  
13 so I wouldn't be able to start until 3:00, chairing, if I'm  
14 needed.

15 KRISTINA GOMEZ: Here in Phoenix?

16 CHAIRPERSON MATHIS: I'm in Tucson.

17 VICE-CHAIR HERRERA: Madam Chair, you could start  
18 earlier in the morning and then end it when you have to be  
19 in your meeting and be in Tucson.

20 CHAIRPERSON MATHIS: Are both of you only  
21 available in the afternoon on Tuesday?

22 COMMISSIONER STERTZ: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Stertz.

24 COMMISSIONER STERTZ: I have standing meetings  
25 every Tuesday.

1 CHAIRPERSON MATHIS: In the morning.

2 COMMISSIONER STERTZ: In the morning.

3 VICE-CHAIR FREEMAN: Yeah, I have a conflict that  
4 morning.

5 CHAIRPERSON MATHIS: Okay. So can't meet until  
6 3:00 p.m. on Tuesday.

7 And then I think Mr. -- I think no one -- you're  
8 not available, Mr. Freeman, starting the 20th?

9 VICE-CHAIR FREEMAN: I believe --

10 CHAIRPERSON MATHIS: I'm sorry, the 21st; right?  
11 Wednesday.

12 VICE-CHAIR FREEMAN: I'd have to pull up what I  
13 sent Mr. Bladine, but I believe what I said is I was leery  
14 of those days because I've got child care issues.

15 And that's an issue for me, particularly that  
16 close to Christmas.

17 I have not explored at this point whether I can  
18 get additional child care coverage for that part of the  
19 week.

20 So I think I said that I was presumptively  
21 probably a no, given child care issues on Wednesday,  
22 Thursday, Friday of that week.

23 CHAIRPERSON MATHIS: Okay. So that really puts us  
24 to the 20th, would be our last possible day. And I would  
25 have to chair remotely. Before the holidays.

1 KRISTINA GOMEZ: Okay.

2 CHAIRPERSON MATHIS: It sounds like Ms. McNulty  
3 has dialed in.

4 Is that accurate?

5 COMMISSIONER McNULTY: Yes, I have.

6 CHAIRPERSON MATHIS: Okay. We were just talking  
7 about schedule for the coming week. We were initially  
8 planning on meeting tomorrow, but we are not due to lack of  
9 bipartisan representation until late in the day, so we're  
10 going to instead meet Friday, which was originally open.

11 So our schedule this week will be Thursday,  
12 Friday.

13 And Commissioners Freeman and Stertz can't make it  
14 on Saturday, so we would have to meet Monday if we need to  
15 keep going, which would be the 19th.

16 KRISTINA GOMEZ: Correct.

17 CHAIRPERSON MATHIS: And we were just talking  
18 about the 20th next week.

19 I can meet starting at 3:00 p.m., but I would have  
20 to chair remotely.

21 But everyone else is available.

22 Do you have any conflicts, Ms. McNulty?

23 COMMISSIONER McNULTY: That works for me.

24 CHAIRPERSON MATHIS: Could you hear that? I  
25 couldn't hear it.

1 COMMISSIONER McNULTY: Did you hear me?

2 CHAIRPERSON MATHIS: Yeah, Marty can, that's all  
3 that matters.

4 Okay. So that's your schedule.

5 If you have any questions, Ms. Gomez, let us know.

6 KRISTINA GOMEZ: Thank you.

7 CHAIRPERSON MATHIS: Thanks.

8 Ms. McNulty, what is your availability today? Are  
9 you going to be on the phone the rest of the afternoon?

10 COMMISSIONER McNULTY: Madam Chair, I'm going to  
11 need to drop off in about five minutes.

12 CHAIRPERSON MATHIS: Okay.

13 VICE-CHAIR HERRERA: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 VICE-CHAIR HERRERA: Since she's dropping off in  
16 five minutes, I'd like to give her every opportunity to  
17 speak. And if there's anything she's proposing or changes  
18 or anything like that for Strategic Telemetry or for us to  
19 hear, I would love to hear Ms. McNulty.

20 CHAIRPERSON MATHIS: Commissioner McNulty, do you  
21 have anything you want to add to our meeting, since you have  
22 to leave in five minutes?

23 COMMISSIONER McNULTY: Can you hear me?

24 CHAIRPERSON MATHIS: Yep.

25 COMMISSIONER McNULTY: Okay. I have a couple

1 comments on the legislative map that I'd like Strategic  
2 Telemetry to be thinking about.

3 They mainly already have been working on these two  
4 things. I'm not sure, but let me throw them into the mix if  
5 they aren't yet.

6 On 28 (inaudible) --

7 CHAIRPERSON MATHIS: Sorry --

8 COMMISSIONER McNULTY: -- Commissioner Herrera had  
9 worked on that, I think, to try and hone the competitiveness  
10 of that district. And I support that wholeheartedly and  
11 would really like to see Strategic Telemetry focus on that.

12 CHAIRPERSON MATHIS: Commissioner McNulty --

13 COMMISSIONER McNULTY: Southwestern Arizona,  
14 particularly now that we've moved Colorado City to be with  
15 Mohave County, I was hoping that we could look at the  
16 possibility of combining La Paz County with northern  
17 Yuma County.

18 And then moving out to the eastern part of  
19 legislative -- of the draft Legislative District 13, so that  
20 it included more of the semi-rural areas in western Maricopa  
21 County, and maybe Yavapai County with Yuma, and then  
22 consolidated more of the urban areas with Maricopa County,  
23 to the extent that that's possible.

24 I know it's not entirely possible, but I wanted to  
25 pursue this possible suggestion of putting La Paz with Yuma,

1 northern Yuma.

2 CHAIRPERSON MATHIS: Commissioner McNulty --

3 COMMISSIONER McNULTY: In the west valley, I think  
4 Mr. Herrera had looked at trying to reduce the number of  
5 splits in Glendale.

6 And you will recall that when we did the  
7 congressional map, I was hoping to work on a -- an emerging  
8 competitive district in that area within the 101, and then  
9 extending west to the El Mirage area, kind of around  
10 Sun City.

11 And so I haven't had an opportunity to spend a lot  
12 of time looking at what Strategic Telemetry did based on  
13 Mr. Herrera's comments, but I would ask that they work with  
14 that if we could improve the competitiveness of a district  
15 in that west valley area.

16 And then the last thing I had on my list was, they  
17 had worked on some changes to 11 and 18 to try and put the  
18 copper corridor together and improve the competitiveness of  
19 one of those districts.

20 And I hoped that they could look at perhaps using  
21 I-10 more as a boundary between those two districts, and  
22 working on keeping either Casa Grande or Eloy, maybe one of  
23 those two communities, whole, or more whole, to improve the  
24 number of splits in those districts and at the same time  
25 improve the competitiveness.

1           So those were, those were my four thoughts that I  
2 would have thrown into the mix today if I had been able to  
3 attend.

4           Thank you.

5           CHAIRPERSON MATHIS: Thanks, Commissioner McNulty.  
6 Can you repeat your first change?

7           COMMISSIONER McNULTY: Yes. The first one was to  
8 continue to work on making Legislative District 28 more  
9 competitive. I think that's something Mr. Herrera had  
10 proposed, and it's something I endorsed and would like to  
11 work toward.

12           CHAIRPERSON MATHIS: Just a second. Mr. Herder is  
13 just checking the transcript to make sure that he has  
14 everything he needs.

15           (Brief pause.)

16           THE REPORTER: We're good.

17           CHAIRPERSON MATHIS: Okay. Ms. McNulty, was there  
18 anything else?

19           COMMISSIONER McNULTY: Only that my thoughts are  
20 with you. I'm going to drop off now. I apologize for being  
21 so far away, but I will see you on Friday.

22           CHAIRPERSON MATHIS: Thursday.

23           COMMISSIONER McNULTY: Thursday. Thursday.

24           CHAIRPERSON MATHIS: Great. Take care. Thank  
25 you.

1 VICE-CHAIR HERRERA: Take care.

2 Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: What I'd like to do is I'd  
5 like to move forward and start discussing the legislative  
6 map.

7 I don't -- it doesn't seem like we're going  
8 anywhere with the congressional map. So I would like to see  
9 if we can pursue or try to tackle the legislative map.

10 But before we do that, I would like to see if  
11 Willie -- excuse me, Mr. Desmond, can go over some of the  
12 changes that were proposed for the majority-minority  
13 districts as a refresher for us and also the public. I  
14 think that would be helpful.

15 CHAIRPERSON MATHIS: We can do that, but,  
16 Mr. Stertz, did you have additional comments you wanted to  
17 talk about on the congressional?

18 COMMISSIONER STERTZ: Madam Chair, based on, based  
19 on the comment from Commission Herrera that any -- it's  
20 becoming really clear to me that whatever changes that I'm  
21 putting forward are being either summarily dismissed or are  
22 being somehow nullified or neutralized, or whatever you want  
23 to put it, by Commissioner Herrera.

24 I'd like to just -- let's just move on with this.

25 I thought about this over lunch.

1 I've looked at the congressional working maps  
2 dated 12-8, the legislative working map dated 12-9, and I'd  
3 just as soon move ahead and make a motion to approve both of  
4 these two maps and turn these into final maps.

5 As submitted for congressional working map dated  
6 12-8 and legislative working map 12-9.

7 VICE-CHAIR FREEMAN: I second that.

8 CHAIRPERSON MATHIS: Any discussion?

9 VICE-CHAIR HERRERA: No. It's hilarious.

10 CHAIRPERSON MATHIS: And, yeah, we don't have  
11 Ms. McNulty.

12 Okay. Any other? Okay.

13 VICE-CHAIR HERRERA: The only discussion, I think  
14 I've stated before, that the congressional map the way we  
15 created it, I would approve. I mean, I would. But I -- I  
16 mean, that's just my opinion.

17 I think Commissioner McNulty's not here, and you  
18 have your own issues, smaller minor issues, with the map  
19 probably.

20 But as I stated the, the -- we created a good  
21 piece, both good pieces. And we're here to make changes  
22 that are -- that we think are -- are needed. But approving  
23 it now, no, that's a little bit premature.

24 VICE-CHAIR FREEMAN: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Freeman.

1           VICE-CHAIR FREEMAN:  Going back to the  
2 foreshadowing back in October, I'm recalling commissioners  
3 talk about how repeatedly that these were draft maps, that  
4 the last commission made substantial changes to the map,  
5 that they spent six weeks redrafting them after taking in  
6 public comment.

7           But there was kind of a difference in what  
8 commissioners said as to the nature of the draft maps,  
9 congressional versus legislative.

10           With respect to legislative, it was -- they were  
11 referred to as draft maps, maps that are pretty good, but  
12 might need a tweak or two.

13           In fact, I believe Commissioner Herrera said that  
14 himself.  Back in October he said that he was willing to go  
15 forward as a draft map because, quote, I think I can make  
16 some changes and tweak this map a bit, end quote.

17           And we saw that tweak last week, putting Payson in  
18 CD 4 and I think it was Oak Creek in CD 1.

19           That's it.

20           Now, with respect to the legislative maps, it was  
21 kind of a different story.

22           The legislative map was referred to multiple times  
23 as a map with place holders, as a pre-draft draft that got  
24 turned into a draft, that there might need to be substantial  
25 revisions made to the legislative maps.

1           So, you know, I kind of agree with  
2 Commissioner Stertz. If it's just going to be minor  
3 tweaking on the, on the congressional, let's just be done  
4 with it and move on.

5           Because I think we've all got other things to do.

6           I've got an infant son at home. I've got a family  
7 member in the hospital. I got work that is very demanding.  
8 Let's, let's stop wasting all of our times and the public's  
9 time as well.

10           Let's just vote the congressional map.

11           Frankly, I'd be in favor just voting the  
12 legislative map too. But I harken back to that  
13 foreshadowing back in October. I know there are additional  
14 changes to come with respect to that map.

15           So I don't support the maps, but I certainly  
16 second Commissioner Stertz's motion and think we should just  
17 go ahead and vote on that, vote to make the CD map final as  
18 stated by Commissioner Stertz.

19           CHAIRPERSON MATHIS: Okay.

20           Thank you. So if I have it correctly, Mr. Stertz,  
21 the motion is to approve the congressional working map as it  
22 is currently.

23           COMMISSIONER STERTZ: And the legislative map as  
24 it is currently.

25           CHAIRPERSON MATHIS: Oh.

1 KENNETH STRASMA: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Strasma.

3 KENNETH STRASMA: I did want to provide some  
4 information. On the congressional working map, the  
5 understanding is -- was that we would not zero it out until  
6 closer to adoption and also after technical changes to  
7 respect the EVT lines we're taking into account.

8 So I should point out there is really currently a  
9 92 percent deviation in the congressional map. So it would  
10 not be a constitutional map as it stands now.

11 COMMISSIONER STERTZ: Madam Chair, I would like to  
12 amend my motion to include the zeroing out of all population  
13 and to include any requisite adjustments as recommended by  
14 Mr. Strasma on the congressional working map.

15 VICE-CHAIR FREEMAN: Second that.

16 JOSEPH KANEFIELD: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Kanefield.

18 JOSEPH KANEFIELD: We would also advise that any  
19 adoption of maps be conditioned on receipt of final analysis  
20 on the voting rights districts.

21 COMMISSIONER STERTZ: I'd be -- Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Stertz.

23 COMMISSIONER STERTZ: I would also include that as  
24 an amendment to the motion.

25 VICE-CHAIR FREEMAN: Second.

1 CHAIRPERSON MATHIS: Okay.

2 VICE-CHAIR HERRERA: Even the baby is laughing.

3 CHAIRPERSON MATHIS: The baby is voting.

4 Okay. Any other discussion?

5 VICE-CHAIR HERRERA: Madam Chair, the, the, the  
6 congressional map, I mean, I think no one will disagree that  
7 the legislative map appears to be more complex. There's  
8 30 districts that we have to work with, ten  
9 majority-minority districts.

10 So to me, I, I, I -- although I may -- you may  
11 disagree with me, we're getting closer with the  
12 congressional map, I think the leg map needs a little bit  
13 more work because of that, because it is, I think we all  
14 agree, even from the beginning, it's a more complex map.  
15 And I don't think anybody will dispute that.

16 CHAIRPERSON MATHIS: Okay. I would add that I  
17 think that the congressional map needs adjustments made to  
18 it further than just the ones that we've already done for  
19 the majority-minority districts. And I still would like to  
20 see the analysis on whether it makes sense to maintain the  
21 third border district or not, versus cutting -- stopping at  
22 the Cochise County border.

23 So I'm not prepared to vote on the congressional  
24 working map as the final approved map.

25 I don't think we have Ms. McNulty on the phone

1 anymore either, so we'll have to take the vote, and see  
2 where it goes, and then go from there.

3 Any other discussion?

4 (No oral response.)

5 CHAIRPERSON MATHIS: All in favor?

6 COMMISSIONER STERTZ: Aye.

7 CHAIRPERSON MATHIS: Any opposed?

8 VICE-CHAIR HERRERA: Opposed.

9 VICE-CHAIR FREEMAN: Nay.

10 CHAIRPERSON MATHIS: Nay.

11 Okay. So the motion does not pass.

12 So we'll continue to talk about adjustments for  
13 these both congressional and legislative draft maps.

14 I appreciate Mr. Stertz's comments though.

15 I, I think we all agree that we would like to --  
16 that we would like to get this process completed, but we  
17 need to do it as thoughtfully and carefully as we can to  
18 ensure that we make the maximum amount of people, you know,  
19 happy with the outcome.

20 And we already know that it's impossible to make  
21 everyone happy in this.

22 So we're just going to have to do the best we can,  
23 and, and hopefully proceed and be able to complete in a  
24 reasonable amount of time.

25 COMMISSIONER STERTZ: Madam Chair.

1           CHAIRPERSON MATHIS: Mr. Stertz.

2           COMMISSIONER STERTZ: I truly appreciate that, and  
3 thank you for giving me the opportunity to make that motion,  
4 and I accept the -- its failure as actually a sign of being  
5 positive.

6           The -- when these maps were voted in, the -- they  
7 were voted in knowing that they were draft maps. There were  
8 place holder districts.

9           And by the failure of my motion, it actually  
10 reaffirms that those, that those are -- actually still  
11 exist.

12           So, I am pleased that we are moving in that path  
13 and that we are able to still make the evaluations that  
14 were, that were set forth when they originally approved, so  
15 thank you.

16           VICE-CHAIR HERRERA: Madam Chair.

17           CHAIRPERSON MATHIS: Mr. Herrera.

18           VICE-CHAIR HERRERA: In the future let's not make  
19 these kind of motions when you have one commissioner missing  
20 for obvious reasons, I mean, personal reasons. So I prefer  
21 to respect that and wait until Commissioner McNulty's back  
22 until -- before we make motions like that with -- when she's  
23 not here, so I hope that we take that into consideration.

24           COMMISSIONER STERTZ: Madam Chair.

25           CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: Roberts Rules of Law.

2 When a quorum is in place, a motion can be made.

3 VICE-CHAIR HERRERA: Okay.

4 So if you're ever missing, I hope you don't  
5 complain when we make motions when you're not here.

6 CHAIRPERSON MATHIS: All right.

7 COMMISSIONER STERTZ: Roberts Rules of Law.

8 CHAIRPERSON MATHIS: Thank you.

9 COMMISSIONER STERTZ: When a quorum is present,  
10 motions can be made.

11 CHAIRPERSON MATHIS: Thank you.

12 So, any other discussion we want to have on the  
13 congressional district map?

14 And I don't want to go to legislative yet because  
15 we actually have a member of the public who has to drive  
16 back to Flagstaff, so I want to take a few public comments  
17 before we jump to legislative, but I don't want to do that  
18 until we're finished with congressional for today.

19 Does anyone have anything they'd like to mention?

20 COMMISSIONER STERTZ: Madam Chair, not at this  
21 time.

22 VICE-CHAIR HERRERA: No, other than when you get  
23 public comment, hopefully we can start talking about the  
24 legislative map and have Willie go over -- Mr. Desmond go  
25 over some of the changes that were proposed in the draft

1 map.

