

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Monday, December 19, 2011
9:37 a.m.

Location

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

Attending

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

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

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

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

1 Tempe, Arizona
2 December 19, 2011
3 9:37 a.m.

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

6
7 (Whereupon, the public session commences.)

8 CHAIRPERSON MATHIS: Good morning. This meeting
9 of the Arizona Independent Redistricting Commission will now
10 come to order.

11 Today is Monday, December 19th, and the time is
12 9:37 a.m.

13 Let's start 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 (No oral response.)

20 CHAIRPERSON MATHIS: Commissioner McNulty.

21 COMMISSIONER McNULTY: Here.

22 CHAIRPERSON MATHIS: Commissioner Stertz.

23 COMMISSIONER STERTZ: Here.

24 CHAIRPERSON MATHIS: We have a quorum.

25 And we do expect Vice-Chair Herrera to be joining

1 us shortly.

2 Other folks at the table today include our legal
3 counsel, Joe Kanefield and Mary O'Grady; our mapping
4 consultant, Willie Desmond.

5 Staff around the room include our Executive
6 Director, Ray Bladine; our Deputy Executive Director,
7 Kristina Gomez; our Chief Technology Officer, Buck Forst.

8 And our court reporter, Marty Herder, who is
9 taking an accurate transcript of today's proceedings.

10 And I think that's it.

11 So we'll move into the next agenda item, which has
12 been the next agenda item for the past few meetings,
13 discussion, direction to mapping consultant, and possible
14 action regarding adjustments to draft congressional
15 districts, and possible action regarding adoption and
16 certification of final congressional districts.

17 The Commission may vote to go into executive
18 session, which will not be open for the public, for the
19 purpose of obtaining legal advice and providing direction to
20 counsel regarding mapping legal issues.

21 So, I know Mr. Desmond had some homework this
22 weekend, and we have some new change reports.

23 I don't know if any were with congressional.

24 These are legislative, I think.

25 WILLIE DESMOND: We do have some change reports

1 today.

2 I believe they're all legislative. There's two
3 different ones that look at changes to LD 8, to try to make
4 it a voting rights district, and then three different ones
5 regarding LD 26.

6 They're not yet available online, but I could -- I
7 have copies of the change report here, and anyone in the
8 audience who wants them, I can hand them out.

9 I think we should probably start with the LD 8
10 ones.

11 There is two different change reports to
12 Legislative District 8.

13 So, we can pass them down.

14 Here's the second one.

15 CHAIRPERSON MATHIS: So you would rather start
16 with the LD map instead?

17 WILLIE DESMOND: Yes. I'm sorry. Is there
18 anything you wanted to look at on the congressional from the
19 old things?

20 I apologize.

21 CHAIRPERSON MATHIS: Do Commissioners have a
22 preference which one we start with, congressional or
23 legislative today?

24 Hearing none, Mr. Desmond, you'd rather start with
25 legislative?

1 WILLIE DESMOND: Okay.

2 CHAIRPERSON MATHIS: Did you want to say
3 something?

4 COMMISSIONER McNULTY: No.

5 WILLIE DESMOND: There were two different changes
6 we have to Legislative District 8.

7 Last Friday's meeting had Mr. Adelson and legal
8 team noticed that District 8, when we tried to improve the
9 competitiveness of Districts 8 and 11, came very close, and
10 exceeded the benchmark District 23.

11 So I was asked to explore ways of improving
12 District 28 to, or District 8, to the point where it could
13 be a voting rights district on par or better with current
14 District 23.

15 There's two different ways I've done this.

16 I've gone ahead and created one, and then
17 Commissioner McNulty also sent me one. I prepared them both
18 today, and we can just start with those.

19 I'll start with, I guess, the one that I put
20 together.

21 You should have that one. It's one of the change
22 reports.

23 MARY O'GRADY: Willie, Madam Chair, just to keep
24 clear for the record, is that the one labeled change report
25 create V-R-A-L-D-A?

1 WILLIE DESMOND: Correct, the first of the change
2 reports that was passed out.

3 COMMISSIONER McNULTY: Madam Chair.

4 Mr. Forst, are you hearing the echo in the
5 microphones?

6 Maybe I'm the only one having a hard time hearing.

7 MARY O'GRADY: Yes.

8 COMMISSIONER McNULTY: And Ms. O'Grady.

9 WILLIE DESMOND: Okay. So here you can see
10 District 8 and 11 that were changed.

11 Additionally, in this version, District 9 was also
12 changed and took on some population from District No. 11.

13 This is because I had more population taken from
14 District 8 to District 11, to leave 8 under-populated, and
15 to, as a result, District 11 was too large, so part of that
16 population went to District 9.

