

**ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

Friday, December 16, 2011  
4:08 p.m.

**Location**

**Fiesta Resort - Fiesta I 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 Stertz (via teleconference)

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

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

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

1 Tempe, Arizona  
2 December 16, 2011  
3 4:08 p.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 afternoon. This meeting  
9 of the Arizona Independent Redistricting Commission will now  
10 come to order.

11 Today is Friday, December 16th. And the time is  
12 4:09 p.m.

13 Let's begin with the Pledge of Allegiance.

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

15 CHAIRPERSON MATHIS: We'll start with roll call.

16 Vice-Chair Freeman.

17 VICE-CHAIR FREEMAN: Here.

18 CHAIRPERSON MATHIS: Vice-Chair Herrera.

19 VICE-CHAIR HERRERA: Here.

20 CHAIRPERSON MATHIS: Commissioner McNulty.

21 COMMISSIONER McNULTY: Here.

22 Commissioner Stertz.

23 (No oral response.)

24 CHAIRPERSON MATHIS: We have a quorum.

25 And I believe Mr. Stertz is joining us

1 intermittently through the phone. He'll be dialing in, and  
2 I am sure he'll watching the streaming online.

3 Other folks at the table today include our legal  
4 counsel. We have Bruce Adelson, Mary O'Grady, and Joe  
5 Kanefield.

6 Our mapping consultant, Willie Desmond.

7 Staff in the room include our executive director,  
8 Ray Bladine.

9 Our public information, Stu Robinson.

10 Our deputy executive director, Kristina Gomez.

11 Our chief technology officer, Buck Forst.

12 And our court reporter, Marty Herder, is taking a  
13 transcript of today's proceedings.

14 So with that we'll go to what we normally do,  
15 which is items two and three on the agenda.

16 I thought I'd asked -- ask commissioners if they  
17 would like to start with the congressional or the  
18 legislative, since we didn't spend much time on legislative  
19 last time. We ran out of time and decided to postpone that  
20 until now.

21 So we can do either one.

22 Does anyone have a preference?

23 COMMISSIONER McNULTY: Do you have a preference,  
24 Mr. Desmond? I don't.

25 Maybe we should begin with the congressional.

1           CHAIRPERSON MATHIS: Fine.

2           Start with congressional.

3           WILLIE DESMOND: Okay. In your packets today  
4 you'll notice you have two new congressional maps.

5           One of them is the map that Commissioner McNulty  
6 had presented yesterday.

7           You asked that I just run the whole set of reports  
8 as we had done for Commissioner Stertz's. So I prepared  
9 those.

10           I believe you have those by e-mail last night, but  
11 they're all there for you today. So we can go over that one  
12 again if you like.

13           Or else we do have the second map.

14           I'll leave that to the chair, I guess, if you want  
15 to introduce it or I can go through it.

16           CHAIRPERSON MATHIS: Sure. I'll introduce it.

17           After our meeting yesterday, I called Mr. Desmond  
18 to see if it would be possible to just see what it looked  
19 like to kind of combine some of the elements from McNulty  
20 and Stertz. And specifically it was to take -- let's see  
21 what one and two looked like from McNulty's.

22           Three, seven, and nine were the same between both  
23 of those maps.

24           So four, five, six, and eight from the Stertz map  
25 are what you see on this, what's being deemed, I guess, the

1 map as combo map. But it was just really an exercise to see  
2 if it was even possible. I didn't know if those two maps  
3 could be combined.

4 And that was the genesis of this particular  
5 iteration.

6 So I haven't talked to Mr. Desmond to hear -- nor  
7 have I seen any of these split reports -- splits reports.  
8 So I'd be curious to know if he noticed anything that was  
9 possible or impossible in trying to combine those.

10 WILLIE DESMOND: Well, I was able to combine those  
11 two maps from yesterday.

12 And it is here for you now.

13 The -- I guess the only real area where we had had  
14 divergence was District 8 and 4.

15 Four was underpopulated combining those, so what I  
16 had to do was take a little bit more from District 8, which  
17 was overpopulated.

18 There was already a split in Peoria. So I just  
19 continued and made that split.

20 I'm sorry, I don't have the screen on.

21 I made that split a little -- gave it slightly  
22 more to four.

23 CHAIRPERSON MATHIS: Do commissioners have any  
24 thoughts on that? You're welcome to comment.

25 WILLIE DESMOND: There's -- obviously there's

1 other places where four can take population from District 8.  
2 It just seemed like the most logical.

3 VICE-CHAIR HERRERA: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Herrera.

5 VICE-CHAIR HERRERA: Mr. Desmond, the Mathis combo  
6 map and the congressional change McNulty change, they look  
7 exactly the same.

8 Is that the same map?

9 Maybe I'm --

10 CHAIRPERSON MATHIS: No. Look at eight first.

11 WILLIE DESMOND: Yeah --

12 VICE-CHAIR HERRERA: Oh, you know what, I  
13 apologize.

14 COMMISSIONER McNULTY: Could you just walk through  
15 the differences in six -- five, six, and eight?

16 WILLIE DESMOND: Sure.

17 COMMISSIONER McNULTY: So does -- let me ask a  
18 couple questions.

19 The -- so, as I understand, Sedona would be in  
20 CD 1 now.

21 WILLIE DESMOND: Correct.

22 COMMISSIONER McNULTY: And then is Fountain Hills  
23 combined with Scottsdale?

24 WILLIE DESMOND: Yes, in District 6.

25 COMMISSIONER McNULTY: And is the Fort McDowell

1 reservation combined with Scottsdale and Fountain Hills?

2 WILLIE DESMOND: Yes.

3 COMMISSIONER McNULTY: Okay.

4 WILLIE DESMOND: District 6 is Paradise Valley,  
5 Scottsdale, Fountain Hills, Rio Verde, Cave Creek, Carefree,  
6 and portions of Phoenix.

7 COMMISSIONER McNULTY: So that accomplishes one of  
8 the things that I had wanted to accomplish on Mr. Stertz's  
9 map.

10 WILLIE DESMOND: In the map you had presented,  
11 that district looked like this.

12 Taking the district from Commissioner Stertz's  
13 map, it changes a little bit so that he keeps just some  
14 differences here.

15 And then there is a portion of Mesa that  
16 District 6 goes into down here.

17 COMMISSIONER McNULTY: Could you just walk through  
18 the differences perhaps?

19 WILLIE DESMOND: Sure.

20 So in the map as it's drawn right now -- I think  
21 I'll look at District 8. That's probably the most extreme  
22 of the differences.

23 District 8 has the northern part of Goodyear,  
24 Citrus Park, El Mirage, Sun City, Sun City West, Surprise,  
25 the southern portion of Peoria, and then parts of Glendale

1 and Phoenix, along with all of New River and all of Anthem.

2           District 8 in the McNulty map did not include  
3 New River or Anthem, went up to the county boundary here,  
4 included all of Peoria, a smaller portion of Goodyear, and  
5 then went all the way up to the county line, and followed  
6 the county line again.

7           So District 8 is significantly smaller, I guess,  
8 in this map.

9           District 6, now includes -- District 4 used to  
10 have New River and Anthem, or most of them.

11           In the McNulty map, that's now included in eight.

12           I guess that swap is what makes -- allows this  
13 area to be -- go to four in the west.

14           Looking at District 6 as it's drawn, again it  
15 includes all of Cave Creek, Carefree, Fountain Hills,  
16 Rio Verde, Salt River and Fort McDowell areas, and then a  
17 portion of Mesa down here that I believe was originally then  
18 the population bounced back.

19           But I think Commissioner Stertz had talked about  
20 changing that a little bit, so I think for Monday there's  
21 a good chance that there will be some further tweaks to  
22 this.

23           The difference between that and what you had  
24 presented, Commissioner McNulty, is that you took a little  
25 bit more up here going towards Anthem and a little bit less

1 in central Phoenix. And then you followed the reservation  
2 line from Phoenix to Mesa.

3 So I can go in and tell you what these streets  
4 are, if that's helpful. Or I don't know how much detail you  
5 want what the difference is.

6 COMMISSIONER McNULTY: I don't, I don't feel that  
7 that's necessary.

8 WILLIE DESMOND: Okay.

9 District 5 is relatively the same, because --  
10 except for that area in Mesa that goes into District 6 and  
11 this area in five that goes into the San Tan Valley.

12 COMMISSIONER McNULTY: So you're thinking  
13 Mr. Stertz was thinking of swapping those maybe or cleaning  
14 that up.

15 WILLIE DESMOND: I think so. He had mentioned  
16 that that would be the way to remove a split from  
17 Pinal County.

18 CHAIRPERSON MATHIS: And then, Mr. Freeman, didn't  
19 you have, when Mr. Stertz presented this yesterday, some  
20 thoughts on something in Maricopa County? I think it was  
21 eight, but I'm not sure.

22 VICE-CHAIR FREEMAN: Well, Commissioner Stertz's  
23 proposal yesterday, which I had not seen before, and  
24 unfortunately I haven't had too much time given my work  
25 conflict today to really study it.

1           The one thing that jumped out at me just looking  
2 at it in a gross sense is that he at least tried to address  
3 the problem of keeping the greater Tucson area together by  
4 keeping Marana, Oro Valley, Saddlebrooke together in that  
5 CD 2.

6           As for -- and that's -- probably didn't address, I  
7 guess, the issue with the CD 4, the lobster claw coming over  
8 the top of Phoenix metro area and descending down into  
9 Pinal County.

10           As for inside the Maricopa County area, I mean, I,  
11 I have great concerns about CD 9.

12           It is not compact. It's, it's frankly somewhat  
13 ridiculous looking how it meanders up into central Phoenix.  
14 It also disrespects a community of interest there that  
15 strikes kind of close to home for me because I've lived  
16 there further virtually my whole life, which is, you know,  
17 the Arcadia, Biltmore, and Paradise Valley area is split  
18 there.

19           And I really hadn't had a chance to study  
20 alternates, ways to adjust that.

21           One question I do have about this change is what  
22 is the population in Peoria that is now being put into CD 4?

23           WILLIE DESMOND: 9,089.

24           VICE-CHAIR FREEMAN: Thanks.

25           And this is now up on the website as well?

1 WILLIE DESMOND: This --

2 BUCK FORST: It's going up next.

3 WILLIE DESMOND: It's going up on the website  
4 soon?

5 BUCK FORST: Yes.

6 VICE-CHAIR FREEMAN: Could you pan out a little  
7 bit, please?

8 (Brief pause.)

9 CHAIRPERSON MATHIS: Ms. McNulty, what were the --  
10 or maybe it's for Mr. Desmond, on whatever this one is, the  
11 congressional change, McNulty change version two, that one,  
12 can you explain again what the changes are?

13 WILLIE DESMOND: Was keeping, I think, Oak Creek  
14 with Sedona was one change.

15 Keeping Cochise County whole in District 2 was the  
16 other change.

17 Keeping District 6 -- I think it was keeping  
18 Fountain Hills with Scottsdale.

19 And then District 4.

20 COMMISSIONER McNULTY: If we just did a couple  
21 census place splits in the western part of eight, which  
22 would now -- which are now part of four on this map.

23 WILLIE DESMOND: It also moved District 8 out back  
24 to the county boundary, in that northwestern corner.

25 COMMISSIONER McNULTY: Yes.

1 WILLIE DESMOND: So if you -- I don't want this to  
2 be overwhelming, but the red line is Commissioner McNulty's  
3 map yesterday.

4 The green line identifies areas where the draft  
5 map is different.

6 CHAIRPERSON MATHIS: Yeah, upon more careful  
7 study, I can actually see the changes on the map.

8 So thank you for putting them on there, on the  
9 green lines.

10 COMMISSIONER McNULTY: So the green lines show  
11 what we changed.

12 WILLIE DESMOND: The green line on your map is the  
13 draft map, yes.

14 COMMISSIONER McNULTY: Yes.

15 WILLIE DESMOND: That was actually an accident  
16 that I put that on there.

17 I can include that on future maps if you like.

18 But I did -- I put that on there when I drew the  
19 Google maps so that you can see where the draft maps were.

20 I just forgot to unselect that letter when I made  
21 it.

22 CHAIRPERSON MATHIS: I like it. It helps.

23 Okay. Any thoughts on either of these  
24 congressional change reports, drafts?

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 VICE-CHAIR HERRERA: Can you remind me,  
3 Madam Chair, your thinking when you -- with this map, the  
4 Mathis combo map, tell me what you were thinking?

5 CHAIRPERSON MATHIS: Sure.

6 So both of them, both Mathis -- McNulty and Stertz  
7 presented these. Ms. McNulty I think one of our first days  
8 back suggested four or so changes to the congressional draft  
9 map that she wanted explored.

10 I think everybody liked those in just terms of  
11 general ideas, not necessarily agreed on how to do it, but  
12 we know there are multiple ways to do them, but things like  
13 making CD 1 more compact was a big one.

14 And for me, frankly, that one is probably the  
15 thing we heard most out of all public comment from our  
16 hearings in round two.

17 And that we're still continuing to get even in our  
18 meetings, is that CD 1 is, is too big and needs to be  
19 reduced in size.

20 So that's why I liked her version of one, instead  
21 of Mr. Stertz's.

22 I like it that both of them kept Cochise County  
23 whole.

24 I think that we heard a ton of public comment in  
25 that regard to keep Cochise County whole, from Cochise

1 County.

2 And so they both did that.

3 The question is, do you -- and I'm not -- it would  
4 be interesting to know, I guess, Mr. Desmond, the distance  
5 in terms of the height of Cochise County. I don't know how  
6 many miles that is. But at least it's reduced that  
7 distance, from, you know, not going all the way down to the  
8 border the way it does in the Stertz version.

9 WILLIE DESMOND: About 150 miles.

10 CHAIRPERSON MATHIS: So I guess we're reducing it  
11 at least by that in terms of the length.

12 A little more in area.

13 It would be interest -- yeah, I don't know the  
14 total. I haven't studied these numbers that we just got on  
15 compactness, but it would be interesting to compare what  
16 Mr. Stertz presented yesterday in that.

17 I do -- I also do like the idea that there's a  
18 third congressional voice in Tucson.

19 I know some -- it's really interesting in the  
20 public hearings, yeah, the public hearings we've hosted in  
21 the second round, how different people view that  
22 differently.

23 I happen to think that more representation is  
24 better than less representation.

25 And so when there is an opportunity for an area to

1 be represented by additional voice, I tend to favor that.

2 That's just me.

3 I know that others feel like, no, they, they want  
4 one congressional rep or legislative rep representing their  
5 interest and don't like to see any sort of splits in that  
6 regard.

7 But I think that can be argued different ways.

8 So those were really why I chose one and two of,  
9 of that map.

10 And then I really like Mr. Stertz's eight. I  
11 think I made that sort of clear yesterday, because I just --  
12 it's way more compact. And the fact that it's minimizing  
13 the amount of urban in eight is also nice.

14 It's keeping eight -- putting the rural parts of  
15 eight into four, and it just keeps it -- I think it's a  
16 better interface frankly.

17 I haven't studied, you know, what's happening in  
18 Peoria there, or if there are additional splits that are  
19 occurring now because of that, or what. But just visually  
20 it's definitely a better seeming district.

21 And then the lobster claw thing Ms. McNulty  
22 brought up a while ago, and I think everyone felt that that  
23 was something that we ought to try to look at.

24 And it wasn't done in the first place to be evil  
25 or anything.

1           It was really to try to balance the amount of  
2 urban population that was going into these two enormous  
3 rural districts.

4           And we were trying to share that burden between  
5 the two. And that's how that happened.

6           And so it wasn't pretty.

7           And we heard a lot of comment from Fountain Hills  
8 folks and others that they wanted to be with Scottsdale, so  
9 I think addressing that makes sense.

10          And that's all I have.

11          Do you have any other questions that were -- that  
12 I didn't cover in that answer?

13                 VICE-CHAIR HERRERA: Madam Chair, I don't have  
14 questions.

15          I do have -- I had a chance to review both of the  
16 maps, Commissioner McNulty's congressional map and then  
17 Commissioner Stertz. And just some -- point out some  
18 differences.

19          And I really do thank them both for the effort. I  
20 think it was a valiant effort from both. And I think they  
21 followed some of the instructions that we laid out, and that  
22 was not to mess with three and seven and to try to work on,  
23 on the other non majority-minority districts.

24          But let me just talk about a couple things that I  
25 see as, as differences.

1           Look at the Stertz map.

2           I think what it does is it splits Eloy into two.

3           So it moves half of Eloy into -- again, the two  
4 districts, so it creates one more split.

5           So the county of -- Pinal County is split twice in  
6 District 2.

7           District 2 did not go into Pinal, but it now does,  
8 so you have that split.

9           CHAIRPERSON MATHIS: Can you pan down? Excuse me,  
10 I'm sorry.

11          VICE-CHAIR HERRERA: Sure, sure.

12          CHAIRPERSON MATHIS: Just so we can follow along  
13 on the map.

14          COMMISSIONER McNULTY: And you're referring now to  
15 Mr. Stertz's map but not to my version of CD 1 that's been  
16 incorporated in this map.

17          VICE-CHAIR HERRERA: That's correct.

18          COMMISSIONER McNULTY: Right.

19          VICE-CHAIR HERRERA: Can you scroll down -- to  
20 actually, take me to -- to Eloy. Is Eloy?

21          WILLIE DESMOND: That's right there.

22          VICE-CHAIR HERRERA: So that area, Eloy, is split  
23 into two. Correct? Before it was not split? In the draft  
24 map?

25          WILLIE DESMOND: Correct.

1           VICE-CHAIR HERRERA: So that's definitely a  
2 concern.

3           And I think there's, excuse me, one more split in  
4 Pinal County that was not there before.

5           Can you show me that split? I think it's right  
6 there.

7           WILLIE DESMOND: Right here, San Tan.

8           VICE-CHAIR HERRERA: Again, an additional split.

9           And then you look at District 1, and I do agree  
10 with Chairwoman Mathis that there's been a lot of comment  
11 about making District 1 a little more compact.

12           And Commissioner Stertz tries to, but I don't  
13 think he does a good enough job in making District 1 a  
14 little more compact as Commissioner McNulty has in her  
15 draft.

16           And also I think with the change that he did in  
17 District 1, he made District 2 a little less competitive.

18           Again, we only have three competitive districts,  
19 and the District 2 is already slightly Republican leaning,  
20 and they made it slightly more Republican leading in terms  
21 of competitiveness.

22           Talk about a couple things that I like about  
23 Commissioner McNulty again.

24           District 1, can we go McNulty's map?

25           So Commissioner McNulty takes public comment into

1 account when creating District 1, making it more compact.

2           Keeps the competitiveness of one and two, keeps it  
3 the same.

4           Again, we only have three competitive districts,  
5 so she keeps them the same.

6           Again, I think she -- District 2 there's a slight  
7 Republican tilt, but again stays the same.

8           And then she has one more county that is made  
9 whole in Cochise.

10           And I think Stertz does that as well, but the  
11 difference is that she makes -- by keeping Cochise the way  
12 it is, she makes District 1 more compact.

13           Again, doesn't split Eloy. Keeps it whole.

14           And so those are the things -- I think those  
15 are -- again, I think both are a valiant effort in creating  
16 a -- trying to create a compromise map, but I just want to  
17 point out some of the differences.

18           And I, I do agree with Chairwoman Mathis that I do  
19 like CD 1 in Commissioner McNulty's version better than  
20 Commissioner Stertz.

21           And I'm, definitely I like the compactness of  
22 eight in Commissioner Stertz's map.

23           VICE-CHAIR FREEMAN: Madam Chair.

24           CHAIRPERSON MATHIS: Mr. Freeman.

25

1           VICE-CHAIR FREEMAN: Several comments.

2           First, I'm not here to defend  
3 Commissioner Stertz's map, and I wish he was here to comment  
4 on it.

5           I think, if I heard Mr. Desmond correctly, he was  
6 recounting Commissioner Stertz talking about how his map  
7 needed further adjustments.

8           There was a reference to the San Tan Valley split  
9 in Pinal County that could be corrected, so I would  
10 anticipate that he would come back without that split.

11          I even think he said that yesterday.

12          So it's a little unfair, I think, to cite that as  
13 a split.

14          And, who knows, I don't know what the  
15 justification is for the line that was drawn through Eloy,  
16 whether it could be drawn on the, at the city boundary there  
17 with Casa Grande or not. I don't know. I haven't looked  
18 into that.

19          I also recall Commissioner Stertz stating  
20 repeatedly that this was his view, not my view certainly,  
21 but his view of a compromise map.

22          I don't believe in a compromise map. I believe in  
23 a map that rigorously follows the constitutional criteria.

24          Also I don't know where we get the notion of  
25 citing the fact that one district or another now tilts

1 toward one party or the other.

2           The constitution lays out six criteria to follow,  
3 for us to follow, and let the chips fall where they may.  
4 It's where the conditional competitiveness requirement, it  
5 simply says that upon creation of the maps if there's no  
6 significant detriment to the other goals, we're to favor the  
7 creation of competitive districts, or as the Supreme Court  
8 has said competitive or more competitive.

9           And I think his map actually, if we're going to  
10 talk about slight tilts, one thing that Commissioner Herrera  
11 did not mention was that he made CD 1, which is not  
12 competitive by the way we measured the others parts of the  
13 state, he made it even more Democratic.

14           So that was not mentioned.

15           I do think -- I like the fact that commissioners  
16 are citing to comments about keeping counties whole. And I  
17 do agree that we heard lots of public comment about that,  
18 about keeping Cochise County whole, about keeping Gila  
19 County whole.

20           And I think that's why following county lines is  
21 one of the constitutional criteria that we're to follow.

22           If we're going into, you know, weighing --  
23 measuring the weight of the public comment or the volume of  
24 it, I'm willing to take one point or another, that's an  
25 interesting comment, because that just sounds like let's

1 just vote on -- have the people vote on the map.

2 I know we heard, if, if I recall the hearing in  
3 Payson, for example, and I recall last week  
4 Commissioner Herrera, he proposed one unique change to the  
5 CD map where he was going to put Oak Creek into CD 1 and  
6 Payson into CD 4.

7 And he was going to do that on the legislative map  
8 as well.

9 And he said that he listened to the comments at  
10 the Payson public comment hearing. He listened to the  
11 people, I think.

12 And I think I've got the transcript pulled up  
13 there as well. And I remember leaving that hearing, that  
14 was curious, I thought.

15 And I point this out just to sort of illustrate  
16 what's going on to the public.

17 I attended the Payson public comment hearing with  
18 the chair. And I was surprised at the amount of turnout in  
19 Payson. And I was also surprised at how exorcized the  
20 people were about the proposed maps.

21 And, in fact, I think afterwards someone told me  
22 all the pitchforks -- the Home Depot in Payson is out of  
23 pitchforks and torches. They're all at the Payson public  
24 comment hearing.

25 The people were there, and they were speaking

1 loudly and clearly, as Commissioner Herrera said that he  
2 heard them.

3           But what I remembered was a little different. I  
4 remembered them saying, oh, no, we want our county kept  
5 whole. We do not want our county sliced and diced by these  
6 maps, because it dilutes our voice. And we want to be kept  
7 whole with the other, the three G counties, Gila, Graham,  
8 and Greenlee Counties, and we wanted to be kept whole with  
9 eastern Arizona. That's our community of interest. It's a  
10 rural eastern Arizona district.

11           So I thought perhaps I misremembered my experience  
12 in Payson, so I went up and looked and pulled up the  
13 transcript. And I thought if there was this loud clear  
14 voice, this clarion call to put Payson with Prescott, I  
15 would see it.

16           And so I pulled up the transcript, and there are,  
17 there are over 8,000 words in the public comment section.  
18 And I did a search on Prescott. And the word Prescott came  
19 up twice in that hearing.

20           And so I thought, well, maybe there were  
21 two really passionate speakers who spoke about the need to  
22 keep Payson with Prescott, because Commissioner Herrera said  
23 that's what they said.

24           And I looked at the first instance, and that  
25 person was talking about how Payson has nothing in common

1 with Prescott.

2 But, I looked at the second comment.

3 And the second person got to the microphone, and  
4 this person even had to acknowledge the overwhelming  
5 comment -- commentary at that hearing about keeping Gila  
6 County whole.

7 He acknowledged it.

8 But then he proceeded to say, yeah, I think Payson  
9 has a community of interest with Prescott, Sedona, and  
10 Bullhead City.

11 And I don't know this for sure. I did do a little  
12 Google search on that person. And Google told me that --  
13 the Internet told me that a person with that exact same name  
14 is in the employ, an official of the Gila County Democratic  
15 Party.

16 So that's kind of what's going on here, and  
17 that's, I guess, the basis for putting Payson with Prescott,  
18 that one comment at that hearing, while everyone else was  
19 saying something entirely different.

20 I did hear public comment about keeping districts  
21 compact.

22 CD 4 is not compact. CD 4 takes the entire urban  
23 burden into the rural district.

24 I think the population in Apache Junction and  
25 San Tan Valley and Florence and Gold Canyon is now put into

1 this river district is -- that's suburbia. It's a lot of  
2 people to go into that district.

3 And we've heard a lot of people in rural Arizona  
4 talk about, hey, you can't, you can't put too much urban or  
5 suburban populations into an urban district -- or a rural  
6 district before they cease -- they lose their rural  
7 character, because the representative is going to really be  
8 more responsive to that urban suburban interest and not  
9 them.

10 And I think it's on the order of the sizable  
11 percent, you know, 100, 150, perhaps even 200,000. You'll  
12 have to look it up. But people that go into that CD 4.

13 We've heard about, we've heard about compactness.

14 We've heard about keeping community of interests  
15 in the urban Maricopa County area.

16 I think what I heard Commissioner Stertz say  
17 yesterday was it was his compromise, because he wasn't going  
18 to touch that CD 9, that winds around through Phoenix metro  
19 area.

20 And he didn't.

21 So that was his compromise.

22 I don't think we can compromise there. That is,  
23 that is shattering various communities of interest and  
24 putting communities that have diametrically opposed  
25 viewpoints under one congressional map.

1 I think that is a significant detriment to the  
2 other goals.

3 So I don't think -- I mean, I'm not -- I'm  
4 certainly willing to look at the chair's map, and I  
5 appreciate her effort, I appreciate Commissioner Herrera's  
6 and Commissioner McNulty's efforts on these.

7 And I was perhaps more looking forward to working  
8 more on what Commissioner Stertz had proposed on Monday  
9 because it was more in line of my thinking of how the CD map  
10 could be salvaged, but apparently he's moved on to this map.  
11 So, unfortunately I -- he's not here today, but perhaps we  
12 can discuss it more on Monday.

13 CHAIRPERSON MATHIS: Just a comment.

14 This combo map that we're all seeing for the first  
15 time, it's my understanding, Mr. Desmond, correct me if I'm  
16 wrong, so one, two, and four would be the only parts that  
17 differ from what Stertz presented yesterday.