2 CHAIRPERSON MATHIS: Okay.

3 VICE-CHAIR HERRERA: I would love a refresher.

4 CHAIRPERSON MATHIS: And Mr. Desmond and Strasma,  
5 is there anything you need from us with regard to the  
6 congressional in terms of preparation for our next meeting  
7 Thursday?

8 KENNETH STRASMA: I don't believe so.

9 CHAIRPERSON MATHIS: Okay.

10 Okay. So we'll just jump to the item on the  
11 agenda that deals with public comment. Just looking to see  
12 what number that is.

13 Number seven.

14 And we'll take that early. And if folks at the  
15 end want to also address when we're about ready to adjourn,  
16 we'll do another public comment now then, but for now if we  
17 could have Joe Galli come up, vice president for government  
18 affairs from Flagstaff chamber.

19 JOE GALLI: Thank you, Madam Chair, and members of  
20 the Commission and staff of the Commission.

21 Joe Galli. That's G-A-L-L-I, first name J-O-E.  
22 And I'm at 101 West Route 66, Flagstaff.

23 I want to thank you for the time, and thank you  
24 for changing the agenda today.

25 I'm reminded that a couple things. One is a big

1 sigh of relief. I was hoping that that motion wouldn't go  
2 through so I could get a chance to make some public comment  
3 that would impact hopefully some future changes. So a sigh  
4 of relief there.

5           And then, two, communities of interest, something  
6 that the chamber has been promoting throughout this process.  
7 The rain that you see and you saw during the break, during  
8 the lunch break, is snow on the north end of the state. And  
9 it does snow in Arizona for those watching from out of state  
10 online.

11           And we're getting quite a bit of it, so we're  
12 scheduled to get about two feet in the next 24 hours. I'm  
13 hoping that doesn't start until 5:00 as the National Weather  
14 Service says.

15           So, again, thank you, Madam Chair, for allowing me  
16 to speak real quickly so I can get up the hill and beat  
17 that.

18           We had sent a letter down last week, and I  
19 understand that the Commission received that via staff. I  
20 want to thank staff for submitting that to you.

21           And it addressed some concerns regarding  
22 congressional and legislative, and I want to talk a little  
23 bit about those and I'm happy to take any questions.

24           For starters, we think that looking at the map  
25 here to my left, to your right, Congressional District 1

1 from a practical sense is a little disappointing to us.

2 I understand that you have majority-minority  
3 district concerns and Voting Rights Act issues that you have  
4 to deal with on both the congressional and legislative side.  
5 But from a congressional standpoint, we've benefited with  
6 our current CD 1 over the last ten years having a  
7 representative from Flagstaff elected. And actually those  
8 that have been elected, three of them, all have been  
9 representatives of the majority in the house during their  
10 tenure in congress, and that's also been a huge benefit to  
11 us.

12 We have several big projects. One currently with  
13 the Army Corps of Engineers that's authorized for  
14 \$55 million, the Rio de Flag construction project, which  
15 reroutes a major flood control corridor right behind our  
16 office at the chamber and right through the heart of  
17 downtown and will take a lot of businesses and commercial  
18 structures off of the floodplain in downtown Flagstaff.

19 And that's been a focal point from our federal  
20 lobbying standpoint, and we've made a lot of progress from  
21 our representatives being familiar with that being from  
22 Flagstaff on the house side in the last ten years.

23 Additionally as we stated in the letter the  
24 district itself currently has almost -- I think it has all  
25 of Pinal County, comes down about that far. And it has

1 grown, as I understand it, by over 200,000 individuals.

2           So the actual Congressional District 1 currently,  
3 as we see it, while it cuts out Yavapai County and some of  
4 the other areas that we had, looking at the proposed new  
5 congressional district map, it goes all the way down to  
6 Cochise County.

7           And I know you've had some discussion about that  
8 earlier today.

9           And we take that -- those proposed changes to  
10 heart.

11           I think those are, those are good things to at  
12 least bring the bottom of that district up To the  
13 Cochise County line.

14           We think you could keep most of the current CD 1,  
15 the way it is exists today, and bring the line up even  
16 further and take out Casa Grande and Pinal.

17           The reason I say that is because to represent,  
18 from a practical standpoint, to represent Congressional  
19 District 1 as it sits now, I believe it's the largest  
20 congressional district in the state -- excuse me, in the  
21 United States that's not a state.

22           The only other larger congressional district would  
23 be Montana, because they only have one representative, and  
24 that's the entire state.

25           CD 1 currently, which is larger than what we're

1 looking at in the proposed CD 1 for the next decade, has --  
2 is over 60,000 square miles.

3 It's larger than the state of Pennsylvania.

4 It's larger than the state of Illinois.

5 From a practical standpoint representing the newly  
6 proposed Congressional District 1, the reality is we could  
7 see a representative from somewhere on the north side of  
8 Tucson that would be responsible for representing  
9 communities like Fredonia and Page in that map, as well as  
10 Window Rock, Tuba City, Flagstaff, and others.

11 And the reality flying in from Washington, Reagan  
12 National Airport, at Thursday, getting out at a 5:00 o'clock  
13 flight after you've had votes all week, and landing in  
14 Phoenix at 11:00 o'clock, and that's if you can get out in  
15 the winter, and then having to take your car and in the next  
16 two days be all over that congressional map before you have  
17 to be back for votes on Monday in Washington, D.C., you  
18 really, in this proposed congressional district map one,  
19 CD 1, you're really taking a step backward for those rural  
20 communities in terms of their ability to be fairly  
21 represented in our opinion.

22 Now, understanding that you have a lot of work to  
23 do, we're hopeful that you can see some changes and actually  
24 make that district a little more compact so that we would  
25 have a little bit fairer representation.

1           On the legislative district side, we're not so  
2 overly concern about what we've seen, although while we've  
3 met what we think are, you know, communities of interest  
4 per se and competitiveness, which have been our priorities,  
5 and we stated those in our letter -- and this is my third  
6 time actually testifying for you.

7           First time up in Flagstaff. And I know some of  
8 you couldn't make it.

9           I think we had Commissioner Herrera from your  
10 kitchen via Skype. Thank you. And then of course you were  
11 there for the second round of public hearings in Flagstaff.  
12 I testified early on that evening as well.

13           And so we just want to reiterate that we think we  
14 can do better for Flagstaff, per se, and the business  
15 community on both fronts.

16           And with that, I won't take any more of your time  
17 other than to say I'm happy to take any questions.

18           CHAIRPERSON MATHIS: Thank you.

19           JOE GALLI: Thank you.

20           CHAIRPERSON MATHIS: Any questions for Mr. Galli?

21           COMMISSIONER STERTZ: I actually do have a couple  
22 questions.

23           CHAIRPERSON MATHIS: Mr. Stertz.

24           COMMISSIONER STERTZ: In the letter that was  
25 submitted, there was a question that came up that in

1 effect Commissioner Herrera had brought up regarding  
2 retrogression.

3           Could you -- it's, it's -- I took it to mean  
4 something that commissioner -- different than  
5 Commissioner Herrera did.

6           Could you explain what your reference was in the  
7 letter?

8           JOE GALLI: Sure. Chairman Mathis and  
9 Commissioner Stertz, the discussion on Thursday I believe  
10 that occurred before this body about that term of the letter  
11 itself I did not see, so I can't speak specifically to  
12 Commissioner Herrera's comments about that statement.

13           Although I will help try to maybe clarify it from  
14 our perspective.

15           Understanding that the term in its context in the  
16 letter was not appropriate, because we're not dealing with a  
17 majority-minority district per se.

18           So, but the idea was to use a term that is  
19 something that this Commission, this body, is tasked with in  
20 its, in its work product, and to equate the seriousness with  
21 which that term relates to protect the majority minority's  
22 interest to the seriousness of protecting the interest of  
23 Flagstaff community.

24           And so that was the intent. While not literally  
25 obviously, it couldn't be taken literally, because we are

1 not talking about majority-minority issues in Flagstaff,  
2 per se, related to the congressional district and  
3 legislative district.

4           So that was the intent of the statement, just to  
5 equate a seriousness with which that term is used in other  
6 areas of this work product.

7           COMMISSIONER STERTZ: Madam Chair.

8           CHAIRPERSON MATHIS: Mr. Stertz.

9           COMMISSIONER STERTZ: As you can imagine, that  
10 word is used very often as something extraordinarily  
11 negative in regards to minority-majority districts.

12           I can understand how Commissioner Herrera would  
13 have focused on that as being something negative and not  
14 necessarily relevant.

15           JOE GALLI: Chairman Mathis, Commissioner Stertz,  
16 yeah, again, I did not hear the commentary on the letter  
17 from Thursday's meeting.

18           I'm certainly happy to go back and look at that.

19           I just add to your point. It is, it is a serious  
20 term, and we think that the issues of representation in  
21 Flagstaff for us as we look at the congressional district  
22 that's proposed are serious.

23           And, in fact, the debate that you had this morning  
24 on those issues, I was paying close attention to and will  
25 continue to watch closely as you work toward your end

1 product.

2           We have benefited from -- in a very difficult  
3 congressional district over the last ten years, we have  
4 benefited from being quite frankly the largest community in  
5 the congressional district and sending a representative from  
6 Flagstaff to Washington, D.C., competitively, both parties.

7           Arguably it's -- it has a -- I wouldn't say a  
8 slight, but a larger advantage from a party voting  
9 registration in favor of Democrats. I believe it's  
10 nine percent, 43 -- I'm not sure what the numbers, 37,  
11 something like that, currently.

12           But Republican has won that seat, and so it's  
13 currently been competitive. And we've been very fortunate  
14 to have a representative go to Washington from Flag who  
15 understands things like the Rio de Flag flood control  
16 project, which has been going on for ten years. And it's  
17 sort of stalled now that, now that congress isn't using  
18 earmarks and we've got to go to the president to get the  
19 project in the president's budget.

20           A very, very critical economic development project  
21 that's on the top of city of Flagstaff's, Coconino County's  
22 and the chamber's, you know, priority list.

23           So we're hopeful that we can continue that. And  
24 we think that if you make some changes to the existing  
25 congressional district, we stand to benefit.

1           Currently we run the risk of losing the ability to  
2 have somebody from Flagstaff elected to our new  
3 Congressional District 1 in the map that's proposed before  
4 you.

5           COMMISSIONER STERTZ: Madam Chair.

6           CHAIRPERSON MATHIS: Mr. Stertz.

7           COMMISSIONER STERTZ: The beginning of that  
8 train of -- sort of train of thought, what would the  
9 reaction be in Flagstaff, what sort of groups would not be  
10 represented en masse, if, for example, a representative came  
11 out of the northern Tucson urban area for Congressional  
12 District 1?

13           JOE GALLI: Madam Chair, Commissioner Stertz, I  
14 think that, with all due respect to my folks from the south,  
15 I actually -- I'm a Cat fan. And I do enjoy the U of A  
16 hoops basketball program.

17           I have to say that there's, there's some things  
18 that we probably have in common, but a lot of things that we  
19 don't.

20           Transportation comes to mind.

21           We probably share similar challenges with our  
22 school districts.

23           I think that's pretty predominant statewide, and a  
24 lot of school districts face the same funding issues.

25           But as it relates to sort of our parochial

1 communities of interest, we're much better off with  
2 Yavapai County, let's say, our forest issues, our forest  
3 health issues, they're immediate surrounding our community.  
4 And very real, summer in and summer out.

5           It's not to say that we don't have fires in the  
6 southern part of the state. Certainly we do, and we've seen  
7 some serious ones.

8           But in the northland, they encroach upon our  
9 communities, and they provide a real risk to us, so at the  
10 federal level we need that particular attention.

11           And we're more aligned with Yavapai County, for  
12 instance, in that, on that particular issue than we would be  
13 with an urban area like northern Tucson.

14           COMMISSIONER STERTZ: Now, Madam Chair, on the  
15 flip side, if, if the representative for CD 1 came from the  
16 Flagstaff area, how would they relate to the people in  
17 western Pinal County and northern Tucson?

18           JOE GALLI: Madam Chair, Commissioner Stertz, I  
19 guess for the record, to be -- you know, for purposes of  
20 full disclosure, I was very involved in the 1998  
21 congressional campaign in old CD 6, and then I was very  
22 involved too in the 2002 congressional election, and I did a  
23 little work in the CD 1 after 2002.

24           So I can tell you that I've traveled the current  
25 CD 1 quite a bit. I've been out in all portions of eight

1 counties that currently make up Congressional District 1.

2 It is a vast, vast district.

3 It's nine hours from Fredonia to Safford. Anyway  
4 you look at it. And that's not by helicopter, that's by  
5 car.

6 I mean, there was a time when the  
7 representative -- a former representative of CD 1 considered  
8 actually using a helicopter to get around the district to  
9 better represent it as it sits now. Not as it's proposed,  
10 for, you know, for what's before you in terms of your draft  
11 map.

12 So, to answer your question specifically, I think  
13 the folks from southern Arizona, Cochise County, and that  
14 portion of Pima, that northern side of Pima County that's in  
15 that district now, would not see really the fair  
16 representation if a representative from Flag were to come  
17 from Flagstaff.

18 That's not to say that the representative wouldn't  
19 understand their issues per se, but in all reality,  
20 Madam Chair, Commissioner Stertz, that person is going to  
21 spend a lot of time in the northland covering the  
22 reservation, Flagstaff, Coconino County, even Gila County,  
23 Apache, Navajo Counties.

24 Those are, those are some very, very needy areas  
25 on the federal side. And those folks are used to having

1 representatives that they see currently under the existing  
2 map.

3 I think it would just get harder for people to be  
4 seen elsewhere in the congressional district.

5 COMMISSIONER STERTZ: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Stertz.

7 COMMISSIONER STERTZ: Of the last -- during the  
8 last run of the last ten years, you said that the  
9 congressman that was elected in that district, in that  
10 current district, has followed the trend of whoever the  
11 majority of in congress was; correct?

12 JOE GALLI: Madam Chair, Commissioner Stertz,  
13 correct.

14 COMMISSIONER STERTZ: So we've got -- and as far  
15 as numbers are concerned, the -- we've got approximately,  
16 and Mr. Desmond can probably correct me to the exact person,  
17 approximately 300,000 of the 710,224 of CD 1 live in  
18 Pinal County in CD 1 as it's currently configured.

19 I was curious about what your thoughts were on  
20 having that large of a population out of Pinal County.

21 JOE GALLI: Chairman Mathis and  
22 Commissioner Stertz, I'm familiar with Pinal County  
23 significantly from my work in the district, but with CD 6  
24 and in your current -- this current map CD 1 that we exist  
25 under today.

1           And I think the people of Pinal County are  
2 wonderful. I think that there's a great agricultural  
3 community there.

4           They've got serious concerns in terms of  
5 development.

6           They've seen a lot of development in their areas,  
7 Casa Grande, Florence, Coolidge, and school systems have  
8 grown.

9           They're trying to grow independently of  
10 Maricopa County, right next door to Maricopa County.

11           There are a lot of challenges for Pinal County  
12 moving forward.

13           I guess our hope was that as it has urbanized and  
14 grown over the last ten years, that it would see, in this  
15 process, its own representative or be part of a district  
16 that is more urban than rural Arizona, where Flagstaff is  
17 and where we currently reside.

18           COMMISSIONER STERTZ: Madam Chair, and the last  
19 follow-up question.

20           So you would look at the Saddlebrooke, the  
21 northern Tucson area, connecting up through Interstate 10,  
22 up through Pinal County to Maricopa County, you consider  
23 that to be more urban than you would rural.

24           JOE GALLI: Madam Chair, Commission Stertz, yes, I  
25 would.

1 COMMISSIONER STERTZ: Thank you.

2 CHAIRPERSON MATHIS: Any other questions?

3 VICE-CHAIR HERRERA: Not a question, but I, I, as  
4 you mentioned, I was at both of the meetings. I wasn't  
5 there in person, but I did Skype. And I was at the second  
6 round hearing in Flagstaff not too long ago.

7 And the comments from the public, overwhelming,  
8 also the city leaders, supervisors, they were actually  
9 pretty happy with the map we had created.

10 So I'm just wondering why such -- how come you  
11 guys differ from them and from all the public comment that  
12 was given in Flagstaff.

13 JOE GALLI: Yeah, Chairman Mathis and  
14 Commissioner Herrera, I stated at the second public hearing  
15 that we were not happy with the existing congressional  
16 district.

17 I didn't really get into it. I hoping that we'd  
18 see some changes before I felt the end of -- and we had the  
19 motion this morning to adopt the map as it sits, and so  
20 we're getting near the end, I think.

21 So, no, we've not been overly thrilled with the  
22 congressional proposal that sits before you.

23 I think you've heard substantively from  
24 individuals who have been down here that have voiced their,  
25 their support, let's say, for this congressional map as it

1 sits and maybe their happiness with it.

2 But many of those same individuals had sat in  
3 meetings with myself and other members of the business  
4 community going back to February and had agreed that having  
5 a map that didn't change CD 1 much was to our benefit, and  
6 that we had -- had not and collectively and said that, you  
7 know, we wanted to keep it competitive and we wanted to keep  
8 our communities of interest in those seven -- portions of  
9 seven, eight counties of northern Arizona, and to keep the  
10 district of rural northern district. And quite frankly that  
11 we didn't mind.

12 I know there are some issues with the legislative  
13 districts, which you'll talk about this afternoon, and I've  
14 seen testimony from leaders of the Navajo Nation have talked  
15 about the city of Flagstaff as it relates to the, to the  
16 Nation itself.

17 And that hasn't been too much contention relating  
18 to the congressional dialogue.

19 But to your point about individuals being down  
20 here and testifying in front of you and their support,  
21 that's been a divergence from what we have held as a  
22 business community.

23 You know, the chamber represents over  
24 1,000 members in Flagstaff. I'm here at the direction of  
25 the board of directors, 19 members and our 28,000 employees.

1 And their direction to me is to be here before you to say,  
2 you know, we think we can do a little better.

3 And so we would hope that we would see some  
4 changes.

5 Compactness, I think, for us, you know, we think  
6 you have an opportunity to help us a little bit moving  
7 forward. And we think that if you don't, that it will  
8 suffer.