17 I guess what you'll notice is that over the draft
18 map, or the working map, excuse me, Hispanic CVAP goes from
19 20.8 up to 28.8.

20 Hispanic registration goes to 22 percent.

21 Proposition 200 in 2000 percentage voting yes,
22 went from 55.2 down to 53.7.

23 And, again, what you want there is a lower number,
24 so that's a positive change.

25 The '04 presidential Dem, '06 Secretary of State

1 Dem, in 2008 the presidential Democrat, along with the 2010
2 mine inspector also saw improvements in District 8.

3 To kind of illustrate where the line goes, it
4 comes up over Saddlebrooke, similar to previous versions,
5 and it follows I-10 into Casa Grande. It does jog around a
6 little bit before meeting I-10 again in Casa Grande, and
7 then it follows the Gila River reservation area border.

8 In the north it includes all the areas of the
9 previous district. None of the Maricopa County areas were
10 changed.

11 Are there specific questions about where the line
12 goes or anything you'd like to see?

13 CHAIRPERSON MATHIS: Any questions?

14 WILLIE DESMOND: If not, I guess I could go right
15 into Commissioner McNulty's version, which looks similar,
16 although it has slightly stronger metrics on many of these
17 things.

18 Having looked at hers, it does seem like the
19 better alternative.

20 So I can either open that one or we can just add
21 that one to this version.

22 CHAIRPERSON MATHIS: Can they be layered so we see
23 the differences?

24 WILLIE DESMOND: Sure.

25 I'll start with is --

1 CHAIRPERSON MATHIS: I can't believe the CVAP
2 numbers, the huge CVAP for both. They're good.

3 WILLIE DESMOND: Okay. The dark black line is the
4 district that's represented in your change report, titled
5 create VRA LD 8, Version 2 - McNulty.

6 Let me add in the line that I had just created.

7 So, as you see, the line is fairly similar through
8 most of the district. There are some differences here in
9 Casa Grande, as well as a little bit here in Eloy.

10 CHAIRPERSON MATHIS: I'm sorry, which line again
11 is the McNulty versus the other?

12 WILLIE DESMOND: So the black line is the McNulty
13 line, the red line is the line of the district I just
14 presented. You'll also notice a little difference down here
15 in District 9. The district I presented had a little bit
16 more of this unincorporated area, a small piece of Marana,
17 added to District 11, from District 11 to District 9.

18 In Commissioner McNulty's map there's also some
19 areas here that are added that are removed from District 8
20 to Districts 16 and Districts 12. So keeping Queen Creek
21 whole in some of the unincorporated areas around it, and
22 also taking a little bit more of San Tan Valley, and adding
23 that into District 16.

24 One thing I did prepare on this one quickly, and I
25 apologize I don't have printouts, I just put it right

1 together before the meeting, is a comparison of this
2 district and District 23, from the current legislative
3 districts.

4 So they both are labeled 8, and that's just simply
5 so I can get the change report to run a little bit. But
6 what you'll notice is that this set of columns is the
7 current Legislative District 23.

8 I'll highlight those in yellow.

9 This set of columns is the McNulty Legislative
10 District 8, which would be it's comparison.

11 And then this is the change.

12 So 2010 mine inspector is 2.7 percent better.

13 2008 presidential Dem is 6/10ths of a percent
14 less, although Secretary of State and presidential '04 are
15 both better, as well as Proposition 200 Yes is lower, which
16 is what we wanted.

17 Hispanic registration, Hispanic CVAP also measure
18 up favorably to the benchmark, as well as the total voting
19 age minority in non-Hispanic white numbers are lower.

20 So on the face of it, this district, as drawn,
21 does seem to be better than benchmark 23.

22 I don't know if either Mary or Joe have anything
23 they want to say about that, or if you have any questions
24 specifically about that.

25 The one thing to note is that all the indicators

1 are still below 50 percent.

2 So...

3 MARY O'GRADY: Madam Chair, from a legal
4 perspective this is good, because we could argue we've been
5 using 23 as a benchmark, that district for the past decade,
6 and this shows that we've created something that is -- that
7 -- that looks better than LD 23.