18 Is that right?

19 WILLIE DESMOND: Correct.

20 CHAIRPERSON MATHIS: Okay.

21 Any other comments or questions on congressional?

22 COMMISSIONER McNULTY: Madam Chair.

23 CHAIRPERSON MATHIS: Go ahead.

24 COMMISSIONER McNULTY: Mr. Desmond, have we -- do  
25 we have a new formula for the competitiveness indices?

1 WILLIE DESMOND: We, we do have those formulas  
2 that we introduced last week. I don't have those numbers  
3 generated right now.

4 COMMISSIONER McNULTY: Okay. Could you generate  
5 those numbers for us?

6 WILLIE DESMOND: Yes. We'll get that programmed.  
7 Do you want just all -- every one through nine  
8 basically?

9 COMMISSIONER McNULTY: I think so, yeah. So I  
10 think it's been -- I would like to see one through nine,  
11 yes.

12 I think it's helpful to look at the different  
13 formulations, because they all together tell a story.

14 WILLIE DESMOND: Okay.

15 COMMISSIONER McNULTY: I would say that, from my  
16 perspective, a very substantial compromise was made on the  
17 working congressional, working draft congressional map in  
18 which we settled on one competitive district in a city of  
19 over four million people.

20 And you'll recall that I had hoped, and I believe  
21 we could have, while enhancing communities of interest and  
22 addressing all the other constitutional criteria, to create  
23 another competitive district in urban Maricopa County.

24 And we did not do that. That was a very  
25 substantial compromise.

1           The comment that we've received in the second  
2 round and since then, I would agree that probably one of  
3 them, the most frequent concerns has been the size of  
4 Congressional District 1.

5           The other has been competitiveness and the fact  
6 that the whole purpose of Proposition 106 was to create an  
7 Independent Commission that would be responsible for  
8 developing fair and competitive districts.

9           And toward that end, the constitution includes  
10 six criteria, two federal and two that are also federal, and  
11 four that are state.

12           So that, that is an important objective.

13           In the working draft map that we have now we have  
14 four solidly Republican districts, two Democratic voting  
15 rights districts, and three districts that are about as  
16 close to 50/50, I think, as you can reasonably expect to  
17 achieve based on performance.

18           I know that we received a number of comments  
19 that C -- we often hear that CD 1 is more Democratic. But  
20 that's solely based on looking at registration.

21           And we've also heard a great deal of testimony  
22 from the Native American nations about the fact that the  
23 discrepancy between registration and performance is  
24 enormous.

25           And when you back that out or when you factor that

1 in in a formula and look at the various indices, you see  
2 that CD 1 is, in fact, competitive.

3 CD 2 is about razor thin, I think, and CD 9 is  
4 also.

5 So, I'm -- that is an important criteria to me.  
6 It's not the only criteria. All of these have been  
7 constructed with all of the constitutional criteria in mind.

8 But I don't think our job -- I don't view my job  
9 right now as making a compromise.

10 I view my job as drawing a conclusion about what I  
11 as an independent member of the Redistricting Commission  
12 feel is the best balance of the six criteria and is the best  
13 thing for the state of Arizona.

14 Having said that, if you'll indulge me, I'd like  
15 also to talk about Congressional District 9.

16 I think it's important that I put some thoughts on  
17 the record about that district, because I don't think it  
18 disrespects communities of interest.

19 It's a central, urban district that makes a lot of  
20 sense.

21 It includes Ahwatukee, which is an urban village  
22 of Phoenix, that's as we've learned in this process  
23 geographically, geographically separated from the rest of  
24 Phoenix by South Mountain and other towns.

25 The south border is Pecos Road, which is also the

1 boundary of the Gila River Indian community.

2 Ahwatukee is closely associated with north  
3 Chandler, which is the area of Chandler that's north of  
4 Pecos Road.

5 The boundary that separates north Chandler and  
6 Ahwatukee, as those of us from Tucson know because we drive  
7 it just about every day now, is I-10.

8 But this is also something that ties the  
9 communities together.

10 The two communities share a very widely known  
11 district together, which is the Kyrene School District, and  
12 with south Tempe. They share economic interests and  
13 residents from both sides of the freeways, freeway, shop,  
14 work, play on each side.

15 Ahwatukee and Arcadia, although they're not  
16 contiguous, they make up the current Phoenix City Council  
17 District 6.

18 They share much in common, both socioeconomically,  
19 demographically, and culturally. They encompass an area  
20 with high educational attainment.

21 Tempe, Chandler, and Ahwatukee are also bounded by  
22 I-10. The neighborhoods cross between south Tempe and north  
23 Chandler, and the entire area shares socioeconomic and  
24 cultural ties.

25 That area of the city is well established, like

1 the rest of the district, and differs greatly from some of  
2 the areas of more recent growth.

3           Tempe has a unique characteristic that, as the  
4 gateway to the east valley and Phoenix, the core of Tempe is  
5 surrounded by freeways, the 202, 101, I-10, and 143 on the  
6 west, and U.S. 60 on the south.

7           It's home to ASU, but it's more than a college  
8 town, and has a well-established population. And because  
9 it's surrounded by developed areas is essentially  
10 landlocked. It's been forced to take a different  
11 perspective on economic development than some of the  
12 high-growth areas.

13           The creation of Tempe Town Lake and the  
14 development of the lightrail have been a key part of Tempe's  
15 development and a key to developing a regional approach to  
16 urban renewal and economic development.

17           The decision to tie west Mesa, Tempe, and Phoenix  
18 together with the lightrail was made after studying  
19 transportation, economic, community, and cultural issues.  
20 And the route chosen reflects a sensible combination of  
21 communities as they stand now and they're likely to grow.

22           It isn't by accident that the lightrail was put in  
23 this area. It was made as a result of very detailed  
24 economic, socioeconomic studies. A little like what we're  
25 doing here now.

1           The Escalante neighborhood in east Tempe has a  
2 significant Latino population, that we've talked about quite  
3 a bit, that ties it with the emerging Latino neighborhoods  
4 along Main Street and the corridor of west Mesa.

5           The state's largest community college is in west  
6 Mesa, and it shares much in common with ASU.

7           Tempe Marketplace and Mesa Riverview are a couple  
8 of miles down the street and share an economic bond.

9           Tempe Lakes and Dobson Ranch are similar  
10 neighborhoods on either side of the city line.

11           West Mesa shares much more common economically,  
12 demographically, and culturally with Tempe than with east  
13 Mesa.

14           South Scottsdale and north Tempe are  
15 neighborhoods -- share neighborhoods, commerce, and  
16 transportation routes together. North Tempe is the area  
17 north of Tempe Town Lake, and south Scottsdale is generally  
18 the area south of Old Town Scottsdale.

19           The neighborhoods of south Scottsdale are  
20 generally south of Thomas Road and are nearly  
21 indistinguishable from north Tempe.

22           I know this well, especially because I've  
23 essentially lived here for the last month. But also  
24 because, you know, I've been a real estate attorney for  
25 well over 20 years, and before that I worked in land use

1 issues all over the state. So I'm not unfamiliar with this  
2 area.

3 I've seen it grow. I've seen, you know, the boom  
4 times when Fiesta Mall and Fiesta Inn were brand-new, and  
5 I've seen things evolve to where they are now.

6 The area centered on Scottsdale Road which runs  
7 north and south also shares Papago Park, which crosses  
8 between Phoenix, Tempe, and Scottsdale.

9 Much like the neighborhoods in north Tempe, south  
10 Scottsdale transitions naturally from east Phoenix and  
11 Arcadia.

12 The areas share mix neighborhoods of older,  
13 established residents and young professionals who work  
14 downtown or at ASU. Much of these areas in east Phoenix and  
15 Arcadia share the Scottsdale School District with south  
16 Scottsdale.

17 Like the district as a whole, the area has a  
18 substantial need for innovative economic policies.

19 And thus I think the merit of the lightrail.

20 Midtown is the collection of established  
21 neighborhoods and commercial areas. It's a high-traffic  
22 area during the week, and many people from other parts of  
23 the district come here for work.

24 The area shares much in common with the rest of  
25 the district.

1           It's established, has many different needs than  
2 the high-growth areas outside the core of the city.

3           The area will constantly be at the heart of  
4 transportation issues, a part of the economic hub that  
5 drives the region.

6           So, we can differ on specifics of streets and what  
7 all that means, but I believe that the district makes a lot  
8 of sense and that, you know, in the exercise of my  
9 reasonable judgment as a commissioner, it's a good way to  
10 configure a district that affords four million people in  
11 urban Maricopa County the opportunity for a congressional  
12 race in which in any given year, in any average year,  
13 candidates, average candidates from either party have an  
14 opportunity to win that seat.

15           I think that's what I was appointed to do, to find  
16 ways to configure fair and competitive districts across the  
17 state that comply with all six criteria. And I believe that  
18 one does.

19           And I thank you for your indulgence in allowing me  
20 to put those thoughts on the record.

21           CHAIRPERSON MATHIS: Thank you.

22           VICE-CHAIR HERRERA: Madam Chair.

23           CHAIRPERSON MATHIS: Mr. Herrera.

24           VICE-CHAIR HERRERA: I would ask that we --  
25 Commission McNulty put a lot of thought into this.

1           And I think they're -- it's well thought out, and  
2 I would like to see if we can put it on the website to give  
3 people an opportunity to read her thoughts and to -- because  
4 I think District 9 is going to be -- it might be an issue.

5           And obviously it's something Commissioner Freeman  
6 has issues with District 9.

7           But I think Commissioner McNulty did an excellent  
8 job of explaining why she came up with District 9. And that  
9 it doesn't -- and that she followed the six constitutional  
10 criteria.

11           And I would love to see that as, again, on the  
12 website, so people can read it and judge for themselves.

13           You know, and she makes a point that, you know,  
14 we, we, we do compromise quite a bit.

15           Not only the Democrats and people that cared about  
16 competition that wanted four competitive districts. And we  
17 were only, because of compromise, we were only able to  
18 create three.

19           Now, we only have, right now, the way it stands  
20 with the draft map, we only have one competitive district in  
21 Maricopa County.

22           Only one.

23           As Commissioner McNulty said, four million people,  
24 you know, I think we can squeeze another one out easily, at  
25 least two, but I'm, I'm willing to compromise with one if we

1 don't mess with the competitiveness as it stands now, which  
2 I will fight tooth and nail to make sure that it stays  
3 competitive.

4           And if Commissioner Freeman has a way to -- you  
5 know, if he wants to make changes, I think he's entitled to  
6 as long as he keeps it competitive.

7           Right now I don't think it gets any better than a  
8 50/50 split.

9           And to me, that's competitiveness.

10           And I would hope that if he makes those changes,  
11 whatever changes he's proposing, that he keeps the  
12 competitiveness of District 9.

13           VICE-CHAIR FREEMAN: Madam Chair.

14           CHAIRPERSON MATHIS: Mr. Freeman.

15           VICE-CHAIR FREEMAN: Well, if it's 50/50, then I  
16 guess we have zero competitive districts, because there's  
17 none of them that are 50/50.

18           And it's kind of really impossible to decide what  
19 criteria to look at to even measure competitiveness.

20           So, but on a broader sense I've learned a number  
21 of things serving on this Commission.

22           Despite the fact that in 2009 the Arizona Supreme  
23 Court had an opportunity to review a case that brought up  
24 issues arose out of Prop 106 that we're operating under, in  
25 spite of the fact that the Arizona Constitution -- the

1 Supreme Court of Arizona said that -- at least the  
2 provisions they were looking at were not vague, they did not  
3 feel the need that they needed to try to define legislative  
4 intent. Which would be hard to do with the proposition,  
5 because that's really calling for the intent of everyone who  
6 voted for the proposition, voted against it, or chose not to  
7 vote on it.

8           They said that Prop 106 means what it says.

9           And so all you have to do is read it and apply it.

10           And the competitiveness criteria, they said, is  
11 both mandatory and conditional.

12           It's the only one that's conditional.

13           We have to meet the other five criteria, and then  
14 assess whether making adjustments to the map to create  
15 competitiveness or a more competitive district or more  
16 competitive districts would cause a significant detriment.

17           We've never done that.

18           We never completed any form of baseline map on  
19 which we could make that measurement.

20           And I've learned, I've learned about what the  
21 notion of -- well, in terms of what the constitution means,  
22 it appears to mean whatever the Democrats say it means,  
23 basically. That's what I've learned.

24           I've also learned something about the notion of  
25 what a compromise means.

1           What a compromise -- I've heard it with respect to  
2 the retention of legal counsel, mapping consultant, and now  
3 the maps.

4           That it's a compromise.

5           And to me it means, I get nothing I want, they get  
6 everything they want, they say they're not going to get  
7 everything they want, so they can have their cake and eat it  
8 too. So they can say they've compromised and pat themselves  
9 on the back for that and get it all.

10           And to me that seems like that's what's going on  
11 here.

12           With respect to CD 9, now going back to what I  
13 said earlier about what the people said at the Payson public  
14 comment hearing. I also recall a public comment hearing in  
15 Phoenix back in August, and there were two or three people  
16 who came up for the microphone and described a community of  
17 interest.

18           And interestingly enough, they all said about the  
19 same thing. They said that west Mesa and Tempe, the 202  
20 corridor, Arcadia, and north central Phoenix was a community  
21 of interest.

22           Now I know, and with all respect to  
23 Commissioner McNulty, I know she's got long experience in  
24 the real estate with respect to -- given the Phoenix area,  
25 but I'm probably a little older than I look.

1 I've lived either in the Arcadia area or in  
2 Paradise Valley my entire live, except for when I was off in  
3 school. That's 46 years. And I can tell you that there are  
4 diametrically different interests in that area of Phoenix  
5 and Tempe and west Mesa.

6 They are, they are completely different. It is  
7 not a community of interest.

8 It is a fracturing of various communities of  
9 interest.

10 As to the lightrail issue, the lightrail doesn't  
11 even go through most of this district. And it's hardly a  
12 community of interest.

13 I think you've got to really just live within  
14 walking distance to really avail yourself of it. And like I  
15 said, most of it is not in this district.

16 But, as to the Phoenix City Council district,  
17 that's interesting as well.

18 Ahwatukee is essentially separated from the rest  
19 of Phoenix by South Mountain.

20 And the Voting Rights Act applies to Phoenix as  
21 well, and they have to -- yes, they have to create a  
22 ridiculous looking Phoenix City Council district to link  
23 Ahwatukee with the only other part of the valley that really  
24 can be made contiguous to it, which is Arcadia. It makes no  
25 sense. It's hardly a justification for putting Ahwatukee up

1 with Arcadia, Biltmore, north central Phoenix area.

2 What else did I have?

3 Well, going back to the public comments at the  
4 Phoenix hearing. I mean, those comments occurred back in  
5 August. And now we have a district that looks just like  
6 that.

7 And there was just a few people who came up and  
8 said these things, which I view as extraordinary because  
9 they do not comport with my -- what I believe our  
10 communities of interest in a properly laid out district, and  
11 now, voila, we have that district.

12 So, we're just sort of playing out the script  
13 here, and I have a feeling that that's what the district  
14 we're going to end up.

15 And it's to the detriment of voters in other parts  
16 of the state.

17 The whole map falls on its knees before this  
18 district.

19 The Republican voters are packed, hyperpacked into  
20 other parts of the valley. Where theirs competitive  
21 district?

22 Why aren't they treated fairly and evenly?

23 I mean, we've heard public comment about the  
24 virtues of competitive districts.

25 We've heard members that the minority party are

1 harmed by being in a district that is not competitive.

2 We've also heard that members of the majority  
3 party are harmed. Their vote is less effective. They don't  
4 have as much choice.

5 And yet, that's what we're doing. We're sticking  
6 it to those voters. We're putting them in super-packed  
7 district so that voters in another part of the state can be  
8 favored and have their votes be made more meaningful.

9 I don't think that's fair.

10 I don't think when you apply Prop 106 it means  
11 what it says.

12 I think you've got to apply the  
13 five constitutional criteria and let the chips fall where  
14 they may.

15 And unfortunately for Democrats when you take out  
16 the voting rights districts, it does mean that in the rest  
17 of the map there is a substantial registration difference  
18 between Republicans and Democrats statewide, when you take  
19 out those voting rights districts. So it shouldn't be  
20 surprising that it may -- it would be very difficult to form  
21 a competitive or more competitive district merely by making  
22 adjustments to the map after you've applied the first  
23 five districts.

24 That's not what we've done here though.

25 We've started with competitiveness as the primary

1 goal.

2           This district was dropped into the doughnut hole,  
3 and it's made it, I believe, untouched, unscathed, or  
4 virtually untouched, or if there have been any adjustments  
5 to it they've been immaterial.

6           And competitiveness was the primary first goal in  
7 constructing that district.

8           So obviously I don't support it.

9           VICE-CHAIR HERRERA: Madam Chair.

10          CHAIRPERSON MATHIS: One second.

11          I would just say that you are older than you look,  
12 which I hope you'll take as a compliment.

13          Mr. Herrera.

14          VICE-CHAIR HERRERA: Madam Chair, I also live in  
15 this proposed District 9.

16          I have not lived in District 9 as long as  
17 Commissioner Freeman, but I have lived in different areas of  
18 District 9, and the more of the middle class, working class  
19 areas of District 9, especially in Arcadia.

20          And there is a lot in common with the Tempe area,  
21 west Mesa.

22          I mean, I personally shop in Tempe quite a bit.

23          I mean, we go to ASU games. People that I live  
24 with in the neighborhood go to ASU.

25          People that live in my area, they don't go to

1 Scottsdale Community College. They go to MCC.

2 So, I mean, there is a lot in common with the --  
3 with again, Arcadia, west Mesa, Tempe, and the district that  
4 was created -- presented by Commissioner McNulty.

5 Not only that, but there's a huge difference -- I  
6 used to live in Mesa, in the east part of Mesa. And the  
7 east part of Mesa, west part of Mesa, are complete two  
8 different -- to me completely two different cities.

9 And that's why I think it would make sense for  
10 them, for the west Mesa folks to be with Tempe.

11 I think they more have in common with them.

12 And again I reiterate that we -- and I think  
13 Commissioner McNulty did a better job than I can in stating  
14 that all criteria was used when we created each and every  
15 district.

16 And our attorneys can vouch to that, both  
17 Republican and Democratic attorney, that we used every bit  
18 of information, all the criteria to create these, both the  
19 legislative and congressional maps.

20 VICE-CHAIR FREEMAN: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Freeman.

22 VICE-CHAIR FREEMAN: I mean, another concern I  
23 have is how we seem to be applying criteria differently in  
24 different parts of the state at different times. It seems  
25 arbitrary and not rational to me.

1           I mean, we've heard -- I've heard about different  
2 areas of the state not fitting together. Well, not fitting  
3 is not one of the constitutional criteria.

4           Communities of interest is a constitutional  
5 criteria. Communities of interest must be respected, but  
6 just not fitting in, I don't know if that means communities  
7 of interest.

8           But not fitting together has been used in some  
9 parts of the state to say, well, Flagstaff and its environs  
10 don't fit with the western CD 4, they need to be in the  
11 eastern CD 1.

12           But I've also heard communities of interest are  
13 very small to -- and as long as you cobble them together and  
14 don't split them, it's okay so, therefore, it's okay to put  
15 Marana into the rural eastern district CD 1.

16           So it's okay to do that there, but it's not okay  
17 to take all of Flagstaff and its environs and put it into  
18 CD 4.

19           That's not okay. That's inconsistent. That's,  
20 that's arbitrary.

21           And, you know, we see that with, with Mesa and  
22 west Mesa.

23           I mean, you know, if they're, if they're  
24 different, and they might be very different and belong in  
25 different districts, I don't disagree with that. But

1 that criteria should be applied evenhandedly across the  
2 state.

3 And certainly Biltmore, Arcadia area, PV, I mean,  
4 that is not -- they are different than Tempe. They are  
5 different than west Mesa.

6 They don't fit together. There is no commonality  
7 there.

8 CHAIRPERSON MATHIS: Any other comments?

9 COMMISSIONER McNULTY: I will add the comment that  
10 there's no grouping of however many hundred thousand people  
11 that are going to be similar, and that's not really our job.

12 Our job is to balance the six constitutional  
13 criteria.

14 They don't have bright line definitions, so  
15 obviously we disagree.

16 There's nothing wrong with that.

17 I mean, we have, we have a right to disagree. And  
18 I think we've all worked very hard to understand the state  
19 and do the best job as we -- that -- the best job that we  
20 could to perform the responsibilities that we are to perform  
21 based on the six criteria in the constitution.

22 To Mr. Freeman's point that there's no compromise  
23 and that he's unable to get what he wants, I just have to  
24 ask, you know, I guess it depends on what your objective is.

25 If your objective is to have two Democratic voting

1 rights districts and seven heavily leaning Republican  
2 districts, then I can't compromise with that. Because I  
3 don't think that's what our charge is.

4 I understand that that may be what Mr. Freeman  
5 believes his charge is.

6 It's not what my charge is.

7 I think we have achieved a pretty good compromise  
8 here with four solidly Republican districts, two very sound  
9 voting rights districts, which will be Democratic almost by  
10 definition, and three districts that can be won by either  
11 party in an average year given average candidates.

12 And I think that's a very good compromise and a  
13 very good reflection of what the voters were looking for  
14 when they passed Prop 106.

15 VICE-CHAIR FREEMAN: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Freeman.

17 VICE-CHAIR FREEMAN: No, Commissioner McNulty,  
18 that is not my charge.

19 That is not what I said.

20 My charge is to follow the constitution.

21 And the constitution -- let the chips fall where  
22 they may.

23 I don't know -- when I, when I started creating a  
24 congressional map -- I'm sorry, I lost my wind screen for  
25 the mic. I know that's irritating.

1 I did not start off by making street level  
2 micro-changes to draw a map that had been pre-designed by  
3 someone else.

4 I simply gave instructions to the mapping  
5 consultant that said things, like, apply one of the  
6 constitutional criteria to our grid map, adjust the grid  
7 lines so that we, so that we follow county lines as much as  
8 possible.

9 I think that was my first charge.

10 I didn't know how that map would look.

11 I waited to see what Mr. Desmond came up with.

12 Similar adjustments to the grid map followed that  
13 I made, and which were, again, broad, broad requests, based  
14 on constitutional criteria.

15 I think they were along the lines of create voting  
16 rights districts. I think I am charged with creating  
17 two voting rights districts on the congressional map. So  
18 that was a charge.

19 And I said as a first cut, go ahead and use what  
20 the Hispanic Coalition has suggested.

21 I think one -- another charge was adjust the grid  
22 lines so that Indian reservations are kept whole.

23 I think that we've heard and should acknowledge  
24 that them as communities of interest.

25 I gave instructions just to maximize respect for

1 municipal lines, try to reduce splits of municipalities as  
2 much as possible.

3 That's a constitutional criteria.

4 I did not know how that map would end up.

5 That is applying the constitution objectively,  
6 fairly, evenly statewide and let the chips fall where they  
7 may.

8 And then once we got done with that, I anticipated  
9 we would probably have more deliberations about  
10 acknowledging communities of interest, that there are  
11 boundaries within the state, and whether we could respect  
12 them. That's a constitutional charge.

13 And then we would look at ways to configure the  
14 maps in different ways, if we could, to favor the creation  
15 statewide, not just in one particular pet area, competitive  
16 or more competitive districts as the Arizona Supreme Court  
17 has said.

18 So that's what I view my charge.

19 COMMISSIONER McNULTY: Madam Chair, just one final  
20 comment.

21 CHAIRPERSON MATHIS: Ms. McNulty.

22 COMMISSIONER McNULTY: I do think it's important  
23 that we explain our different perspectives on this.

24 I didn't -- I don't really view this as letting  
25 the chips fall where they may.

1           I, I know where I live. I know a little bit about  
2 the state.

3           And we were given tools to study, which I took  
4 advantage of.

5           I think that there are, you know, concentrations  
6 of Republican population in the state. There are  
7 concentrations of Democratic population in the state. And  
8 there are areas where it just makes sense that you're going  
9 to have very mixed partisanship. And those areas, you know,  
10 tend to be around universities. They end to be those kinds  
11 of areas.

12           So, I did -- I mean, I needed to describe those  
13 areas, and so I did that based on neighborhoods and streets  
14 and communities.

15           There's nothing wrong with that.

16           It was a different way to go about it. It's the  
17 way I chose to go about it. But that's entirely consistent  
18 with the constitution.

19           You will recall that when I did the legislative  
20 maps in Tucson, I, I put testimony together based on my  
21 knowledge of Tucson.

22           I did the same thing in Phoenix.

23           I had an atlas in which interestingly the atlas  
24 has, I don't know, 60 or 65 pages, but the majority of the  
25 districts in Arizona are on two pages only. Because they're

1 all in metropolitan Phoenix.

2 And I've used that, you know, as my guide to start  
3 putting things together.

4 So it's a different way to go about it than you  
5 did, Mr. Freeman, but it's an equally valid way under the  
6 constitution.

7 VICE-CHAIR FREEMAN: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Freeman.

9 VICE-CHAIR FREEMAN: Well, my let the chips where  
10 they may fall comment refers to the political outcome.

11 None of my instructions to the mapping consultant  
12 had -- did I have any notion what the political outcome  
13 would be with where the lines were. Just whatever they were  
14 is where the constitution would dictate that they would  
15 fall.

16 That's the only thing I meant by that.

17 COMMISSIONER McNULTY: Well, that's, you know,  
18 that's, again, just a different perspective.

19 I think that if you have a situation as we do here  
20 in Arizona where you have 21 senatorial districts that are  
21 Republican, anything that you do, I guess, to create a  
22 competitive district makes -- appears to make the state a  
23 little less Republican and therefore can be interpreted as  
24 promoting something for the Democrats.

25 But, that's kind of not the issue.

1           The issue is that Proposition 106 instructs us to  
2 follow the six criteria.

3           And unless you turned a blind eye to  
4 competitiveness altogether, you're going to wind up  
5 potentially making things look a little more Democratic  
6 because they're a little more balanced.

7           I don't apologize for that.

8           I think that's what we are obligated to do as long  
9 as we balance all six criteria.

10           I know we've been roundly criticized for that as  
11 being partisan in some way, and that seems very upside  
12 down to me. But, but it's consistent with what I was  
13 appointed to do.

14           And, and I am proud of the progress that we've  
15 made under very -- you know, a lot of criticism, a great  
16 deal of pressure, to suggest that that is somehow wrong or,  
17 you know, somehow sheds down on our credibility.

18           No, I don't think any of that is true.

19           I think the voters wanted us to stand up tall and  
20 do the best we could to achieve a fair and balanced outcome.  
21 That's what I -- that's what my focus has been.

22           It hasn't been based on one of the criteria. It's  
23 been based on all of the criteria.

24           I think, I think there was wisdom in  
25 Proposition 106.

1           I think the reason -- one of the reasons that  
2 there are so many criteria is because it's kind of a  
3 compilation of what's been learned all over the country in  
4 terms of factors that you're supposed to look at and balance  
5 in developing districts that don't necessarily favor  
6 incumbents, that are fair, that can create opportunities for  
7 citizens to increase their participation and for candidates  
8 to increase their participation.

9           I mean, that's, that's the essence of democracy.  
10 That's what this is all about. Is increasing citizen  
11 participation and increasing candidate participation.