9 VICE-CHAIR HERRERA: Madam Chair, just a  
10 follow-up.

11 You may have been aware, Mr. Galli, that the  
12 public comments in the eastern Pinal area were overwhelming  
13 that they wanted to be in a rural district.

14 So, so that part of eastern Pinal, that's one of  
15 the reasons why we ended up putting it in there, because it  
16 is a rural district, District 1 and District 4.

17 What do you say about the overwhelming comments  
18 from that area that they want to be in a rural district and  
19 it would make more sense to be in one.

20 JOE GALLI: Commissioner Mathis and chair --  
21 commissioner -- excuse me, Chairwoman Mathis and  
22 Commissioner Herrera, I can't speak to what the folks in  
23 Pinal County want per se, and I appreciate you bringing that  
24 to my attention.

25 I did know that that's, in fact, the case.

1           I do think that, like I said, I think Pinal County  
2 is a very unique part of our state and it's a growing part  
3 of our state.

4           The particularly the eastern portion would be a  
5 little less or a little more rural than certainly the  
6 southern portion underneath Maricopa County, Casa Grande  
7 area, and then even Florence, Coolidge.

8           But as you move east of Florence and Coolidge,  
9 that would make sense that they would want to continue to  
10 remain in a district that has rural representation.

11           And I certainly understand that.

12           But this district goes all the way down to the  
13 Mexico border and it takes in Cochise County, which we  
14 have not interacted with over the last ten years, quite  
15 frankly not over the last 20 years, or it could be longer  
16 than that. I don't know what the districts were back in the  
17 '80s.

18           But I can tell you that for the '90s and the 2000s  
19 we've not interacted with folks in Cochise County and in  
20 northern Pima County on the federal level. So that would  
21 just be my thoughts about, you know, the comments from  
22 eastern Pinal County.

23           VICE-CHAIR HERRERA: Thank you.

24           JOE GALLI: Thank you.

25           COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: I believe

3 Commissioner Herrera touched on a couple things that have  
4 been brought this to mind.

5 First is you -- the Chamber of Commerce, are there  
6 members of the Flagstaff Forty that are also members of the  
7 Chamber of Commerce?

8 JOE GALLI: Commissioner Mathis and -- excuse me,  
9 Chairwoman Mathis, Commissioner Stertz, yes. In fact, our  
10 president and CEO, Julie Patrick, Flagstaff Chamber of  
11 Commerce, sits on the board of directors of Flag Forty.

12 COMMISSIONER STERTZ: And you've -- and this past  
13 Monday your mayor was here, and she -- one of the things  
14 that Mayor Presler said was that she was representing all  
15 the people of the city of Flagstaff in saying this was  
16 the representation that she wanted to make, that this was  
17 an acceptable map and that she liked what this map  
18 represented.

19 You just gave contrary testimony that not only are  
20 members -- and the Flagstaff Forty also has been represented  
21 saying that this is an acceptable map. So I'm hearing  
22 contradictory testimony saying that 28,000 employees of the  
23 60,000 people that live in greater Flagstaff are possibly  
24 not conjoined together in the fully -- being fully  
25 represented by Mayor Presler, and that the Flagstaff Forty

1 is not completely unified in their agreement that this is  
2 the map to go, because you're also representing, based on  
3 your board of directors and your 28,000 employees, and over  
4 1,000 members, that this is not a map that you are  
5 endorsing.

6           JOE GALLI: Chairman Mathis, Commissioner Stertz,  
7 in no way -- let me be unequivocal. In no way do I  
8 represent Flagstaff Forty and their lobbying interest and/or  
9 the city of Flagstaff.

10           And you're correct. I did watch the mayor's  
11 testimony last Monday. She was down here -- and I don't  
12 want to put words in the mayor's mouth, but I was left with  
13 the feeling that the mayor was representing all of  
14 Flagstaff.

15           Now the mayor, Sara Presler, is the elected head  
16 of the city and serves in that role.

17           She's not -- decided not to run again for what  
18 would have been her third term.

19           But currently her and her colleagues have --  
20 they've had staff and been very attentive to the issue. And  
21 I've sat in meetings with the mayor at the mayor's  
22 invitation to discuss these issues, both the congressional  
23 and legislative maps.

24           My understanding is that the folks that she might  
25 be representative of, that being her peers on the council

1 and city staff, might be of the opinion that this is  
2 something that they're interested in supporting as it sits  
3 currently.

4           And Flag Forty also has had a significant lobbying  
5 effort. They're had somebody that's been to a bunch of your  
6 meetings here, and they've testified, their individual  
7 business members have testified. They're business members  
8 in our community.

9           And there might be some disagreement.

10           I'm here to share with you on behalf of the  
11 Flagstaff chamber that we think we can do better than what  
12 we see currently. And that, and that the idea of keeping  
13 representation in Flagstaff, at the federal level at least,  
14 for us has been a priority from day one.

15           Now, I can't speak to what Flag Forty's priorities  
16 are or what the mayor's priorities are, but I can speak to  
17 what the Chamber's priorities are.

18           And those are to not see -- we had hoped that we  
19 wouldn't see an expansion of CD 1 and that we would keep the  
20 communities of interest in northern rural Arizona.

21           And this map does not do that.

22           So we're under -- understand we spend a greater  
23 portion of the morning debating these issues this morning,  
24 and hopefully you'll progress on them.

25           That's part of my commentary today is, you know,

1 they're draft maps, and they're up for public comment, and  
2 I'm here on behalf of the Flagstaff chamber which says we  
3 can do better.

4           And then, you know, on the legislative map, as  
5 well we think we're more aligned than with some other  
6 communities in northern Arizona than where you have us now.  
7 I don't want to get into that. You still have to debate  
8 that this afternoon.

9           COMMISSIONER STERTZ: Thank you.

10          CHAIRPERSON MATHIS: I just have a comment.

11           On the size of CD 1. My understanding, and maybe  
12 our mapping consultant can correct us, but there's a lot of  
13 discussion about how huge it is. And there's no question  
14 that it's huge.

15           But it's actually smaller than the current CD 1 in  
16 terms of perimeter and the total area.

17           Is that accurate?

18           And when I say current, I mean existing, the  
19 existing Congressional District 1.

20          JOE GALLI: Madam Chair, while your mapping  
21 consultant is looking for a definitive answer on that, I'll  
22 just say from our perspective, currently it's a good  
23 seven hours to, you know, one corner from Flagstaff, another  
24 two hours up to the other corner, and then to get down to  
25 Cochise County -- hey, I look at it like this. I said to

1 myself, hey, if I was, if I was a representative from CD 1,  
2 and I was getting off -- getting out of the terminal at  
3 Sky Harbor, instead of having two choices, one to go out the  
4 60 to see the folks in Globe-Miami or go up 17 to see those  
5 folks in Flagstaff, on the reservation on I-40. Now I have  
6 three, because now I can take a right-hand turn and go down  
7 10 and spend time in the southern part of the state.

8           And that just seems to be adding -- and while it  
9 might be smaller, you're probably correct, it might be less  
10 square mileage than what we currently have today, it's  
11 elongated and not as compact as what we've had prior.

12           CHAIRPERSON MATHIS: You're right. It is  
13 elongated. It goes all the way to the Mexican border now.  
14 But that's something that we're still looking at in terms of  
15 trying to make that CD 1 more and more compact in what we  
16 might do.

17           JOE GALLI: And, Madam Chair, we're grateful --

18           CHAIRPERSON MATHIS: Appreciate it.

19           JOE GALLI: -- for the consideration. And thank  
20 you again for allowing me to share.

21           CHAIRPERSON MATHIS: Thank you. Drive safely.

22           JOE GALLI: Thank you very much. Thanks.

23           CHAIRPERSON MATHIS: Willie, did you have  
24 something?

25           WILLIE DESMOND: Current District 1 is -- has a

1 larger perimeter than draft District 1.

2           It is worse on the Reock test, but better on the  
3 Polsby-Popper.

4           CHAIRPERSON MATHIS: So when you say current, it's  
5 the existing CD 1.

6           WILLIE DESMOND: The existing CD 1 has a Reock  
7 score of .54, a perimeter of 2,130 miles, and a  
8 Polsby-Popper score of .16.

9           The draft district has a Reock of .37, a perimeter  
10 of 2,036 miles, and a Polsby-Popper score of .18.

11          CHAIRPERSON MATHIS: Okay. Thank you.

12          Our next speaker is Naomi White, attorney for  
13 Navajo Nation Human Rights Commission.

14          WILLIE DESMOND: Also Ken just confirmed that the  
15 new one is smaller area, slightly.

16          I'm looking -- about 58,716 square miles.

17          And the existing Congressional District 1,  
18 57,860 in the draft legislative -- or Congressional  
19 District 1.

20          CHAIRPERSON MATHIS: Thank you. I appreciate you  
21 checking. And confirming.

22          NAOMI WHITE: Good afternoon. Thank you for  
23 taking the public comment of Navajo Nation.

24          I would just like to address a few things, and my  
25 comment first was I would like to address the proposed map

1 from Commissioner Stertz.

2 In my notes I noted him stating that the maps are  
3 only to address CD 1, CD 2, and CD 7.

4 However, one of the lines that, I saw the boundary  
5 for CD 2 got moved. The line from Cochise County to the  
6 west that necessarily impacts CD 1.

7 And that is the congressional district that the  
8 Navajo Nation is concerned with.

9 So, we did not hear some of the analysis, and we  
10 would also like to see some analysis with regards to the  
11 total population changes, the populations of the Native  
12 American voting age population.

13 And also identify the areas that the boundaries  
14 change from the congressional draft map that was adopted  
15 prior, what is now the working map, and then also what are  
16 the proposed changes, and all the data that goes along with  
17 that.

18 Also we'd like to hear the effect that the changes  
19 have upon the U.S. DOJ preclearance requirements, U.S.  
20 constitutional requirements, Arizona constitutional  
21 requirements, and others.

22 And also if and how the changes represent the  
23 public comments that have been received within our  
24 districts.

25 Second, I would like to note that the Navajo

1 Nation has been participating within this redistricting  
2 process since the spring when Arizona redistricting  
3 commenced, and would like to just note that the Navajo  
4 Nation would still like Flagstaff within our CD 1, and that  
5 position has not changed from the beginning of this  
6 redistricting process to now.

7           During the public comment period, which was held  
8 in Window Rock, the Navajo Nation department provided  
9 testimony and data with regards to the financial  
10 contributions that the Navajo Nation makes to the city of  
11 Flagstaff, to the businesses and to the universities located  
12 there, and to the colleges as well. And we would just like  
13 to reiterate that the Navajo Nation would like to keep  
14 Flagstaff within its congressional district.

15           Second, the Navajo Nation has two letters which it  
16 would like to enter into the record as a preface to the  
17 legislative discussions.

18           I would like to read the first one, which is a  
19 letter from Lula Stago.

20           It says: Dear commissioners, I am writing on  
21 behalf of myself and many Navajo families that reside in the  
22 city of Winslow, Arizona.

23           My name is Dr. Lula Stago. I have lived in the  
24 city of Winslow for well over 30 years.

25           Many Navajos in Winslow were forcibly removed from

1 traditional ancestral land on disputed land identified as  
2 the Navajo-Hopi Land Settlement Act of 1973.

3 In spite of that historical tragic event, they  
4 still maintain close ties to the Navajo Nation, extended  
5 family and to the cultural and traditional ties of the  
6 Navajo lifeway which are important to my existence.

7 Please see attached sign-in sheets that represent  
8 some of the people living in Winslow.

9 I recognize that recent proposed developments to  
10 Legislative District 7, specifically the community of  
11 Winslow, is being carved out in placed into Legislative  
12 District 6.

13 We do not support this proposal for several  
14 reasons.

15 As indicated, we maintain close social and  
16 biological ties to the Navajo Nation.

17 The Navajo Nation provides important services to  
18 the Navajo families that reside in Winslow. The city of  
19 Winslow has not adequately addressed several concerns raised  
20 by the Diné Coalition For A Better Winslow. This  
21 citizen-based organization is comprised of Navajo and  
22 non-Navajo citizens who raised issues regarding the  
23 educational and economic opportunities for Navajo youth and  
24 its residents.

25 On August 16th, 2002, the Navajo Nation and

1 Winslow Indian Health Center signed a contract with the  
2 Navajo Area Indian Health Service.

3           With that, WIHCC became an independent 638  
4 corporation.

5           The process and opportunities created by  
6 self-governance and local controls spawns a brighter future  
7 with many improvements in health care, especially in  
8 outlying areas and clinics.

9           The healthcare facility provides medical care to  
10 more than 20,000 Navajo patients that come from communities  
11 located in the southwest region of Navajo Nation.

12           For the calendar year 2010, the numbers of patient  
13 visits totaled 145,285, with 14,772 dental visits.

14           The total number of staff members is over 300.

15           In 1988 the total operating budget of Winslow IHS  
16 was \$3 million.

17           Today it is well over 25 million.

18           The economic contributions Navajo Nation and the  
19 Navajo people provide to Winslow's economy is substantial,  
20 and therefore the basis of why we do not support the removal  
21 of Winslow from LD 7.

22           We urge the Commissioners to keep Winslow in LD 7.

23           Dr. Lula Stago.

24           The second letter is from Percy Deal, the chapter  
25 president of Hardrock Chapter.

1           Dear commissioners, on behalf of Hardrock Chapter  
2 of the Navajo Nation, I write this letter to oppose efforts  
3 to remove the city of Winslow from the draft Arizona  
4 legislative district.

5           Hardrock Chapter is a local government of the  
6 Navajo Nation and located in Navajo County of Arizona.

7           Navajos and Hopis depend on the business in  
8 Winslow for goods and services. A substantial portion of  
9 the city's financial support comes directly from residents  
10 of the Navajo and Hopi Nations.

11           And Navajos and Hopis travel daily to Winslow and  
12 other towns adjacent to the Navajo Nation to conduct  
13 commerce.

14           Winslow has a Walmart where many Navajos  
15 frequently visit the store.

16           Secondly, many of our Navajo relatives move from  
17 Winslow -- or excuse me, to Winslow from educational and job  
18 opportunities.

19           Unfortunately some of our relatives were forcibly  
20 relocated to Winslow under a federal relocation problem.

21           These Navajo human rights were violated as their  
22 lifetime goal was to remain on the traditionally owned  
23 Indian lands. However, our relatives now find themselves  
24 dealing with customs that are foreign to them, such as  
25 having to pay taxes on properties they now own in Winslow

1 and elsewhere.

2           Regardless of their circumstances, they have  
3 strong if not stronger ties to the Navajo Nation and  
4 communities such as the Hardrock Chapter.

5           Therefore removing Winslow from LD 7 is an  
6 essence -- is in essence continued disservices to Navajo  
7 people that have the unfortunate dealings with the  
8 U.S. federal relocation program.

9           In addition, removing Winslow from LD 7 is also  
10 sending a negative message to the state of Arizona.

11           While the Navajo and Hopi people overwhelmingly  
12 contribute to the economy of Winslow, their community of  
13 interest to Winslow is significant to furthering other  
14 attributes of redistricting.

15           Also, the city of Winslow should not have any  
16 doubts about any Native American representing them at the  
17 state capital.

18           Navajo individuals have been elected for years to  
19 the Navajo County Board of Supervisors and representation  
20 have been very good.

21           I know. I served on the board for more than  
22 27 years.

23           In closing, it has been the best interests of the  
24 Navajo and Hopi people in Navajo County to have Winslow in  
25 LD 7.

1           Your efforts of the Redistricting Commission who  
2 be to cease to institutionalized practices that caused  
3 Arizona to be a covered jurisdiction. Your primary efforts  
4 must be to enhance LD 7 Native American voting age  
5 population.

6           And the Navajo Nation also requests that possibly  
7 in the future as far as discussion goes with changes to its  
8 congressional or legislative districts, to show how the  
9 populations for the majority minority have been enhanced in  
10 terms of data, rather than remarks that they have been  
11 enhanced. We would like to see the percentages.

12           Thank you very much.

13           VICE-CHAIR HERRERA: Madam Chair.

14           CHAIRPERSON MATHIS: Thank you.

15           VICE-CHAIR HERRERA: Ms. White.

16           CHAIRPERSON MATHIS: Sorry, Ms. White.

17           NAOMI WHITE: Yes.

18           VICE-CHAIR HERRERA: Yeah, if you don't mind.

19           You know, there's two commissioners on this  
20 Commission, and I'm not going to speak for Madam Chair  
21 Mathis, but I will speak on behalf of McNulty and I myself,  
22 that we've been adamant in the support of the request by the  
23 Navajo and the Native American tribes in CD 1 and LD 7,  
24 we've been extremely supportive now, because they are  
25 protected people.

1           And DOJ will be asking you if you make any changes  
2 to retrogress the voting power of the Navajo Nation and the  
3 Native Americans in that area.

4           But there happens to be two commissioners who  
5 don't seem to understand this.

6           Can you, can you be any more clear to them, if you  
7 would just plead them your case, do not retrogress CD 1, do  
8 not move Flagstaff out of CD 1.

9           What would your, what would your -- you're an  
10 attorney; correct?

11           NAOMI WHITE: Yes.

12           VICE-CHAIR HERRERA: What would you -- so they can  
13 finally listen to you and the people in that area, and also  
14 in Flagstaff, that they don't want to be split, what would  
15 you tell them?

16           I mean, they're right here. I'm curious to see  
17 what would you say to them.

18           NAOMI WHITE: Well, I would tell them that in  
19 terms of retrogression, the Voting Rights Act and the  
20 U.S. Constitution apply first and foremost.

21           The voting act -- the Voting Rights Act was -- is  
22 intended to keep the voting power of minorities, and in this  
23 case we're talking about Native Americans, and from my  
24 office Navajos in particular, to not have their votes  
25 diluted.

1           Now, it's been the case that in the interactions  
2 with the U.S. government and the Navajo Nation as well as  
3 the state government and the Navajo Nation, there has been a  
4 very ugly history with regards to discrimination.