8 We've had concerns about 23, and about because it
9 doesn't get to the 50 percent level, in terms of the ability
10 to elect under the current numbers. But -- but we've been
11 counting as a benchmark nevertheless.

12 And so if we're counting it as a benchmark, and
13 this is better, I think that's something that Bruce said
14 Friday, that we can -- that will help us significantly at
15 DOJ and it may help in terms of the measuring up to metrics
16 issues that we've had in 26.

17 Joe?

18 CHAIRPERSON MATHIS: I don't know if Bruce is
19 watching today online, but we do have a phone, if he would
20 want to dial in at some point, in case anybody else wants to
21 add more or if he wants to comment on any of these
22 adjustments.

23 JOSEPH KANEFIELD: Bruce is not available today.
24 He is in Florida. But we have corresponding copies issued,
25 as Mary mentioned, and he has recommended, to the extent we

1 can strengthen LD 8, that would be very helpful in terms of
2 the voting rights issue, especially given the numbers of 26
3 and 8.

4 COMMISSIONER STERTZ: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Stertz.

6 COMMISSIONER STERTZ: The use of 8 as a
7 majority-minority district, is that -- is the intent just to
8 strengthen the capacity and maintain ten districts? Or is
9 this looking, as it was debated on Friday, to be the
10 contemplation of 11.

11 CHAIRPERSON MATHIS: My understanding is the
12 latter, is the 11, but I'll ask legal counsel if they have a
13 comment.

14 MARY O'GRADY: Madam Chair, Commissioners, Friday
15 Mr. Adelson talked in terms about -- of creating a potential
16 for 11, but we've also noted that 26 is marginal, and
17 Mr. Adelson hasn't yet been satisfied that we've met our
18 burden of proof there.

19 So this will, as he said Friday, significantly
20 help us in terms of DOJ establishing 10 and perhaps having
21 arguments that we have 11.

22 COMMISSIONER STERTZ: Madam Chair, as a follow-up,
23 the geography of 8, and the geography meaning the location
24 in the state and those citizens that are represented in the
25 new contemplated LD 8 versus the contemplated location of

1 LD 26, are significantly different.

2 And in LD -- in the current geography of LD 8,
3 historically, has not been an area of the state that has
4 been utilized as a majority-minority district.

5 Whether or not the statistics balance it or not,
6 would be -- there's two questions I've had.

7 One would be the disenfranchising the voters of LD
8 24, or the potential of LD 26, by utilizing the LD 8.

9 Second, if we would go to 11 districts, and if
10 there would be a growth change that is different than what
11 the previous ten years were, and 11 districts would not be
12 able to be achieved in 2021, would that be -- would we be
13 forced into a position of retrogression by reality? And how
14 would the next Commission manage their way around that?

15 MARY O'GRADY: Well, in terms of the geography,
16 Commissioners, 8 measures -- 8 is where 23 was,
17 geographically. So they're in the same vicinity. So to
18 some extent, this will help us show Justice that we did the
19 best we could with the voters who were in what we argued was
20 previously a voting rights district in 23, because before
21 these people, these voters, under our prior configuration,
22 weren't an ability to elect district.

23 Now at least shows argument that we've done as
24 best as we can to maintain the same level of support in 23
25 that was in old 23, with the way we've configured 8.

1 And in terms of 26, 26 with our area where it
2 wasn't from a benchmark voting rights district, and we were
3 trying to create new opportunities in that area for the
4 minority voters, and I think we made the argument that, you
5 know, that we have in that area.

6 Nonetheless, in terms of what future issues that
7 creates for the future Commission, in the last decade when
8 the Commission made its first submissions to DOJ, they
9 argued for ten voting rights districts.

10 Bruce tells us that DOJ ultimately precleared
11 nine. If we lay out the description of these 11, and show
12 what we've done for minority voters, we don't know what DOJ
13 will ultimately find.

14 So I don't know. I don't know that we create a
15 higher -- and it's going to depend on what the demographics
16 shows and what election results show for the next decade, in
17 terms of what the next Commission's responsibilities might
18 be.

19 COMMISSIONER McNULTY: Madam Chair.

20 CHAIRPERSON MATHIS: Ms. McNulty.

21 COMMISSIONER McNULTY: I understood Mr. Adelson to
22 be saying on Friday that he would view this as opportunity
23 to elect, but not necessarily as a voting rights district.
24 And I'm not sure that I fully understand the distinction
25 between those two things, but what are your thoughts about

1 that?