12           There's nothing wrong with that.

13           I'm not going to apologize for that. I think  
14 that's what we need to do here.

15           And that's really what District 9 is -- that's  
16 what District 9 is about.

17           VICE-CHAIR FREEMAN: Madam Chair.

18           CHAIRPERSON MATHIS: Just one second, Mr. Freeman.

19           I think we're going to dial up Mr. Stertz so he  
20 can also participate.

21           But go ahead.

22           VICE-CHAIR FREEMAN: Well, one of the things the  
23 constitution charges us with or what we're supposed to do is  
24 conduct the process in a way that instills confidence in the  
25 public as to what we're doing.

1           And when you, when you apply the constitutional  
2 criteria objectively across the state, without a  
3 predetermined political outcome in mind, I think that does  
4 instill the public with confidence, because we're seen as  
5 being fair and objective and essentially letting the  
6 constitution decide where the map lines are drawn.

7           I think when we get into pre-designing districts  
8 and implementing them, having them pre-designed and then  
9 drawing them, based on whatever rationale, the concern is  
10 the public will view that as a manipulated, predetermined  
11 outcome and that it won't be fair.

12           And it will be to create districts in some part of  
13 the state that give Democrats a boost they wouldn't  
14 ordinarily have if the constitutional criteria were applied  
15 evenly and fairly statewide.

16           I mean, there's been lots of debate about the  
17 semantics of the word gerrymandering, but I think one  
18 definition of it is where you create a district where the  
19 district lines are drawn artificially in order to give one  
20 candidate or even one party an advantage they wouldn't  
21 ordinarily have.

22           And that's certainly what's going on here, because  
23 we've got a bunch of districts where it would be hard  
24 pressed to put more Republicans into them.

25           I suppose anything is possible, but we've got some

1 really hyperpacked Republican districts to, as I said  
2 earlier, to the detriment of Democrats who live in those  
3 districts and to the detriment of Republicans in that  
4 district.

5           And that's -- I don't think that's fair, and I  
6 don't think that's what the constitution calls for.

7           VICE-CHAIR HERRERA: Madam Chair.

8           CHAIRPERSON MATHIS: Just one second, Mr. Herrera.  
9 I just want to see, is Mr. Stertz on the line?

10          COMMISSIONER STERTZ: I am, but I have a very  
11 difficult time streaming right now.

12          CHAIRPERSON MATHIS: We can hear you really well,  
13 if that's any consolation.

14          VICE-CHAIR HERRERA: Madam Chair.

15          CHAIRPERSON MATHIS: Mr. Herrera.

16          VICE-CHAIR HERRERA: Yeah, I think we probably  
17 should move on from this argument.

18                You know, I think Commissioner McNulty has been, I  
19 think pretty clear and very positive in, in her remarks on  
20 where she stands, and Commissioner Freeman has taken more of  
21 a negative approach.

22                And, and I don't think we're going to agree. And  
23 that's fine. You know, we have differences. Let's be  
24 respectful, which we have been.

25                But, but one thing I do say, I think that the

1 public -- the majority of the public does have confidence in  
2 what we're doing.

3 I think it was pretty clear when we had the  
4 governor trying to intervene and the legislature, I think  
5 the polls showed leave the Commission alone.

6 It was extremely clear.

7 And if, and if Commissioner Freeman believes that  
8 we're not following the constitutional criterias, and which  
9 I don't agree with him, there is a remedy. That's through  
10 the courts.

11 And the courts will -- I think I'm extremely  
12 comfortable that the courts, again, will side on our favor.  
13 They can throw anything they want at us, that we're doing  
14 this, we're doing things, we're being unethical, we're  
15 being this and that. And, again, I think they'll be proven  
16 wrong.

17 And, and he can throw any accusation he wants.  
18 And he's entitled to, and he has in the past, and it hasn't  
19 worked.

20 So what I want to do is just move forward. I  
21 think that they can agree to disagree.

22 I tend to side with Commissioner McNulty. I think  
23 her points are extremely clear, valid, positive, and, and  
24 she states them in a way that we don't -- let's agree to  
25 disagree. Let's move forward, and let's focus on -- if, if

1 we're done with the congressional map, let's focus now on  
2 the legislative map.

3 CHAIRPERSON MATHIS: I would just like to comment  
4 on the constitutionality of the maps, at least from my  
5 perspective.

6 I do believe we've applied all six of these  
7 criteria in an equal, balanced way, and tried to follow the  
8 constitution as closely as possible.

9 Now, if we have not, and in any -- if we've fallen  
10 down somewhere, I would hope that our legal counsel would be  
11 advising us to say, hey, you're not, you're not doing this  
12 correctly, or that was wrong, and they would jump in and  
13 tell us.

14 And I would hope that before we approve final  
15 maps, that if there are any concerns along those lines, that  
16 they are addressed and fully before we approve the maps.

17 So, that's all I would say on that matter.

18 Mr. Stertz, did you have anything that you wanted  
19 to add?

20 COMMISSIONER STERTZ: Madam Chair.

21 CHAIRPERSON MATHIS: Go ahead.

22 COMMISSIONER STERTZ: My apologizes for not being  
23 able to tune in and make comments during the course of the  
24 day, mainly because unfortunately the call-in line no longer  
25 existed, so we had to wait until the technology was able to

1 catch up.

2 Commissioner Freeman has put sufficient words on  
3 the record. This has been repeated over and over again.

4 My, my view of CD 9 hasn't changed.

5 It was a place holder district in the beginning.  
6 It was a contrived district right from the beginning.

7 The story line about it being a district designed  
8 around a lightrail is I think at best thin, and that's just  
9 a difference of opinion, I guess, in how  
10 Commissioner McNulty and Commissioner Herrera want to hold  
11 it.

12 That's -- I'm comfortable that there's a  
13 difference of opinion.

14 What I would be -- I know that -- what I do know  
15 is that the lightrail went down a road. And those roads  
16 already existed before the lightrail was put into place.  
17 And people were moving along those roads already before the  
18 lightrail was put into place.

19 And they were going from their residences to  
20 wherever their jobs were before the lightrail was put into  
21 place.

22 So I think that that is a -- as an argument as a  
23 basis for connectivity of a district is at best thin.

24 In regard to a pre-designed district having a  
25 predetermined outcome, as you said before, that is the

1 definition of gerrymandering.

2           And I don't like the idea of having -- I'm all in  
3 favor of competitive districts. We have not focused on  
4 truly building competitive districts.

5           We designed a district that got dropped into the  
6 center the map during the draft map design process, and this  
7 is what we ended up with.

8           So I brought forward a map. I'm really curious to  
9 see what, what the rest of the comments are going to be in  
10 regards to the congressional designs in regards to CD 2,  
11 CD 8, CD 4, CD 5, CD 6 changes that I brought forward and  
12 CD 1 changes that I brought forward two days ago.

13           CHAIRPERSON MATHIS: And, Mr. Stertz, I don't know  
14 if you were able to hear us during the beginning part of our  
15 meeting, but just to bring you up to speed, we did talk  
16 about congressional draft map adjustments, and we should  
17 have online now, I think, what was passed out today here in  
18 the meeting.

19           And that is some change reports associated with  
20 Commissioner McNulty's proposed changes.

21           And then what I had asked Mr. Desmond to do after  
22 our meeting yesterday, after seeing your presentation, is --  
23 and I didn't know if it was possible. I just said, is it --  
24 can you see if this even works, can you take Districts 1 and  
25 2 from McNulty's map, three, seven, and nine, between your

1 two maps were the same, and add in your version of four,  
2 five, six, and eight -- and seven -- four, five, six, and  
3 eight.

4 COMMISSIONER STERTZ: Now, why would we want to do  
5 that when we've heard volumes of testimony saying that the  
6 people in Oro Valley, Saddlebrooke, and Marana want to  
7 remain together as a community and want to remain connected  
8 to the greater urban Tucson area?

9 CHAIRPERSON MATHIS: I was strictly -- when I  
10 chose one and two from McNulty's map, what I was really  
11 focusing on was that I like the fact that she does improve  
12 the compactness of CD 1 by not going all the way to the  
13 border.

14 And we heard overwhelmingly from everybody, that  
15 seemed to be everybody's biggest concern was how big CD 1  
16 was.

17 And both of you kept Cochise County whole in both  
18 versions.

19 The difference was the border and whether CD 1  
20 goes all the way to the border or stops at the Cochise  
21 County line.

22 I also mentioned that with regard to the Marana,  
23 Oro Valley, Saddlebrooke areas, I remember yesterday  
24 Ms. McNulty in talking about her definition of communities  
25 of interest. I don't agree with everything she said. It's

1 not my perspective. I do think that Oro Valley, Marana, and  
2 Saddlebrooke have common interests and could benefit  
3 therefore from common representation. I do think they're  
4 worth keeping together.

5 She viewed it as Saddlebrooke's a community of  
6 interest, but not necessarily Oro Valley and Marana.

7 So there's a difference in opinion there.

8 But the reason I left that the way it is with  
9 those going into CD 1, because I guess another idea would be  
10 to, you know, just have Saddlebrooke go to the north, and  
11 you'd split Saddlebrooke, Oro Valley, Marana. But I do view  
12 them as, as a community of interest based on the tons of  
13 testimony we received.

14 And what I said was that I do think that having an  
15 additional voice representing an area, that being greater  
16 Tucson, in congress is a good thing.

17 I think having three voices is a benefit. And  
18 it's, in fact, something we, we highlighted and touted on  
19 our second round of hearings.

20 And I think, I think that's a positive.

21 So, that was just my take.

22 VICE-CHAIR HERRERA: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Herrera.

24 VICE-CHAIR HERRERA: Yeah, I'd like to see if  
25 Commissioner Stertz was able to listen to

1 Commissioner McNulty's explanation of District 9 and how she  
2 came up with District 9. So that's a question for  
3 Mr. Stertz.

4 CHAIRPERSON MATHIS: Could you hear that --

5 COMMISSIONER STERTZ: Mr. Herrera, what I will do,  
6 I will wait until this is posted so that I could adequately  
7 hear it, and I'll reflect back on it and give my comments to  
8 that testimony on Monday.

9 VICE-CHAIR HERRERA: The reason I ask,  
10 Madam Chair, is because Commissioner Stertz was talking  
11 about some of the things that commissioner -- some of the  
12 things that Commissioner McNulty had mentioned in talking  
13 about the lightrail being the thin -- or a -- not good of an  
14 excuse, it's some thin proposal that the reasons why  
15 District 9 looks the way it does.

16 I was assuming that he did, so I was just trying  
17 to confirm.

18 WILLIE DESMOND: I don't want to interrupt. I  
19 just want to mention that these maps are now available  
20 online. So if Mr. Stertz had any questions, he can view the  
21 change reports and the map.

22 CHAIRPERSON MATHIS: Great. Thank you.

23 And all of us need to look at these.

24 We just got them at the beginning of the meeting,  
25 so it would be helpful, I think, for all of us to kind of

1 study these in more detail to see what it all means.

2 Are there any other comments on the congressional  
3 map at this time?

4 Is there anything, Mr. Adelson, that you wanted to  
5 mention on three or seven? I think, we're. . .

6 BRUCE ADELSON: Madam Chair, commissioners, no,  
7 I -- I'm -- I don't have anything new to offer at this time  
8 on the two majority-minority districts.

9 Thank you.

10 CHAIRPERSON MATHIS: Thank you.

11 VICE-CHAIR HERRERA: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Herrera.

13 VICE-CHAIR HERRERA: Once again, I would like to  
14 thank Commissioner Stertz and McNulty for the changes that  
15 they proposed and for, again, for leaving three and seven  
16 alone and waiting for and respecting our decision to wait  
17 for the analysis to come back.

18 So I would hope that it stays that way.

19 And also in the legislative map that any changes  
20 that are being proposed by any of the commissioners leave  
21 the majority-minority districts intact until we get the  
22 analysis back.

23 So I'm looking forward to continued respect of the  
24 decision we made.

25 VICE-CHAIR FREEMAN: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Freeman.

2 VICE-CHAIR FREEMAN: Commissioner Herrera keeps  
3 saying that, but keeps misrepresenting the record.

4 The record was not that they were locked in. The  
5 record was only that we were going to send those districts  
6 off for further analysis.

7 That was the only thing that was agreed upon.

8 In fact, the original motion by the chair was to  
9 lock them in, and I objected. And she changed it to reflect  
10 that merely the agreement was to send those districts on for  
11 further analysis.

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: Again, I don't think I  
15 misunderstood.

16 The -- it was to temporarily lock them in, I  
17 agree, until we got the analysis back.

18 And until then we weren't going to make any  
19 changes. Because what happens is, when you start making  
20 changes, you have to send those changes to, to get them  
21 analyzed.

22 And, again, we are being delayed. And I think  
23 sometimes I look at it as delay tactics. And, I mean, I  
24 hope I'm wrong. We've seen these delay tactics in the past.  
25 And, and I hope, again -- I want to be wrong -- that I

1 think -- but I do know that we agreed that we would  
2 tentatively hold the majority-minority districts until we  
3 get the analysis back. That's what I remember, and I think  
4 I'm correct with that.

5 And, I mean, unless any other commissioners that  
6 are here want to prove me wrong, please let me know.

7 CHAIRPERSON MATHIS: I think what Mr. Freeman said  
8 was accurate, that we would submit for further analysis was  
9 kind of a phrase that we decided on, instead of anything to  
10 do with locking in, even as a temporary lock in. We didn't  
11 use that, so. . .

12 VICE-CHAIR HERRERA: That's exactly what I said.  
13 I don't see how I differ from Commissioner Freeman.

14 CHAIRPERSON MATHIS: Okay.

15 I'm glad you two are on the same page.

16 Okay. It's 5:30.

17 How is our court reporter doing?

18 THE COURT REPORTER: I'm fine.

19 CHAIRPERSON MATHIS: Oh, okay. Wow.

20 Well, anything else on the congressional map that  
21 we'd like to talk about?

22 Mr. Stertz, too, feel free to jump in.

23 COMMISSIONER STERTZ: Madam Chair.

24 CHAIRPERSON MATHIS: Yes.

25 COMMISSIONER STERTZ: This is going to be the

1 first agenda item for Monday morning.

2 CHAIRPERSON MATHIS: Yes, I think --

3 COMMISSIONER STERTZ: So that will give me an  
4 opportunity to reflect back over some of the changes that  
5 I've not yet seen, nor -- I'm missing pieces of  
6 Commissioner McNulty's testimony, and then the follow-up by  
7 Commissioner Freeman, which had led me to go down the path  
8 that I was leading to.

9 We'll, we'll have a lively discussion about this  
10 Monday.

11 CHAIRPERSON MATHIS: And, Mr. Stertz, actually I  
12 think it would be helpful if Mr. Desmond mentioned what you  
13 mentioned earlier, with regard to some possible changes  
14 Mr. Stertz might have for the congressional district, in  
15 terms of, I think, CD 5, and I am not sure where else.

16 Could you go over that?

17 WILLIE DESMOND: Yeah.

18 Commissioner Stertz, what I had mentioned was that  
19 yesterday, you, you mentioned that, that you were going to  
20 look to ways to, you know, remove population deviation among  
21 the districts and possibly remove a split of Pinal from  
22 District 5, and that you had indicated there would be  
23 further changes that would possibly be for today but more  
24 likely for next week Monday.

25 COMMISSIONER STERTZ: I had tried to identify

1 where there supposed to be today and at one point I could  
2 barely -- I can barely open my eyes right now. I have a  
3 terrible sinus infection right now. So driving up today was  
4 just not in my game.

5 So, yes, I'll get those to Mr. Desmond over the  
6 weekend and talk -- give me the opportunity to look at these  
7 others as well.

8 CHAIRPERSON MATHIS: Thank you. I hope you're  
9 feeling better.

10 Is there anything else on the congressional map?  
11 (No oral response.)

12 CHAIRPERSON MATHIS: Okay. I think we're ready to  
13 move on to the next agenda item.

14 Which is the legislative, same discussion, except  
15 on the legislative draft map.

16 And yesterday Mr. Desmond provided us with a lot  
17 of change reports that we didn't really have a chance to get  
18 into.

19 And if anybody has preferences on where they would  
20 like to start, feel free to suggest them.

21 WILLIE DESMOND: I believe the only change that we  
22 really dived into is Commissioner Herrera's changes.

23 We also have Commissioner Freeman,  
24 Commissioner McNulty, and Commissioner McNulty that we  
25 looked at changing the split between District 8 and 11 in

1 Pinal County to see if there was a way to make that district  
2 more competitive.

3           There's two options on that. One, that where we  
4 can go into those further.

5           Also for today there's one more change report for  
6 the legislative. And that was something that  
7 Commissioner McNulty had asked me for this afternoon. That  
8 was just to try and balance some population of some of our  
9 non majority-minority districts that had either far too  
10 much pop -- depending on what the legal team says, too much  
11 population or too few, trying to bring down the deviation  
12 closer to zero.

13           CHAIRPERSON MATHIS: And so before we choose which  
14 one to start with, I should ask Mr. Adelson too, is there  
15 anything that you'd like to address the Commission on with  
16 regard to just the majority-minority districts? Because  
17 these other changes are outside of that.

18           BRUCE ADELSON: Madam Chair and members of the  
19 Commission, thank you for the opportunity, just as an  
20 overall comment, you know, as you know, there's ongoing  
21 analysis of the effectiveness of the majority-minority  
22 districts. And it's some analysis that I'm doing, Dr. King  
23 is going to be doing, and we're all doing.

24           I think that as we move forward, it's very  
25 important to remember that the -- one of the ultimate

1 comparisons that DOJ makes under Section 5 is the comparison  
2 with the benchmark, the existing legislative lines that have  
3 been precleared, as well as the effectiveness of the  
4 district -- of the districts measured against the  
5 measurement elections that we've been using.

6           And that's certainly what I've been focusing on.  
7 I think you've been focusing on. That's just a general  
8 overall comment that at this point, as we come closer to the  
9 finish line, the measurement against the benchmark becomes  
10 even more inexorable and mandatory and gets down to very,  
11 very nitty-gritty details of .2 percent or .3 percent to  
12 determine whether or not there's retrogression.

13           Because the department has found retrogression in  
14 other jurisdictions in as little as .5 percent, depending  
15 upon a district.

16           So those are just some overall comments that I  
17 wanted to share.

18           Thank you.

19           VICE-CHAIR HERRERA: Madam Chair.

20           CHAIRPERSON MATHIS: Mr. Herrera.

21           VICE-CHAIR HERRERA: Just a couple comments,  
22 Mr. Adelson.

23           One of the reasons why you aren't able to give us  
24 information is because the analysis isn't back. So, again,  
25 changing the information would delay us some more. But I've

1 already made my case for that.

2 But I wanted to say the, the District 7,  
3 Legislative District 7, we have agreement, I think, from the  
4 Native American tribes that they like the way the map  
5 currently looks.

6 And I think all of us would agree it's difficult  
7 to get all the tribes together to agree. Because, I mean,  
8 they're all, you know, independent tribes.

9 How important is it to get the approval or the, or  
10 the go-ahead from the Native American tribes that will  
11 affected in District 7 for us going forward?

12 Let's just say that we make no other changes to  
13 the map, District 7, the way it is.

14 The Native American tribes like the way it is.

15 We probably like the way -- I think I like the way  
16 it is.

17 And if the analysis comes back that the, that  
18 the -- that District 7 the way it is in the draft map will  
19 pass DOJ, how important is that to have the backing of the  
20 Native American tribes in that district?

21 BRUCE ADELSON: Madam Chair, Commissioner Herrera,  
22 it is very important to have the backing of the, in  
23 District 7, of the Native American nations.

24 That is very important.

25 However, it's not the dispositive. It's not the

1 final answer. Because DOJ will still conduct its own  
2 analysis.

3 I've, in my experience, I've seen, whether they're  
4 Indian nations or minority organizations, proposing a  
5 certain map, and then our concluding that that map had  
6 issues under the Voting Rights Act.

7 I'm certainly not suggesting that that would be  
8 true here, but it is important to realize that I share your  
9 opinion that the support of the Indian nations is vital and  
10 is very important, but isn't the final word, as is true with  
11 all things we're talking about.

12 The final word is with the Department of Justice,  
13 and they can -- they will do their own analysis or I should  
14 say analyses. And the analyses that they're doing are the  
15 analyses that we're doing, and certainly the analysis that  
16 I'm doing, to make sure that the match-ups are the way they  
17 need to be.

18 And if there are any questions, as we've been  
19 talking about, figuring out the questions now and answering  
20 them now, so we don't get a phone call or a fax from  
21 Washington asking us questions, because that's a situation I  
22 think we all want to avoid.

23 VICE-CHAIR HERRERA: Madam Chair.

24 CHAIRPERSON MATHIS: Go ahead.

25 VICE-CHAIR HERRERA: Mr. Adelson, I, I think you

1 would have -- even before we sent the analysis, or the  
2 information to get it analyzed to see how the districts are,  
3 if there was any red flags, you would have raised them even  
4 before we sent them to get them analyzed.

5 So -- is that correct?

6 BRUCE ADELSON: Madam Chair, Commissioner Herrera,  
7 I think that when we're talking about analysis, as I said  
8 before, I'm doing analysis. Dr. King is doing analysis. In  
9 looking at one of the things that I've been looking at and  
10 will continue to look at is the measurement against the  
11 benchmark.

12 And what I found at this point is that the draft  
13 districts match up as well as or better than the benchmark  
14 as far as election performance.

15 Now, that's one metric, and only one part of a  
16 very large puzzle.

17 But there are -- there are continuing to be match  
18 up with the benchmark.

19 And, for example, one of these we talked about  
20 last week is matching up minority population, minority  
21 voting age population, the minority population of the  
22 largest minority group in the district, be they Latino or be  
23 they Native American.

24 So there are continuing match-ups that need to be  
25 made in order to eliminate as many of the questions as

1 possible.

2           But just as far as performance, that's something  
3 that we've been talking about recently and something that  
4 I've been focusing on recently.

5           From a performance standpoint, by performance I  
6 mean the measurement elections that we have been utilizing,  
7 the draft districts appear to either equal or better the  
8 electoral performance in the benchmark.

9           That is very important, very significant. It's  
10 not the last word. It doesn't mean that we're all finished  
11 and we just package everything up today.

12           It doesn't work like that.

13           But, preliminarily, I think that that is, that's a  
14 very positive indicator, and we'll continue to look at the  
15 other indicators to answer the questions that we need.

16           VICE-CHAIR HERRERA: Mr. Adelson, I don't disagree  
17 with anything you just said. And my intention was never to  
18 say, okay, let's -- our job is done.

19           But the reason I bring up District 7 is it's a  
20 district that's important to me, and it's important to  
21 everyone, I think, sitting at this table.

22           And I want to make sure that -- we've come a long  
23 way to -- for us -- for all of us to be on the same page,  
24 including the Native American tribes. Because I think we  
25 all know it does take quite a bit of time for them to get on

1 the same page with the other tribes.

2           So I want to make sure that any -- anything going  
3 forward makes no changes at all, especially to District 7.

4           This is a district that's important to me.

5           And I, I told the Native American tribes that they  
6 definitely have a representative on the Commission that is  
7 trying -- that is looking out for their interests. So I  
8 want to make sure that we don't go back to square one in  
9 District 7 by making any changes until, again, we get back  
10 the analysis.

11           So that's all I wanted to say, and I appreciate  
12 your comments.

13           CHAIRPERSON MATHIS: Is there any estimate on when  
14 the analysis is due back?

15           MARY O'GRADY: Not right now. We don't have a  
16 specific date.

17           We're following up on that issue, but we don't  
18 have a specific date.

19           VICE-CHAIR HERRERA: Madam Chair, just a quick  
20 question, and it can be for the legal team or for  
21 Mr. Adelson.

22           When we said that we were going to send the  
23 information out for analysis, when was that date? Do you  
24 remember the date?

25           MARY O'GRADY: We don't have that date for you

1 right now, maybe by the end of the meeting we'll have it for  
2 you --

3 VICE-CHAIR HERRERA: I just want to -- and maybe  
4 because it's been a while. You would probably agree. It's  
5 been more than three days. Probably more than four days.

6 And right now, I don't see any end in sight in  
7 terms of when -- I don't think you guys know when we'll get  
8 the analysis back.

9 And, again, I just can't stress the importance of,  
10 again, not making any changes to the majority-minority  
11 districts. And then having to wait again for the analysis,  
12 the second analysis to come back on the new proposed  
13 changes.

14 So, again, I'm just trying to, I guess, stress the  
15 importance of keeping them the way they are until we get the  
16 analysis back.

17 CHAIRPERSON MATHIS: I think it was the ninth, a  
18 week ago today, because I remember Ken saying something  
19 about he would then have the weekend to talk to Dr. King, at  
20 least, provide, you know --

21 WILLIE DESMOND: How the process kind of works is  
22 you guys -- we left off on the ninth. That's the most  
23 recent working map. Those were the changes that submitted  
24 for approval.

25 It's not like we just take that map and just send

1 it.

2           You have to -- there's a lot of work that goes  
3 into -- ecological inference uses different voting  
4 precincts. You have to start -- you're looking at those  
5 districts matches those voting precincts, I mean those  
6 percents.

7           So I believe Ken worked through the weekend to get  
8 that information ready to send it out to Dr. King, and sent  
9 Saturday, Sunday, or Monday this past week.

10           CHAIRPERSON MATHIS: That's sounds right.

11           Any other questions on majority-minority  
12 districts?

13           MARY O'GRADY: Madam Chair, I just have a  
14 follow-up comment.

15           I know, like, yesterday we heard the testimony  
16 from Guadalupe. And I don't know how you all -- I don't  
17 know if you're going to make -- if you want to -- how you  
18 regard that.

19           But it seems to me that in terms of timing, if  
20 there are changes that effect minority districts that the  
21 Commission is interested in, it might make sense to have a  
22 couple of tracks referred for analysis.

23           I don't know that you want to wait and get, you  
24 know, the analysis of these, but you still have options that  
25 you're interested in, but you want to explore, and then

1 those come up later, but this analysis checks out just fine.

2           And it's something that we can certainly defend as  
3 non-retrogressive.

4           I just think you all -- my understanding is that  
5 you all as policy makers have referred this to analysis.  
6 And what you do from this point forward still remains, you  
7 know, with your -- within your discretion in terms of how  
8 you handle those majority-minority districts and whether  
9 additional things are referred for an analysis.

10           VICE-CHAIR HERRERA: Madam Chair.

11           CHAIRPERSON MATHIS: Mr. Herrera.

12           VICE-CHAIR HERRERA: The changes or the comments  
13 that were brought up were -- for the first time I heard them  
14 yesterday.

15           And I think that was pretty clear to say that I  
16 would love to have Mr. Adelson comment when he was here,  
17 when he comes here, which is Friday, that was yesterday.  
18 And I encouraged the people from Guadalupe to be here to  
19 listen to Mr. Adelson's comments on the effect of moving  
20 Guadalupe to a different district.

21           And I, again, I -- it wasn't to ignore them,  
22 because I was listening them, but, again, I wanted to hear  
23 from Mr. Adelson.