5           So in terms of retrogression, the way that it's  
6 measured is to clearly look at a formula for retrogression  
7 and to look at the percentages that go along with the  
8 retrogression and to clearly see in terms of a percentage  
9 what the Native American voting age population will be for  
10 that particular district in regard to what changes are being  
11 made.

12           Now, the Navajo Nation has expressed a threshold  
13 for our Native American voting age population that meets the  
14 Voting Rights Act standards and also meets the U.S.  
15 constitutional requirements as well as the Arizona  
16 requirements.

17           So I would say to them that if Flagstaff is  
18 removed, or any other counties or the lines and the district  
19 boundaries are changed for CD 1 and LD 7, that whatever  
20 changes, they also need to be supported with data that show  
21 clearly the changes still accommodate the two primary  
22 concerns, which are the constitution of the United States as  
23 well as the Voting Rights Act.

24           VICE-CHAIR HERRERA: Ms. White, let me just  
25 clarify you.

1           The Native American population and the Navajos and  
2 the other tribes are opposed to having Flagstaff removed  
3 from the congressional district; correct? I think that's  
4 what you said.

5           NAOMI WHITE: Yes. Yes, sir.

6           VICE-CHAIR HERRERA: And I think you stated it  
7 pretty clear, and so has Leonard Gorman and so has the  
8 City of Flagstaff. So thank you so much.

9           I mean, I just want to remind you that you have  
10 two -- at least commissioners on this Commission that are  
11 extremely supportive of the Native American people, and  
12 we'll do everything we can to make sure that you get what  
13 you deserve.

14          NAOMI WHITE: Okay. Thank you.

15          VICE-CHAIR FREEMAN: Madam Chair.

16          CHAIRPERSON MATHIS: Mr. Freeman.

17          VICE-CHAIR FREEMAN: I am very sorry that you were  
18 drawn into Commissioner Herrera's rather patronizing and  
19 obnoxious comments there.

20                I don't mean to put you on the spot by any of my  
21 questions, but one simple question I had was the proposal --  
22 one of the original proposals that the Navajo Nation put  
23 forward did include a congressional district, which is not a  
24 voting rights district, on the congressional side. The  
25 legislative side it is. They are put in a voting rights

1 legislative district. But on the congressional side, the  
2 district did include all of Cochise County --

3 NAOMI WHITE: Uh-hmm.

4 VICE-CHAIR FREEMAN: -- and also included  
5 Santa Cruz County, Tohono O'odham tribal areas, and I  
6 believe the Gila River tribal areas.

7 Is that still the preferred proposal from the  
8 Navajo Nation?

9 NAOMI WHITE: Well, at this point I believe what  
10 you're referencing is the J map.

11 At this point the Navajo Nation Naa'bik'íyáti'  
12 subcommittee is the final authority on what the Navajo  
13 Nation advocates.

14 I believe that the map going forward that the  
15 community is working on is the, is the draft maps that this  
16 Commission has approved, the Arizona Independent  
17 Redistricting Commission.

18 So that's what they're working off now.

19 As far as I believe the J map, I would have to  
20 take that back to the Navajo Nation council to see what  
21 their official word is. I can't speak on behalf of them at  
22 this point.

23 VICE-CHAIR FREEMAN: Thank you.

24 VICE-CHAIR HERRERA: Madam Chair.

25 Just to clarify, and I think Mr. Desmond can

1 clarify this, the changes that were proposed by Leonard  
2 Gorman, I think it was sometime last week, may have been  
3 Monday that he proposed some additional minor changes, were  
4 they implemented in LD 6 and 7 in the working draft map?

5 WILLIE DESMOND: Yes. The Navajo Nation asked for  
6 some changes on Friday, that's on the website, as a possible  
7 change. I believe it's dated 12-9.

8 And that was incorporated into the working  
9 legislative draft map, the working legislative map.

10 NAOMI WHITE: So the latest draft that was  
11 approved by Mr. Gorman has also been approved by the  
12 Naa'bik'íyáti' subcommittee as well.

13 So any changes that Mr. Gorman comes with that are  
14 explicit in terms of boundary changes with the Maptitude and  
15 the map associated with it, those changes have been approved  
16 by the Navajo Nation council.

17 VICE-CHAIR HERRERA: Thank you so much.

18 NAOMI WHITE: Thank you.

19 CHAIRPERSON MATHIS: Any other questions?

20 Okay. Thanks, Ms. White.

21 (Brief pause.)

22 CHAIRPERSON MATHIS: Our next speaker is Michael  
23 McAfee, representing self, from Mesa.

24 MICHAEL MCAFEE: I've got a handout for you folks.

25 CHAIRPERSON MATHIS: And if you'll spell your last

1 name for the record, too. Thank you.

2 MICHAEL MCAFEE: My name is Michael,  
3 M-I-C-H-A-E-L, R., McAfee, M-C-A-F-E-E.

4 CHAIRPERSON MATHIS: Thank you.

5 MICHAEL MCAFEE: I want to talk about the  
6 Dobson Ranch issue in southwestern Mesa and the request of  
7 our -- my good friend Ted Disbrow, the association  
8 president, to have the ranch not split.

9 And your efforts today show your willingness to  
10 include the whole ranch as one district, and I applaud that.

11 Dobson Ranch deserves the full weight of its  
12 citizens when it negotiates with its legislators, with the  
13 legislature. And so I do hope that the end result, whatever  
14 it might be, has the entire community in one district.

15 Now, Ted suggested that the line be moved from the  
16 legislative draft map, which was Baseline, which divided the  
17 ranch, north to 60.

18 And if I recall, that's all he suggested.

19 Since then you folks have come up with a proposal  
20 that not only incorporates all of Dobson Ranch into proposed  
21 District 18, but also moves the village of Guadalupe into  
22 proposed District 26.

23 And you've got some pretty severe population  
24 disruptions as a result.

25 Not only is proposed District 27, which was

1 already underpopulated, further depopulated, proposed  
2 District 18 under your proposal becomes bloated.

3 I believe, according to my numbers, that it  
4 becomes the largest district in the state.

5 And I don't know what your toleration percentages  
6 are, but it seems to me that under your revision proposed  
7 District 18 would be way too large.

8 What if we went the other way?

9 What if we kept the village of Guadalupe in 26 and  
10 moved all of Dobson Ranch into 26?

11 And then moved some of those south Tempe  
12 districts, which are closer to Ahwatukee and closer to the  
13 population centers in 18, as the legislative district map  
14 shows, from 26 into 18 to compensate for it.

15 The maps I have provided come up pretty darn close  
16 on your population targets.

17 We're better served, in my opinion, in the  
18 Dobson Ranch area being associated with our close friends  
19 and neighbors in Tempe, and our fellow Mesans in western  
20 Mesa, than we are with those strangers over in Ahwatukee.

21 Nothing against those strangers, but they are way  
22 the heck over in Phoenix, two freeways away from me.

23 Whereas our good friends from northern Tempe are  
24 just across the way.

25 We get to shop in the same shops. We worship in

1 the same churches, have the same business associations,  
2 drive the same freeways, and share many of the same  
3 problems.

4 And that may not be true about those folks south  
5 of South Mountain or west of Interstate 10.

6 Any questions?

7 CHAIRPERSON MATHIS: Any questions?

8 COMMISSIONER STERTZ: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Stertz.

10 COMMISSIONER STERTZ: Just for clarification, what  
11 are the, what are the boundaries of Dobson Ranch?

12 MICHAEL MCAFEE: Dobson Ranch is roughly --

13 COMMISSIONER STERTZ: What are the north -- north  
14 streets, south streets, east and west streets?

15 MICHAEL MCAFEE: All right. The northern boundary  
16 roughly, Commissioner, is U.S. 60.

17 The western boundary is Loop 101.

18 The southern boundary is Guadalupe.

19 And for the most part the eastern boundary is  
20 Alma School.

21 There is one little notch that is to the east of  
22 Alma School, right up close to the freeway, that has a  
23 portion of the ranch included.

24 So if you were to take the proposed map, as I  
25 understand it, and just move the border back to 60, instead

1 of north of Broadway, you would have the ranch.

2 COMMISSIONER STERTZ: Thank you.

3 CHAIRPERSON MATHIS: Any other questions?

4 (No oral response.)

5 CHAIRPERSON MATHIS: Thank you very much.

6 MICHAEL MCAFEE: Thank you.

7 CHAIRPERSON MATHIS: Our next speaker is Joshua  
8 Offenhartz, representing self, from Scottsdale.

9 JOSHUA OFFENHARTZ: Offenhartz is spelled  
10 O-F-F-E-N-H-A-R-T-Z.

11 Good afternoon, Madam Chair, commissioners. First  
12 of you all, I want to say thank you for all your hard work  
13 and long hours. I sit in the back many days, and I  
14 appreciate what it can be like, what it must be like from  
15 your perspective up there.

16 So thank you again.

17 Commissioner Freeman, congratulations on your  
18 newborn.

19 Commissioners Stertz, Freeman, and McNulty, your  
20 family issues are in my prayers and I wish them all a speedy  
21 recovery. I can only imagine how these issues must be for  
22 all of you.

23 With that said, I'll get into why I am here today.  
24 And I thank you for letting me address the legislative  
25 districts before you go into that.

1           I'd like to say that I'm very happy and very  
2 satisfied with what you've proposed for the northeast  
3 valley.

4           Specifically I think that LD 23 is remarkably well  
5 done.

6           As a resident of Scottsdale, I love this map. I  
7 couldn't praise it in any stronger language.

8           I think that you listened when we asked to respect  
9 Scottsdale's natural municipal boundaries. You listened  
10 when Scottsdale and Fountain Hills residents asked to remain  
11 in the same legislative district.

12           And you listened when we asked to remain as whole  
13 as possible.

14           And I realize that that was never going to be the  
15 case where we got -- Scottsdale got everything it wanted,  
16 but you did a great job of coming close, so I really commend  
17 those efforts.

18           One point that I'd like to bring up is that last  
19 week and the week before you had mentioned that you were  
20 looking to add non-minority voters to the Legislative  
21 District 23.

22           And looking at the maps, I can only assume that  
23 those would naturally come from south Scottsdale.

24           So with that in mind, I'm really just pointing out  
25 that that hasn't been finalized, I kind of raise my next

1 point which is concerns today that Commissioner McNulty  
2 brought up about proposed District 28.

3           If you look at the map that you proposed, this  
4 LD 28 right now as it stands, in relation to 23, is locked  
5 in by 26, 27, which are going to be minority-majority  
6 districts, 24 and 23.

7           And so I really am curious as to how the district  
8 will be made more competitive, but really specifically just  
9 where that population is coming from.

10           In full disclosure, I'm worried about Scottsdale  
11 in 23.

12           But really, you know, I know that your job as hard  
13 as it is, and so I just want to point out that, you know, I  
14 hope that we haven't boxed ourselves in with those  
15 minority-majority districts.

16           Some other things that I just wanted to point out  
17 on that 28 again, according to the packet that you guys have  
18 out here, in terms of statewide elections, the LD 28 is  
19 quite competitive, as you moved into the 2008, 2010 election  
20 cycles.

21           So that's something to consider.

22           You know, and finally I would point out just for  
23 the LD 28, that the current representation in that district  
24 is one Democrat and one Republican at the state legislative  
25 level, so it is -- there is an ability to elect.

1           The reason I point all these out again is because  
2 we are concerned with, you know, how the effects to 28, 24,  
3 26, and 27 will go and effect that, you know, Scottsdale and  
4 23.

5           It's already underpopulated as it is, and I would  
6 hate to see those boundaries that, you know, really were  
7 remarkably well done tweaked just, you know, for another  
8 part of the valley.

9           With, with that, you know, the only other point  
10 that I would like to bring up for the northeast valley, and,  
11 again, it's just something to think about as you move  
12 forward, is the current LD 24, again, I think it's a  
13 wonderful concept.

14           But it's not a very compact district.

15           You have something stretching from downtown  
16 Phoenix, all the way through downtown Scottsdale, including  
17 where the city council would meet, through to Indian  
18 reservations.

19           And so, you know, I point that out just because  
20 looking at how you're about to tackle these issues, I'm just  
21 wondering where those populations are going to come from and  
22 how we're going to make these legislative districts better  
23 as opposed to kind of playing the what-if ripple effects  
24 game.

25           So with that, I will leave you to it.

1           Again, thank you for all your hard work. And  
2 especially thank you for the great legislative proposed maps  
3 for 23, 24, 26, 27, 18, and 28.

4           And I'll leave you.

5           Thank you.

6           CHAIRPERSON MATHIS: Thank you.

7           That was my last request to speak form. Is there  
8 anyone else that wanted to talk now?

9           (No oral response.)

10          CHAIRPERSON MATHIS: Okay. We can now go back to  
11 proposed changes.

12          There's the -- we've talked about the  
13 congressional.

14          Mr. Herrera, earlier you had mentioned you had  
15 wanted to talk about the changes on the majority-minority  
16 districts that are in these working maps. Was that for both  
17 congressional and legislative?

18          VICE-CHAIR HERRERA: No, mainly for leg.

19          But as I -- I think the only -- Mr. Desmond did a  
20 pretty good job of explaining, but if you don't mind, can  
21 you do that over again? Just, it's been a long weekend.

22          CHAIRPERSON MATHIS: Okay. So we'll definitely  
23 move on then to the legislative working map.

24          And these are on the website; is that correct?

25          WILLIE DESMOND: That is correct.

1           There have been several changes to the draft  
2 legislative map that took place last week.

3           Again, these aren't changes submitted for  
4 analysis, so nothing final here, but Dr. King is working  
5 with these to see how these changes affected the voting  
6 rights districts.

7           It's probably easiest just to go through this in  
8 the context of the voting rights districts to show the  
9 changes have that taken place.

10           The first change to talk about is District 4,  
11 which is the majority-minority district that runs from  
12 southern Yuma County in Maricopa and then into Pima County  
13 to keep the Tohono O'odham Nation whole.

14           In Yuma County, District 4, though is strong on  
15 minority percentages, was our weakest on ability to elect.  
16 So the changes here were designed to improve its ability to  
17 elect.

18           The first thing that helped was it shed population  
19 here in Yuma.

20           Did not pick up any population here.

21           Then goes across, goes up into Maricopa County  
22 where it remained unchanged.

23           VICE-CHAIR HERRERA: Madam Chair, I'm sorry for  
24 the interruption.

25           Can you tell me where we shed population in Yuma?

1 WILLIE DESMOND: So all the population was in the  
2 actual city of Yuma.

3 The old district, the old district ran, it looks  
4 like, across here at Corona and down at Southern Arizona  
5 Avenue.

6 It now goes across at 24th Street, and runs south  
7 on -- I believe this is Southern Avenue D, South Avenue D.

8 Back over at County 14th Street. South then at  
9 South Avenue A.

10 COMMISSIONER STERTZ: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Stertz.

12 COMMISSIONER STERTZ: As a place of reference of  
13 going back to Commissioner Herrera's goal of making sure  
14 that we've got a step-by-step process of the reason why  
15 these decisions were made, could -- Mr. Desmond, could you  
16 read into the record why you made the choices that you made  
17 on picking streets or picking voter blocks or census blocks  
18 or tracts as you were moving your way through this?

19 WILLIE DESMOND: Yes.

20 In this case, in all -- all of the population  
21 shifted in Yuma, what we had intended to do was take out  
22 areas that were both high Anglo percentage and low support  
23 for the Hispanic candidates of choice in some of the key  
24 elections that we had been looking back at.

25 Those were mine inspector in 2010, and president

1 '08, secretary of state '06, and then presidential '04.

2           Additionally, trying to improve the citizen voting  
3 age population percentage and Hispanic voter registration as  
4 well.

5           So these were all areas that were lower  
6 significantly than the district's -- the district's whole  
7 average. So by removing these areas, it was -- we were able  
8 to improve District 4 in those elections.

9           In areas where we added population back in, in  
10 Tucson, we picked up areas that had a high citizen voting  
11 age population and very strong support for the Hispanic  
12 candidates of choice.

13           So population was added here in Pima County.

14           It went in and grabbed this census block,  
15 taking -- or gave up that area, so no longer going right to  
16 the border of Tucson Estates, Valencia West, just kind of  
17 coming straight south, headed north to the Tohono O'odham  
18 reservation here, and then went -- expanded in this area  
19 right here, so that we picked up a slight area here in  
20 Drexel Heights, southern -- south at Mill Avenue, went over  
21 here, and then this is Valencia, and came south. I can tell  
22 you all of these borders.

23           And these were really areas that were among the  
24 strongest in this new four.

25           It did take from Legislative District 3, which was

1 another voting rights district.

2 Legislative District 3 did pick up some more  
3 population further north, but we felt that it was important  
4 to strengthen four and four -- specifically four's ability  
5 to elect.

6 So those are the changes that happened to  
7 District 4.

8 Continuing on to District 3. District 3 did  
9 surrender this area in the southwestern corner of Tucson to  
10 District 4.

11 In toward make up some population, District 3 took  
12 some more here, just south of Flowing Wells, in Tucson. And  
13 it took it from District 9.

14 Specifically the border used to run on Blacklidge  
15 Drive, up on Laramie, slightly over on Prince, and then up  
16 on H Street.

17 And now it runs slightly farther over on Roger,  
18 down on Northridge, over on Thurber, over on Pastime Road,  
19 and then again back south on --

20 COMMISSIONER STERTZ: Madam Chair.

21 WILLIE DESMOND: -- Los Altos.

22 CHAIRPERSON MATHIS: Mr. Stertz.

23 COMMISSIONER STERTZ: When we're picking up these  
24 small areas and notches and side streets, are these because  
25 these are, are the smallest voting areas that we can?

1           It gives a, it gives a -- not, not going to the  
2 center of major, you know, arterials or collectors, but by  
3 going to local streets, it may give the impression that  
4 we're, we're notching around for more than just voter block  
5 reasons.

6           WILLIE DESMOND: Well, as you can see here, the  
7 reason that the line follows the way it does was because  
8 we're looking at the census block group level for areas that  
9 have a higher total minority percentage. So it followed  
10 whole block groups.