2 MARY O'GRADY: Well, the language in Section 5 is
3 an ability to elect.

4 Opportunity to elect is more the language in
5 Section 2.

6 But we were definitely talking about how favorably
7 this compares to benchmark 23, and has the potential for
8 another voting rights district.

9 And I don't remember distinguishing between
10 opportunity to elect and ability to elect.

11 His hope was that maybe we could get this to
12 majority VAP voting age population, or perhaps even over the
13 50 percent threshold.

14 Neither -- none of the options that we've explored
15 accomplish that, but they do make it better than 23, which
16 was something that will help us with DOJ.

17 COMMISSIONER STERTZ: Madam Chair.

18 Oh, go ahead.

19 COMMISSIONER McNULTY: I was just going to ask if
20 we have a map of the existing LD 23 that we could throw up
21 there just for reference?

22 WILLIE DESMOND: Yes, we do.

23 So LD 23 is the blue line, so it's -- it's a good
24 portion of Pinal County, as well as some of Maricopa County,
25 the Salt River, and Fort McDowell Reservation, and some of

1 the unincorporated land to the east of there.

2 It includes part of Apache Junction also, but some
3 of that area is in District 22.

4 It's also to note that old District 23 was our
5 most over-populated district, when we compared the current
6 districts to the ideal population value. District 23 is --
7 current District 23 has 370,479 people, so it's over-
8 populated by 157,000 people.

9 So this area has grown tremendously over the last
10 decade. So that's why it's now practically itself becoming
11 two districts.

12 COMMISSIONER McNULTY: And the Hispanic population
13 is growing also, but not necessarily in the same place.

14 WILLIE DESMOND: Exactly.

15 COMMISSIONER McNULTY: Yeah.

16 WILLIE DESMOND: And District 23 is one of our
17 benchmarks that we're using as a point of comparison for our
18 new districts.

19 One thing Mr. Adelson has mentioned, is that there
20 should be some emphasis, I guess, looked at, at people that
21 are in current majority-minority districts, if there's a way
22 to include them into new voting rights districts.

23 So, as I said, this probably isn't a perfect
24 ability to elect district, but it is as strong as the
25 current 23. So if 23 is one of our benchmark districts, it

1 does meet it.

2 COMMISSIONER STERTZ: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Stertz.

4 COMMISSIONER STERTZ: And my apologies for not
5 being here on Friday. I know there was a little bit of
6 discussion regarding the prison population.

7 It appears to me as though Florence, Globe, Eloy,
8 that we've got a very congregated prison population now in
9 the LD 8.

10 And if there was any testimony regarding that, I'd
11 like to hear about it. I'd like to hear if there was any
12 discussion regarding that, and what other Commissioners'
13 thoughts are about the accumulation of the prison
14 population.

15 We heard lots of testimony early on regarding
16 gerrymandering by utilization of the prison population, and
17 from different folks that had come to testify. And I wanted
18 to get some contemplation about whether we're going down
19 that path with the new LD 8.

20 CHAIRPERSON MATHIS: That definitely came up on
21 Friday, and it was discussed and determined that someone was
22 going to be doing additional analysis, right? To determine
23 that we weren't picking too many -- too much population from
24 prisons in those two districts.

25 WILLIE DESMOND: Correct. And we have the prison

1 population of current District 23. Right now I'm just
2 running -- I'll be running that on this map with
3 Commissioner McNulty, so I will have that answer for very
4 shortly on those two.

5 COMMISSIONER STERTZ: Are you using that as a
6 comparison of the existing 23 to the new LD 8? Or are you
7 looking at it as being what population would be currently
8 within the LD 8 as a standalone?

9 Because I thought our goal -- when we talked early
10 on, we had lots of discussion about trying to not accumulate
11 lots of prison population.

12 And, obviously, in LD 23, it had lots of, because
13 it includes both Florence and other prison population.

14 I thought our goal was that we try to break those
15 up so they weren't concentrated in any one legislative
16 district? So as a comparison against the old, I can see a
17 lot of movement, because they're relatively the same, But
18 I thought our over-arching was to not go down that path.

19 The second thought is that, with this district,
20 being the ability to elect, but not one of majority-minority
21 districts as I just heard it re-described. Are we willing
22 to break up other communities, cities, by splitting them up,
23 splitting Casa Grande, splitting Eloy, breaking up other
24 communities to be able to accomplish a target goal that
25 would not necessarily even be used, other than as a -- not

1 one of the -- of the ability to elect, but just potential to
2 elect?