24           He is the expert.

25           I'm not the expert.

1           And so that's -- I'm glad you're here.

2           BRUCE ADELSON: Madam Chair, Commissioner Herrera,  
3 thank you. I'm glad I'm here, too.

4           I didn't -- I did watch the hearing yesterday.  
5 Would you like me to comment on the Guadalupe issue?

6           VICE-CHAIR HERRERA: Yes.

7           BRUCE ADELSON: Before I do that, just as  
8 additional information on analysis, I know that it would be  
9 very satisfying if we could take this pile of paper in front  
10 me and Fed Ex it to Dr. King right now and that that would  
11 be it.

12           What I can appreciate from your standpoint is, and  
13 from all of the standpoint of the Commission, and frankly  
14 from residents of Arizona, is that there's much more  
15 involved in this, because I think as one of the things that  
16 we've been talking about -- I'm not talking about whether  
17 there are changes, but just as far as analysis.

18           Dr. King has his expertise, and I have my  
19 expertise.

20           And my expertise is Department of Justice and  
21 Section 5 as far as we're talking about.

22           So he does -- he's doing an analysis.

23           I'm doing analysis.

24           We're all doing analyses.

25           The -- what one of the differences that's very

1 important to remember between now and nine years ago is  
2 remember the Voting Rights Act as we know has been  
3 strengthened. Section 5 is stronger.

4 So DOJ is looking at more things than we looked  
5 at.

6 I will tell you that when I read -- have been  
7 reading the pleadings in the Texas litigation, one of my  
8 reactions was, wow, you're looking at that. We couldn't do  
9 that nine years ago.

10 And I will admit a little sense of envy that DOJ  
11 has certain tools that we really didn't have to the same  
12 degree at our disposal.

13 So I think that that's important to realize.

14 As far as the Guadalupe issue, my concern has been  
15 that District 26, the draft district, is arguably one of the  
16 weakest as far as several of the metrics in the draft map.

17 DOJ in Section 5 evaluation looks at many things.

18 They look at performance. They look at HVAP,  
19 HCVAP, total minority population, and they compare that with  
20 the benchmark.

21 The way District 26 now is in several categories  
22 District 26 is weaker than the weakest benchmark district in  
23 certain categories, not in all the categories.

24 And there are -- because that doesn't match up  
25 well, my concern is that we should -- my recommendation

1 respectfully is that the Commission should enhance the  
2 district to the extent that we can.

3 I understand that people have strong opinions  
4 about where they'd like to be, whether we're talking about  
5 these districts or other districts. I understand that.

6 That's not just true here. That's true throughout  
7 the United States as redistricting, of course, brings out  
8 very strong opinions about various things.

9 Guadalupe is a very strong voting area. And I'm  
10 looking at it from a context of Section 5 and the Voting  
11 Rights Act.

12 I'm not looking at it from the context of other  
13 reasons that came up yesterday.

14 The -- as we talked about the keeping communities  
15 whole, communities of interest, contiguity, all of those  
16 take a back seat to complying with the Voting Rights Act.

17 So to the extent that things need to be done in  
18 order to comply with the Voting Rights Act, then that's very  
19 important.

20 From another standpoint I'm certainly very open to  
21 any enhancements that can be made, however they're made.

22 It's not as if Guadalupe is the only enhancement  
23 arguably that could be made.

24 There may be others, and I'm certainly very open  
25 to examining what others there are.

1           But my examination for moving Guadalupe from 27 to  
2 26 goes to the enhancement issue.

3           The fact that Guadalupe among virtually all the  
4 draft districts needs enhancement.

5           Now, it has been enhanced. My recommendation is  
6 that we look for additional enhancements.

7           District 27, district draft 27 has a very large  
8 minority population, 84.1 percent. It's very high.

9           Arguably there's some population that can be shed  
10 to strengthen 26.

11           So, again, my recommendation goes to the -- how  
12 the Department of Justice views the submission and goes to  
13 the issue of Section 5.

14           That was why I had recommended that respectfully  
15 the Commission consider putting Guadalupe into 26.

16           COMMISSIONER McNULTY: Madam Chair.

17           CHAIRPERSON MATHIS: Ms. McNulty.

18           COMMISSIONER McNULTY: Ms. O'Grady, did you have  
19 comments on that issue?

20           MARY O'GRADY: Well, Mr. Adelson's observations as  
21 to why the move was made are certainly accurate. There was  
22 an effort to enhance 26.

23           As in terms of whether at this point the  
24 Commission should not move -- should keep Guadalupe in 26,  
25 that's the map that was referred for analysis, I think

1 that's a policy call for the Commission. Because I think,  
2 although it does improve 26, and some of this comes to maybe  
3 our different views on the benchmarks, the electoral  
4 performance of 26, even without Guadalupe, is better than  
5 the electoral performance over in the past decade in some of  
6 the benchmark districts.

7 I'm not persuaded that without Guadalupe we have a  
8 retrogression problem based on 26.

9 That said, if -- so I think there's some policy  
10 discretion on the part of the Commission in terms of how it  
11 wants to deal with Guadalupe issue.

12 If there are other ways to enhance 26, then  
13 certainly, you know, I don't think anybody objects to  
14 exploring those.

15 And the options there are when we've looked to  
16 non-voting rights districts for additional folks, and we  
17 haven't found anybody, looking west and looking south, then  
18 it's a matter of looking to voting rights districts and  
19 maybe taking different people from 27 into 26 or moving  
20 north and moving people out of 24 into 26, and then doing  
21 some other exchanges between the voting rights districts.

22 So, so I guess my main point is I think the  
23 Commission has options available to it.

24 One of which is to keep Guadalupe in 26, but I  
25 don't think that's the only option.

1           And it might be if there's a timing concern, it  
2 might be -- we might have more things that Dr. King is  
3 looking at other than the move to, you know, other than this  
4 particular proposal.

5           It's up to the Commission how it wants to handle  
6 it.

7           VICE-CHAIR HERRERA: Madam Chair.

8           CHAIRPERSON MATHIS: Mr. Herrera.

9           VICE-CHAIR HERRERA: I think you may have already  
10 have answered this, Ms. O'Grady, but do you agree that  
11 moving Guadalupe into 26 strengthens the voting performance  
12 or the majority-minority performance of 26?

13           MARY O'GRADY: Oh, absolutely. Absolutely.

14           You're taking a solid block of Hispanic voters and  
15 moving it into this district. So it absolutely improves the  
16 performance in 26.

17           COMMISSIONER McNULTY: Madam Chair.

18           CHAIRPERSON MATHIS: Ms. McNulty.

19           COMMISSIONER McNULTY: Cadre of lawyers.

20           Would it make sense to have an alternative  
21 analyzed at the same time by Dr. King?

22           Is that something that the Justice Department  
23 would look on favorably? Would they view that as an  
24 additional effort on our part to satisfy the Voting Rights  
25 Act and therefore make it more likely we would achieve

1 preclearance?

2 BRUCE ADELSON: Madam Chair, Commissioner McNulty,  
3 yes, the, the only thing that would be problematic is that  
4 if we had a district that was obviously retrogressive, let's  
5 say it went from 65 percent minority to 42. That would be a  
6 huge problem.

7 And given that the Commission said, you know what,  
8 we're not going to do anything to change it, we're just  
9 going to refer to analysis, and when it comes back and it  
10 says retrogression, we don't care about that.

11 That would be a problem.

12 Now, as ludicrous as that sounds, that does happen  
13 in certain parts of the country.

14 At this point since we have a district -- and I  
15 certainly agree with Ms. O'Grady that from an electoral  
16 performance standpoint the district appears to be a good  
17 district.

18 It's not as solid as 27, for example, but  
19 performance does -- performance indicators do seem to  
20 suggest that minority voters will have the opportunity to  
21 elect candidates of choice.

22 At this point when we have a district that has a  
23 positive performance indicator, but has some questionable  
24 metrics, as far as HCVAP, for example, then having another  
25 map referred for analysis to see what the comparison is,

1 which one would be better, I think that I would certainly  
2 respectfully recommend that.

3 I don't see that that is a problem for the  
4 department at all, because we're not starting on the surface  
5 with a map that is obviously retrogressive and problematic  
6 under Section 5.

7 COMMISSIONER McNULTY: So, Madam Chair, would it  
8 make sense for us to request that Mr. Desmond work with  
9 Mr. Kanefield and Ms. O'Grady and Mr. Adelson to put  
10 together another proposal?

11 I mean, as you say, we've looked at the non-voting  
12 rights districts.

13 And I think we've concluded there's no help there.

14 There is the Salt Gila -- or the Salt River  
15 reservation nearby.

16 There's District 27.

17 Is there some combination of movement from those  
18 things would be worth referring for analysis at the same  
19 time?

20 Would you -- could we then -- could we, could we  
21 do that without Guadalupe? Could we look at it as in the  
22 alternative?

23 In other words, look at it, look at an alternative  
24 in which we did not move Guadalupe out of 27, but we did  
25 some other combination of things.

1           BRUCE ADELSON: Madam Chair, Commissioner McNulty,  
2 absolutely I think that looking at alternatives, whether  
3 alternative A moving Guadalupe into 26, alternative B not  
4 moving it but moving some other blocks in, absolutely.

5           I think Justice won't have an issue with that.

6           I think that that's all part of the deliberative  
7 approach of the Commission. And, again, there's no clear  
8 red flag retrogression where you're acting either  
9 intentionally or accidentally to discriminate, which would  
10 be a violation of Section 5.

11           So I would certainly respectfully endorse that.

12           My -- the only caveat as far as when we're looking  
13 at moving population, my, my recommendation respectfully  
14 would be not to really do much with District 24.

15           Because 24 is also relatively low on the scale.  
16 It does have a positive performance indicator, but there are  
17 metrics that don't match up well with the weakest of the  
18 benchmark districts.

19           So to the extent that this can be done without  
20 doing -- without lowering the metrics of 24 further, I think  
21 that would be the best course from my perspective.

22           COMMISSIONER McNULTY: Thank you.

23           CHAIRPERSON MATHIS: Ms. O'Grady mentioned if  
24 there's a timing concern, and I just have to jump in here.  
25 Because, frankly, I do think there's a timing concern. And

1 it's not that I don't want to do additional analysis. I  
2 want to achieve preclearance on the first try, probably more  
3 than anybody on the Commission.

4 It's been a stated goal from the beginning. It  
5 would be fabulous to do that.

6 And I want to make sure we do everything to the  
7 extent possible to do to achieve it. And so however much  
8 analysis that takes is great.

9 But I also think if, if, if we at all think this  
10 is going to go for another couple months or however long, I  
11 just have no sense of it from, from how -- who is the  
12 primary communicator with Dr. King, and is he getting the  
13 message too that -- I know he's not the only one doing the  
14 analysis, but is he getting the message that there is some  
15 urgency to all of this.

16 And otherwise the courts will draw the lines.

17 And so we should just come clean with the public  
18 and anyone else, if there is any thought that we may not be  
19 able to achieve this in time.

20 MARY O'GRADY: We're following up with him, and  
21 we'll get you more information on the timing. I think, I  
22 think he's understands the context.

23 Ken has been the primary contact there, although  
24 we've had some joint calls, and we'll probably have more.

25 My thought in terms of the moving efficiently, and

1 I don't know if this works for folks, if, if you go through  
2 the change, because the change orders that you have, and see  
3 what's on the table in terms of other legislative things,  
4 and then we could work -- I mean, there's not that many  
5 places to go in terms of other enhancements. And if you  
6 wanted to spend some time in session looking at some options  
7 of other enhancements to 27. And then the other thing, too,  
8 apart from the -- or, excuse me, 26.

9           Even without the Guadalupe change, you, you might  
10 want to refer for analysis even if you didn't change  
11 anything else.

12           But if you wanted to look at what it looked like  
13 to move Guadalupe back, and I don't know that you do, you  
14 could still refer for analysis that change.

15           Because you haven't made -- made other changes to  
16 exhibit to enhance it. Like Dobson Ranch. I think that was  
17 a change, and I think that helped it.

18           But I don't know if you want to spend some session  
19 time in this meeting looking at other routes to enhance 26,  
20 and just to give us a little more guidance on which areas to  
21 go or not go.

22           BRUCE ADELSON: Madam Chair.

23           CHAIRPERSON MATHIS: It's working.

24           BRUCE ADELSON: Madam Chair, I certainly  
25 understand your concern and certainly understand the

1 calendar.

2 I should tell you, if this is beneficial, in doing  
3 my performance analysis, one of the very positive things  
4 that the Commission has with the draft map compared to the  
5 benchmark is there are three benchmark districts that have  
6 poor performance with our measurement elections.

7 The draft map does not have that level of poor  
8 performance.

9 So just in that sense, that's very positive.

10 If that were reversed, if the draft map -- certain  
11 districts did not beat benchmark electoral performance  
12 across the board, that would be a huge problem.

13 But we don't have that.

14 So that's very positive.

15 And as I said, I understand your concern. And I  
16 share your sense of priority.

17 But from my perspective I'm not seeing anything  
18 that is going to make this process go on along the lines  
19 that you had suggested.

20 The -- you know, we've spoken as a team about  
21 contents of the submission and how things need to be  
22 compiled.

23 And I've certainly talked to the staff about  
24 compiling this submission as well.

25 From my perspective, and I can't speak for

1 Dr. King and what his schedule may be, but from my  
2 perspective I think things are moving in a very positive  
3 direction, with positive meaning that this is not something  
4 that we're going to be meeting about months from now.

5 That's not something that I see.

6 I think things are moving along at a very good  
7 pace.

8 And as I said, the performance analysis, which I  
9 had wanted to do before coming out today, is also positive.  
10 There are things that we have to look at and there are some  
11 questions that I had, but on balance, compared to the  
12 benchmark, it's very positive.

13 And they don't -- there are not major, oh, boy,  
14 Justice is really going to focus on this, issues that I had  
15 when I went through all the elections and all the districts.

16 So I think things are moving in a positive  
17 direction.

18 CHAIRPERSON MATHIS: Thank you. And I'm happy to  
19 hear that from you.

20 And I don't want to be disrespectful to any of  
21 you. I know everyone's working super hard to make this  
22 happen.

23 And I just want to make sure that Dr. King is also  
24 aware of the importance of getting the analysis in, and  
25 because we know there's a ton of work that -- you know, once

1 the final maps are approved by the Commission, there's a ton  
2 of work that has to get done just to put the submission, the  
3 package together to send to DOJ.

4 So it's not like when we approved the maps then  
5 everything's fair and skittles.

6 So if we can just all try to keep what Helen and  
7 Karen Osborne, Helen Purcell, is that right, and Karen  
8 Osborne came and said at the beginning, which was hurry and  
9 help.

10 And I am kind of curious actually too how that  
11 works with final approval of maps.

12 Because what then happens to then work with  
13 someone like Karen Osborne in Maricopa County with regard to  
14 making sure precincts weren't split and trying to coordinate  
15 that, and I'm just kind of wondering about some of those  
16 steps.

17 MARY O'GRADY: We've been talking about that, and  
18 Willie probably has some more information on how we thought  
19 that might work.

20 WILLIE DESMOND: So, I guess what our thinking was  
21 is that at some point you guys kind of -- I don't know what  
22 the right way of phrase it is, but agree that the maps are  
23 kind of set. We don't actually vote on, like, final  
24 approval yet. There will be a little time for us to do the  
25 population balancing for the congressional.

1           You know, in a lot of these maps there's maybe a  
2 deviation of 25 or up to like 100 people, and that has to be  
3 smoothed out to just zero.

4           Also we've been working with Maricopa County and  
5 some of the other counties, and we'll be soliciting some  
6 more information from them on their proposed precincts,  
7 their BTDs, so that what we can do is in cases where those  
8 changes have no population shift, just kind of accept those,  
9 and then as part of the other population balancing, you work  
10 with them and work with their lines as best we can to  
11 minimize, like, the harmful effects that these maps will  
12 have on the precincts that they hope to draw for the next  
13 year.

14           Because they're, they're very eager for these maps  
15 to be done so they can finalize their precincts.

16           And we'd very much like to work with what they  
17 have, especially in places where it's not major changes.  
18 And so we're thinking there will be kind of like a  
19 two-phased final approval. There will be the lines are kind  
20 of set, and then just some technical changes that we'll  
21 obviously come back to you and show you where those are.

22           And then if you're all right with those, that'll  
23 be the time to make final approval.

24           MARY O'GRADY: And, Madam Chair, I can see that  
25 vote -- I do think the vote is taken that this is the map

1 that we're basically done pending changes recommended based  
2 on the additional analysis or technical changes like those  
3 that Willie has described.

4 And then but your policy thinking is done.

5 And then you come back for final vote and to  
6 incorporate any of those changes and certification to the  
7 secretary of state, which would be the final final step.

8 CHAIRPERSON MATHIS: Great. Thank you. That's  
9 helpful.

10 Any questions on anything from commissioners?

11 VICE-CHAIR FREEMAN: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Freeman.

13 VICE-CHAIR FREEMAN: Mr. Adelson, I think earlier  
14 you were saying the maps were going in the right direction.  
15 I think you were -- were you comparing the working draft  
16 versus the draft that was approved in October? Is that what  
17 you meant to say?

18 BRUCE ADELSON: Madam Chair, Commissioner Freeman,  
19 I'm looking at the, I'm looking at the change reports, the  
20 changes that I observed when I was here last week. So I --  
21 with terminology, I guess the working map and what you're  
22 working off as of right now.

23 So the analysis that I did was based on the  
24 metrics as they stand, and as the Commission's working  
25 through them now.

1           VICE-CHAIR FREEMAN: That's what I understood you  
2 to say. I just wanted to make sure that was clear.

3           Are these -- the communications with Dr. King and  
4 between Dr. King or among Dr. King, Strategic Telemetry, and  
5 you, are you all doing this by phone, are there e-mails that  
6 the Commission could be a part of so we understand the level  
7 of progress and what the issues are and what needs to be  
8 done?

9           MARY O'GRADY: Frankly, not -- we probably  
10 need another -- we haven't followed up with Dr. King. It's  
11 been Ken that has been that connection since we got to the  
12 working map phase. And we're in the process of trying to  
13 set up a call so that we're all -- in terms of what work  
14 product we, you know, would like from him.

15           So in terms including -- if we had -- one of the  
16 things that we're -- at this point if we have him on the  
17 phone with commissioners, we could have an exec -- I would  
18 think it would be executive session work product at this  
19 point to discuss, you know, where we are in that analysis  
20 and get a client advice on that.

21           And we are making it clear on the agenda for next  
22 week that if we want to have that type of executive session  
23 discussion, and perhaps we can follow up and see if we can  
24 coordinate that with Dr. King's schedule.

25           CHAIRPERSON MATHIS: Any other questions?

1           VICE-CHAIR FREEMAN: So, and just for the  
2 Commission, is the sense then, based on what we've been  
3 told, that we need to look at -- I would think if we -- if  
4 there needs to be further refinements to the voting rights  
5 districts, those should be the importance, in front of  
6 everything else.

7           Is that what we want to do?

8           CHAIRPERSON MATHIS: I, I think it is. I mean,  
9 I'm pretty conservative on this one.

10           I probably -- I just really feel like we need to  
11 ensure that these are sound and will pass muster.

12           Do others have thoughts?

13           COMMISSIONER McNULTY: I was about to say thing  
14 the same thing.

15           I was going to ask what the population is of  
16 Guadalupe and what we would need to look at making up or  
17 proposing an alternative, and suggesting that maybe we  
18 want to give Marty a break and then come back and focus on  
19 that.

20           Would that make sense?

21           What is, what is the population that we would need  
22 to substitute for Guadalupe?

23           WILLIE DESMOND: I think it's around 6 or 7,000  
24 people.

25           COMMISSIONER McNULTY: Oh, okay. So that's not

1 going to take us all week to do, probably something we can  
2 do.

3 WILLIE DESMOND: So, what I can do is spend this  
4 weekend looking at different ways of strengthening  
5 District 26 without taking Guadalupe.

6 And I guess, I guess just the thinking there being  
7 Guadalupe was one way we could strengthen 26. If there's  
8 another way we can do it that doesn't upset a particular  
9 community, that's probably better.

10 So on Monday I'll try to have some, some  
11 alternative solutions to strengthening District 26 ready to  
12 present to you.

13 If any of those seem to work with you guys, we  
14 can then decide if we want to scrap what we did before or  
15 if we want to submit another change, or just keep what we  
16 have.

17 And if we do have another change, I think this  
18 process will -- with Dr. King will go faster and faster.  
19 It's going to be a much smaller scope of things that have  
20 changed, so it will probably be -- that will help also speed  
21 things along.

22 But, if it's all right, I will explore other ways,  
23 if that's what you want me to do, explore other ways of  
24 improving District 26 without moving Guadalupe out of  
25 District 27.

1           CHAIRPERSON MATHIS: I'm just wondering, do we do  
2 that with Mr. Adelson here to help in any of that? I'm open  
3 either way.

4           COMMISSIONER McNULTY: I am too. What are your  
5 thoughts?

6           BRUCE ADELSON: Madam Chair, I'm here until you  
7 leave tonight.

8           So whatever -- however I can be of assistance, I'm  
9 happy to do that tonight.

10          CHAIRPERSON MATHIS: I just feel like it's, you  
11 know, good to have you in the room and present, so I'm just  
12 wondering if it's something we do now.

13          COMMISSIONER McNULTY: I'm certainly open to that.

14          CHAIRPERSON MATHIS: Mr. Herder might like a  
15 break.

16          Okay. Let's, let's take a quick break, and we'll  
17 decide on that when we come back.

18          It's 6:11. We'll take a ten-minute break. Thank  
19 you.

20          (Brief recess taken.)

21          CHAIRPERSON MATHIS: We'll enter back into public  
22 session.

23          The time is 6:28 p.m.

24          And we were just talking before the break about  
25 maximizing the utilization of Mr. Adelson while he's here to

1 ensure that we have sound legislative districts from a  
2 majority-minority perspective.

3           And I think Mr. Desmond is probably going to pull  
4 up some of those districts, in talking about Guadalupe and  
5 alternative paths to see if there are any.

6           And we've already explored, I think, as  
7 Ms. McNulty said, the areas around that to see if we can  
8 take anything from some of those districts.

9           And now we're going to look at other  
10 majority-minority districts, I believe.

11           Is that accurate?

12           WILLIE DESMOND: If, if you like, we can, yes,  
13 look at ways of improving District 26 without taking  
14 Guadalupe.

15           CHAIRPERSON MATHIS: When we say improving or  
16 enhancing, is this with regard to the electoral performance  
17 in that district specifically? Or is it kind of a lot of  
18 different things that we're looking to do?

19           BRUCE ADELSON: Madam Chair, my preference would  
20 be that in first in looking at the district, the first  
21 metric is going to be just population.

22           Because unless we can immediately analyze the  
23 performance over five or six elections, that would probably  
24 be difficult.

25           But if you look at, for example, just as a

1 starting place, if you look at draft 26, the HCVAP -- and  
2 this is without -- I think it's without the Guadalupe  
3 change, was 17.6 percent.

4 With Guadalupe, I believe, yeah, I think this  
5 is -- I think it's on this change report.

6 It improved to 19.2 percent.

7 So if you look at that, for example, one of the  
8 things that I would like to see is the HCVAP moving over  
9 20 percent.

10 Because there are no benchmark districts that have  
11 HCVAP under 20 percent.

12 So that would be one thing that I would like to  
13 see.

14 Ideally it would be a one-for-one match which it  
15 may not be possible.

16 But if it could be over 20 percent, I think that  
17 would be, that would be ideal as far as something to shoot  
18 for.

19 WILLIE DESMOND: I don't have citizen voting age  
20 population available as a field we can shade by.

21 It's something that I was doing after.

22 I can try, try to get that for Monday, and add  
23 into the files, but I -- I am trying to think.

24 Let's just look at the district and just talk  
25 about different, different scenarios to do this.

1           Down here is Guadalupe. With the census places  
2 back on you can see that.

3           It's currently in working District 26.

4           If we remove Guadalupe from District 26, add it  
5 back into District 27, that would remove 5,523 people from  
6 District 27 -- or from District 26.

7           We're still within our, our deviation, so that's  
8 not really the concern.

9           However, the concern would be that District 26  
10 would drop in both Hispanic voting age population, CVAP,  
11 Hispanic registration, and performance.

12           So, different places we can make up that  
13 population. Would be we can take from -- we could take the  
14 Salt River reservation and add that to District 26. That  
15 would take a little from 24, and 24 could perhaps take part  
16 of this, this area that sticks out from 27. So ultimately  
17 we're taking this from -- we're shifting population from  
18 District 27.

19           District 27 is probably our strongest district.

20           Another option would be for District 26 to grow to  
21 the, the west, take some of this area from District 27, and  
22 leaving Guadalupe with the rest of that district. That's,  
23 that's another option.

24           We've explored pretty extensively taking from this  
25 population.

1           The down side is that this population seems to be  
2 very low performing in the mine inspector race.

3           And when we've increased the Hispanic percentage,  
4 it hasn't had a net increase for CVAP and it's been actually  
5 detrimental to our mine inspector indicator, our attorney  
6 general, and president indicators.

7           So that's been the concern there.

8           We have played around with that quite a bit.

9           Those are really the options we have.

10          We're not talking about a ton of people here from  
11 Guadalupe.

12          So there's the chance we could do it any of these  
13 ways.

14          It's up to you how you want to proceed right now.

15          We can just see how some of these things look, if  
16 you want to start.

17          COMMISSIONER McNULTY: Madam Chair, can I ask  
18 Mr. Desmond a question.

19          Would moving the Salt improve the CVAP at all?

20          That doesn't strike me as responsive to what  
21 Mr. Adelson said we need to do there.

22          BRUCE ADELSON: Madam Chair and  
23 Commissioner McNulty, I understand that, that we may not be  
24 able to see an HCVAP change, but there are other indicators  
25 like overall minority population, for example, which might

1 go to your point, that if you're looking at an Indian  
2 reservation, then you're not going to have a citizen voting  
3 age population issue most likely.

4           There also is an issue with Hispanic registration,  
5 for example. That may also not relate to your point.

6           But I think that an exchange as you're suggesting,  
7 if that can be done, if the minority population can be  
8 enhanced to the same extent as if Guadalupe is put in the  
9 district or more, then certainly I think that would be  
10 something to look at.

11           COMMISSIONER McNULTY: Then we wouldn't need to  
12 get CVAP over 20.

13           BRUCE ADELSON: Well, the HCVAP is something  
14 that -- when Willie said that whenever he's able to get  
15 that, I think that's something that we can see.

16           But we should be able to do minority population  
17 right now.

18           Just by switching, switching the two and getting a  
19 sense of how that changes the minority population in the  
20 district.

21           COMMISSIONER McNULTY: Okay. I guess I'm missing  
22 something.

23           I understand that part, but I thought you said our  
24 goals for 26 should be to get the CVAP over 20 --

25           BRUCE ADELSON: Oh, I see --

1           COMMISSIONER McNULTY:  -- and I don't see how  
2 moving an Indian reservation is going to do that.

3           BRUCE ADELSON:  I see your point,  
4 Commissioner McNulty.

5           That was one, was one example.

6           There are three areas of 26 that are weaker than  
7 the weakest benchmark district.

8           The HCVAP is one.  Minority population is another.  
9 So that if minority population can be increased, that's a  
10 very positive enhancement.  If the minority population goes  
11 above what it is now with the Guadalupe shift, that's  
12 important to know.