11           It's possible to smooth it out at the street  
12 level, but the way that this was -- the census block groups  
13 and the census tracts tend to follow, you know, municipal  
14 boundaries and the major geographic features. It's a level  
15 of geography that we're comfortable looking at.

16           It's small enough that you can be relatively  
17 precise, but large enough that it's not overwhelming to try  
18 to, try to select at this level.

19           So in this case, and in many of the other  
20 situations, these changes that I'll go through today,  
21 population was gained and lost at the census block group  
22 level.

23           COMMISSIONER STERTZ: Madam Chair, by continuing  
24 that train, that train of thought, would it -- when you're  
25 going into neighborhoods and going to local streets rather

1 than staying in arterials, the opportunity for splitting  
2 neighborhoods, neighborhood associations, going down the  
3 center of, the center of streets where a neighborhood might  
4 be split in half being represented by two different groups,  
5 is there a -- wouldn't it make more sense to try to go down  
6 major arterials or collectors rather than trying to get down  
7 to the local street level to avoid that from, from -- the  
8 natural occurrences that you're going to have neighborhoods,  
9 neighborhoods associations in, in local streets, not --  
10 rarely divided by large arterials or collectors.

11 WILLIE DESMOND: Well, it does tend to be the case  
12 that the major roads do run along the border of these block  
13 groups. But I kind of leave it to you to identify areas  
14 where we would should not run along the block groups but  
15 should run along the major streets.

16 There certainly are many cases where these do run  
17 parallel to the major streets, off by a few blocks one way  
18 or the other.

19 From, from my perspective, it's sometimes  
20 difficult to know which roads are indeed the major streets.

21 What I have turned on here, these roads, is a  
22 major road layer.

23 So I default to using, using those. And I guess  
24 that's based off of traffic patterns and such.

25 Ken also has something.

1           COMMISSIONER STERTZ: Well, what you -- what would  
2 you consider major roads would be -- your arterials would be  
3 your Fort Lowell and your Prince. Those would be arterials.  
4 Your collectors would be your Blacklidge, potentially, which  
5 is the street that you've got on the north side that you're  
6 connected to.

7           And then the, the -- but the one in between may  
8 not be.

9           And that's -- the reason I'm asking the question  
10 is if it might give us the opportunity to actually go to  
11 arterials and collectors rather than to the locals as a, as  
12 a way to not give the opportunity to break up neighborhoods  
13 and communities that -- for one side of the street where  
14 there's -- where people have relationships across the street  
15 from one another, where they can walk across the street and  
16 not necessarily have to drive across the street to get  
17 there.

18           So, so what you're looking for then, Mr. Desmond,  
19 is comments from -- from this level, from the commissioners  
20 to clean up and give you some recommendations on the reasons  
21 why you want to clean up some of those edges; is that  
22 correct?

23           Okay. You have to say yes for the record.

24           WILLIE DESMOND: Yes.

25           COMMISSIONER STERTZ: Thank you.

1           KENNETH STRASMA: And if, if I might add,  
2 throughout this whole process there's a balancing act  
3 between the various criteria, one would be communities of  
4 interest, which would be defined as neighborhoods, things  
5 other than a census place.

6           In these particular changes, we had very specific  
7 direction that we are looking to improve the strength of the  
8 voting rights districts.

9           The shading here shows the populations that, that  
10 we're looking for.

11           So there were a very specific type of voters that  
12 needed to be found to maximize our chances of DOJ  
13 preclearance here.

14           The questions of neighborhood associations and  
15 major streets may be able to be given higher priority in  
16 districts where we aren't constrained by trying to find  
17 various specific types of population, as was the case in  
18 this change.

19           COMMISSIONER STERTZ: Madam Chair, and I think  
20 that the -- it would be incumbent upon us to try to achieve  
21 both.

22           KENNETH STRASMA: And we welcome any direction to  
23 that end.

24           WILLIE DESMOND: Continuing on with District 3,  
25 the last change that's been made is some of this, some of

1 this unincorporated land west of Tucson and east of  
2 Picture Rocks has been dropped from the district in order to  
3 increase its, its minority percentages.

4 I guess seeing in the south, the next big -- big  
5 change has been to Legislative District 2, which is another  
6 voting rights district.

7 The arm in Cochise County, as we all know, has  
8 been removed and added to District 1.

9 In order to balance the population, Green Valley  
10 has been added into congressional -- or Legislative  
11 District 2.

12 District 10 remains the same.

13 District 9 sheds some population to District 3,  
14 but did not pick up any populations. It was a little  
15 overpopulated. Now it's probably a little underpopulated.  
16 That was just to balance between the two.

17 District 1, which is now all of Cochise County,  
18 all of the non-tribal portion of Graham County, and all of  
19 Greenlee County. Greenlee County was added in.

20 Changes were made to Legislative District 7, which  
21 is another one of our majority-minority districts.

22 District 7 also picked up the areas of Show Low and Linden  
23 and the unincorporated areas to the east of that, and gave  
24 up population here in Sun Valley and the unincorporated  
25 areas around that.

1 COMMISSIONER STERTZ: Madam Chair.

2 Mr. Desmond, in regards to the inclusion of  
3 Greenlee, Cochise, and the exclusion of the salamander tail,  
4 was the inclusion of Greenlee to offset the population of  
5 the decrease in the southern side of Cochise County?

6 WILLIE DESMOND: No. Actually Cochise --  
7 District 1, as it's currently constituted, is our most  
8 overpopulated district.

9 District 1 did not need more population.

10 The removal of Greenlee from District 7, I think,  
11 was intended to improve its overall voting age Native  
12 American percentage.

13 COMMISSIONER STERTZ: So is it to decrease in --  
14 decrease population in seven?

15 WILLIE DESMOND: It was to remove non-minority  
16 population out of seven.

17 COMMISSIONER STERTZ: Out of seven. Okay.

18 And therefore you added it to one to just drop it  
19 to the next adjacent district; is that correct?

20 WILLIE DESMOND: Correct.

21 COMMISSIONER STERTZ: Without interrupting the  
22 tribal lands.

23 WILLIE DESMOND: Yeah. Exactly.

24 So, I guess, continuing on with the changes to  
25 District 7, it also shed some population here in

1 Coconino County and also the, the Schultz flood area.

2 This is all in unincorporated land.

3 It did also shed to District 6 some population in  
4 the Grand Canyon Village that was in District 7 prior. Now  
5 it's in District 6.

6 And then it gave up the non-tribal portions of  
7 Mohave County. It went to District 5.

8 So District 5 picked up Colorado City and the rest  
9 of Mohave County, except for the Pai tribes.

10 District 6 grew a little bit, you know, where,  
11 where seven had shed population, picked up the Schultz  
12 flood, picked up Grand Canyon City, and some of the  
13 unincorporated areas there in Coconino County.

14 It, you know, lost population in Show Low and this  
15 area in Navajo County.

16 I believe that's all of the major changes to the  
17 non-Maricopa districts.

18 District 13 did pick up population in Yuma.

19 It also, I believe, picked up -- or it lost a  
20 little population in Maricopa, both to District 14 and to  
21 District 22. When it picked up all that population in  
22 Yuma, it was overpopulated. So it shed a little bit here in  
23 Surprise to two of the other districts that were already in  
24 Surprise.

25 The Maricopa districts, District 24 gave up

1 Fort McDowell reservation. It also shed a little population  
2 here in south Scottsdale.

3 Again, these changes, the south Scottsdale change,  
4 this change here in central Phoenix where it lost population  
5 were designed to remove from it the lowest performing.

6 In this case, District 24 was fairly strong in  
7 ability to elect. What it needed to do was increase its  
8 total minority percentages, so it gave up areas with a high  
9 non-Hispanic White population.

10 District 26, kind of following that, shed  
11 Dobson Ranch and some other areas, Tempe, Mesa, that had,  
12 again, a high non-Hispanic White population and were not  
13 strong ability to elect.

14 District 26 also picked up a little bit more of  
15 Tempe and the city of Guadalupe from District 27.

16 As a result, District 27 was underpopulated and  
17 grew a little bit, made up a little bit more population  
18 in the Maricopa County portion of the Gila River  
19 reservation.

20 And then, I guess, the last little change would be  
21 that the border between 17 and 18 was adjusted in order to  
22 balance population between those two. Eighteen grew pretty  
23 significantly when it absorbed population from 26. So in  
24 order to lessen its burden, it shed a little bit to  
25 Legislative District 17.

1           And that took place on Dobson Road and Elliot.  
2 The border used to run further across and down Dobson, back  
3 over to Elliot, come down at Alma School, and over at  
4 Ray Road.

5           Now it simply goes up Dobson, over to Elliot, and  
6 up on Alma School.

7           Any other questions?

8           CHAIRPERSON MATHIS: Any questions?

9           VICE-CHAIR HERRERA: Not a question, but,  
10 Madam Chair, but I know that we had agreed last week that  
11 those proposed changes will be sent for analysis and until  
12 then we will keep them as intact and not make any changes to  
13 them, kind of like we do with the congressional side, so any  
14 changes to the legislative side should not be changing at  
15 all those ten majority-minority districts.

16           CHAIRPERSON MATHIS: I would agree that that was  
17 the purpose of our exercise last week, was to come up with  
18 some at least permanent tentative boundaries for those  
19 majority-minority districts on both the legislative and  
20 congressional maps. And then once we get the analysis back,  
21 we'll see what we -- else we need to do.

22           COMMISSIONER STERTZ: Madam Chair.

23           CHAIRPERSON MATHIS: Mr. Stertz.

24           COMMISSIONER STERTZ: Would the -- taking that the  
25 next step further. When the ten districts come back and if

1 they have met with the criteria that would be presumably  
2 acceptable to move forward to DOJ, then the tentative  
3 borders become fixed borders.

4 CHAIRPERSON MATHIS: We would need to probably  
5 vote on that, but that would be my thinking, yeah, it would  
6 make a lot of sense that we have the final analysis back and  
7 it looks good, then makes sense to adopt.

8 COMMISSIONER STERTZ: So even though there may be  
9 potential even at this time to improve, to meet with the  
10 Voters Rights Act, to meet with the equal population clause,  
11 and to meet with the other four criteria, some of those  
12 might be set aside by virtue of these borders, these borders  
13 that are currently temporary borders now becoming permanent  
14 borders because they met the criteria as recommended back by  
15 Professor King.

16 VICE-CHAIR HERRERA: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

18 VICE-CHAIR HERRERA: You know, and I think that  
19 Mr. Strasma will probably describe this probably better than  
20 I can, or explain it.

21 But, you know, once we decide or get close to the  
22 changes we want to make to the majority-minority districts,  
23 and all the analysis is done, any time we make changes, I  
24 assume we'll have to go back and make additional analysis  
25 for those particular changes. So, again, that will keep us

1 from, at a minimum, reaching a consensus on the  
2 majority-minority districts.

3           So what I don't want to do is, again, making  
4 changes after we agree, analysis comes back, that these  
5 districts as they are will pass DOJ, and then make  
6 additional changes and have to go back to making additional  
7 analysis, and then possibly coming back and making more  
8 changes.

9           So I would love to hear from Mr. Strasma as to  
10 what he, what he recommends.

11           KENNETH STRASMA: Thank you, commissioner.

12           It's with exactly that in mind that we recommended  
13 this process of tackling the voting rights districts first  
14 last week, get tentative lock in, and allow for the  
15 analysis.

16           We would potentially be in a perpetual chicken and  
17 egg situation if we were to be making changes and then  
18 having to wait until the analysis came back. If we are able  
19 to have the analysis on these tentatively locked up changes  
20 while making changes to other districts, that would move the  
21 process forward more quickly. Although obviously nothing is  
22 official until the Commission votes on it, and the  
23 Commission can do whatever it chooses.

24           CHAIRPERSON MATHIS: Thank you.

25           Other questions?

1           COMMISSIONER STERTZ: I'd like to say something  
2 snarky that we could have approved the whole map an hour  
3 ago.

4           VICE-CHAIR HERRERA: Ha-ha.

5           COMMISSIONER STERTZ: But I won't.

6           CHAIRPERSON MATHIS: Okay. Well, I think that was  
7 helpful to walk through what some of those changes were.  
8 And I would encourage commissioners if they have ideas for  
9 some of those major roads, for instance, that you had  
10 mentioned, if you have specific directions for the mapping  
11 consultant to change some of those, please, we should  
12 discuss them and come with recommendations --

13           COMMISSIONER STERTZ: Again, Madam Chair, what I  
14 just heard is that these boundaries are fixed pending us  
15 getting a recommendation back from Professor King.

16           So I find that, I find that any recommendation  
17 would be, would be futile at this point.

18           So, since these are the now fixed boundaries that  
19 have been -- will become permanent when approved by  
20 Professor King, I think that, that, that whether or not  
21 we're splitting communities, I'm not sure if that, if that  
22 has any relevance anymore.

23           And that goes back to my point of, of if we're, if  
24 we're creating a permanent -- if we're creating these as  
25 permanent designs right now, whether or not they go through

1 neighborhoods or split communities of interest and don't  
2 have that reflection, these are set if they come back with  
3 an affirmative analysis from Professor King.

4           So, again, going back to my point of, if they're  
5 set, they're set.

6           So, I'm not sure what recommendations that I could  
7 bring back at this point.

8           VICE-CHAIR HERRERA: Madam Chair.

9           CHAIRPERSON MATHIS: Mr. Herrera.

10           VICE-CHAIR HERRERA: I think we all -- none of us  
11 would argue that we -- our first priority was to clear DOJ.  
12 And for these, both the congressional and the legislative  
13 side.

14           So -- and I, I trust Strategic.

15           I trust the advice that we're getting from Bruce  
16 Adelson and our legal team that they're doing everything  
17 possible to meet DOJ requirements first without  
18 inconveniencing or -- to balance out the other criteria,  
19 but, again, keeping in mind that the -- that the first two  
20 federally -- are federally mandated and do -- are most  
21 important, then we have to meet those.

22           So they're not permanent yet. But if -- when --  
23 if they do come back and they do show us that -- the  
24 analysis shows us that the -- these ten congressional  
25 district or legislative districts, the way we proposed these

1 changes, will pass DOJ, then I would recommend that we make  
2 them permanent.

3 But until that happens, they are not permanent.

4 COMMISSIONER STERTZ: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Stertz.

6 COMMISSIONER STERTZ: We're also under the  
7 assumption that we're not making any adjustments to them  
8 until we get analysis back.

9 They wouldn't be forwarded to Professor King  
10 unless all of our consultants believe that these were fixed.

11 So let's, let's stop the spinning. We know that  
12 this -- would be very surprised if he comes back with  
13 anything other than an affirmative analysis or else we  
14 wouldn't be -- they wouldn't -- our consultants wouldn't be  
15 making the tweaks that they've made to be able to create  
16 them the way that they are.

17 So, if they are what they are, then they are what  
18 they are. Let's move on.

19 And stop -- again, if the idea is that I've just  
20 made a comment about, about that we're using local streets,  
21 they've, they've said that they're willing to split  
22 neighborhood or communities of interest to be able to pick  
23 up voter blocks and voter trend areas.

24 They've already given us that testimony, about ten  
25 minutes ago.

1           They've already moved forward with this that  
2 they're moving this forward to Professor King.

3           Let's -- what -- we've got to assume that in  
4 two weeks from now he's going to come back with an analysis  
5 that's going to fix these lines.

6           So, enough said on that. I've got -- we keep  
7 going around and around in circles and keep saying that  
8 these aren't -- that these are drafts, that they're not --  
9 that they're temporary, but they're not, that they're place  
10 holders, but they're not.

11           Because they really -- these are the districts  
12 that they're going to afford because we're not going to make  
13 any changes to them after we get them back from, from, from  
14 Professor King.

15           We're going to vote on them, and to be put into,  
16 put into place.

17           So let's stop with the, stop with the shell game.  
18 That's just the way it is.

19           VICE-CHAIR HERRERA: Madam Chair.

20           CHAIRPERSON MATHIS: Mr. Herrera.

21           VICE-CHAIR HERRERA: I don't -- maybe I'm  
22 misunderstanding Mr. Stertz, but he thinks there's some  
23 conspiracy going on. And I don't see it.

24           I mean, we, we have ten districts that we, that we  
25 have to make sure that they approve. DOJ.

1           Now, the analysis may come back and then we may  
2 say that the analysis says that these districts are  
3 excellent, they'll pass DOJ.

4           Again, we haven't seen that.

5           And I'm looking forward to seeing the analysis.  
6 Hopefully it's sooner rather than later. Hopefully it's  
7 closer to a week than two weeks.

8           But, again, I trust Strategic Telemetry. And they  
9 are doing their best to get us that information on time.

10           But, again, there's no -- there really isn't any  
11 controversy, any type of -- anything that we're doing that  
12 that Mr. Stertz doesn't know about.

13           We spoke about it in great detail last week.

14           And, again, I'm looking forward to the analysis.

15           But let's -- again, if you don't mind, let's move  
16 forward if anybody's proposing any recommended changes.  
17 What I would like to hear, if Mr. Desmond would just read  
18 back the changes that Ms. McNulty had proposed to the  
19 legislative map.

20           WILLIE DESMOND: Probably easiest to add that as a  
21 layer.

22           CHAIRPERSON MATHIS: These are what she proposed  
23 last week?

24           VICE-CHAIR HERRERA: Madam Chair, she proposed  
25 some this morning.

1 CHAIRPERSON MATHIS: Right.

2 VICE-CHAIR HERRERA: And also the ones last week.

3 Thank you for --

4 CHAIRPERSON MATHIS: Right.

5 VICE-CHAIR HERRERA: Yeah, Mr. Desmond, if you  
6 don't mind, the changes she proposed today and also the ones  
7 she proposed last -- I think it was last week.

8 WILLIE DESMOND: I'll leave it to Ken to read back  
9 the changes she proposed today.

10 I was not in the room for that set. I will have  
11 to get the transcript from Marty to work on that. Ken took  
12 dutiful notes.

13 KENNETH STRASMA: Right. Although we were hoping  
14 to supplement with direct conversation with  
15 Commissioner McNulty given the problems with the phone  
16 transmission.