13           If it's less than that that's important to know  
14 too.

15           But as we were talking about earlier, seeing that  
16 as an alternative, I think, is important, but there are,  
17 there are three areas of concern that I have with draft 26.

18           HCVAP is one, minority population is the other,  
19 and Hispanic registration is the third.

20           COMMISSIONER McNULTY:  Okay.  Well, I guess I'll  
21 go back to my point.  If we move an Indian reservation, that  
22 doesn't address two of the three.  So wouldn't it be better  
23 to focus on an area that might address all three?

24           BRUCE ADELSON:  Absolutely, to the extent that  
25 Willie can show -- bring that up, absolutely.

1 COMMISSIONER McNULTY: Okay.

2 Well, I would suggest then that we focus on the  
3 eastern side of 27, rather than moving the Salt River Pima  
4 reservation out of 24.

5 WILLIE DESMOND: Okay.

6 (Brief pause.)

7 WILLIE DESMOND: So currently District 27 has a  
8 non-Hispanic White voting age population of 22.8.

9 District -- this is with Guadalupe going back to  
10 District 27.

11 District 26 has a non-Hispanic White population of  
12 53.8.

13 So, if we were to take -- also District 27 is  
14 underpopulated by 5,249 people.

15 District 26 is underpopulated by 9,500.

16 So you can then move roughly 4,000 people into  
17 District 26 right there.

18 It will be just one second.

19 (Brief recess taken.)

20 WILLIE DESMOND: So basically what we can do is we  
21 can move 4 or 5,000 people from a different area of  
22 District 27, that's probably not going to be quite as good  
23 as Guadalupe was, but maybe close, like a starting point,  
24 and also trade some population from District 26 to  
25 District 27 that might not be like his -- there's a chance

1 that there is some population that can be traded so  
2 District 26 can take more of District 27 without further  
3 underpopulating District 27.

4 The other option is that District 27 can grow out  
5 in a direction allowing District 26 to go out more that way.

6 CHAIRPERSON MATHIS: Let's take a brief break.  
7 The time is 6:42.

8 (Brief recess taken.)

9 CHAIRPERSON MATHIS: It's 6:43 p.m.

10 WILLIE DESMOND: In the draft map there's also  
11 this small area here in Tempe that was included in  
12 District 22.

13 Should I move that back in the switch or would you  
14 like to keep that in 26?

15 CHAIRPERSON MATHIS: What's the current boundary  
16 between 27 and 26, that line?

17 WILLIE DESMOND: It's the municipal boundary.  
18 So it's the border between Tempe and Phoenix.

19 COMMISSIONER McNULTY: Is that 48th Street?

20 WILLIE DESMOND: I will add that back, just  
21 because it's. . .

22 So at this point District 27 is 1600 people  
23 underpopulated.

24 District 26 is 13,000 people underpopulated.

25 So 26, start with some of these areas that are the

1 best.

2           So this change right here would remove  
3 8,168 people from District 27. And move them into  
4 District 26.

5           At this point District 26 would be underpopulated  
6 by 4900 people.

7           District 27 would be underpopulated by  
8 9800 people.

9           District 26 now has a non-Hispanic White  
10 percentage of 52.99.

11           District 27's non-Hispanic White number is up to  
12 23.18.

13           Hispanic percentage is 30.47.

14           The mine inspector percentage in District 26 is  
15 55.5.

16           So, District 26 saw a gain in Hispanic percentage  
17 by about .3.

18           Over the Guadalupe swap.

19           So that is slightly better.

20           The non-Hispanic White percentage is slightly  
21 higher though. So overall minority percentage did go down a  
22 little bit.

23           If I'm reading this correct.

24           Looking at mine inspector, over one folder in the  
25 binder.

1           Twenty-six had a mine inspector of 54.1. So that  
2 has also gone up to 55.5.

3           BRUCE ADELSON: Willie, can you run, do you have  
4 the other races, '08 prez, '06 secretary of state?

5           WILLIE DESMOND: I have the 2008 president. I  
6 don't have the races from 2006 or 2004.

7           I can run the report. It would take probably  
8 about 15 minutes.

9           So the presidential '08, Hispanic candidate of  
10 choice received 58.06 percent.

11           As opposed to 56.9.

12           So that also improved.

13           Twenty-seven at this point would have a  
14 presidential '08 Hispanic candidate of choice number of  
15 71.14.

16           It was 71.1.

17           So it's the same.

18           The mine inspector race is 72.9.

19           It was 72.6.

20           So. . .

21           They both have gone up.

22           The way that works is, it's counterintuitive to  
23 think that a change could make them both rise, but what has  
24 been removed from 27 is below its average but above 26's  
25 average. So by removing what's bad there, it's still better

1 than what's good in the other one, so they both -- the net  
2 increase in both.

3           You've left Guadalupe with District 27 and at this  
4 point District 27 is underpopulated 9,828 people, but I  
5 believe that's less than the 10,772 that was in the working.

6           This is one option.

7           There's probably many other types of iterations  
8 that would be, I don't know, similar, but there might be  
9 other ways of doing it.

10           But it can be done.

11           The reason we hadn't looked at this sort of thing  
12 before is that we -- obviously because it did run right  
13 along 48th Street, was kind of a convenient boundary.

14           CHAIRPERSON MATHIS: So when could we get the  
15 electoral performance numbers on the other races? You said  
16 15 minutes or so?

17           WILLIE DESMOND: I can probably do it during  
18 public comment, yeah.

19           CHAIRPERSON MATHIS: Okay. It just would be good  
20 to get all of them.

21           WILLIE DESMOND: Okay. Well, I will -- I can do  
22 that -- you know, if you bear with me five minutes right now  
23 I can have it running in the background while we do the  
24 other legislative changes.

25           CHAIRPERSON MATHIS: Uh-hmm.

1 WILLIE DESMOND: So if you just want to hold on to  
2 for a second, that won't take too long.

3 CHAIRPERSON MATHIS: Does anyone have any comments  
4 or questions on that either idea?

5 COMMISSIONER McNULTY: The CVAP, whether you'll be  
6 running the CVAP also or whether we need to wait until  
7 Monday for that?

8 WILLIE DESMOND: I'll be running that also.

9 COMMISSIONER McNULTY: Okay. Thank you.

10 MR. FREEMAN: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Freeman.

12 MR. FREEMAN: Madam Chair, and, as I understand  
13 it, we're -- the effort here with respect to 26 and 27 is to  
14 not only enhance the performance, but also as a corollary  
15 benefit respect a community of interest that Guadalupe has  
16 with south Phoenix, something we heard about, I think, at  
17 the very first public comment hearing in the end of July,  
18 and we heard more about it here yesterday at our hearing,  
19 that there's a strong community of interest. I understand  
20 that communities of interest yield before the Voting Rights  
21 Act, and that's, you know, one option we have on the table  
22 is putting Guadalupe with 26. But as I understand the  
23 effort is can we, can we do both, respect that community of  
24 interest that south Phoenix area has with Guadalupe, and  
25 have two districts that meet the Voting Rights Act.

1           COMMISSIONER McNULTY: I would just comment that  
2 my understanding of the reason we were making this change  
3 was to address a Voting Rights Act concern that Mr. Adelson  
4 had that District 26 was not strong enough, and we're  
5 looking for a way to accomplish that which didn't open us to  
6 challenges from minority groups based on a concern about  
7 Guadalupe and the ability of citizens of Guadalupe to elect  
8 a candidate of their choice if they were moved.

9           BRUCE ADELSON: Commissioner McNulty, Madam Chair,  
10 I think to the -- as we had talked about earlier, to the  
11 extent that the Commission has as many choices as you would  
12 like to effectuate the considerations that we talked about  
13 earlier, I think is beneficial.

14           And then having -- seeing what works best for the  
15 Commission, keeping in mind the considerations we talked  
16 about, that's certainly, you know, as I said earlier, I  
17 think that that's ideal. If there are several options, then  
18 I think looking at them can only be beneficial.

19           And, again, that will not be something that the  
20 Department of Justice will have a problem with.

21           MR. HERRERA: Madam Chair.

22           CHAIRPERSON MATHIS: Mr. Herrera.

23           MR. HERRERA: And I think the -- I would agree  
24 with Commissioner McNulty that we're trying in everything,  
25 looking at all our options to see how we can strengthen

1 those two, 26, the majority-minority district.

2 And I think, Mr. Adelson, you have said repeatedly  
3 that although there are six constitutional criteria, there  
4 are two that trump the other four.

5 And I think you said that clearly.

6 Am I mistaken?

7 BRUCE ADELSON: Commissioner Herrera, Madam Chair,  
8 just under federal law, federal law does tend to trump state  
9 law over what we're talking about.

10 I think that with redistricting, of course, there  
11 are many considerations and many factors so that, you know,  
12 in my response to what Commissioner McNulty had raised, to  
13 the extent that the Commission can have as many options on  
14 the table to deal with all the considerations you need, I  
15 think that's a positive.

16 Because then I always view more choices as being  
17 better than fewer.

18 So I think in this situation, I think that, that  
19 holds as well.

20 MR. HERRERA: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Herrera.

22 MR. HERRERA: One more comment.

23 One of the reasons we're also taking the public  
24 testimony seriously, especially from Guadalupe, is because  
25 they're a protected group. And you want to make sure that

1 we address their issues, and in making sure that we -- if we  
2 have other alternatives to strengthen 26 without affecting a  
3 majority-minority area like Guadalupe, we'll look at those  
4 issues, we'll look at those other options.

5 Mr. Adelson?

6 BRUCE ADELSON: Commission Herrera, Madam Chair,  
7 certainly, the more options that you have, the better. And  
8 clearly the Latino residents of Guadalupe are a protected  
9 class under the Voting Rights Act.

10 I think from the standpoint of the Act as a whole  
11 and Section 5 as a whole, when the department reviews your  
12 submission, after you adopted plans and they're certified,  
13 and they move on to Washington, they look at retrogression  
14 across the entire plan and across the entire state.

15 So that's part of why we're looking at certain  
16 categories and certain metrics, to make sure that they're  
17 offset in a positive way that does not raise questions of  
18 retrogression.

19 WILLIE DESMOND: Still waiting.

20 CHAIRPERSON MATHIS: Any other comments or  
21 questions on this or anything else?

22 WILLIE DESMOND: We can, we can look at some of  
23 the other changes right now. I mean, this is running a  
24 separate program.

25 CHAIRPERSON MATHIS: Okay. That sounds good.

1 WILLIE DESMOND: It will probably take another  
2 three or four minutes.

3 CHAIRPERSON MATHIS: So who wants to go first?  
4 We've got a lot of change reports from yesterday.

5 WILLIE DESMOND: The other thing I could do  
6 quickly is show you the streets that we just moved also. Or  
7 we can just wait and see how it comes back.

8 CHAIRPERSON MATHIS: I'm sorry, what did you say?

9 WILLIE DESMOND: I was going to say I can show  
10 you, you know, just go down to show you where the change  
11 occurred.

12 CHAIRPERSON MATHIS: Oh, sure.

13 WILLIE DESMOND: 48th is where the border is that  
14 went to 40th.

15 This came over at, it looks like, Viserro Drive.

16 This is Southern.

17 It came back over. I'm not sure what this  
18 north-south street is.

19 Then again down 40th.

20 This is the western canal. And it then kind of  
21 works its way back over on Baseline.

22 So. . .

23 We're very close to having the report done.

24 CHAIRPERSON MATHIS: Thank you.

25 (Brief pause.)

1 WILLIE DESMOND: So District 26, this is the  
2 change report. Hispanic CVAP went from 19.2 to 19.

3 So Guadalupe does have a very high citizen voting  
4 age population.

5 So that did go down slightly.

6 Hispanic registration also dropped from 18.5 to  
7 17.1.

8 The Prop 200 yes, the higher here is not good.

9 We want it to be as low as possible. It went from  
10 50 to 50.3.

11 '04 presidential Dem went from 53.4 to 52.9.

12 The -- so pretty much across the board it was a  
13 half a point to point three tenths of a percent drop in some  
14 of those indicators.

15 In District 26 it did get better.

16 Looking at the racial categories, the total  
17 minority went from 54.11 to 53.8.

18 Total minority voting age from 47.3 to 47.

19 So, drops of three tenths of a percent, so. . .

20 Not as good as we hoped, but still better than the  
21 draft map.

22 COMMISSIONER McNULTY: So that appears to be the  
23 highest concentration right there, or the strongest  
24 concentration.

25 Mr. Adelson, should we keep moving up 48th Street,

1 or are you satisfied that's an improvement? Or are you  
2 thinking it's a wash?

3 BRUCE ADELSON: Commissioner McNulty, Madam Chair,  
4 it is, it is an improvement over the draft.

5 It is not an improvement over the addition of  
6 Guadalupe.

7 Whether this -- you had mentioned earlier the  
8 Salt River reservation. That's currently in 27?

9 COMMISSIONER McNULTY: It's in 24.

10 BRUCE ADELSON: Twenty-four. Well, you know, as  
11 we talked about, I mean, we're looking at options.

12 So, you know, I'm, I'm as open to options as the  
13 four of you.

14 So, it is an improvement over the draft. It does  
15 bring the HCVAP up approximately to 19 percent, which is  
16 better than the draft.

17 The minority population is still relatively low  
18 compared to the worst performing benchmark district.

19 So my recommendation respectfully would be to see  
20 if those numbers could be enhanced.

21 COMMISSIONER McNULTY: What if we took the little  
22 bump off 27 and put it in 24 and then put the Salt  
23 reservation in 26? Is it possible that we could have sort  
24 of an inverse, we'd improve 24 so much that it might solve  
25 the issue?

1 Do you know what I mean?

2 BRUCE ADELSON: Yes, Commissioner McNulty,  
3 Madam Chair, let's see.

4 It could very well.

5 Moving the box around can sometimes have a  
6 surprising effect on the targeted district but also on an  
7 adjoining one.

8 (Brief recess taken.)

9 CHAIRPERSON MATHIS: We'll go back. It's  
10 7:04 p.m.

11 WILLIE DESMOND: Okay.

12 So that was about 19,500. The Salt River is about  
13 6300 people. So we could take a portion of it, do something  
14 like that.

15 Again, something like that would leave District 27  
16 probably underpopulated. It's already underpopulated by  
17 9800 people, so we would have to grow.

18 Anything else we really take from District 27 we  
19 have to find -- to add back in somewhere.

20 One option would be District 19 is only 971 people  
21 under the ideal population. If it shares that burden, like,  
22 you know, it can take 5,000 people from there and go in, and  
23 they would both be underpopulated, but both closer to the  
24 ideal.

25 District 30 is already 5,000 people

1 underpopulated, so that's, that's not great, but there are  
2 options like that.

3           There's also the Gila River reservation.

4           We have part of it, the part that's in Maricopa  
5 County. We could would take more of it, but, again, I don't  
6 think there's a ton of people in the whole reservation.

7           So, it's just another option.

8           COMMISSIONER McNULTY: Mr. Desmond, what's the  
9 underpopulation of 27?

10           WILLIE DESMOND: It is 9800 people right now.  
11 That's with that change.

12           If we undue that change --

13           COMMISSIONER McNULTY: With the change of lopping  
14 little hat there?

15           WILLIE DESMOND: Yeah.

16           COMMISSIONER McNULTY: Okay. Can we, can we take  
17 off half of the hat, or does that not help?

18           WILLIE DESMOND: That moves 2,000 people out.

19           CHAIRPERSON MATHIS: Are there non-minority people  
20 we can take out instead?

21           WILLIE DESMOND: Of? Take out --

22           CHAIRPERSON MATHIS: Of 26, kind of at the top,  
23 that little nodule.

24           WILLIE DESMOND: We can, but then we're adding a  
25 them to District 24.

1           So we haven't done that in the past because, you  
2 know, that's another district.

3           I mean, that's one way you can maybe cycle some  
4 population is we give this, this area to 24. And it's not  
5 great. But then 24 takes in 27.

6           And 27 can maybe absorb some more of 26 somewhere.

7           COMMISSIONER McNULTY: What if you didn't do  
8 the -- what we just did, the little area on 48th Street?  
9 What if you undue that and do the hat?

10          CHAIRPERSON MATHIS: That's what I was wondering.

11          WILLIE DESMOND: Okay. I'm sorry.

12          The whole thing you think, or just part of it?

13          COMMISSIONER McNULTY: You decide. Whatever you  
14 want.

15          WILLIE DESMOND: That would take roughly  
16 8500 people.

17          BRUCE ADELSON: Can I go over to the map?

18          WILLIE DESMOND: Buck, do you have the laser  
19 pointer?

20          BRUCE ADELSON: That's okay. I'm just going to  
21 use my hand.

22          What about these areas over here, can we move  
23 these into 27, these, or some of these?

24          WILLIE DESMOND: That would move about 57, 5800  
25 people.

1           Which would allow you to balance a little bit more  
2 in 27.

3           Something like that would move 10,000 people in  
4 into District 26.

5           That area looks like 60 percent Hispanic voting  
6 age Hispanic.

7           That would leave a deviation then in 26 of about  
8 10,000 -- 9,000 people underpopulated. District 27 would  
9 then be about 5600 people underpopulated.

10          So at this point the voting age population of 26  
11 is 33.1 Hispanic voting age population, and 27 is 50.6.

12          The non-Hispanic White percentage in 26 would be  
13 52.2, and 27 is 24.9.

14          If you like, I can re-run the numbers on an  
15 earlier change report. Again, we'll take about as long as  
16 it took last time.

17          It's up to you.

18          CHAIRPERSON MATHIS: Seems like we should.

19          BRUCE ADELSON: Yeah.

20          WILLIE DESMOND: In the meantime would you like to  
21 look at something else?

22          CHAIRPERSON MATHIS: Sure.

23          Let's figure out who wants to go first on the  
24 different change reports for these different potential  
25 adjustments on the legislative map.

1           COMMISSIONER McNULTY: I would defer to whoever  
2 else has changes.

3           CHAIRPERSON MATHIS: Okay. I think Freeman and  
4 Herrera both did.

5           VICE-CHAIR FREEMAN: Are there other voting rights  
6 districts that we should be looking at to change?

7           CHAIRPERSON MATHIS: Are there any others,  
8 Mr. Adelson, or Mary, or Joe?

9           BRUCE ADELSON: Sorry, I keep losing the little  
10 button.

11           Madam Chair, Commissioner Freeman, the main areas  
12 that I had been concerned about were 4, 24, and 26.

13           Now, in the changes that were made last week,  
14 which were very significant to four, are primarily in  
15 electoral performance, so that four became much stronger as  
16 a result and really solved a significant question.

17           So I think that those are the districts that I had  
18 focused most of my attention on.

19           There are some other districts that don't -- they  
20 don't have -- they don't match up in all the numbers.

21           But I also have to say to be fair is it really is  
22 almost virtually impossible for any state to match every  
23 single number against every single benchmark number.

24           The -- what is important is, I think, frankly the  
25 exercise that we're doing now, is trying to do what we can

1 to achieve more of a sense of parody with the benchmark,  
2 excuse me, without sacrificing performance, which I think  
3 we've already determined tentatively is pretty good.

4 So my suggestion for now respectfully is that  
5 we -- looking at 24 and 26 I think is significant.

6 Thank you.

7 CHAIRPERSON MATHIS: Okay. Well, I think that  
8 leaves us open to talking about the other adjustments that  
9 commissioners will have raised, outside of voting rights  
10 districts.

11 WILLIE DESMOND: One other thing just about this  
12 process --

13 CHAIRPERSON MATHIS: Okay. Mr. Desmond.

14 VICE CHAIR HERRERA: -- and about Dr. King and all  
15 that work.

16 One thing we are able to do, I think fairly  
17 quickly, is analyze is this district better than the working  
18 map district.

19 That doesn't necessarily have to go through the  
20 full slate, the King analysis.

21 So if you want, again, I can work several  
22 scenarios over the weekend or something.

23 We can come back and just compare and contrast how  
24 those look with the swap, and I'll let you know if anything  
25 is better or not.

1 I don't know if we're going to find it right now,  
2 but --

3 CHAIRPERSON MATHIS: Sure.

4 WILLIE DESMOND: -- another option, just so. . .

5 CHAIRPERSON MATHIS: No, I think it's worth  
6 exploring, if you don't mind doing that.

7 WILLIE DESMOND: No, I mean, that's fine.

8 It's not to say it's not good to be doing this  
9 right here, but as you say it takes time to run the reports  
10 and stuff. Just trying to make -- offer that.

11 CHAIRPERSON MATHIS: Right.

12 WILLIE DESMOND: But, this report is running, so  
13 I'd say another five minutes and we'll be able to look at  
14 it.

15 In the meantime do we want to look at one of the  
16 other changes from yesterday or today?

17 Okay. Which one should I start with?

18 CHAIRPERSON MATHIS: Commissioners?

19 WILLIE DESMOND: I'll start with the population  
20 balance that's from today, then we can go back to yesterday.

21 CHAIRPERSON MATHIS: Okay.

22 WILLIE DESMOND: If that works.

23 Be looking at our working map, the districts that  
24 seem to stick out with the largest population deviation that  
25 were not voting rights district, I believe District 1, which

1 was over 11,000 people overpopulated, once the addition of  
2 Cochise County and Greenlee County, District 1 was quite  
3 large.

4           Additionally District 6 was about 9 or 10,000  
5 people underpopulated.

6           And District 9 was about 9 or 10,000 people  
7 underpopulated.

8           Starting with District 6, the way we saw to fix  
9 that -- and if you look at your change reports, you know, it  
10 will be fairly obvious was District 14, I believe, was  
11 overpopulated.

12           So by taking the Camp Verde from District 14 and  
13 adding it to District 6, District 6 was able to go from a  
14 deviation of 9,908 people to a positive deviation of 1,072.

15           District 14 lost, lost that 10,900 people.

16           But it was -- started out 7,382 people  
17 overpopulated.

18           So that then went to a negative deviation of  
19 3,598.

20           So the percentages went there from 3.5 percent  
21 down to 1.7 percent negative.

22           District 6 went from negative 4.7 to positive .5.

23           So that was -- that's the first swap there. And  
24 does balance the population over the two districts probably  
25 a little better.

1           The other area that was fairly low, not a voting  
2 rights district, was District 9, was underpopulated by  
3 10,347 people.

4           After this change, it's overpopulated by 150.

5           So the way that worked was -- because we couldn't  
6 balance population using District 2, District 10 -- or  
7 District 1 had kind of shed population to District 10.

8           District 10 was overpopulated already. I think it  
9 started out 2100 people overpopulated.

10           So then it became about 10,000 people  
11 overpopulated. And that shed some population to District 9  
12 in Tucson.

13           I can go into more detail if you'd like. This is  
14 the draft map, not the working map.

15           COMMISSIONER McNULTY: So what is the deviation  
16 now of those districts?

17           WILLIE DESMOND: And so District 1 went from  
18 negative -- or positive 5.5 percent to positive 2.2 percent.

19           District 9 went from negative 4.9 percent to  
20 positive .1 percent.

21           And District 10, which is kind of in the middle,  
22 went from positive 1 percent to negative .9 percent.

23           You can also see the splits report. One census  
24 place was unsplit, although more tracts and block groups  
25 were split in this change.

1           Looking at the competitiveness --

2           CHAIRPERSON MATHIS:  Sorry, what census place was  
3 that?

4           WILLIE DESMOND:  You know, I'm not sure.

5           It's probably a very minor split in the census  
6 place, because I don't recall -- I'm guessing it was fairly  
7 insignificant.

8           Are there questions about this type of thing?  I  
9 mean, this is not a voting rights change.  None of the  
10 voting rights districts were touched.

11           It's more of a call on your end, this is something  
12 you want -- legal counsel, anything they want to say about  
13 deviations?

14           MARY O'GRADY:  Yeah, Madam Chair, commissioners,  
15 on the subject of deviations in the legislative map, the  
16 working map did have a -- I think it made sense to make  
17 every effort, as this change does, to reduce the deviations  
18 that are in the map, other than the voting rights district.

19           We understand that they're low.  We've made a  
20 record as to why they are low for the most part.

21           But in the other districts, to the extent there  
22 are deviations, you should try to reduce them and justify  
23 them.  To the extent they aren't reduced, explain why they  
24 are there and so we have that record.

25           In no case, when we're done, should the deviations

1 exceed -- I mean, under the federal law it's 10 percent.

2           And we suggest that you try and keep the range as  
3 minimal as possible.

4           Joe?

5           JOSEPH KANEFIELD: Madam Chair, the only thing I  
6 would add, and I think Mary hit on this, was that under the  
7 evolving case law on the subject of population deviation  
8 under the Equal Protection Clause for purposes of the  
9 legislative maps, the old rule used to be 10 percent was the  
10 safe harbor. Because of intervening precedent over the last  
11 decade, that's not necessarily the case.

12           There can be a deviation, but the Commission needs  
13 to explain why there has been a deviation. It's basically  
14 going to be judged on a reasonable basis, rational basis  
15 kind of standard by the court.

16           But they will -- it would be good to justify those  
17 deviations, at least on the record, explain why they took  
18 place.

19           Voting Rights Act, adjusting districts to  
20 accommodate the Section 5 concerns of Voting Rights Act  
21 obviously would be one.

22           Such concern, keeping communities together,  
23 municipalities, that kind of thing.

24           So we would encourage you to put on the record the  
25 reasons for the deviations, when we get to that point, for

1 the final adoption.

2 CHAIRPERSON MATHIS: And I think, Mr. Kanefield,  
3 you had explained to me at some point, in some fancy legal  
4 talk citing case law.

5 It's changed since ten years ago, right, in terms  
6 of what the last Commission was able to do in terms of being  
7 able to stand on 10 percent; right? But we aren't able to  
8 do that.

9 JOSEPH KANEFIELD: Madam Chair, during the last  
10 decade, the case law generally said that if you -- if the  
11 population deviation was within 10 percent, that was  
12 considered presumptively to be okay under the Equal  
13 Protection Clause.

14 Remember we're only talking about the legislative  
15 districts here.

16 During the last decade there was a case out of  
17 Georgia, if I recall *Larios v. Cox*, where the court -- I'm  
18 trying to recall the facts here on the fly, but if I recall  
19 correctly, there was apportionment decisions made or  
20 population deviation decisions made based on partisan  
21 considerations, and that the -- what the decision of the  
22 district court in that case held that there wasn't a basis  
23 for making those determinations that tried to traditional  
24 redistricting type criteria, communities of interest,  
25 keeping municipalities or counties, that kind of thing. And

1 that there wasn't a justification for the deviation that was  
2 acceptable, at least to the panel.

3           These decisions go directly to the United States  
4 Supreme Court.

5           In that case, the court summarily affirmed, as I  
6 recall, with a concurring opinion from a couple of the  
7 justices.

8           So, we don't have a full-blown U.S. Supreme Court  
9 decision on the point, but we have a summary affirmance of a  
10 lower court that basically held that the 10 percent, the old  
11 10 percent safe harbor no longer applies, that there can be  
12 a deviation that is greater than there would be for the  
13 congressional districts, because that deviation is grounded  
14 in Article 1 of the U.S. Constitution.

15           But if there is a deviation, there has to be a  
16 reasonable, rational-type basis for the deviation that  
17 should be grounded in the constitutional criteria that -- or  
18 traditional redistricting principles which are set forth in  
19 our six -- at least four of the six criteria, and the  
20 adjusting population deviations for purposes of the Voting  
21 Rights Act are certainly considered justifiable reasons for  
22 varying.

23           I don't -- Bruce, did you want to add to that at  
24 all?

25           BRUCE ADELSON: Thank you, Madam Chair, I just

1 reiterate what Mr. Kanefield said, that, excuse me, courts  
2 have routinely found that adherence to the Voting Rights Act  
3 constitutes a rational basis. So to the extent that your  
4 deviations are driven by compliance with the Voting Rights  
5 Act, that is clearly a rational basis under an abundance of  
6 case law.

7           It is unfortunate that there has been no  
8 controlling decision on exactly what is the permissible  
9 deviation.

10           Unfortunately that's going to come out over the  
11 next ten years.

12           And the redistricting as it occurs now throughout  
13 the country is going to form the basis for that.

14           JOSEPH KANEFIELD: The only thing else I would add  
15 is the Section 5 considerations obviously are -- the  
16 Commission is establishing those as part of the record in  
17 terms of the deviation for the voting rights districts.

18           For the non-voting rights districts, we would  
19 encourage the Commission to put on the record the reasons  
20 for those deviations by explaining why the deviations had to  
21 take place.

22           CHAIRPERSON MATHIS: Thank you, both. Appreciate  
23 it.

24           Any questions on that?

25           VICE-CHAIR FREEMAN: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Freeman.

2 VICE-CHAIR FREEMAN: Does Section 5 expressly  
3 authorize underpopulating districts? Or is that an  
4 acceptable -- just a recognized acceptable practice, to  
5 enhance the voting rights district as long as we don't get  
6 outside certain boundaries, then we're not going to run  
7 afoul of the Equal Protection Clause, which I assume would  
8 even -- might even trump the Voting Rights Act.

9 BRUCE ADELSON: Madam Chair, Commissioner Freeman,  
10 last point, I don't think my friends at Justice would even  
11 agree with that.

12 But clearly legally, as we know, if the deviation  
13 even for voting rights perspective goes to 12, 13,  
14 14 percent, which of course we're not talking about, then  
15 there would be an equal protection issue.

16 This underpopulation for purposes of Section 5  
17 goes back almost to the beginning of when the Voting Rights  
18 Act came into law.

19 It really comes from court decisions.

20 It is an accepted practice. It has been an  
21 accepted practice for a long time.

22 But Section 5 as it's written does not  
23 specifically say that.

24 VICE-CHAIR FREEMAN: You've lost your wind screen  
25 too.

1           COMMISSIONER McNULTY: Madam Chair, in the  
2 interest of moving ahead more -- most official way, if  
3 Mr. Desmond wants to go through the changes that he made at  
4 my request a couple days ago, I'd be happy to do that.

5           I didn't hear a rush to be first.

6           CHAIRPERSON MATHIS: I didn't either.

7           COMMISSIONER McNULTY: People can be thinking  
8 about them more over the weekend.

9           WILLIE DESMOND: Do you want to go through the  
10 changes, or should I?

11          COMMISSIONER McNULTY: Why don't you tell me which  
12 one we'll do first. I'll just recap what I had requested,  
13 and you can tell me how you approached it. How does that  
14 sound?

15          WILLIE DESMOND: That sounds good.

16          The green line is the working map.

17          I guess starting with District 13, what we did  
18 here was we joined all of La Paz County with the northern  
19 portion of Yuma County.

20          COMMISSIONER McNULTY: Mr. Desmond, let me just  
21 recap what I had asked you to do.

22          We had on the draft map a long arm extending into  
23 southern Maricopa County in -- extending LD 13 into  
24 Maricopa County.

25          We received comments requesting to the extent we

1 could to make northern Yuma County more rural if possible,  
2 because for voting rights purposes Yuma County is split.

3           The LD 13 takes in Yuma County and Maricopa  
4 County.

5           And we heard public testimony requesting that we  
6 look at putting La Paz County with Yuma County, which it was  
7 once a single county.

8           And then finding a way to try and make the rest of  
9 13 a little more rural.

10           So I asked Mr. Desmond to look at that, and to  
11 look at cleaning up that arm in 13, and perhaps taking some  
12 of the western agricultural areas of Maricopa County and  
13 less of metropolitan Maricopa County if possible.

14           WILLIE DESMOND: So District 13 did come in -- or  
15 does come in, and takes Surprise, Citrus Park, parts of  
16 Glendale, parts of Goodyear, and runs straight across  
17 Goodyear.

18           What we were able to do was have it use the same  
19 southern boundary going through Goodyear.

20           But now it runs south of Surprise. It doesn't  
21 take any part of that.

22           It takes all of the northern half of Buckeye,  
23 splitting, splitting it a third time, and then runs up  
24 around Wickenburg to the county line then.

25           And then it's all of La Paz and then the northern

1 part of Yuma.

2 That's essentially -- how this does affect  
3 District 5 is District 5, without La Paz, does need to make  
4 up a little bit of population.

5 Or gain population when it took the  
6 non-reservation lands in the north Mohave.

7 But it does come in now to this, how I drew it,  
8 into Yavapai, takes Chino Valley, Paulden, and puts that  
9 with Mohave County.

10 I spent a lot of time trying to find a way of  
11 balancing these counties on the western side.

12 Mohave is almost enough to be a district by  
13 itself.

14 Yavapai is almost enough to be a district by  
15 itself.

16 La Paz is 20,000, and Yuma is about, I think,  
17 100,000.

18 So it just doesn't quite -- you're left with  
19 something left over.

20 So there's not a super clean way of doing this.

21 In fixing some of the areas in the west valley, it  
22 seemed like the best way to do it.

23 The next set of changes --

24 COMMISSIONER McNULTY: Before you move on, I would  
25 just say that the things I like about that are it does have

1 La Paz with northern Yuma County, and it does keep Buckeye  
2 in that district, which I think we were actually expressly  
3 asked to do.

4 And it does reduce the number of splits there.

5 And it does look a lot better, at least.

6 WILLIE DESMOND: The next set of changes kind of  
7 mirrored what Commissioner Herrera had done somewhat, but a  
8 little differently.

9 We were able to remove a split of Glendale, in  
10 forming District 22, that incorporates a good portion of  
11 Surprise and northern Peoria and just the northern portion  
12 of Glendale.

13 That leaves District 21 close to how it had been,  
14 but District 21 is no longer in Glendale. That's how we  
15 removed the one split.

16 So that takes a portion of Surprise here.

17 Surprise is split. The draft map it's split three  
18 times. On this it's split twice. So we were able to remove  
19 a split there.

20 Remove a split to Glendale.

21 And make a fairly compact district in District 21.

22 I don't know if you want to say anything there or  
23 if I should just keep going on.

24 COMMISSIONER McNULTY: And my request there was  
25 that we look at a way in the west valley -- as I mentioned

1 earlier, this was an area where I had felt that when the  
2 chips fell as they may there would be an emerging  
3 competitive district there, and I asked Willie to look at a  
4 way to keep some of those emerging Hispanic communities  
5 together while at the same time reducing the number of  
6 splits in the west valley.

7 Thank you.

8 WILLIE DESMOND: Sure.

9 District 14, let me just -- District 14 was  
10 previously a district that had the lion's share of Yavapai  
11 County, a portion of Coconino -- or most of Yavapai County,  
12 and then the northern portions of Buckeye, Surprise, and  
13 kind of this area in the west, of Maricopa County.

14 What happened to that was that instead of coming  
15 to the west, it now comes in and takes the communities of  
16 Anthem, New River, Cave Creek, Carefree, all together in a  
17 small portion of Phoenix, although there's really nobody  
18 here, and puts those with District 14.

19 I guess my thinking there was we heard from them  
20 about their ties to Interstate 17, and so kind of all the  
21 places to go, to go with Yavapai seemed like a logical one,  
22 especially trying to remove some of the splits that happened  
23 in the communities of the west valley.

24 So District 14 comes down and takes those areas  
25 now.

1           District 15 is pretty much all of northern  
2 Phoenix, between Scottsdale and Peoria.

3           Previously District 15 included parts of  
4 New River, all of Anthem, Cave Creek, and Carefree, with  
5 parts of north Phoenix.

6           So you were able to move a split in New River and  
7 keep -- but, District 15 is now just this area in northern  
8 Phoenix.

9           District 20 started out with a portion of Glendale  
10 right here. Increased that so it took District 21's -- it  
11 was right here.

12           It took District 21 where we took the split, and  
13 then it kind of grew east a little bit.

14           District 28 the southern boundary is unchanged,  
15 because it runs up against District 24, one of our voting  
16 rights districts.

17           The eastern boundary is unchanged. Stays against  
18 the Scottsdale line.

19           It did change here a little bit in an attempt to  
20 make it a little bit more competitive.

21           I don't think it got as far as  
22 Commissioner Herrera had, but it's a little bit closer to  
23 District 28 as drawn on the draft map.

24           COMMISSIONER McNULTY: So, Mr. Desmond, the  
25 changes in 14 and 15, were those things that you did in an

1 effort to clean up the west valley? Or were they things  
2 that you did to reduce the number of splits in the Glendale  
3 area?

4 WILLIE DESMOND: Kind of both.

5 COMMISSIONER McNULTY: Okay.

6 WILLIE DESMOND: By cleaning up the west valley it  
7 kind of filters its way over.

8 COMMISSIONER McNULTY: Because 13 and 14 were  
9 together.

10 WILLIE DESMOND: Yes.

11 COMMISSIONER McNULTY: Okay. All right. Because  
12 I guess I didn't understand that 15 had changed also.

13 But that was part of that cleanup?

14 WILLIE DESMOND: Yes, so the old 15, again, took  
15 Carefree, Cave Creek, part of New River, Anthem, and kind of  
16 came down to the north of 28.

17 It -- those areas then went to 14 when 14 kind of  
18 extracted itself from the west valley.

19 COMMISSIONER McNULTY: Okay. So that was all part  
20 of trying to clean up 13 and 14.

21 WILLIE DESMOND: Yeah, trying to remove some of  
22 the splits, and just kind of make those districts -- it's  
23 not a constitutional criteria, but I guess just like the  
24 test they kind of look --

25 COMMISSIONER McNULTY: So it's a mapper's

1 imperative.

2 WILLIE DESMOND: Yeah.

3 I think those are all the changes that were --

4 COMMISSIONER McNULTY: There was 11 and 8 that I  
5 had asked you to look at.

6 I think we had done a draft of a reiteration of 11  
7 and 8, and I had asked you to work on making the boundary a  
8 little cleaner, either by following I-10 or by making either  
9 Casa Grande or Eloy whole.

10 WILLIE DESMOND: Yes.

11 I can go to those real quickly.

12 There wasn't, like, one way that satisfied both of  
13 those, so I did two different versions.

14 After playing around with it for a long time, I  
15 thought I'll just shoot you two versions, because there  
16 wasn't an easy answer.

17 So, I believe, and I'd have to look back at my  
18 stuff from yesterday -- just one second.

19 So district -- so, again, the green line is the  
20 border as drawn.

21 So before it ran up, up, it runs up and gets  
22 Coolidge and Florence, and runs around those, and goes up to  
23 the border.

24 What happens now is that Saddlebrooke, Oro Valley,  
25 Catalina are moved in with Marana, Picture Rocks, and all

1 this area in Pima County is kept together, I guess.

2           And then in this version, version three, the line  
3 goes and follows around Eloy. I tried to keep Casa Grande  
4 whole, but it's just not really feasible to do that,  
5 especially since the Tohono O'odham Nation runs right up  
6 here.

7           So, anyway, I split around those, as a choking off  
8 point that would split the district into two pieces, so it  
9 wouldn't be contiguous anymore.

10           So in version three, it's a line that's a lot more  
11 jagged, but it runs all the way around Eloy. So it removes  
12 the split of Eloy.

13           The best way to probably do this is for me to just  
14 to add version four as a layer.

15           COMMISSIONER McNULTY: One thing you have done  
16 though keep the bulk of the population, the bulk of the  
17 population of Casa Grande, which is on the northeast side of  
18 that line, together.

19           WILLIE DESMOND: Correct.

20           So the other option is right here.

21           This is a much cleaner line, that runs, as you've  
22 suggested, kind of right along 10, following the census  
23 block groups there.

24           It doesn't run right out 10 here, but goes up at  
25 another major road.

1 I can tell you what that is.

2 It goes north at Chuchu, runs north there, and is  
3 kind of a cleaner looking line, I guess, is the best way to  
4 put it.

5 And these do have different effects on the  
6 competitiveness of 8 and 11.

7 Version four, District 8, index two, is 52.5  
8 Republican, 47.5 Democrat version.

9 Version three it is 52.9 percent Republican,  
10 47.1 percent Democrat.

11 District 11, version three, is 58.2 percent  
12 Republican, 41.8 percent Democrat.

13 In version four, it is 58.4 percent Republican,  
14 41.6 percent Democrat.

15 COMMISSIONER McNULTY: Could you talk about the  
16 total minority population also? Because District 8 has  
17 until recently been an opportunity to elect district.

18 I think we have -- and one of the reasons for this  
19 whole exercise was to combine those copper corridor  
20 communities, which have higher minority population to ensure  
21 that they're in one district.

22 WILLIE DESMOND: District 8 using -- sorry, using  
23 verse three, has a total minority population of 46.7.

24 District 11 has a total minority population of  
25 34.9.

1           So it's not quite a majority-minority district.  
2 It's not quite an ability to elect district.

3           It's still, in this case, more Republican than it  
4 is Democrat.

5           But it's certainly close.

6           I don't know how this would compare against our  
7 worst benchmark district, but it's kind of in the  
8 neighborhood.

9           These are -- it's not there.

10           The other thing to think about with this district  
11 is there is a fairly large prison population. It's possible  
12 that if you extract that it would bring the percentage down  
13 a little bit too.

14           COMMISSIONER McNULTY: I'm not suggesting that it  
15 would become a majority-minority district, but I do think  
16 because it has an history of having an opportunity to elect  
17 that increasing the competitiveness of this district goes  
18 hand in hand with preserving to some extent that  
19 opportunity.

20           WILLIE DESMOND: And you were able to go from  
21 35.4 percent to 46.7 total minority in eight in version  
22 three.

23           And in version four, district 8 goes from 35.4  
24 again to 48.3, so. . .

25           COMMISSIONER McNULTY: Thank you.

1 WILLIE DESMOND: This is version four, black line  
2 now.

3 And, again, that's version three.

4 COMMISSIONER McNULTY: Do we have these in our  
5 packets with pictures?

6 WILLIE DESMOND: I didn't make full packets for  
7 all these.

8 I can start making the full packets for  
9 everything.

10 It just takes a lot of time.

11 COMMISSIONER McNULTY: We can look at them online.

12 CHAIRPERSON MATHIS: Anything else on that,  
13 Ms. McNulty?

14 COMMISSIONER McNULTY: No, I think that summarizes  
15 it for the folks to think about.

16 CHAIRPERSON MATHIS: Okay. Any questions on that?

17 VICE-CHAIR HERRERA: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Herrera.

19 VICE-CHAIR HERRERA: I don't have a question, but  
20 what I do want to say is that I agree with  
21 Commissioner McNulty changes to the legislative map. The  
22 only area where I would probably disagree with her is on  
23 District 28.

24 I think, if you don't mind, Mr. Desmond, can you  
25 let me know the, using index two, the competitiveness, can

1 you compare them?

2 WILLIE DESMOND: Just one second.

3 VICE-CHAIR HERRERA: Sure.

4 WILLIE DESMOND: Drowning in changes reports.

5 District 28 is, in index two, 54.8 positive  
6 Republican, 45.2 percent Democrat.

7 VICE-CHAIR HERRERA: Using Commissioner McNulty's  
8 changes.

9 WILLIE DESMOND: Yes, 28 as drawn in that map that  
10 you looked at now, those are the numbers.

11 VICE-CHAIR HERRERA: Okay.

12 WILLIE DESMOND: And that's from 55.9 percent  
13 Republican, 44.1 percent Democrat.

14 So an increase of 1.1 percent Democrat, a decrease  
15 of 1.1 percent Republican.

16 VICE-CHAIR HERRERA: And, Mr. Desmond, can you go  
17 over the index report on the changes that I proposed to 28,  
18 using the same index, index two?

19 WILLIE DESMOND: Yes. In yours it went from  
20 55.9 percent Republican, 44.1 percent Democrat, to  
21 52.6 percent Republican, 47.4 percent Democrat.

22 So, about 2.2 percent for Democrat, in yours,  
23 negative .2 percent less Republican.

24 VICE-CHAIR HERRERA: You know, we don't -- when we  
25 created both maps, obviously we're trying to balance all six

1 criteria. So we don't -- what we don't have, and especially  
2 in the legislative map, is we don't have enough competitive  
3 districts.

4 So what I was trying to do, again, balance all the  
5 four state mandated criteria in trying to create a  
6 competitive district in 28, because I think it's possible,  
7 and obviously it was done.

8 So what I would like to have Commissioner McNulty  
9 is consider the changes that I made in 28 as part of her  
10 changes or see a way where she can improve 28 to bring it to  
11 the level that I was able to bring it in index two, in the  
12 changes, which is a little over 47, 47.4 I think.

13 So I'm still thinking that this is a possibility,  
14 and I'd like for it to be considered.

15 COMMISSIONER McNULTY: I'm happy to do that. If  
16 there's a way that we can make that more competitive and  
17 workable, I think that's great.

18 I agree completely in a city of four million  
19 people that it makes sense.

20 VICE-CHAIR HERRERA: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Herrera.

22 VICE-CHAIR HERRERA: So the changes that I had  
23 proposed were not too different from Commissioner McNulty's,  
24 so I would like to just state that for the record.

25 And, again, talking about 28 and how we can

1 continue to make it more competitive. So I don't have  
2 anything else to add.

3 BRUCE ADELSON: Madam Chair, may I share  
4 something?

5 CHAIRPERSON MATHIS: Please.

6 BRUCE ADELSON: It's something we've just been  
7 talking about, and something that we just frankly just  
8 occurred to us.

9 District 8, as we're talking about, excuse me,  
10 with the change we're talking about it having now a total  
11 minority population of 48.3 percent. We were wondering  
12 about and kicking around here is if that minority population  
13 was increased a little bit, we might be able to present this  
14 to Justice as an eleventh opportunity to elect district, not  
15 a majority-minority district.

16 The reason that we're kicking this around is that  
17 we have certain numerical non-matchups with the benchmark,  
18 some of which probably we're not going to be able to resolve  
19 completely.

20 But the thought that we had was if this district  
21 could be enhanced so that if we can present a reasonable  
22 argument to Justice that minorities over the next decade  
23 could have an opportunity to elect beyond the benchmark,  
24 that would help with the submission.

25 So we just toss that, that idea out to the

1 Commission.

2           It's just something that we just started talking  
3 about.

4           But it might, it would help with the submission.  
5 There's no question about that.

6           It might offset the numerical issues. So it's  
7 just an idea that we just thought of that we wanted to  
8 present to the Commission.

9           CHAIRPERSON MATHIS: Thank you.

10          Well, it sounds like something we should explore.

11          VICE-CHAIR HERRERA: Madam Chair.

12          CHAIRPERSON MATHIS: Mr. Herrera.

13          VICE-CHAIR HERRERA: I agree. I think it's  
14 something we should explore.

15          And I am going to thank Commissioner McNulty for  
16 looking at ways to not only improve the maps but looking at  
17 ways that we can help protect the voting rights of the  
18 minority folks that are protected by the Section 5 of the  
19 Voting Rights Act.

20          So thank you.

21          And I think we can -- hopefully can look at  
22 further and see if it's a possibility, so I'm excited.

23          WILLIE DESMOND: Okay. So the map that they're  
24 referencing is this change to 8 and 11, version four, that  
25 we have.

1           CHAIRPERSON MATHIS: Did we get the change report  
2 for that?

3           WILLIE DESMOND: That came yesterday. I have an  
4 copy right here if you want mine.

5           CHAIRPERSON MATHIS: I probably have it. I  
6 just --

7           WILLIE DESMOND: So it's -- the change report then  
8 is improve competitive 8, 11, version four. There's also a  
9 version three.

10           I think they were towards the back of yesterday's  
11 packet.

12           Are there other things you guys want? Should we  
13 move on?

14           How do you want to proceed with this?

15           COMMISSIONER McNULTY: What other legislative  
16 changes do we have?

17           WILLIE DESMOND: I believe just the changes from  
18 Commissioner Freeman.

19           And those are -- we can talk about those if you  
20 want to.

21           He had an idea -- he shared with me a district. I  
22 didn't change it, so it's not exactly what he had, and I'd  
23 be happy to go over that and look for ways to incorporate  
24 his district, to go over that.

25           I believe that's the last one though.

1 I think we -- you had -- there's three from  
2 yesterday and one today.

3 COMMISSIONER McNULTY: You did everything I had.

4 VICE-CHAIR HERRERA: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Herrera.

6 VICE-CHAIR HERRERA: Mr. Desmond, can you repeat  
7 what you said? Did you say he recommended some changes, and  
8 what did you say?

9 WILLIE DESMOND: Well, we can -- there's a  
10 district Commissioner Freeman sent me in order to make it --  
11 it was kind of a last minute type of thing. I was unable to  
12 work with it until the morning of yesterday --

13 VICE-CHAIR HERRERA: Talking about such a map.

14 WILLIE DESMOND: -- so there wasn't time for me to  
15 go back and forth with him to get instruction on exactly how  
16 to incorporate it.

17 So, Commissioner Freeman has an idea of what I  
18 did, but I'm not saying it's what he sent me. It could be  
19 another version.

20 VICE-CHAIR HERRERA: What district is that?

21 WILLIE DESMOND: District 7.

22 VICE-CHAIR HERRERA: A majority-minority district?

23 WILLIE DESMOND: Right.

24 VICE-CHAIR HERRERA: That we have negotiated with  
25 the Native American tribes that they like the way it is?

1           Okay.

2           I thought we were not going to do that, but, okay,  
3 I'm curious to see what he's going to propose.

4           VICE-CHAIR FREEMAN: Madam Chair.

5           CHAIRPERSON MATHIS: Mr. Freeman.

6           VICE-CHAIR FREEMAN: You know, I would probably  
7 never play poker with Commissioner Herrera, because I would  
8 be afraid that he would change the rules in the middle of  
9 the game.

10           But if I did, I probably would require him to post  
11 bond.

12           He would great to play with because he just gives  
13 away the move far in advance.

14           Yeah. I'll -- I'm not going to ask questions.  
15 I'll just state. Earlier last week I asked Mr. Gorman  
16 whether he would be interested in seeing any map that  
17 improved the voter performance in LD 7.

18           And he responded yes.

19           And so I had asked Mr. Desmond whether he could  
20 put together one using an idea raised during public comment,  
21 whereby the Apache reservations are connected to the Navajo  
22 reservations and the Hopi reservation, the corridor.

23           The initial response was, no, it couldn't be done.  
24 So, although I had said earlier I resist now drawing my own  
25 maps, as I did back in September and October, I went ahead

1 and drew my own map.

2           And I did do it. And there was some interesting  
3 results in that the -- not only the native voting age  
4 population percentage voting age population in LD 7 can be  
5 increased in a material way, but also just looking at one of  
6 the voter performance measures we have, it was improved  
7 substantially.

8           So I just did -- that was the primary exercise.  
9 It was only looking at that district, no others.

10           And I think Mr. Desmond told me either before  
11 today's hearing or yesterday's hearing that you had a  
12 different approach.

13           So I haven't even seen that.

14           So whether we talk about it tonight or on Monday,  
15 I really don't care.

16           But that was the primary purpose of the exercise,  
17 to show that it could be done.

18           And it can be done.

19           And I guess a corollary benefit of the exercise is  
20 that it creates the possibility at least, if the Commission  
21 were inclined, so inclined, to respect the eastern -- rural  
22 eastern Arizona communities and keep them all together.

23           It would require other adjustments to the map  
24 certainly.

25           But that wasn't the point of the exercise. The

1 primary point of the exercise was to see what would be  
2 possible.

3           And you can question the native voting age  
4 population up. You can increase it.

5           And I just took a quick and dirty crack at it, and  
6 I wasn't even that selective as to what districts I -- or  
7 census blocks I put in to the districts and which I took  
8 out.

9           I think easily, with the more refined touch, it  
10 could be improved even further.

11           And I think even the district that I came up with  
12 and where I stopped, the population, it was underpopulated,  
13 but I believe it could be underpopulated even further if  
14 that's something that we can do, which I believe also would  
15 further enhance the native -- percentage of the native  
16 voting age population and as well the voter performance in  
17 that district.

18           So that's what I had sent him.

19           I think he had a different approach.

20           But whether we -- if we want to take a look at it,  
21 I think it should be part of our record certainly, but -- or  
22 whether we talk about it tonight, or Monday, I don't care.

23           I'd almost prefer, given whatever the chair feels,  
24 that if we're at a stopping point, we move ahead and take  
25 public comment, so we can get home. It's 8:00 o'clock.

1           CHAIRPERSON MATHIS: Well, I would prefer that we  
2 talk about it, since it is a voting rights district and  
3 since we have Mr. Adelson here.

4           I think it's worth -- do we have any of the change  
5 report kind of numbers on that, Mr. Desmond?

6           WILLIE DESMOND: Oh, let me just show you -- just  
7 go over exactly what. . .

8           The outline in black is the district that  
9 Commissioner Freeman sent me.

10           Trying to work that into the district, the working  
11 plan as we had to prepare it, is something I could  
12 definitely do. I just really didn't have the time to do it  
13 yesterday, yesterday morning.

14           So, again, this was, this was just me trying to  
15 fit it in easily.

16           So this is a -- I did -- I did it -- the arm,  
17 instead of coming down right here, I just did it along the  
18 border, and that allowed District 6 to not need to, like,  
19 change with District 8, change with District 1. That's just  
20 a little bit simpler.

21           And you do have a change report for this map,  
22 District 7. The Native American percentage went from 65.9  
23 up to 68.5, so an increase in 2.6 percent.

24           Native American voting age population went from  
25 63.1 up to 66.2. So an increase in 3.1 percentage.

1           Looking at the deviations, District 6 got a little  
2 bit closer to ideally populated.

3           District 7 is underpopulated, but, again, this  
4 wasn't like a finished thing. This was just kind of how I  
5 took the idea and inserted it into the working map that we  
6 had.

7           VICE-CHAIR HERRERA: Madam Chair.

8           CHAIRPERSON MATHIS: Mr. Herrera.

9           VICE-CHAIR HERRERA: Just go ahead and,  
10 Mr. Desmond, quickly, can you let me know what happens to  
11 the competitiveness of six based on these changes that  
12 Commissioner Freeman is recommending?