17 I'm sorry, we were going to be conferring directly  
18 with Commissioner McNulty to make sure we got the details of  
19 the changes she suggested.

20 We can e-mail those around to all commissioners.

21 COMMISSIONER McNULTY: Yeah, I think that would be  
22 good, but were we also going to talk about the ones from  
23 last week? Is that --

24 VICE-CHAIR HERRERA: Commission McNulty's proposed  
25 changes from last week, definitely 8 and 11, a couple of the

1 changes that I did like, and I want to -- if you don't mind  
2 discussing them.

3 KENNETH STRASMA: Those we can bring up.

4 WILLIE DESMOND: Okay. There was two sets of  
5 changes that Commissioner McNulty had asked me to look at  
6 for the legislative map.

7 The first one was swapping Winslow for Show Low,  
8 but I believe that has been addressed now that Show Low is  
9 with -- and Lakeside are with District 7.

10 Winslow remained with District 7, so that swap was  
11 done with other populations.

12 The other one she had me look at was trying to  
13 make a competitive district out of Districts 8 and 11.

14 I did find that it was -- it's possible to get a  
15 little closer than where we are at now.

16 Basically, how this happened -- how this worked  
17 was the areas of Saddlebrooke, Oro Valley, were taken from  
18 District 8, put in with District 11.

19 District 11 then shed population in Eloy and  
20 Casa Grande. And in the Gila River reservation to  
21 District 8.

22 And I believe that was -- we were able to make  
23 District No. 8 slightly more competitive.

24 If you hold on one second, I will run over those  
25 competitive numbers.

1 COMMISSIONER STERTZ: Mr. Desmond -- Madam Chair.

2 Mr. Desmond, in, in just real numbers of  
3 registered voters, how many Republicans were moved out of  
4 District 8 into District 11?

5 WILLIE DESMOND: District --

6 COMMISSIONER STERTZ: And what was the percentage  
7 swing change in real numbers?

8 WILLIE DESMOND: I don't have the number of  
9 registered voters.

10 Ken can probably look that up, or I can look that  
11 up.

12 KENNETH STRASMA: From eight to 11?

13 WILLIE DESMOND: From eight to 11.

14 I can tell you the percentages. I have those  
15 numbers here.

16 District 8 went, from using index two to start,  
17 went from a Republican percentage of 56.7, Democratic  
18 percentage of 43.4, to a Republican percentage of 51.6,  
19 Democratic percentage of 48.4.

20 So a change of 5.1 percent. A total difference of  
21 10.2 percent.

22 Using index three, it went from 55.6 percent  
23 Republican, 44.5 Democrat, to 48.9 percent Republican,  
24 51.1 Democrat.

25 A change of 6.6 percent.

1           That indicates that the area is higher in  
2 registered Democrats than necessarily in voting totals for  
3 Democrats.

4           Looking at the registration, District 8 was  
5 36.2 percent Republican, 32.2 percent Democrat, and  
6 31.8 percent Independent and other.

7           It went to 28.9 percent Republican, 37.4 percent  
8 Democrat, and 33.7 percent independent and other.

9           District No. 11 --

10          COMMISSIONER STERTZ: Madam Chair.

11          CHAIRPERSON MATHIS: Mr. Stertz.

12          COMMISSIONER STERTZ: That was, that was eight?

13          WILLIE DESMOND: That was eight.

14          COMMISSIONER STERTZ: Just as a reference that's  
15 almost -- that registration is almost identical as it was as  
16 is the registration percentages for the state.

17                 Thirty-six, 30, and 32.

18                 Almost identical reflection of the state of  
19 Arizona.

20                 Okay. Please. Eleven?

21          WILLIE DESMOND: Okay. Eleven, using index two  
22 again, it was 55.7 percent Republican, 44.3 percent  
23 Democrat.

24                 After this change, it went up to 58.9 percent  
25 Republican, 41.1 percent Democrat.

1 Change of 3.2 percent, or 6.4 percent total.

2 Index three was 54.1 Republican, 45.9 Democrat.

3 That went to 58.7, 41.3.

4 I should have done this earlier.

5 There's the change.

6 You'll notice the registration, District 11 was  
7 32.7 percent Republican, 31.7 percent Democrat, 35.6 percent  
8 other.

9 After this change, it went to 38.8 percent  
10 Republican, 27.7 percent Democrat, and 33.4 percent  
11 Independent and other.

12 COMMISSIONER STERTZ: For me in describing the old  
13 plan in registration, it's very reflective of the state.

14 For District 8.

15 And number in the new plan, it has gone from a  
16 reflective of the state to being a Democrat voting district.

17 WILLIE DESMOND: By registration, yes.

18 COMMISSIONER STERTZ: By registration.

19 And by analysis, in all four of the indices from  
20 2.2 to 6.6 percent.

21 Correct?

22 WILLIE DESMOND: Yes, it became more a Democratic  
23 district --

24 COMMISSIONER STERTZ: And in the -- in District 11  
25 it went from a relatively balanced district, between

1 Republicans, Democrats, with a higher population of  
2 Independents, with a two-way registration of almost  
3 identical, to now a packed district of Republicans, going  
4 from -- what was the minimum of 8.2 percent Republican  
5 ability to win or historically in index three to a  
6 20.2 percent index in index five.

7           So we grabbed a lot of Republicans, and we moved  
8 them out of District 8 and packed them -- and hyperpacked  
9 them into District 11.

10           Got it.

11           VICE-CHAIR HERRERA: Madam Chair.

12           CHAIRPERSON MATHIS: Mr. Herrera.

13           VICE-CHAIR HERRERA: And I made this case before  
14 about District 1 and the -- Congressional District 1 that  
15 there's a difference between registration and performance,  
16 especially in rural districts.

17           And I would love to see if Mr. Strasma, maybe  
18 sometime on Thursday, if he can't today, explain what that  
19 means, you know, the differences between Democratic  
20 registration and Democratic performance in, in rural  
21 districts, because there is, there is a disparity.

22           I mean, District 1 has proved that we have  
23 overwhelmingly -- the numbers of Democrats outweigh the  
24 number of Republicans in registration, but it's extremely  
25 competitive.

1           So, again, looking at registration doesn't,  
2 doesn't give us all the information, so if you can, just,  
3 again, some clarification for some folks and for me as well.

4           KENNETH STRASMA: We would be happy to look at  
5 that.

6           VICE-CHAIR HERRERA: Mr. Strasma, can you do that  
7 Thursday or do you want to do that today or do you -- what  
8 would you like to do?

9           KENNETH STRASMA: Let me pull some numbers  
10 together. I will not be here Thursday, but will provide a  
11 report for Mr. Desmond.

12          VICE-CHAIR HERRERA: I would love to see that  
13 because I think we need some education in this area.

14          VICE-CHAIR FREEMAN: Madam Chair.

15          CHAIRPERSON MATHIS: Mr. Freeman.

16          VICE-CHAIR FREEMAN: I guess it's only competitive  
17 if you put your hands on the scale and tilt the scale, and  
18 we need to pack in where you put in more Democrats to  
19 balance out Republicans who show up and vote.

20                 If the notion -- one notion of competitiveness is  
21 that you reward the successful, and if the Republicans are  
22 able to turn out more voters or field better candidates or  
23 be responsive better on the issues, they should not be put  
24 at a disadvantage -- punished for that, in effect, by  
25 stacking in more Democrats in that district to make it,

1 quote unquote, competitive in someone's eyes.

2 I don't favor these changes.

3 I think Commissioner Stertz kind of illustrated  
4 some of the reasons why when he was going through -- walking  
5 through the numbers.

6 I think also the proposed District 11, I think  
7 it's 11 on the map, in looking at the what-if map,  
8 legislative grid map what-if scenario nine minority --  
9 majority, nine minority districts option two, version 8A,  
10 which was the map Commissioner McNulty developed, and appear  
11 district now looks remarkably similar to, to that district  
12 that was proposed back then.

13 It also looks like it splits various communities  
14 of interest and census places, and there's this neck in  
15 there that, I don't know, it's how many miles, perhaps feet,  
16 its measure wide up there, looks like in the -- I don't know  
17 if that's the Arizona City or Eloy area. That is split up.

18 VICE-CHAIR HERRERA: Madam Chair.

19 VICE-CHAIR FREEMAN: Yeah, that's a pretty narrow  
20 neck there and it's looking two different -- it's a barbell  
21 district, I think, with one side of the barbell heavily  
22 weighted, I think.

23 CHAIRPERSON MATHIS: Mr. Herrera.

24 VICE-CHAIR HERRERA: You know, this isn't about  
25 punishing anyone. I mean, I think the facts are that the --

1 this is about turnout, and especially with minor voters, I  
2 mean, there's no -- I don't think there's any doubt that  
3 minority voters who support many reasons don't turn out to  
4 vote as much as the mainstream voters.

5           So, again, this isn't about punishing anyone.  
6 This is about the facts and how we want to make competitive  
7 districts.

8           I mean, it's one of, one of the four state  
9 mandated criteria.

10           We can't ignore it.

11           I think when we toured the state, I mean,  
12 competition came out everywhere.

13           Sierra Vista -- well, I mean, it came out  
14 everywhere, Republican leaning areas, Democratic leaning  
15 areas. So this is something about -- that needs to be  
16 addressed, and the facts are that -- you know, and rural  
17 areas, registration doesn't match out with turnout -- with  
18 voter turnout.

19           So we want to make sure that gets addressed, and,  
20 and look at it fairly and look at, okay, how can we address  
21 this issue and, and understand it and also then create truly  
22 competitive districts.

23           And this is the way to do it.

24           And I agree with Commissioner McNulty's changes,  
25 and I'd love to see for her to talk about this more in

1 detail on Thursday.

2 VICE-CHAIR FREEMAN: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Freeman.

4 VICE-CHAIR FREEMAN: If we heard about  
5 competitiveness statewide, then competitiveness should be  
6 offered statewide.

7 And the way to do that is -- the only real way to  
8 do that fairly and evenhandedly is to create districts that  
9 perhaps more -- are more reflective of the statewide  
10 registration balance after the minority-majority districts  
11 are constructed.

12 And right now, I mean, frankly that 11 and 8, the  
13 way they had been constructed, aren't even that reflective.  
14 They're actually slightly to the Democrats' advantage.

15 Because the statewide registration imbalance, once  
16 you take out the ten majority-minority districts, is quite  
17 significant in favor of the Republicans.

18 And that would be fair.

19 That would be even across the state, and both  
20 parties then could compete on an even playing field, not  
21 have some artificial districts created in certain parts of  
22 the state where the hand has been placed on the scale to  
23 force an advantage for one party over another.

24 VICE-CHAIR HERRERA: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Herrera.

1           VICE-CHAIR HERRERA: Yeah, let me -- Pinal County,  
2 for example.

3           Pinal County has had an opportunity to elect  
4 Latino candidates in the past. So, I mean, there's reasons  
5 why we're making changes to these districts.

6           I mean, that -- so, the changes that  
7 Commissioner McNulty proposed, she explained the reasons  
8 why, and I think it went step by step, which we were asking  
9 that of Commissioner Stertz, and I hope when he comes back  
10 on Thursday he's able to give us that information, as  
11 Commissioner McNulty has and as I have as well.

12           But, again, these were changes made because,  
13 again, competition is, is one of the four criteria. And,  
14 you know, it would be nice to be able to create competitive  
15 districts, all 30, but that's not possible. I mean, that  
16 really isn't possible.

17           And also the constitution doesn't say create  
18 competition based on the current registration of  
19 Republicans, Democrats, and Independents.

20           It doesn't say that. It just says competition.  
21 And that's what we're trying to do.

22           And I admire Commissioner McNulty for truly caring  
23 about competition, and that's what she was trying to do when  
24 she made these changes.

25           COMMISSIONER STERTZ: Madam Chair.

1           CHAIRPERSON MATHIS: Mr. Stertz.

2           COMMISSIONER STERTZ: I'm pretty sure when I  
3 listened to Commissioner McNulty give her iteration of this,  
4 I'm pretty sure she didn't say split Eloy, Casa Grande,  
5 let's put Eloy actually into a couple districts, let's throw  
6 the district down to a few hundred feet in one area.

7                   What it was all about was let's move as many  
8 Republicans as we can out of one to the other to make it a  
9 competitive district.

10                   That's, that's what she wanted to do. That was  
11 her story line.

12                   It was no more than that.

13                   You can create whatever sort of manipulated story  
14 that you want, Commissioner Herrera, about what her  
15 explanation was, but it was to create a competitive district  
16 in eight by pulling Republicans out of eight and pushing  
17 them into 11.

18                   That's just the bottom line.

19                   So, that's what she wanted to do. That's what she  
20 did.

21                   I think that it's a ridiculous looking map, I  
22 think it's a ridiculous solution, and I am not only wholly  
23 against it, and the cities of Eloy and Casa Grande should  
24 also be wholly against, against this, this breakup of their  
25 communities to into two different districts purely

1 gerrymandering a map to create a competitive district in  
2 District 8 and hacking -- hyperpacking Republicans by  
3 dragging them out of eight and dumping them into 11.

4 This is, this is exactly what the voters of  
5 Arizona did not want to have happen.

6 Is, one, you've tried to create a district that  
7 is -- I mean, 11 is going to be a hard R district forever.  
8 For the next ten years it's going to be a Republican who is  
9 going to elected there.

10 You've disenfranchised every Democrat that lives  
11 in District 11.

12 Is that really what the, what the voters were  
13 talking about?

14 The reason I liked 8 and 11 before was that they  
15 were relatively balanced by registration and that there was  
16 good, good representatives in those areas historically.

17 So I'll be pushing to go back to 8 and 11 the way  
18 that they were drawn. They were well balanced, well  
19 organized, and they made sense based on the communities that  
20 they weren't breaking up.

21 VICE-CHAIR HERRERA: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: Commissioner Stertz doesn't  
24 speak for Commissioner McNulty, and I think he would  
25 be appalled -- she would be appalled if she were here at the

1 interpretation that he -- she -- that Mr. Stertz is given.  
2 So I'd like -- let's pretty much ignore those comments,  
3 because she's not here to speak on her behalf.

4 I have a lot of faith in Commissioner McNulty.  
5 And I know she was trying to do her best in creating as many  
6 competitive districts as possible.

7 Which we, we need to do.

8 And I think the -- she addressed some of the  
9 issues in splitting some of the communities. I think that  
10 that was one of the issues she wanted to address.

11 So, again, before we, we, we start speaking on  
12 behalf Ms. McNulty, I would like to say let her make her  
13 comments when she gets back in, when she gets back in on  
14 Thursday.

15 And I think -- let me remind Commissioner Stertz  
16 that competitive districts are the opposite of  
17 gerrymandering.

18 I think when gerrymandering was created, it was  
19 the opposite of competitive districts. I think we would all  
20 agree to that.

21 So, I mean --

22 COMMISSIONER STERTZ: Mr. Herrera, look up the  
23 word gerrymandering, and it means to --

24 VICE-CHAIR HERRERA: We don't -- I'm not done  
25 talking.

1           COMMISSIONER STERTZ:  It's a created district for  
2 an intended outcome, to create a district for an intended  
3 outcome.

4           Eleven and eight --

5           VICE-CHAIR HERRERA:  Madam Chair, Madam Chair,  
6 Madam Chair.

7           COMMISSIONER STERTZ:  -- were created for an  
8 intended outcome.

9           VICE-CHAIR HERRERA:  Madam Chair.

10          CHAIRPERSON MATHIS:  Mr. Herrera.

11          VICE-CHAIR HERRERA:  If I would interrupt  
12 Commissioner Stertz like he did to me now, he would be  
13 livid.  His head would explode.

14          So I would love for him to not speak while I'm  
15 speaking.

16          Again, gerrymandering is the opposite of  
17 competitiveness.

18          When, when that term was created because of that  
19 individual, those individuals gerrymandered to get the  
20 district they want.

21          I don't think gerrymandering and competition are  
22 even in the same sentence.  They're completely different.

23          And I would love to teach Mr. Stertz a couple of  
24 things about competitiveness and gerrymandering if he has  
25 the time.  I'm happy to do it.

1 COMMISSIONER STERTZ: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Stertz.

3 COMMISSIONER STERTZ: I apologize for interrupting  
4 Commissioner Herrera, but I would, I would please ask you to  
5 continue to refrain from your condescending remarks towards  
6 me as it's -- as I've just tried to state that  
7 gerrymandering by definition is the design of a district for  
8 an intended outcome.

9 District 11 is a designed district for an intended  
10 outcome.

11 CHAIRPERSON MATHIS: Okay.

12 VICE-CHAIR HERRERA: Just quickly.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: My remarks aren't meant to be  
15 sarcastic. I'm sorry he takes it that way.

16 But I really am trying to be as helpful as I can.

17 It's sometimes difficult to be able to -- I mean,  
18 they're laughing already. I mean, it's just -- it's really  
19 difficult to be able to talk to individuals. All they do  
20 is, I mean, mock you, laugh.

21 I mean, you just had two, including Mr. Freeman,  
22 laughing.

23 You know, they don't know me, but I -- let me  
24 explain. I'm, I'm trying to do a job here.

25 And I am trying to be as helpful as I can and

1 sometimes I -- maybe if Mr. Stertz misinterprets that, I  
2 apologize, but I really am trying to help.

3 And there are some things that I know. There's  
4 some things that Commission Stertz knows, he's knows better  
5 than I do. And I'm willing to listen to him.

6 So that's, that's all I was getting at.

7 And I apologize that they were so cynical that  
8 they take it that way. I really -- I don't want them too.

9 VICE-CHAIR FREEMAN: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Freeman.

11 VICE-CHAIR FREEMAN: Madam Chair.

12 Commissioner Herrera, I have sat here and watched  
13 you laugh and sneer and mock me and Commissioner Stertz.

14 And actually when I was in the hospital room with  
15 my wife on Tuesday I watched online. You did the very same  
16 thing. It was reported in the press.