13           So comparing it in index two, index two from the  
14 working draft map to the changes, again, that Mr. --  
15 Commissioner Freeman has proposed.

16           WILLIE DESMOND: District 6 goes from 54.1  
17 Republican to 58.3, 45.9 Democrat to 41.7.

18           District 7, the voting rights district, goes from  
19 36.3 percent Republican, 63.7 percent Democrat, to  
20 30.3 percent Republican, 69.7 percent Democrat.

21           VICE-CHAIR HERRERA: So explain to me so --  
22 Mr. Freeman likes to bring up the term hyperpacking. I  
23 mean, this is his word, not mine.

24           So it appears that we hyperpacked Democrats in  
25 District 7?

1 WILLIE DESMOND: I believe the assumption we've  
2 been working under is that sense the Native American  
3 majority-minority districts is a unique circumstance. There  
4 can only, there can only be one.

5 And there isn't the same concern of packing --

6 VICE-CHAIR HERRERA: No, and I understand that,  
7 but I'm just talking about Democratic registration.

8 Because I think you mentioned Democratic  
9 registration goes to -- becomes higher in District 7 based  
10 on those changes.

11 Is that correct?

12 I'm not talking about the Native American  
13 population.

14 That's an obvious. But also the Democratic  
15 registration goes up.

16 WILLIE DESMOND: The registration does go up, yes,  
17 by -- it looks like by one percent Democrat --

18 VICE-CHAIR HERRERA: What, again, what is the  
19 percentage registration in seven with those proposed  
20 changes?

21 WILLIE DESMOND: Registration is 54.8, from 53.8.

22 VICE-CHAIR HERRERA: So it's a -- and, again, the  
23 competitiveness level of six, can you -- you went a little  
24 fast. Can you just repeat the competitive level, excuse me,  
25 index two from this one to the current working draft map,

1 using again index two. And if you can go as slowly as you  
2 can because, as I said, you went a little too fast for me.

3 WILLIE DESMOND: Sure.

4 VICE-CHAIR HERRERA: It's getting late.

5 WILLIE DESMOND: And I can put it up also, if that  
6 helps.

7 District 6 went from Republican index two of 54.1  
8 to a Republican index two of 58.2.

9 It went from a Democratic index two of 45.9 to a  
10 Democratic index two of 41.7.

11 The change of 4.2 percent more Republican,  
12 4.2 percent less Democratic.

13 VICE-CHAIR HERRERA: So it became more Republican.

14 And considering that we don't have -- we have very  
15 few competitive districts, six being one of them. I mean,  
16 that's -- pretty much takes that out of the ballpark of  
17 being a competitive district. So I'm, you know, obviously  
18 disappointed, but those are his recommendation that I don't  
19 agree with.

20 Let me also remind the Commission that the, that  
21 the Navajo Nation, including Leonard Gorman, proposed a map.  
22 They proposed a map one week. And then I think  
23 the following -- maybe even the same week, they came back  
24 with some recommended changes.

25 And to improve, to -- they were working closely

1 with the city of Flagstaff making -- putting in the Schultz  
2 fire -- excuse me, the Schultz flood area.

3 And commissioner -- I mean, Leonard Gorman has a  
4 team of his own, so I think he knows what he's doing  
5 including his team.

6 They chose not to do any of this, because they  
7 respect the relationship that they have with the city of  
8 Flagstaff.

9 The comments -- I was there in Flagstaff, twice.  
10 And the comments from the city of Flag residents, not only  
11 the city council supervisors but the public, were pretty  
12 clear that they wanted a competitive district.

13 They don't -- they didn't say they want a  
14 Democratic district. They wanted a competitive district.

15 And the Navajo Nation and the Native American  
16 tribes in seven respected that. Because they could have  
17 easily presented the changes that Commissioner Freeman has  
18 just proposed.

19 This isn't anything new. This is just something  
20 that really what it does, in my opinion, is to distort or  
21 try to lessen the competitiveness of six. So I just wanted  
22 to point that out.

23 WILLIE DESMOND: And I just want to point out,  
24 this is, this is a map that I put together quickly.

25 This is not necessarily exactly what

1 Commissioner Freeman sent me.

2 This was just me trying to fit it in to the  
3 working map.

4 VICE-CHAIR HERRERA: Sure. And one last thing,  
5 again, my intention is not to argue with  
6 Commissioner Freeman, but I just want to point that out that  
7 it is, I mean, a -- something -- a concern of mine. I'm a  
8 big supporter of the Native American tribes, as well as the  
9 city of Flag.

10 I mean, I went to school there for four years. I  
11 think I know the community pretty well.

12 But, again, those are his proposed changes that I,  
13 that I disagree with. And I am stating the reasons why I  
14 disagree with him. Hopefully we can move forward and wait  
15 for the analysis to come back on seven. Hopefully it will  
16 be soon.

17 VICE-CHAIR FREEMAN: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Freeman.

19 VICE-CHAIR FREEMAN: And Mr. Desmond said, I think  
20 twice, this wasn't my proposed change.

21 It was an exercise to show what is possible to  
22 enhance the voting rights districts.

23 But don't let that interfere with your desire to  
24 multiple times say that this is my desired change.

25 I think the answer to the question of how these

1 adjustments affect neighboring non-voting rights districts  
2 in terms of the competitiveness is really unremarkable.

3           If you look at every place where a  
4 majority-minority district runs up against a  
5 non majority-minority district, and you examine the changes  
6 that were made to improve the effectiveness of those  
7 districts, I bet that you end up putting Democrats in a  
8 majority-minority district, and they Republicanize the  
9 neighboring district.

10           So it's an unremarkable answer to a remarkable  
11 question, I think.

12           With respect to what -- in fact, I'm sure it's no  
13 doubt the case that the Navajo Nation has been in  
14 discussions with the City of Flagstaff about where the line  
15 should be drawn.

16           I have never heard that they were in negotiations  
17 with people in Navajo and Apache County.

18           In fact, we had a representative from the board of  
19 supervisors from Navajo County appear, I think it was last  
20 week, who effectively said -- told me that, that they have  
21 not been talking with them at all.

22           The point of this exercise, again, was to see what  
23 was possible in terms of maximizing the effectiveness of  
24 that voting rights district. As counsel has said, it's  
25 impossible to pack such a district since there can be only

1 one Native American voting rights district in the state.

2 I was looking at ways, I was looking at ways to  
3 increase the performance of that district, and that was an  
4 exercise.

5 And Mr. Desmond had a different idea that I didn't  
6 have.

7 And I'd like to look at it too.

8 And perhaps as a corollary benefit, we can, we can  
9 take into account the people who live in rural eastern  
10 Arizona, and actually listen to them too, and take their  
11 concerns into account.

12 So that was the point of the exercise.

13 VICE-CHAIR HERRERA: Madam Chair, just quickly.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 VICE-CHAIR HERRERA: You know, again, I thank  
16 Commissioner Freeman for the -- for his effort, and -- but I  
17 would love to hear from -- you know, it's possible that the  
18 Navajo Nation, and I am not going to speak for them and the  
19 Native American tribes, but they may love this and they may  
20 just say, you know what, no, we like the proposal that we  
21 came up with.

22 So I guess we'll find out.

23 I could be wrong.

24 COMMISSIONER McNULTY: Madam Chair, I think we  
25 have a very solid Native American voting rights district.

1 And we aren't dealing with any issue here of potential  
2 retrogression that I'm aware of.

3 I think we're dealing with a district that is  
4 sound as it was configured. And this just seems to me to be  
5 something that would be within the discretion of the  
6 Commission to do under the state constitutional issues if it  
7 so chose.

8 Maybe Mr. Adelson would want to comment on that at  
9 some point.

10 But before we get to that, I have a couple  
11 questions about where things are on this map.

12 For example, where is Flagstaff, where is Winslow,  
13 where is the Schultz fire area?

14 What exactly does this do on the ground?

15 In addition to, you know, the obvious.

16 WILLIE DESMOND: Show Low, Pinetop, Lakeside are  
17 all in District 6.

18 Winslow is, looks like, partially in District 6  
19 and 7.

20 And then the majority of Flagstaff is in  
21 District 6 as well.

22 COMMISSIONER McNULTY: So Flagstaff is split.

23 WILLIE DESMOND: Yes.

24 COMMISSIONER McNULTY: The city of Flagstaff is  
25 split.

1 WILLIE DESMOND: Yes.

2 CHAIRPERSON MATHIS: Mr. Desmond, why didn't you  
3 go -- I'm just curious. Why doesn't it go all the way to  
4 the eastern border of the state?

5 WILLIE DESMOND: Well, because the -- like the  
6 Apache reservation needs to be linked with district --

7 CHAIRPERSON MATHIS: Oh, I got it. Sorry.

8 WILLIE DESMOND: -- Navajo reservation.

9 And again --

10 CHAIRPERSON MATHIS: And on Mr. Freeman's it was  
11 a -- yeah.

12 WILLIE DESMOND: It was -- and I'll just put that  
13 one back --

14 CHAIRPERSON MATHIS: All right. I get it.

15 WILLIE DESMOND: -- so you can see that.

16 CHAIRPERSON MATHIS: Thank you.

17 WILLIE DESMOND: And then the only way reason I  
18 didn't put this one directly into our working map is because  
19 then this portion of District 6 would be cut off from this  
20 portion.

21 So to do this one, it's possible that you would  
22 have to work its way around.

23 But that was a lot more changes than I basically  
24 had time for that day. I would be happy to take another  
25 crack at it over the weekend.

1           COMMISSIONER McNULTY: Well, are there other  
2 changes that would need to be made to the map to accommodate  
3 all of this?

4           WILLIE DESMOND: To accommodate the district as I  
5 have it here? No.

6           I mean, it's just a change that affects District 6  
7 and 7.

8           If we were to do, you know, the version that  
9 Commissioner Freeman gave me, yes, other changes would need  
10 to be made.

11          COMMISSIONER McNULTY: Well, Mr. Freeman has said  
12 this is an exercise. He wanted to make a point.

13          I understand that.

14          It's not something that I could support, it's not  
15 something that I could support because it's contrary to the  
16 great weight of the testimony we heard in Arizona and it's  
17 completely different from the draft map in some significant  
18 ways.

19          Has compactness issues and contiguity issues that  
20 are, I think, designed not to address an issue in a voting  
21 rights district, because we have a fully formed sound voting  
22 rights district, but rather to address the political issue.

23          And, you know, I understand the concern about  
24 folks wanting to be represented in a way that they are used  
25 to being represented.

1           But at the same time, you can't do everything that  
2 everybody wants.

3           And I think it's very important to do a  
4 competitive Legislative District 6 that's consistent with  
5 all the community issues and public comment that we  
6 received.

7           Those folks all live together in the same  
8 counties, and they have joint county governments, and that  
9 all seems to work somehow. So I don't feel as though people  
10 are going to be unrepresented.

11           People just want to be -- want to have the same  
12 kind of representation that they've had.

13           And that's on the one hand understandable, but on  
14 the other hand it's not one of the criteria that we have to  
15 address, so. . .

16           VICE-CHAIR HERRERA: Madam Chair.

17           CHAIRPERSON MATHIS: Mr. Herrera.

18           VICE-CHAIR HERRERA: And another thing I don't  
19 want to see is, you know, I love Flagstaff and the people  
20 there, by any changes to six that we'll see a slew, if not  
21 the whole city of Flagstaff here at our next public hearing,  
22 and I don't think I want that.

23           CHAIRPERSON MATHIS: Are there any other comments  
24 on this?

25           VICE-CHAIR HERRERA: No.

1           CHAIRPERSON MATHIS: It would seem like we  
2 would -- we should hear from the Navajo Native.

3           I know that we have one request to speak form on  
4 this matter. And I got a couple others.

5           VICE-CHAIR HERRERA: Madam Chair.

6           CHAIRPERSON MATHIS: Yes.

7           VICE-CHAIR HERRERA: Is the request to speak form  
8 somebody representing the Navajo Nation?

9           CHAIRPERSON MATHIS: Yes.

10          VICE-CHAIR HERRERA: Then I would love to hear  
11 from them.

12          WILLIE DESMOND: Also --

13          CHAIRPERSON MATHIS: Mr. Desmond.

14          WILLIE DESMOND: -- I have that change report that  
15 we started running a while ago.

16          CHAIRPERSON MATHIS: Oh, good.

17          WILLIE DESMOND: So we can look at that also.

18          CHAIRPERSON MATHIS: And this is which change  
19 report?

20          WILLIE DESMOND: This was the second sort of  
21 adjustment that we did to District 26 and 27.

22                 Where District 27 kind of came across on the north  
23 and gave a little bit to 26 just north of Guadalupe there.

24                 District 26, in the working map, we did see an  
25 increase doing this in CVAP, 19.2 to 19.4.

1           However, Hispanic registration fell from 18.5 to  
2 17.5.

3           Some of the election indicators all fell from  
4 between .2 percent and .7 percent.

5           So ultimately not as strong as it was with  
6 Guadalupe in there, but probably better than it was in the  
7 draft map.

8           Also District 27 was weakened a little bit in most  
9 of the election indicators we're using.

10           Hispanic registration went up.

11           CVAP dropped.

12           Total minority dropped.

13           Hispanic percentage dropped.

14           So, again, there's no, no real easy answer to any  
15 of these, so. . .

16           CHAIRPERSON MATHIS: I think it makes sense for  
17 you to explore some options though over the weekend to  
18 improve that, see if there's anything that does give the  
19 CVAP to 20.

20           WILLIE DESMOND: Okay.

21           VICE-CHAIR HERRERA: Madam Chair.

22           CHAIRPERSON MATHIS: Mr. Herrera.

23           VICE-CHAIR HERRERA: The changes that we're  
24 considering to strengthen 26 without Guadalupe, are they  
25 going to be sent to get analyzed? Are they going to be

1 analyzed?

2 WILLIE DESMOND: What I'll do this weekend is I  
3 will see if there's something that's worth sending to  
4 analyze, essentially.

5 If there's anything good, we'll present it on  
6 Monday, and then it's up -- it's at your discretion whether  
7 or not you want it to be analyzed in parallel with the other  
8 one.

9 CHAIRPERSON MATHIS: That makes sense to me.

10 Ms. O'Grady.

11 MARY O'GRADY: On a related issue on the 8 and 11  
12 change, the version four change that was discussed earlier  
13 that Mr. Adelson raised the point about the minority  
14 representation in the modified LD 8.

15 And I think it makes sense -- we've been talking,  
16 and I'll let Bruce speak for himself -- that that might be  
17 worth referring for analysis.

18 We've been struggling with how to deal with our  
19 benchmark 23, and we've been comparing some of these numbers  
20 to the benchmark 23, and they compare favorably in most  
21 categories.

22 And so that, as he said, might, might be helpful.

23 So our recommendation would be that we refer to as  
24 part of our deeper analysis that we're doing with the other  
25 districts. Even though it hasn't been flagged as a previous

1 benchmark, we thought it would be helpful to look at.

2 BRUCE ADELSON: Madam Chair, I certainly agree. I  
3 think that the -- this is not -- Arizona does not have  
4 11 districts as a benchmark. Arizona has 10.

5 What is very significant and what we've been  
6 talking a lot about among the three of us is that if we can  
7 present a district and make a plausible argument that  
8 minorities have an opportunity to elect beyond what they  
9 have now, and that's going beyond matching up benchmark  
10 numbers with district numbers, that's a very significant  
11 step.

12 And looking at the working District 8 as it has  
13 been discussed tonight and comparing that to benchmark 23,  
14 many of the indicators are better than benchmark 23.

15 So I certainly concur with Ms. O'Grady about  
16 having this analyzed.

17 And I really wanted to stress the importance that  
18 if the analysis -- and we'll analyze it. I will analyze it.  
19 Dr. King is going to analyze it.

20 And if it comes back as presenting a plausible  
21 argument that minorities have an ability to elect, I think  
22 that's huge.

23 And I really cannot understate the importance of  
24 that for the submission.

25 Because by being able to make a plausible argument

1 to Justice that we've gone beyond the benchmark when we  
2 didn't have to in a way that makes sense.

3 And the metrics do seem to measure up, just  
4 looking at it now.

5 I think that would be extremely significant.

6 So I certainly endorse respectfully what  
7 Ms. O'Grady said about having this go to the next stage to  
8 see how it's viewed as far as effectiveness.

9 Thank you.

10 CHAIRPERSON MATHIS: Thank you.

11 Any comments?

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: I had asked if it was  
15 possible to have someone, someone from the Navajo Nation  
16 that is here speak on behalf of any changes that we're  
17 proposing to the Navajo Nation. I would love to hear from  
18 them.

19 CHAIRPERSON MATHIS: We can do that now. It would  
20 make sense probably.

21 We've got some -- I only have three request to  
22 speak forms, and we are talking about majority-minority  
23 districts now with Mr. Adelson.

24 Can I ask Judy Dworkin to come up and talk to us,  
25 representing Navajo Nation.

1           JUDY DWORKIN: Commissioners, Judy Dworkin, on  
2 behalf of the Navajo Nation.

3           Name is spelled D-W-O-R-K-I-N.

4           First of all, I'd like to thank  
5 Commissioner Freeman for attempting to look into enhancing  
6 the Native American voting age population of the Legislative  
7 District 7.

8           And I am going to speak only of the impact to  
9 Legislative District 7 and really about Mr. Desmond's --  
10 what I would refer to as his quick and dirty revisions to  
11 Legislative District 7 that was presented, because I don't  
12 have as much information as to the district that Mr. Freeman  
13 drew up on the screen.

14           I think there are some significant concerns with  
15 respect to the Navajo Nation.

16           As Mr. Gorman has frequently, and others from the  
17 Navajo Nation, have frequently described, it's a fairly  
18 complex process by which the Navajo Nation attempts to get  
19 support for the activities and for the proposals that it has  
20 made to the Commission and for its comments to the  
21 Commission on maps that have been presented by the  
22 Commission, by Strategic Telemetry.

23           But specifically, the Navajo Nation has worked  
24 extremely closely with the Hopi Tribe and with the Apache  
25 tribes, particularly the San Carlos Apache Tribe, as well as

1 with the Navajo people, to comment on a district that would  
2 be satisfactory and attractive to voters from all of those  
3 Native American nations.

4 One of the issues that appears from my quick  
5 review of the map that was presented here is that Winslow is  
6 extremely important to both the Navajo people and to the  
7 Hopi people.

8 You received a letter from the chairman of the  
9 Hopi Tribe last week indicating how important Winslow was.

10 And from my quick review of the map, it looks as  
11 though Winslow is split.

12 That would clearly be an anathema to the Hopi  
13 Tribe as it is to the Navajo Nation.

14 So clearly there may be modifications that could  
15 be made to that map that was, if you will, the quick and  
16 dirty map that Mr. Desmond put up.

17 But as it stands now, and as I'm looking at it  
18 now, the fact that Winslow has been divided, in addition to  
19 the fact that it's an additional split in a municipality,  
20 but just in speaking from the Navajo Nation's perspective,  
21 we would not want to see a split in, in Winslow, or the loss  
22 of any part of Winslow, to Legislative District 6.

23 With respect to the Apache tribes, the Apache  
24 tribes have taken a position, both San Carlos and  
25 White Mountain, that Show Low is very important to them and

1 they would like to see Show Low in Legislative District 7.

2           And I believe that Show Low has been removed from  
3 Legislative District 7.

4           So that is a great concern to, as I review the  
5 map, with respect to the effort that the Navajo Nation has  
6 made to maintain the interest of all of those tribes within  
7 Legislative District 7.

8           Those are my initial thoughts.

9           I wasn't able to really see what was done with the  
10 Schultz fire area, and I do note that Flagstaff -- a portion  
11 of Flagstaff has been included with Legislative District 7.

12           The Navajo Nation has, as Commissioner Herrera has  
13 indicated, has taken the position that it's tried to be a  
14 good neighbor with respect to the interests that Flagstaff  
15 has. And so to keep Flagstaff whole I believe would  
16 required it to be outside of Legislative District 7.

17           And those are my comments, and I take any  
18 questions.

19           Thank you.

20           CHAIRPERSON MATHIS: Thank you.

21           Any questions?

22           VICE-CHAIR HERRERA: Madam Chair, no questions,  
23 but thank you for being here tonight and giving your  
24 testimony.

25           JUDY DWORKIN: You're welcome. Thank you.

1 CHAIRPERSON MATHIS: Okay.

2 So, any other thoughts on this particular issue  
3 with regard to exploration and next steps?

4 VICE-CHAIR HERRERA: Madam Chair, you're referring  
5 to 8 and 11 as Commissioner McNulty has proposed? Or. . .

6 CHAIRPERSON MATHIS: What Mr. Freeman and  
7 Mr. Desmond did.

8 VICE-CHAIR HERRERA: None. None from me.

9 Again, if the, if the affected people, which is  
10 the Native American tribes have comment, I'm looking forward  
11 to hearing from them. But if not, then I guess we'll move  
12 on.

13 CHAIRPERSON MATHIS: Mr. Freeman, is there  
14 anything you'd like to see?

15 VICE-CHAIR FREEMAN: I'll answer some of the  
16 questions.

17 First, in the map that I prepared, Winslow was  
18 kept whole, and it was put in LD 7.

19 Show Low was not included in LD 7.

20 Out of respect for comments heard in eastern  
21 Arizona, parts of Flagstaff were included in LD 7, but,  
22 again, it was a quick and dirty -- at least the map I  
23 prepared was a quick and dirty attempt to include only those  
24 census blocks that had the highest concentration of native  
25 voting age population. And that was, that was the effort to

1 try to get them in that district.

2 So, but I would certainly like to take a look  
3 at what Mr. Desmond proposed, which is -- was different than  
4 I -- what my first thought, but certainly is interesting to  
5 me.

6 CHAIRPERSON MATHIS: Okay.

7 WILLIE DESMOND: With regards to Districts 8 and  
8 11, the next steps there, or?

9 COMMISSIONER McNULTY: Madam Chair, Mr. Desmond,  
10 Mr. Adelson, when you suggest referring that for further  
11 analysis, would you suggest that we first have -- first take  
12 a look and see if it can be enhanced before we submit it, or  
13 are you suggesting that we submit version four as  
14 Mr. Desmond has prepared it?

15 BRUCE ADELSON: Commissioner McNulty, excuse me,  
16 Madam Chair, the -- if you'd like to pursue a course to see  
17 if it can be marginally enhanced, certainly I would be  
18 supportive of that.

19 The -- because right now it matches up very  
20 favorably with benchmark 23.

21 Excuse me.

22 Any improvement or enhancement that can be made, I  
23 think, is to the better as far as the preclearance  
24 application.

25 So if the Commission wishes to do that, I

1 certainly, I certainly would support that.

2 COMMISSIONER McNULTY: I spent kind of a lot of  
3 time messing around in those two districts, and there's  
4 probably not a lot that can be done, but it's probably worth  
5 us just looking at it over the weekend and seeing if there's  
6 any way that 8 and 11 could be -- anything else could be  
7 swapped that would enhance 8.

8 BRUCE ADELSON: Madam Chair, Commissioner McNulty,  
9 absolutely.

10 I think that, that if there is -- can be some  
11 marginal enhancement in eight, all the better.

12 And then perhaps after the Commission considers  
13 whatever's developed over the weekend, then maybe that might  
14 be something respectfully that the Commission wishes to have  
15 analyzed to determine whether our quick look is confirmed.

16 VICE-CHAIR HERRERA: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

18 VICE-CHAIR HERRERA: Can I have Mr. Desmond tell  
19 me the -- based on the changes that Commissioner McNulty  
20 proposed, the competitiveness index two, of both Districts 8  
21 and 11 as she has drawn them out?

22 WILLIE DESMOND: Starting with District 8.  
23 District 8 was 56 .7 percent Republican. It went to  
24 52.5 percent Republican.

25 It was 43.3 percent Democrat. It went to 47.5

1 percent Democrat.

2           District 11 was 55.6 percent Republican. It went  
3 to 58.4 percent Republican.

4           It was 44.4 percent Democrat. It went to  
5 46.6 percent Democrat.

6           VICE-CHAIR HERRERA: So were you able to create  
7 eight -- excuse me, Commissioner McNulty was able to make  
8 eight a little more competitive?

9           WILLIE DESMOND: Eight became more competitive.  
10 It also became significantly more Hispanic.

11           Voting age Hispanic percentage went from 22.8 up  
12 to 30.2.

13           The total minority percentage went from 35.4 up to  
14 48.3.

15           These numbers, I guess, alone probably don't look  
16 like they're a great voting rights district, but I guess the  
17 key here is looking at the percentages in district --  
18 current District 23.

19           VICE-CHAIR HERRERA: Sure.

20           And it would be great if we could, I mean,  
21 ideally -- this is just in my world -- if we would create or  
22 make eight a majority-minority district and make 11 a  
23 competitive district.

24           Again, I don't know if it's possible.

25           But I think the changes that Commissioner McNulty

1 is proposing were great, and I'm glad she took a crack at  
2 that.

3           And also I think we lessened the hyperpacking of  
4 Republicans in eight. So thank you for doing that,  
5 Commissioner McNulty.

6           BRUCE ADELSON: Madam Chair, if I could, if I  
7 could just add something quickly.

8           Willie had mentioned this as a voting rights  
9 district. We're not viewing this as a voting rights  
10 district the same as we are 26 or 29.

11           This is an enhancement to the entire map.

12           So that if we can present a plausible argument  
13 that there is an opportunity to elect here greater than  
14 benchmark 23 -- we're not going to suggest that this swaps  
15 for 23.

16           But, giving us that extra district, assuming we  
17 can make a plausible argument, enhances the entire  
18 submission and it also enhances the prospects for  
19 preclearance. Although we're not viewing this as a  
20 majority-minority district the same way we are the other  
21 districts that we've talked about --

22           VICE-CHAIR HERRERA: Madam Chair, I think I --  
23 what I meant to say, ideally I would love to be able to  
24 create eight as a majority-minority district. I know though  
25 based on the information you have given us, probably not --

1 it's probably not possible, even to be able to enhance it,  
2 so I -- in my ideal world, that's what it would be, a  
3 majority-minority district with 11 being a competitive  
4 district.

5           And, again, I'm -- I can't speak highly enough of  
6 Commissioner McNulty. When she looks or makes changes to a  
7 map, I mean, she's looking at all of the criteria and  
8 including the federal criteria.

9           I wish I could do more of that. I think I --  
10 she's my role model in making good maps.

11           And I have no reason to suck up to her, because  
12 she -- we're all, we're all peers.

13           But I, again, I, I, I can't stress the importance  
14 of the other commissioners to be doing the same thing when  
15 they're putting together maps, because she's proven -- I  
16 mean, on and on and on proven that she can -- the changes  
17 that she makes are not only an improvement to the federal  
18 criteria but also the state criteria as well.

19           And, again, she's my role model.

20           CHAIRPERSON MATHIS: Mr. Freeman.

21           VICE-CHAIR FREEMAN: Don't laugh at  
22 Commissioner Herrera. What he -- he meant that seriously.  
23 It wasn't a joke.