17 I've seen you -- I've sat next to you while you've  
18 snickered and laughed at members of the public who have come  
19 to the microphone and talked. I've watch you shut down  
20 speech at the Yuma hearing. You told someone to remove a  
21 political cartoon from an overhead projector because you  
22 thought -- you spoke for everyone. You, you thought it was  
23 offensive.

24 It wasn't provocative or anything. It was silly.

25 Look, you don't speak for me. You continue to

1 assert that you do.

2 But I'll grant you this, Commissioner Herrera.  
3 You are the greatest thing since sliced bread, so I  
4 don't need to -- you don't need to compliment yourself  
5 anymore.

6 You are the greatest thing since sliced bread, and  
7 that's now part of our record.

8 VICE-CHAIR HERRERA: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Herrera.

10 VICE-CHAIR HERRERA: Let me just interrupt. I'm  
11 sorry he feels that way. I really am.

12 And I'm sorry that you think I'm being --  
13 snickering at people.

14 I'm probably extremely respectful. I mean,  
15 there's people that don't -- that I disagree with, they come  
16 here before us and call us names. And not once have I said  
17 anything. I mean, the only time I said anything when the  
18 individual was interrupting the meeting.

19 So if anybody's been attacked it's been me. And  
20 I've been extremely, extremely respectful all the attacks  
21 from the Republican party, from the Tea Party.

22 So I, I, I don't appreciate you making lies about  
23 what I've done, and so I -- you know, I forgive you. I  
24 really do.

25 I want to be -- again, I want this process to move

1 forward, and I want this to be over as quickly as possible,  
2 so let's move forward.

3 CHAIRPERSON MATHIS: On that note, I would agree  
4 wholeheartedly.

5 It's 2:46 p.m. We've only got 45 more minutes of  
6 the meeting.

7 And I don't think any of the commissioners can  
8 speak for any other commissioner.

9 And we're trying to do that for Ms. McNulty, and  
10 she's not here, and I'm not sure it's really productive to  
11 try to go through these things since they were her  
12 adjustments when she's not here.

13 So, and that would go the same for any other  
14 commissioner's changes.

15 So, I'm not sure it makes any sense to even talk  
16 about the rest of her proposed changes from last week,  
17 unless somebody feels that there is something strongly  
18 they'd like to discuss.

19 VICE-CHAIR HERRERA: Madam Chair.

20 The reason I brought the changes from McNulty up,  
21 because I really -- I enjoyed the changes. I think she did  
22 a really good job, put a lot of thought into it, and  
23 proposed those changes step by step. And I am looking  
24 forward to hearing from Commissioner McNulty on Thursday and  
25 giving us more detail on those changes, because I think

1 those are viable changes that I would like to pursue.

2 CHAIRPERSON MATHIS: Okay.

3 Any thoughts from anyone else though on just other  
4 changes that they, changes that they have in mind for the  
5 legislative map that they would like to see the mapping  
6 consultant propose? And this is of course outside of the  
7 ten majority-minority districts that we've sent on for  
8 further analysis.

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

11 VICE-CHAIR HERRERA: Yeah, if I can have  
12 Mr. Desmond bring up the proposed changes that I had made  
13 last week to the Maricopa County area. Let's focus on  
14 those.

15 WILLIE DESMOND: Okay.

16 VICE-CHAIR HERRERA: Looking at the proposed  
17 changes that I made to this area, and what I called them was  
18 the Maricopa County proposed changes, there was two goals  
19 that I wanted to do for these changes.

20 The first goal is I wanted to start by removing  
21 splits from Glendale.

22 It was currently in six districts, and now my  
23 recommended changes I have removed two splits.

24 The second goal was to make 28 a competitive  
25 district.

1           Now, the reason -- the way we got there was -- I  
2 think it was seven steps.

3           The first step is we removed Glendale from  
4 District 20 and 21.

5           And then those changes went into 22. Glendale was  
6 also already in 22, so that's how we eliminated those  
7 two splits.

8           The second change to balance out the population in  
9 District 21, we extended portions of Peoria so more of  
10 Peoria is in District 21.

11           Now equaling the population.

12           The third change, District 20 had -- to take  
13 population from 22 in the Phoenix area, around 59th Avenue  
14 and Happy Valley Road.

15           Fourth change, District 22 was still  
16 overpopulated. So it gave all of New River to District 15.  
17 Removing the split of New River, which is now kept whole.

18           Fifth change or the fifth step, District 15 shed  
19 some of its population to District 20, making District 20  
20 and 28, as I mentioned before, the only legislative  
21 districts made up of entirely Phoenix.

22           Sixth step, District 15 took all of  
23 Paradise Valley and traded population with District 28 in  
24 order to make 28 more competitive.

25           District 28 absorbed some of the population of

1 District 24, following last week's recommendation to improve  
2 the voting rights performance of District 24.

3           So Paradise Valley still kept whole.

4           And, again, let me reiterate that both districts,  
5 20 and 28, are now wholly in Phoenix, possibly eliminating  
6 splits to Phoenix.

7           Seven, the seventh step, I was trying to figure  
8 out ways to clean up the west valley. Based on that,  
9 pondered a vote to it, so again -- but what I did was reduce  
10 some of the splits in west Glendale.

11           So those were the proposed changes that I have to  
12 the Maricopa County area.

13           And then what I would like to do is incorporate  
14 some of those changes that Commissioner McNulty has  
15 proposed, especially to 8 and 11, and the ones she proposed  
16 today.

17           So, try to see if you can combine her changes and  
18 my changes.

19           So, again, simple steps. A total of seven steps.

20           And I address the goals of why I wanted to make  
21 those changes to that particular area of the legislative  
22 map.

23           CHAIRPERSON MATHIS: Mr. Desmond, can you tell us  
24 the brown and the green boundaries again, the difference,  
25 which is Herrera?

1 WILLIE DESMOND: So Commissioner Herrera is the --  
2 is these boundaries. If I turn it off for a second, the  
3 green is the working map.

4 CHAIRPERSON MATHIS: And go ahead and put his  
5 layer back on.

6 Thank you.

7 (Brief pause.)

8 COMMISSIONER STERTZ: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Stertz.

10 COMMISSIONER STERTZ: Commissioner Herrera, are  
11 you saying that you have not yet completed the west valley?

12 VICE-CHAIR HERRERA: No. There's some changes  
13 that I wanted to make to the west valley to improve -- maybe  
14 eliminate some more splits, as I did with Glendale. So I'm  
15 not quite done. I mean, I'm not quite done at all. But  
16 I'm -- those are the proposed changes that I would like to  
17 see pursued.

18 CHAIRPERSON MATHIS: So, is Glendale whole in  
19 this?

20 COMMISSIONER STERTZ: It's in --

21 CHAIRPERSON MATHIS: Yeah, I didn't think so.  
22 It's dark green?

23 COMMISSIONER STERTZ: Five instead of six.

24 VICE-CHAIR HERRERA: It's in -- it used to be in  
25 six.

1 CHAIRPERSON MATHIS: It's in the olive color?

2 WILLIE DESMOND: It is, it is -- I can zoom in on  
3 it.

4 CHAIRPERSON MATHIS: Can you? Yeah, I like that  
5 whole --

6 WILLIE DESMOND: Glendale is in -- in the working  
7 map and in the draft map is in six districts.

8 So there's this portion here in 13.

9 There's a bulk -- a lot of it, southern Glendale,  
10 is District 29.

11 A portion is in District 30.

12 So 29 and 30 are both voting rights districts.

13 Additionally it was in District 28, 21, and 20.

14 Following this change, the portions in 13, 29, and  
15 30 have now changed.

16 Parts that were in 28, 21, and 22 have all gone to  
17 District 22.

18 VICE-CHAIR HERRERA: Madam Chair. Again, these  
19 are some of the --

20 CHAIRPERSON MATHIS: Mr. Herrera.

21 VICE-CHAIR HERRERA: -- constitutional criteria  
22 that we need to follow, so I had to do my best to eliminate  
23 some of the splits.

24 So, I think these are changes that -- again, I  
25 would like to see -- pursue combining them with

1 Commissioner McNulty, and I would love to see what ideas we  
2 can come up with next week -- or later on this week.

3 CHAIRPERSON MATHIS: Okay. Any other changes that  
4 you had suggested, Mr. Herrera.

5 VICE-CHAIR HERRERA: No, ma'am.

6 I would like to -- what I wanted to do is keep my  
7 changes as simple as possible, not to confuse -- I mean, I  
8 think those are -- I think I did a pretty good job  
9 explaining how, how it happened, and they'd be able to  
10 follow along.

11 There was only seven steps.

12 I explained them. I explained how they affected  
13 each district. So I think -- for now I think that's, that's  
14 the only changes I'll propose.

15 CHAIRPERSON MATHIS: Okay.

16 Anything from Mr. Freeman or Stertz?

17 COMMISSIONER STERTZ: Not at this time.

18 CHAIRPERSON MATHIS: Mr. Freeman, do you have  
19 anything?

20 VICE-CHAIR FREEMAN: Commentary on what's on the  
21 screen or just in general?

22 CHAIRPERSON MATHIS: Either. On Mr. Herrera's  
23 suggestion, or do you have other ideas too for legislative  
24 adjustments?

25 VICE-CHAIR FREEMAN: No, I might as well just wait

1 until Thursday.

2 Do it all at once.

3 CHAIRPERSON MATHIS: Okay.

4 WILLIE DESMOND: For people watching at home,  
5 these maps, both the switch and 8 and 11, are available on  
6 the website.

7 VICE-CHAIR HERRERA: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Herrera.

9 VICE-CHAIR HERRERA: I mean, maybe I already did,  
10 but can I direct Mr. Desmond to combine those changes that  
11 I've made and the ones that Commissioner McNulty has  
12 proposed? So we can come back on Thursday, if it's not too  
13 soon for you, to see what the changes will look and also  
14 what the change report.

15 WILLIE DESMOND: No problem.

16 VICE-CHAIR HERRERA: Thank you so much.

17 WILLIE DESMOND: So, I'll have that for you on  
18 Thursday.

19 The one other thing I would ask is if there's any  
20 other commissioners who have interest in revisiting some of  
21 the possible changes we've looked at, you know, send me an  
22 e-mail. I'll rerun the change reports based off of the  
23 working map, not the draft map, so that you can see the  
24 effects it has on the working map.

25 CHAIRPERSON MATHIS: Yeah, I think it would make

1 sense to actually do that, if it's not too much work, just  
2 on the one -- the adjustments we did do last week that  
3 commissioners suggested.

4           Would that be asking too much by Thursday?

5           WILLIE DESMOND: I will do it. That still seems  
6 like a -- you know, for instance, we had the two different  
7 ones to incorporate the Schultz flood area. I won't go  
8 ahead and do it for those. Those have been addressed in  
9 some of the changes to Districts 6 and 7.

10           So for any that are, I guess, still relevant to  
11 the working map, I will, I will go ahead and have change  
12 reports ready for those.

13           CHAIRPERSON MATHIS: That would be great. Thank  
14 you.

15           Any other comments on the legislative before we  
16 move on?

17           VICE-CHAIR HERRERA: Madam Chair, I think  
18 Mr. Desmond had already mentioned this, but the changes that  
19 she had propose, Commissioner McNulty, to Show Low and  
20 swapping Show Low and the Winslow area, she has backtracked  
21 from that.

22           I think she -- with the information we've gotten  
23 last week from the Navajo Nation and also from Bruce  
24 Adelson, that's something that I don't think she's pursuing,  
25 so the changes will be made will be on the working draft.

1 WILLIE DESMOND: Correct.

2 So if there, if there are changes like that that  
3 you'd like to see, it would probably be best just to do it  
4 as a whole new change.

5 VICE-CHAIR HERRERA: Sure. Okay.

6 COMMISSIONER STERTZ: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Stertz.

8 COMMISSIONER STERTZ: And so this map will be the  
9 Herrera McNulty map? Or the McNulty Herrera map? I  
10 just. . .

11 VICE-CHAIR HERRERA: Are you being funny or --

12 COMMISSIONER STERTZ: No, I'm serious. I'm trying  
13 to figure out how we're going to track that map.

14 VICE-CHAIR HERRERA: You can do whatever -- how  
15 about Stertz. I can add Stertz if you want. It doesn't  
16 matter what it's called to me really.

17 It's just a map that I think has great changes,  
18 and I want to see what it -- I mean, just -- I mean, if it's  
19 that important to you, how about Commissioner McNulty  
20 Herrera map.

21 I'm okay with that.

22 WILLIE DESMOND: I'll actually call it the Herrera  
23 I guess version three.

24 VICE-CHAIR HERRERA: That's perfect.

25 WILLIE DESMOND: Because it's a map that you're

1 asking me.

2 VICE-CHAIR HERRERA: Certainly.

3 WILLIE DESMOND: It will incorporate her  
4 changes --

5 VICE-CHAIR HERRERA: I appreciate it.

6 WILLIE DESMOND: -- but since it's not her asking  
7 for that to be done, I'll. . .

8 COMMISSIONER STERTZ: And, Madam Chair, the reason  
9 I was asking, I'm not trying to funny, I'm trying to be able  
10 to track whether or not there's a parallel map that  
11 Commissioner McNulty is still running and a parallel track  
12 that Commissioner Herrera is running to try to --  
13 these are -- this is a merge map.

14 Is that correct?

15 VICE-CHAIR HERRERA: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Herrera.

17 VICE-CHAIR HERRERA: Commissioner McNulty did not  
18 ask for this. I did.

19 I'd just like to see how it would look.

20 I'm happy either way. But, again, this is  
21 something that I'd like to see, since I do appreciate  
22 some of the changes that were recommended by  
23 Commissioner McNulty.

24 She may disagree me. She may say she doesn't want  
25 them combined.

1           But, but for now I would love to see what it would  
2 look like from my point of view.

3           COMMISSIONER STERTZ: Thank you.

4           CHAIRPERSON MATHIS: Okay.

5           Other comments on legislative before we move on?

6           (No oral response.)

7           CHAIRPERSON MATHIS: Okay. Thank you.

8           VICE-CHAIR FREEMAN: Madam Chair, I'm sorry.

9           CHAIRPERSON MATHIS: Oh, Mr. Freeman.

10          VICE-CHAIR FREEMAN: I just -- there were no  
11 changes by Commissioner McNulty or Herrera to Pima County,  
12 southern Arizona, Tucson area.

13          CHAIRPERSON MATHIS: Is that accurate?

14          VICE-CHAIR FREEMAN: Those districts are all drawn  
15 with laser-like precision.

16          WILLIE DESMOND: No changes to those except for  
17 the ones that we put together to improve voting rights.

18          Districts, I guess, 9 and 10, in Tucson, there  
19 have been no requested changes.

20          VICE-CHAIR HERRERA: I think that is correct.  
21 Nine and ten were left intact, and -- excuse me.

22          I -- since -- I mean, I am familiar with Tucson,  
23 not as much as Commissioner McNulty, so I recommend -- I  
24 went based on her recommendations, and I don't think she  
25 made any changes to it.

1           Again, and I think she said that often that she  
2 felt that you, Commissioner Freeman, and her created a solid  
3 legislative map. And I would agree with that.

4           But I also agree that some changes do need to be  
5 made, but I believe they're minor.

6           WILLIE DESMOND: And just to clarify, Districts 8  
7 and 11 also are in Pima County. And they're also in Pinal  
8 and Gila County.

9           So there were, were some changes to 8 and 11 that  
10 were requested, but not to the other districts besides the  
11 voting rights districts.

12           VICE-CHAIR HERRERA: Madam Chair, I left 8 and 11  
13 alone because Commissioner McNulty had made changes to 8 and  
14 11, and I felt that the changes were more than adequate.

15           CHAIRPERSON MATHIS: Okay. Any other comments or  
16 questions on the legislative?

17           (No oral response.)

18           CHAIRPERSON MATHIS: Okay. Thank you, Mr. Strasma  
19 and Desmond, and we'll get more information from you on  
20 Thursday.

21           And I'm not sure, but is Mr. Adelson coming on  
22 Friday? I had heard he might be coming back.

23           JOSEPH KANEFIELD: Madam Chair, I believe that is  
24 his plan.

25           That may change now that --

1 CHAIRPERSON MATHIS: Now that Saturday's. . .

2 JOSEPH KANEFIELD: -- you're meeting on Saturday.

3 So I'll talk with him and see what --

4 CHAIRPERSON MATHIS: Okay. We'll see what happens  
5 there.

6 Our next item on the agenda is the executive  
7 director report, which Mr. Bladine is not here today.

8 And I hope you're feeling better, Mr. Bladine. I  
9 think he's ill today.

10 And I don't think there's anything new right now  
11 to report that Ms. Gomez would be covering.

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: I did send an e-mail to  
15 Mr. Bladine about the ruling that was handed out by  
16 Judge Fink. I think it was on Friday.

17 And I liked to see one of our attorneys explain  
18 the ruling in some detail and in plain English for us and  
19 also for the public, because I think it was a -- it's  
20 something that we should be proud of and I think it needs to  
21 be addressed.

22 So I would love to have it as an agenda item, just  
23 to explain in layman's terms what the ruling means for the  
24 commission, and also for the public.

25 A future agenda item.

1           CHAIRPERSON MATHIS:  It's a good segue, I think,  
2 to the next item on the agenda.

3           JOSEPH KANEFIELD:  Madam Chair, that's -- and,  
4 Commissioner Herrera, I was planning to do that during the  
5 report on the lawsuit.  And I'll do my best to put it in  
6 layman's terms if you're ready.

7           CHAIRPERSON MATHIS:  The only other item is  
8 discussion of possible future agenda items.

9           Did anyone have anything they wanted to add at  
10 this time?  I know we've added some already to Mr. Bladine's  
11 list.

12          COMMISSIONER STERTZ:  Madam Chair.

13          CHAIRPERSON MATHIS:  Mr. Stertz.

14          COMMISSIONER STERTZ:  I still want to make sure  
15 that we readdress and get a full release of all the contacts  
16 that have been made by the commissioners for -- historically  
17 for the log going forward.

18          Since there's no longer an issue regarding open  
19 meeting, there's no longer any protection requirements, that  
20 we should go ahead and, and release those -- compile them  
21 and release them, so that the requisite press who have been  
22 asking them can have some understanding about who has been  
23 interlaced with the commissioners for the history of  
24 Commission.