24           VICE-CHAIR HERRERA: It was not.

25           CHAIRPERSON MATHIS: Okay.

1 Any other comments on any of these districts?

2 Mr. Desmond, do you have enough to do from us in  
3 terms of -- and clear direction?

4 WILLIE DESMOND: Just to recap what I'll be doing  
5 this weekend.

6 CHAIRPERSON MATHIS: That would be great.

7 WILLIE DESMOND: Besides my brother's graduation.

8 CHAIRPERSON MATHIS: Yes.

9 WILLIE DESMOND: Trying to, I guess, look at ways  
10 to move eight slightly more than what it is already here.

11 I will also be heavily exploring ways to improve  
12 District 26 and maybe District 24 also.

13 Probably running a lot of these change reports and  
14 seeing if there's anything that's a viable alternative to  
15 including Guadalupe with District 26.

16 Aside from that, are there any other, just, you  
17 know, non-voting rights mapping changes you'd like me --

18 VICE-CHAIR HERRERA: Madam Chair.

19 WILLIE DESMOND: -- to work on this weekend? I  
20 know Commissioner Stertz will be sending me something. I'll  
21 have try to have that ready for Monday also.

22 CHAIRPERSON MATHIS: Right. On the congressional.  
23 Mr. Herrera.

24 VICE-CHAIR HERRERA: Thank you.

25 I can't stress, Mr. Desmond, the importance of

1 looking and concentrating your efforts on District 8, and  
2 strengthening those -- strengthening District 8 to be able  
3 to make it a stronger -- not a majority-minority district  
4 obviously. Just a stronger district for minorities living  
5 in that area.

6 And then also I think it is an important issue,  
7 and I think it's something that we need to address, and  
8 Mr. Adelson already addressed it.

9 And also your efforts on 24, 26 and also 11, maybe  
10 you can make 11 competitive.

11 If, if I had it my way, those are the areas that  
12 you would hopefully focus on, because I think those are  
13 important issues.

14 VICE-CHAIR FREEMAN: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Freeman.

16 VICE-CHAIR FREEMAN: I would love to see how  
17 through an exchange of population between 8 and 11, 8  
18 becomes a voting rights district and 11 becomes a  
19 competitive district.

20 I think we might need to retain Stephen Hawking  
21 for something like that.

22 It's -- anyway.

23 I may have -- I have outlined some rough changes  
24 as well. But I hadn't had time to, as I put it, put the  
25 meat on the bones. So I might send you that over the

1 weekend at well, not a lot.

2 WILLIE DESMOND: Okay.

3 And then anything else, feel free to forward me,  
4 and I will try to make sure everything's here Monday  
5 morning.

6 VICE-CHAIR HERRERA: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Herrera.

8 VICE-CHAIR HERRERA: Mr. Desmond, do you have  
9 enough to do over the weekend?

10 WILLIE DESMOND: I think so, yeah.

11 VICE-CHAIR HERRERA: Just making sure.

12 CHAIRPERSON MATHIS: I know this isn't the last  
13 time we're going to see Mr. Adelson. At least I hope not.  
14 But I just -- do you have any thoughts on enhancing eight?  
15 I'm just curious.

16 BRUCE ADELSON: Madam Chair, no, unless you tell  
17 me not to come back, this is not going to be the last time I  
18 come here.

19 It may be the last time before the holidays next  
20 week.

21 With District 8 -- and, you know, what's  
22 interesting about District 8, of course, this is literally  
23 just something that we started talking about 20 minutes ago.  
24 There are areas of Pinal County that have a long history of  
25 minority communities, a long history of turnout registration

1 and electoral participation.

2           So I could certainly see without looking at the  
3 map per se that it is quite plausible and possible to  
4 enhance eight to the point that we could make the strongest  
5 possible argument to Justice that this is an eleventh  
6 district where minorities at least have a better opportunity  
7 to elect than the comparable benchmark district, which is  
8 23.

9           Right now, as I said, in looking quickly at all  
10 the numbers, it seems that that's true.

11           To the extent that, for example, if right now in  
12 the change report the mine inspector received 45 percent,  
13 the 2010 mine inspector election, 45 percent, to the extent  
14 that that number can be increased so that we can make just  
15 an even more plausible argument to Justice.

16           This doesn't mean that the district has to have  
17 55 percent for mine inspector. Frankly, from, you know,  
18 from my perspective, the higher the number, the better,  
19 within all the other confines that you're operating with.

20           Because it would really be a coup for the  
21 Commission to be able to present in this submission that  
22 this is an alternative eleventh district where minorities  
23 have a viable opportunity to elect, better than the  
24 benchmark, that would -- this is -- would be a tremendously  
25 significant development and achievement, and would

1 unquestionably enhance the submission and enhance chances  
2 for preclearance.

3           So my view is with all the criteria that you have  
4 to balance, to the extent that eight can be enhanced as much  
5 as is possible for the Commission to be comfortable with,  
6 that would certainly be my, my recommendation.

7           The stronger it is, the better the argument we can  
8 make in the submission.

9           VICE-CHAIR HERRERA: Madam Chair.

10          CHAIRPERSON MATHIS: Mr. Herrera.

11          Thank you.

12          VICE-CHAIR HERRERA: Thank you, Mr. Adelson.

13          Now, the District 8, the current District 8, had a  
14 -- I think it was a Latino representative or state senator  
15 Rebecca Rios.

16          Is that correct?

17          BRUCE ADELSON: Benchmark 23.

18          VICE-CHAIR HERRERA: Correct, benchmark 23, but  
19 now the. . .

20          BRUCE ADELSON: Yes, Rebecca Rios and then  
21 previously Pete Rios. And they have, I believe, other  
22 minority representation in the legislature in the past  
23 decade.

24          VICE-CHAIR HERRERA: Thank you.

25          VICE-CHAIR FREEMAN: Madam Chair.

1           CHAIRPERSON MATHIS: Mr. Freeman.

2           VICE-CHAIR FREEMAN: So the effort would be to  
3 create something that approaches a benchmark district, which  
4 we all know are not competitive districts.

5           The other thing that I thought I'm not sure of,  
6 but it looks like, correct me if I'm wrong, we've now put  
7 all the prisons in eight. And I don't know what happened to  
8 that concern about putting them all in one district.

9           BRUCE ADELSON: Commissioner Freeman, Madam Chair,  
10 absolutely, that's a very important point. We've discussed  
11 that with Mr. Desmond, factoring out the prison population  
12 from districts that are either majority-minority districts  
13 or like District 8 potentially we're presenting as an  
14 opportunity to elect district. So I agree.

15           There does tend to be a larger prison population  
16 in Pinal than other counties.

17           That's certainly something that will have to be  
18 factored in to the analysis.

19           Clearly if the -- if three or four percent voting  
20 age population Hispanic is incarcerated, that really doesn't  
21 help our argument.

22           So I absolutely agree with you that that has to be  
23 included and factored into whatever alternative is proposed  
24 or whatever in mapping Mr. Desmond does.

25           CHAIRPERSON MATHIS: It's a good point.

1 Any other questions or comments?

2 (No oral response.)

3 CHAIRPERSON MATHIS: So you're set. Okay. Thank  
4 you, Mr. Desmond.

5 Enjoy that graduation of your brother.

6 There's just a few items on the agenda.

7 I'm not sure that Mr. Bladine -- oh, he's here,  
8 yea.

9 The executive director, anything you needed to  
10 say, Mr. Bladine?

11 RAY BLADINE: Madam Chair, there are a couple  
12 things I should bring to your attention.

13 Really all the material is in your packet, so I  
14 really won't spend much time on it.

15 But we did provide in the packet the updated  
16 attorney charges with the dates of the billing that was  
17 requested last time.

18 You all have that.

19 We updated the hours that you spent in meetings  
20 and executive sessions.

21 We did that by first meeting with Evan Wyloge, and  
22 he helped us compare to his.

23 We changed the format a little bit so we would be  
24 more comparative.

25 But the bottom line is we also updated through the

1 8th of December, so on the gross basis 259 hours have been  
2 spent in meetings roughly. Forty-two minutes -- 42 hours in  
3 breaks, which just points out our chair doesn't give us much  
4 break.

5 Then 43 hours in executive sessions for a net of  
6 215 hours of meeting.

7 We also -- I'm going to let Kristina give you a  
8 quick update on the information we have on the web, social  
9 media. That's also in your packet.

10 But before I do that, I do want to comment that  
11 yesterday we had someone complain that she didn't feel that  
12 staff treated her appropriately.

13 And this morning I talked to all of the staff  
14 members involved. I asked them to write up their  
15 perspective what happened.

16 That is in your packet.

17 Our staff always operates on the basis of trying  
18 to help whoever we can help with whatever it is we may be  
19 able to help with.

20 But they have also been told that if someone gets  
21 abusive, they do not need to stay on the phone, or if  
22 someone starts making racist comments, they don't need to  
23 stay on the phone.

24 Unfortunately, as the packet shows, the individual  
25 that complained yesterday was extremely angry and was

1 getting abusive with staff. And I'd be glad to talk about  
2 that more. And also started to make some pretty serious  
3 comments about Native Americans being in her district. And  
4 that is not acceptable to us, and I do not believe that the  
5 staff acted improperly.

6 I think they politely quit talking to her.

7 She also indicated that she was not able to get  
8 onto the web page.

9 I checked yesterday. Eight other people did get  
10 on the web page, the day before 21.

11 So I'm not sure that the problem was at our end.  
12 Sometimes it is.

13 We don't find it was this time.

14 But very often we find that the problem is at the  
15 end of somebody trying to work through it and can't read  
16 that funny thing we have on there.

17 So I just wanted to comment to that.

18 I took it very seriously that we were accused of  
19 not treating someone properly. And I do not believe that  
20 was the case.

21 If there's not any questions, I'll let Kristina  
22 quickly go through a couple other things, and then both of  
23 us can be available for questions.

24 VICE-CHAIR HERRERA: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Herrera.

1           VICE-CHAIR HERRERA: Mr. Bladine, before you step  
2 down, a couple things. See if I heard correctly.

3           You said that you updated the number of hours  
4 we've been not only in handling business, but also in  
5 executive session and breaks.

6           You broke down breaks?

7           RAY BLADINE: Yes, I did break down the breaks  
8 also.

9           VICE-CHAIR HERRERA: And they were almost the  
10 identical, the amount of hours we spent on breaks versus the  
11 amount of hours we spent in executive session.

12          RAY BLADINE: That is correct.

13          VICE-CHAIR HERRERA: I think we all agree that we  
14 haven't enough breaks. That is amazing.

15          I didn't know that, so I appreciate that.

16          The second thing is the individual that spoke, I  
17 think it was yesterday, and mentioned those comments, made  
18 it part of the public record that staff had treated this  
19 individual, who was not here, she was speaking on behalf of  
20 an individual, treated her poorly and hung up on her.

21          And, you know, we -- I guess there's no secret  
22 that this Commission has been accused of a lot of things,  
23 and I want to make sure that we set the record straight that  
24 we do treat everyone who calls, regardless of their  
25 political affiliation or their beliefs or whether they

1 disagree with us or not, that we treat everyone with  
2 respect.

3           So I want to make sure that the record clearly  
4 states that the staff did everything in their power to help  
5 this individual, and that this individual was abusive, and  
6 that that's why they ended up terminating the call with said  
7 individual.

8           So I want to make sure that we make a good case  
9 that, for the record, that we've done everything possible to  
10 help everyone that calls, including Republicans, Democrats,  
11 whomever.

12           So if you can give us as much information, and put  
13 it in the record, I would appreciate that.

14           RAY BLADINE: Okay.

15           Madam Chair, we have submitted the documentation  
16 to you, but I will make it a part of the official, official  
17 record so if someone wants to disagree with us, they can see  
18 our side of the story also was put forward. Okay?

19           CHAIRPERSON MATHIS: Thank you.

20           RAY BLADINE: Let me see. Kristina, I think has a  
21 few items to also cover.

22           CHAIRPERSON MATHIS: Mr. Herrera, are you okay to  
23 power through?

24           THE REPORTER: Herrera?

25           CHAIRPERSON MATHIS: I'm sorry, Herder. Ha ha.

1 I wanted to make sure you were okay.

2 THE REPORTER: Really?

3 CHAIRPERSON MATHIS: I'm feeling really guilty.

4 VICE-CHAIR HERRERA: It's a compliment for me to  
5 be compared to Marty. Thank you.

6 THE REPORTER: I'm fine.

7 CHAIRPERSON MATHIS: Okay. Great.

8 KRISTINA GOMEZ: Madam Chair, commission members,  
9 first of all, I would like to sincerely apologize for the  
10 conference call issue.

11 That's the first time that that has been ever  
12 happened to me.

13 I've been working for the state for over  
14 ten years. And I am very familiar with Qwest conferencing  
15 lines, so I do apologize.

16 And I did make a phone call to Megan Darian, the  
17 former acting executive director. And she informed me that  
18 she did not receive an e-mail from Qwest. But we did  
19 contact Advent, and they contacted Qwest, and they reassured  
20 us that we will have a phone number on Tuesday, a working  
21 number on Tuesday. So sorry about that.

22 Secondly, in your packet you will find a document  
23 of the Commission's statistics totals. And on the front  
24 sheet you will see the total sign in, request to speak,  
25 public input, and maps submitted to the Commission.

1           You'll see the total for Commission meetings,  
2 which are business meetings.

3           You'll see the total for first round and second  
4 round of public hearings.

5           The total sign in for all Commission meetings and  
6 public hearings and second round hearings, for sign in, it's  
7 5,231. For request to speak is 2,291. For public input,  
8 it's 990. And for maps submitted, it's 222.

9           And there are copies available in the back for the  
10 public as well.

11           And within this packet you will also see the dates  
12 of the meetings and the location as well.

13           So if you have any questions, you can go back and  
14 reference this document.

15           Next, I have -- and this is also in your packets,  
16 the website statistics.

17           And I'll just go ahead and highlight a few items  
18 here.

19           So on the website we've had, from November 8th  
20 through December 8th, we've had 8,800 total visitors.

21           We've had 5,193 unique visitors, which are new  
22 visitors to the website.

23           We've also averaged 24,980 page views.

24           The next item is the most popular pages. The  
25 number one page of course is our home page.

1           But following that are -- is the draft maps.  
2 That's another page that most people view.

3           Next is the meeting and info page, followed by the  
4 proposed changes page, and lastly the streaming.

5           Demographics, we have 6,927 viewers from our  
6 state.

7           In California we have 399.

8           And then just to go down to the last one, which I  
9 find interesting, in New York we have 120 viewers.

10          The next category is visitor networks.

11          And if you notice at the very bottom -- well, the  
12 first one is viewers from Cox Communication is  
13 2,704 viewers.

14          And another interesting number here is the last  
15 one, which is number five, is U.S. House of Representatives,  
16 we have 115 visitor networks.

17          The next category is mobile viewers, followed by  
18 newsletter e-mail blasts.

19          So we -- currently we have 1,361 subscribers to  
20 our e-mail blasts.

21          We have -- Buck has sent out 85 e-mail blasts, and  
22 that includes all of our, our meetings and our public  
23 hearings.

24          Streaming, we've had 1,429 viewers.

25          Within the same category, we've had 351 viewers.

1 And actually this is the number of hits from the House of  
2 Representatives' IP address.

3 And the last number I have here is regarding  
4 social media. Twitter, we have 236 followers. Followed by  
5 Facebook, we have 218 individuals who like our page.

6 We do have a number for you for a total number of  
7 written comments to the Commission. So far we have 7,017  
8 written comments.

9 And we have made progress with coding and Catalyst  
10 as well. So. . .

11 CHAIRPERSON MATHIS: Great. Thank you very much.

12 Are these statistics going to be available on our  
13 website too?

14 KRISTINA GOMEZ: Yes. So our plan is to gather  
15 all of these numbers and to work with Stu and to draft a  
16 press release and then we'll post that on the website. So I  
17 just need to work with Stu on that.

18 VICE-CHAIR HERRERA: Madam Chair.

19 CHAIRPERSON MATHIS: Okay. Thank you very much.  
20 Mr. Herrera.

21 VICE-CHAIR HERRERA: Sure, you know, I -- this is  
22 what I've been asking for since we -- pretty much we started  
23 the Commission when we nominated the chair and we started  
24 doing our business, that the importance of operating in the  
25 open, and the importance of encouraging the public to

1 comment and to provide comment to us.

2           And this is, again, proof that we've been doing  
3 all that, that we've been operating honestly, in the open,  
4 and we've been seeking comments from the public.

5           So, Ms. Gomez, I thank you for this report. And I  
6 hopefully will be looking forward to seeing the Capital  
7 Times publish a future article on how open we've been and  
8 the number of people that we've reached through, again,  
9 public hearings, business meetings, online, people that are  
10 Twittering, follow our tweets, and also Facebook.

11           So this is, this is good news. And, again, just,  
12 again, more information that we give out to people that --  
13 anybody that doubts us in terms of work we've been doing,  
14 this is going to shed light and hopefully help these people  
15 understand the work that we're doing and how open we've  
16 been. So thank you.

17           KRISTINA GOMEZ: Thank you.

18           VICE-CHAIR FREEMAN: Madam Chair.

19           CHAIRPERSON MATHIS: Mr. Freeman.

20           VICE-CHAIR FREEMAN: All these speeches by  
21 Commissioner Herrera brings to mind a Shakespeare quote. I  
22 think it was from Hamlet.

23           But really what I wanted to put on the record that  
24 was both Democratic commissioners laughed when Ms. Gomez  
25 stated the statistic for number of hits from the U.S. House

1 of Representatives.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: I guess I don't understand  
5 Commissioner Freeman's point, but that's fine.

6 Again, the information you provided is extremely  
7 beneficial. And hopefully, again, we'll be able to see  
8 this -- not at every meeting, but at least once a week, if  
9 we have meetings, that we update this information at a  
10 minimum once a week and we provide all this data on our  
11 website and make it easily available for anyone to view.  
12 Thank you.

13 KRISTINA GOMEZ: Thank you.

14 RAY BLADINE: I think the only other item is we  
15 did send out an e-mail today asking for the availability of  
16 the week of December 26th. And if you could try to get to  
17 that me over the weekend. I think we asked for the 26th  
18 through the 29th.

19 It makes me sound like Grinch, but I think we'd  
20 appreciate very much if you could kind of let us know when  
21 you're available, we will get that one back to you.

22 CHAIRPERSON MATHIS: What about the 30th?

23 RAY BLADINE: We could do the 30th.

24 CHAIRPERSON MATHIS: I'm the Grinch.

25 RAY BLADINE: I wasn't going to say who the Grinch

1 was.

2           And I on the 30th, I took something literally and  
3 I wondered if you wanted to go through the 30th.

4           So if you'd provide it through the 30th, that  
5 would be, that would be helpful.

6           VICE-CHAIR HERRERA: Madam Chair.

7           CHAIRPERSON MATHIS: Mr. Herrera.

8           VICE-CHAIR HERRERA: Mr. Bladine, during  
9 yesterday's public testimony, the lady that mentioned the  
10 complaint on behalf of her friend, I had mentioned when she  
11 was finished with her comment that she should -- I directed  
12 Kristina Gomez -- Ms. Gomez to talk to the individual,  
13 making sure that we get that person's information and for  
14 her to call her personally.

15           Did that individual -- and I'm blanking on her  
16 name. I think it was Lynne Breyer.

17           Did she provide you with that information or even  
18 attempt to?

19           RAY BLADINE: She left after the meeting, and we  
20 did not get a chance to talk to her.

21           VICE-CHAIR HERRERA: Okay. I just wanted to make  
22 sure I understand what happened.

23           Thank you.

24           RAY BLADINE: Madam Chair.

25           CHAIRPERSON MATHIS: So in terms of next meetings,

1 we have Monday and Tuesday.

2 RAY BLADINE: Correct.

3 CHAIRPERSON MATHIS: Are they both here at  
4 Fiesta Inn?

5 RAY BLADINE: Yes, they are. I don't know right  
6 off which rooms they are in, but we are trying to avoid the  
7 one room that has the noisy AC.

8 CHAIRPERSON MATHIS: Okay. Thank you.

9 And we start at what time Monday?

10 RAY BLADINE: 9:30.

11 CHAIRPERSON MATHIS: 9:30.

12 RAY BLADINE: And 1:00 o'clock on Tuesday.

13 CHAIRPERSON MATHIS: Okay.

14 RAY BLADINE: And I think the 9:30 show to  
15 9:00 o'clock is possible.

16 And on Tuesday we show until midnight.

17 And I think today we, we had told them  
18 9:00 o'clock, and it looks like we're making it.

19 Thank you very much.

20 CHAIRPERSON MATHIS: Thank you.

21 Okay. Was there anything, possible future agenda  
22 items, since it's on the agenda, anything anyone wanted to  
23 say?

24 (No oral response.)

25 CHAIRPERSON MATHIS: Okay. I think we know what

1 our work is.

2 Anything on the litigation on open meeting law  
3 from counsel?

4 MARY O'GRADY: No.

5 CHAIRPERSON MATHIS: Okay.

6 So public comment. I just have a couple more.

7 Lynne St. Angelo, representing self, from Oro  
8 Valley.

9 LYNNE ST. ANGELO: Thank you, commissioners.  
10 Lynne St. Angelo.

11 I am here tonight because my name came up several  
12 times yesterday.

13 And I am not expecting the commissioners to listen  
14 to what I say today, but I do want to put on the public  
15 record my true position, since somehow I was singled out by  
16 the Commission and the media.

17 Yet when the Commission -- I was in a meeting in  
18 June with the Commission, and Commissioner Herrera singled  
19 out us and said -- pointing to us and said, you people  
20 accused us, you are a sliver of the population that we  
21 represent, so you really don't matter.

22 It's interesting there were 53 people who  
23 disagreed with Commissioner Herrera's position in that  
24 meeting, yet I'm one person, and somehow I was selected as  
25 at the person.

1           This just goes to show the selective memory of the  
2 commissioners, and how they can select one little sliver of  
3 whatever information supports their position and ignore all  
4 the other preponderance of information that is against their  
5 position.

6           I have been called a lot of names by the press,  
7 which is interesting.

8           And between all of this, it certainly does not  
9 encourage the public, especially if they disagree with the  
10 position that is being presented by the commissioners, to  
11 come forward and state where they stand.

12           So I am here to put my -- set my record straight.

13           I have spoken most often at the IRC meetings on  
14 the importance of holding Saddlebrooke and Oro Valley  
15 together as a community of interest and about our natural  
16 growth corridor being from Tangerine north through I-10 in  
17 through Marana and Pinal County.

18           I have spoken in the public record about CD 1. I  
19 think only on three occasions.

20           However, I don't have the advantage of having a  
21 computer generated tracking system to find what I actually  
22 said on any occasion.

23           The very first time I saw the proposed map for  
24 CD 1, I was adamant about Oro Valley, Saddlebrooke, and  
25 Marana having nothing in common with Flagstaff and the

1 reservations.

2           And I believe I said this again on another  
3 occasion and another meeting.

4           But, again, I am not certain, because I don't have  
5 this automatic recall system that you all have.

6           Commissioner McNulty, I believe, has misunderstood  
7 the one time I spoke about CD 1 when the maps were changing  
8 every other day.

9           My first statements and the later ones, and what  
10 I'm affirming today, is that Oro Valley, Saddlebrooke, and  
11 Marana naturally belong in the CD 2 map that has been  
12 presented by Commissioner Stertz, although it looks like  
13 today you've rejected that map anyway.

14           This map was voted on earlier this week, and I  
15 thought the data concerning the proposed Stertz map was  
16 going to be presented and then re-examined as a viable  
17 alternative, but it looks like you're not going to do that.

18           I also know that there have been hundreds of  
19 people from these communities, e-mailing, calling, and  
20 saying that Oro Valley, Saddlebrooke, and Marana should be  
21 in CD 2.

22           My voice is no different than all of the hundreds  
23 of other people in these communities that have agreed with  
24 this and said this.

25           We agree that CD 2 map satisfies the

1 constitutional criteria, and the CD map does not.

2           Again, my voice is one of many, all equally valid  
3 as a public comment, and all equal in weight.

4           And we are in agreement that this CD 2 map where  
5 it places us with CD 2, Oro Valley, Marana, and Saddlebrooke  
6 is -- makes more sense, from every one of the constitutional  
7 criteria, including competitiveness. Having our three  
8 communities with Flagstaff and northern Arizona does not  
9 satisfy the constitutional criteria.

10           Their issues are totally different from southern  
11 Arizona issue. We are geographically separate. We are not  
12 communities of interest in any feasible way. And we are not  
13 compact.

14           This is my position and was my position in the  
15 very beginning of the hearings and also now at the end.

16           Thank you very much.

17           VICE-CHAIR HERRERA: Thank you.

18           CHAIRPERSON MATHIS: Thank you. Our next speaker  
19 is Brad Nelson.

20           Okay.

21           And our last request to speak form is Steve  
22 Muratore, publisher Arizona Eagletarian.

23           STEVE MURATORE: Thank you, Madam Chairman,  
24 commissioners.

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

1           I wanted to, hopefully very briefly, address a  
2 discussion earlier on the Congressional District 9. The  
3 claim that Mr. Freeman made that it is not a -- or the  
4 lightrail is not a community of interest and that you have  
5 to live within walking distance in order to benefit.

6           Well, I believe that it's blatantly false, number  
7 one.

8           There's no data been presented to support that.

9           Number two, anecdotally, I live two and a half to  
10 three miles from a lightrail terminal in -- I live in south  
11 Scottsdale. Depending on which way I go, it's two and a  
12 half or three miles.

13           And I can either park and ride or ride my bicycle,  
14 and do so, to participate in cultural events and when I go  
15 to get medical care at the Veterans Affairs Medical Center.

16           Mr. Freeman also again falsely characterized  
17 hyperpacking of Republicans in the rest of Maricopa County.

18           And I got to say even though I tremendously  
19 respect and like you, that I find offensive.

20           And Mr. Stertz today mentioned that rationale for  
21 CD 9, around lightrail, is thin.

22           People were riding those roads before lightrail,  
23 and they still do.

24           However, one thing that needs to be considered to  
25 recognize that it is a legitimate community of interest is,

1 and I am surprised that Mr. Stertz with his architectural  
2 background, didn't recognize and doesn't recognize this,  
3 there already has been and will continue to be substantial  
4 new economic development all along that line.

5 So, thank you.

6 CHAIRPERSON MATHIS: Thank you.

7 Any other folks who wanted to speak?

8 All right. Well, thank you, public, for your  
9 input and sticking through tonight.

10 And I also want to just thank Mr. Adelson for  
11 being here. That was very helpful discussion we appreciate  
12 it.

13 And I want to thank our commissioners and our  
14 staff, and legal staff, mapping consultant, too, for being  
15 here.

16 Because I know everybody has families and are  
17 making sacrifices, and I really appreciate it. It's  
18 9:08 p.m., and I'll declare this meeting adjourned. Thank  
19 you.

20 (Whereupon, the meeting adjourned.)

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