25          CHAIRPERSON MATHIS:  So, we had talked about

1 having an agenda item for future to go back and address the  
2 transparency requirements.

3 So that would be part of that discussion; right?

4 VICE-CHAIR HERRERA: Right.

5 CHAIRPERSON MATHIS: Okay.

6 JOSEPH KANEFIELD: Madam Chair, that was my  
7 understanding. And my team is looking at that issue, and it  
8 will be prepared to present whenever the Commission would  
9 like.

10 CHAIRPERSON MATHIS: Okay. So we can put that on  
11 an agenda soon.

12 Okay.

13 Any other future agenda items?

14 VICE-CHAIR FREEMAN: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Freeman.

16 VICE-CHAIR FREEMAN: And just, Mr. Kanefield, that  
17 research you're looking into, that would also include our  
18 ability to -- or I would like that to include our ability to  
19 release transcripts from the last Commission that were in  
20 executive session, since the open meeting law didn't apply  
21 to them either.

22 CHAIRPERSON MATHIS: Any other comments?

23 (No oral response.)

24 CHAIRPERSON MATHIS: Okay. So that takes us to  
25 six. Legal advice, direction to counsel, discussion,

1 possible action, and update regarding litigation on open  
2 meeting law.

3 Mr. Kanefield.

4 JOSEPH KANEFIELD: Madam Chair, I'll go briefly  
5 through Judge Fink's ruling from Friday in the AIRC v.  
6 Horne/State v. Mathis case.

7 The ruling was released to counsel on Friday. It  
8 was officially filed today with the clerk.

9 The court addressed the arguments of both the  
10 State's case to enforce the Attorney General's investigative  
11 demands and the Commission's case for declaratory judgment  
12 of the Arizona Constitution that contains the open meeting  
13 requirements applicable to the Commission.

14 The court ruled against the State in both matters.

15 When I refer to the State, that is the matter  
16 initially brought by Attorney General Horne and then picked  
17 up by County Attorney Bill Montgomery.

18 As a preliminary matter, the court declined the  
19 State's motion to dismiss the Commission, deciding to reach  
20 the merits of the Commission's case.

21 You may recall that the Attorney General had moved  
22 to dismiss the Commission's declaratory judgment injunctive  
23 action on the grounds that the Commission was what you call  
24 a jural entity capable of suing or being sued. With respect  
25 to that question, the court dismissed that claim and allowed

1 the Commission's suit to go forward.

2           The court granted the Commission's motion for  
3 summary judgment that the constitution -- the constitutional  
4 requirement of openness rather than the open meeting law  
5 governs the Commission.

6           The court based its decision on the following  
7 points.

8           The Arizona Constitution itself contains rules  
9 governing the conduct of the Commission's business.

10           And the constitution does not say that the  
11 legislative can enact additional rules.

12           The open meeting law was already on the books when  
13 the Commission was created. Had the voters wanted to  
14 subject the Commission to the open meeting law, they could  
15 have said so explicitly.

16           The court went on to say that the constitutional  
17 requirements of openness is entirely new language which is  
18 more stringent in some respects and less stringent in than  
19 others when compared to the open meeting law under state  
20 statute.

21           And the voters, according to the court, went to  
22 extraordinary lengths to insulate the Commission from  
23 political influence. The open meeting law where applicable  
24 the Commission would be subject to influence by the  
25 legislature and the executive branch through enforcement

1 proceedings.

2           The court next analyzed what enforcement  
3 mechanisms exist for noncompliance with the constitutional  
4 requirement of openness.

5           The court noted that the governor can remove a  
6 commissioner with two thirds of the Senate concurring to the  
7 extent noncompliance constitutes substantial neglect of  
8 duty, gross misconduct in office, or the inability to  
9 discharge the duties of the office.

10           The court also implicitly held that a citizen,  
11 including the attorney general or county attorney, or any  
12 county attorney for that matter, can file a special action  
13 and compel the Commission to conduct its meetings in a  
14 accordance with the constitution.

15           One additional point to note is that the court  
16 cited other state's cases with approval included that the  
17 Commission can have meetings in executive session for the  
18 purposes of receiving legal advice.

19           The court also addressed the doctrine of  
20 legislative immunity.

21           The court concluded that the Commission's choice  
22 of a mapping consultant is a legislative and not an  
23 administrative act, and therefore the deliberative and  
24 communicative processes involved in choosing a consultant  
25 are privileged.

1           The court rejected the State's argument that  
2 legislative privilege would open the doors to evils like  
3 bribery and embezzlement.

4           It noted that no such accusations had been made  
5 against any of the commissioners.

6           The court directed counsel to lodge a form of  
7 order by December 15th. County attorney has publically  
8 stated that he intends to appeal Superior Court's order to  
9 the Court of Appeals.

10           Once the form of order is filed and adopted by the  
11 court, that will begin a 30-day period by which the county  
12 attorney will file notice of appeal to the Arizona Court of  
13 Appeals.

14           I'm happy to answer any questions.

15           CHAIRPERSON MATHIS: Thank you, Mr. Kanefield.

16           Any questions? Or comments?

17           JOSEPH KANEFIELD: Oh, Madam Chair, Kristin just  
18 pointed out something I probably should note. In the  
19 court's opinion in the footnote, the court noted that  
20 nothing prevents the Commission from using the open meeting  
21 law persuasive authority or interpreting the open meetings  
22 clause in the Arizona Constitution as it has done on  
23 occasion.

24           It does not obligate it to accept its guidance  
25 however.

1 VICE-CHAIR HERRERA: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Herrera.

3 VICE-CHAIR HERRERA: One of the reasons why I  
4 wanted Mr. Kanefield -- I didn't know he was going to read  
5 it, but I think it's not only worthwhile, I think it's an  
6 eyeopening -- all the accusations that have been flying --  
7 that have been directed at this Commission since the  
8 beginning have proven to be -- they're not -- they're  
9 weren't substantiated.

10 They were false allegations.

11 And I think what's been happening here with the --  
12 with Judge Fink's ruling on this one and also overturning  
13 the legislature -- legislative decision to, to remove the  
14 Independent chair -- I mean, it's -- I think it's validating  
15 the work that we've been doing here, that we've been  
16 following the constitutional guidelines, that we've been  
17 doing things by the book.

18 And I'm looking forward to proceeding now  
19 hopefully without any distractions, any, any accusations  
20 from, from anybody outside or even from within the  
21 Commission.

22 I think that there's nothing else that can be  
23 thrown at us really. I mean, because I think we have  
24 done -- they have done everything possible to derail the  
25 process, and it hasn't worked.

1           So I'm happy, and I wanted to make sure this is  
2 read into the public record.

3           COMMISSIONER STERTZ: Good.

4           Madam Chair.

5           CHAIRPERSON MATHIS: Mr. Stertz.

6           COMMISSIONER STERTZ: On that note, I then move to  
7 have all of the executive session minutes released to the  
8 public, as was the chair's suggestion when this all -- had  
9 all begun.

10          VICE-CHAIR FREEMAN: Second.

11          VICE-CHAIR HERRERA: Madam Chair, and I'm not  
12 saying I'm opposed to it. I just -- I don't like them  
13 bringing up things without really any discussion.

14                 I would love for our legal counsel to have a crack  
15 at it and think about what the ramifications would be.  
16 Maybe not any.

17                 But I trust our legal team. That's why we hired  
18 them. And I'd love for them to get back to us possibly as  
19 early as Thursday and let us know what potential  
20 ramifications there could be about our releasing this  
21 information.

22                 Again, I don't know if there is any. There might  
23 not be any. But I think that's a wise thing to do.

24          CHAIRPERSON MATHIS: Mr. Kanefield.

25          JOSEPH KANEFIELD: Madam Chair, yeah, we would

1 like to give that some thought and advise the Commission  
2 before it votes to release those transcripts.

3 The privilege still does apply. The Commission  
4 would effectively be waiving that.

5 That is the Commission's prerogative, if, in fact,  
6 this ruling stands.

7 Keep in mind that, as I mentioned, the county  
8 attorney has already mentioned that he will appeal.

9 So at this point this is an unpublished opinion  
10 that will likely go up on appeal and may see a different  
11 result. It's always possible at the appellate court.

12 So before the Commission votes to do that, we  
13 would ask that we be provided an opportunity to consult with  
14 counsel and provide the Commission appropriate advice.

15 VICE-CHAIR FREEMAN: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Freeman.

17 VICE-CHAIR FREEMAN: Mr. Kanefield, the authority  
18 Judge Fink cited in support of the notion that the  
19 Commission can continue to receive attorney-client  
20 privileged communications in executive session, is that --  
21 are those authorities the Commission cited to Judge Fink?

22 JOSEPH KANEFIELD: Madam Chair, I'm sorry,  
23 Mr. Freeman --

24 VICE-CHAIR FREEMAN: I thought when you were  
25 reading the opinion you noted that Judge Fink cited to cases

1 or to case law, holding to the effect that we could still  
2 conduct executive session for the purpose of receiving legal  
3 advice.

4 Is that correct?

5 JOSEPH KANEFIELD: Madam Chair,  
6 Commissioner Freeman, that is correct.

7 VICE-CHAIR FREEMAN: And were those authorities  
8 the Commission brought to the judge's attention, were those  
9 authorities that you are familiar with?

10 JOSEPH KANEFIELD: Madam Chair,  
11 Commissioner Freeman, those are authorities that the  
12 Commission raised to the judge.

13 VICE-CHAIR HERRERA: Madam Chair.

14 These are not agenda items, and I don't want to  
15 discuss agenda items -- I mean, items that haven't been  
16 agendized. So let's, let's put this in as a future agenda,  
17 possibly as early as Friday.

18 CHAIRPERSON MATHIS: Well, I look to legal counsel  
19 if this isn't appropriate to discuss under number six.

20 But it seems like Mr. Freeman's questions could  
21 have been raised under this, so. . .

22 JOSEPH KANEFIELD: Madam Chair, this is an agenda  
23 item to discuss the case.

24 It probably makes sense to put the agenda item,  
25 the executive session release, as a separate agenda item.

1 CHAIRPERSON MATHIS: Right.

2 Any other questions on the case, or the opinion?

3 (No oral response.)

4 CHAIRPERSON MATHIS: Okay.

5 COMMISSIONER STERTZ: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Stertz.

7 COMMISSIONER STERTZ: My motion has been made.

8 CHAIRPERSON MATHIS: Any other discussion on the  
9 motion?

10 (No oral response.)

11 CHAIRPERSON MATHIS: All in favor?

12 COMMISSIONER STERTZ: Aye.

13 VICE-CHAIR FREEMAN: Aye.

14 CHAIRPERSON MATHIS: Any opposed?

15 VICE-CHAIR HERRERA: Madam Chair, the motion was  
16 to release the document, the executive session documents  
17 from the previous Commission?

18 CHAIRPERSON MATHIS: Executive session  
19 transcripts. From ours.

20 COMMISSIONER STERTZ: Ours.

21 VICE-CHAIR HERRERA: Madam Chair, as I, as I  
22 stated before, I don't think it's wise to be rushing to  
23 these kind of decisions without letting our legal counsel  
24 really break it down and come back with us -- to us on  
25 Thursday and let us know what would be the ramifications.

1           So my opinion still stands, and I would vote nay  
2 for it.

3           CHAIRPERSON MATHIS: And I vote nay as well.

4           Yes, I'm sorry.

5           JOSEPH KANEFIELD: Sorry, Madam Chair, I was just  
6 going to, as I said, suggested earlier, I think that that  
7 probably, because that's not on the agenda, we probably --

8           CHAIRPERSON MATHIS: Oh, we shouldn't be voting on  
9 it at all.

10          JOSEPH KANEFIELD: Correct.

11          CHAIRPERSON MATHIS: So the motion should  
12 completely die? Or how does that get addressed?

13          COMMISSIONER STERTZ: Madam Chair.

14          CHAIRPERSON MATHIS: Mr. Stertz.

15          COMMISSIONER STERTZ: For the purposes of future  
16 discussion for this to be an agendized item, I want to --  
17 I'll withdraw my motion, and -- because it is not agendized  
18 today. I would like it on the next available agenda. And  
19 if it would include the redaction of certain legal -- if the  
20 executive -- this whole -- this all goes back to  
21 transparency. And I've heard the word transparency and to  
22 total -- the total view of what we're doing, it's clearly  
23 that Judge Fink agrees that transparency is within our  
24 purview and that the open meeting law in and about itself  
25 does not apply.

1           Yet and according to the constitution, we are to  
2 conduct all of our meetings in open public session.

3           He agreed that would include anything other than  
4 what would be included by attorney-client privilege.

5           Therefore my motion when we go into -- if it is  
6 agendized and I'm allowed to make that motion, that I would  
7 be asking for anything other than what would be covered by  
8 attorney-client privilege, which could be redacted from the  
9 executive session minutes to be released to the public in  
10 the effort for full and complete transparency.

11           I've heard that from the chair. I've heard it  
12 from all of the remaining commissioners. And I just heard  
13 it ten minutes ago from Commissioner Herrera.

14           So I can't imagine that there would be anything  
15 other than a unanimous vote if that was brought forward.

16           CHAIRPERSON MATHIS: So, at our next meeting,  
17 which will be Thursday, we can have -- is that enough time  
18 for you all to provide an update from a legal perspective?

19           JOSEPH KANEFIELD: Yes, Madam Chair.

20           CHAIRPERSON MATHIS: Great.

21           So once we have that, then we can all make an  
22 informed decision as to how to proceed.

23           Any other comments on that?

24           I think I have one more request speak form. So  
25 we'll continue public comment.

1           Our next speaker is Carole Klopatek, representing  
2 Fort McDowell Yavapai Nation.

3           CAROLE KLOPATEK: Carole Klopatek,  
4 K-L-O-P-A-T-E-K.

5           THE REPORTER: Could you repeat that, please?

6           CAROLE KLOPATEK: Carole Klopatek,  
7 K-L-O-P-A-T-E-K, representing Fort McDowell Yavapai Nation.

8           You'll have to excuse my voice. I've got a little  
9 bit of a cold.

10          I can't speak much louder. I'm sorry.

11          One of the things that I wanted to discuss was,  
12 you know, Commissioner Stertz's map in regard to  
13 Fort McDowell Yavapai Nation.

14          You had moved Fort McDowell away from the current  
15 draft map into congressional district -- what would be  
16 eight.

17          And it makes a conflict for Fort McDowell, which  
18 we had said earlier in that Fort McDowell liked being in  
19 Congressional 1 -- district, excuse me, not in Congressional  
20 District 1, in Congressional District 6.

21          We liked being with the other tribal nation, which  
22 was Salt River Pima Maricopa County Indian community, along  
23 with city of Scottsdale in which we have a lot of -- we  
24 talked about this, as I did last week, economics, a lot of  
25 ties.

1           And so the way it was cut, there's a very small  
2 sliver now of Scottsdale. And we're no longer a part of  
3 that urban design.

4           And Fort McDowell does have an issue with that.

5           The other issue was that we did present some  
6 documentation and some statistics last week. And I  
7 understand that the -- Commissioner McNulty is not here to  
8 go ahead and present Fort McDowell, but I believe it is now  
9 on the website, and wondering if that will be addressed at  
10 maybe next Thursday's meeting in terms of Fort McDowell's --  
11 the changes that were made.

12           CHAIRPERSON MATHIS: I don't know the latest on  
13 that from Mr. Desmond.

14           Didn't Ms. McNulty last week suggest some changes  
15 to that end on that legislative district to explore?

16           And I'm not sure what was decided.

17           WILLIE DESMOND: The working map does have  
18 Fort McDowell moved to District 23.

19           CAROLE KLOPATEK: From District 24.

20           And so I'm just wondering whether that is  
21 actually going to be addressed or whether -- because  
22 Fort McDowell had -- there is the data and the numbers to  
23 support what Fort McDowell had said, that was going to be a  
24 very, very minor change to congressional district -- or,  
25 excuse me, Legislative District 24, to move Fort McDowell

1 into 23.

2 I believe some statistics that you had done  
3 actually provided --

4 WILLIE DESMOND: I think that that change was  
5 submitted for approval with the others. Or submitted for  
6 analysis.

7 CAROLE KLOPATEK: So I'm hoping that on Thursday  
8 if Commissioner McNulty will not be here that somebody  
9 actually brings that up in order to discuss and vote on for  
10 your approval.

11 CHAIRPERSON MATHIS: So right now, Mr. Desmond,  
12 it's included in the working map that we have in front of  
13 us, that change.

14 WILLIE DESMOND: In the working map that you have  
15 in front of you, Fort McDowell has been moved from  
16 District 24 to District 23.

17 CHAIRPERSON MATHIS: And that's what you are  
18 requesting; right? The 971.

19 CAROLE KLOPATEK: Yeah, that makes -- that change  
20 will be something that's constant and you'll move forward  
21 with that.

22 CHAIRPERSON MATHIS: Right now it is in our  
23 working map, which is as far as we've gotten.

24 We haven't voted on any changes or anything.

25 But Ms. McNulty will be here on Thursday too. At

1 least she said she would.

2 CAROLE KLOPATEK: Well, thank you --

3 CHAIRPERSON MATHIS: I hope you won't be. Sorry  
4 that you're sick.

5 CAROLE KLOPATEK: I think I got it from everybody  
6 here.

7 Thank you very much.

8 CHAIRPERSON MATHIS: Thank you.

9 Any other people that wanted to address the  
10 Commission today that we've missed?

11 (No oral response.)

12 CHAIRPERSON MATHIS: Okay. Seeing none, the time  
13 is 3:21 p.m., and this meeting is adjourned.

14 (Whereupon, the meeting adjourned.)

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1 STATE OF ARIZONA            )  
  )  
2 COUNTY OF MARICOPA        )        ss.

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4                    BE IT KNOWN that the foregoing proceeding was  
5 taken before me, Marty Herder, a Certified Court Reporter,  
6 CCR No. 50162, State of Arizona; that the foregoing  
7 206 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 18th day of  
11 December, 2011.

12

13

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

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