3 I'm not sure if I clearly understand the
4 distinction.

5 (Whereupon, Vice-Chair Herrera enters.)

6 COMMISSIONER McNULTY: Madam Chair.

7 CHAIRPERSON MATHIS: Ms. McNulty.

8 COMMISSIONER McNULTY: My question to Ms. O'Grady
9 was about the distinction, also. And I think she said there
10 really wasn't a distinction that this would be used to
11 bolster the preclearance application, and that it would be
12 an opportunity to elect district, not a perfect one, but
13 would be a good demonstration that we had done the best we
14 could to create an opportunity to elect for citizens in
15 existing voting rights district, and I think the comparison
16 of the prisons would be that. It would be this new district
17 against that benchmark district.

18 COMMISSIONER STERTZ: Madam Chair.

19 CHAIRPERSON MATHIS: Commissioner Stertz.

20 COMMISSIONER STERTZ: Madam Chair, I want to make
21 sure I clear this. Where we are looking then at 11,
22 majority-minority districts, and we are looking at ignoring
23 what we had set out as a Commission conceptually to do early
24 on, which was to not place all of or large quantity of
25 prison population in a particular district.

1 COMMISSIONER McNULTY: Over to you, Mr. Kanefield.

2 JOSEPH KANEFIELD: Madam Chair,
3 Commissioner Stertz, obviously, there's ten benchmark,
4 that's our position and Mr. Adelson's, so it's not necessary
5 for the Commission to create 11.

6 I think what Mr. Adelson was advising was that to
7 the extent because of the weaknesses of 26, and, obviously,
8 we're doing that analysis, and you all are working to try to
9 strengthen that district, to the extent we're not able to
10 strengthen 26, the more that 8 can be strengthened really is
11 directly compared to benchmark 23, that that could -- that
12 that would be well received by the Department of Justice as
13 they're reviewing your submission.

14 But it's not -- it's not that we're advising that
15 the Commission strive to create 11 benchmark districts.
16 We're just advising the Commission to try to strengthen the
17 districts, the voting rights districts that you're currently
18 working on, in a way that survives Section 5 scrutiny by the
19 Department of Justice.

20 And that all really comes, at this point, comes
21 back to LD draft 26, and the weaknesses that have been
22 identified to date, like I said, that the Commission is
23 working on to analyze.

24 COMMISSIONER STERTZ: So, Madam Chair, my
25 understanding was that the ten districts that we've sent to

1 Dr. King, included 26 for analysis.

2 If 26 is not -- if the recommendation becomes what
3 I would say the potential to elect, but it would not be
4 considered the one that would be the one that we would place
5 in, is 8 now, the substitute district for 26? Is 8 now the
6 tenth district?

7 And 26 becomes the sort of also ran?

8 I'm just trying to --

9 Because I'm getting -- I'm hearing two things.

10 I'm hearing potential to elect is to be held at
11 the same standard as the ability to elect, yet the potential
12 to elect should not -- really should not be considered,
13 because we're only looking at ten benchmark districts.

14 So if 8 is substituting for 26, I'm just -- I
15 can't get the, can't get the order straight.

16 CHAIRPERSON MATHIS: I understand. My take is
17 that it was the 11th. That we were, based on discussions
18 Friday, we were going to look over the weekend to see if
19 there were ways to make this the 11th district.

20 So that was my interpretation of events that
21 occurred Friday. And it seemed like Mr. Adelson had said,
22 he seemed pretty excited about this process, that it would
23 enhance the overall plan to DOJ, because 26 was a weaker
24 tenth majority-minority district.

25 But in my -- my interpretation of what he said, is

1 that still is the tenth, and this would be the 11th.

2 But I could be completely wrong.

3 COMMISSIONER McNULTY: Madam Chair, I think that's
4 exactly what he said.

5 And I think it's a statewide analysis at the end
6 of the day. It's not a district-by-district analysis. It's
7 what we've done with the entire state. And contrary to
8 ignoring what our goal was, our goal was to present a strong
9 case for preclearance. And Mr. Adelson was clear on Friday
10 that he thought this really would bolster that.

11 And as to the prisons, I think the discussion that
12 we heard earlier was that if you have incarcerated
13 individuals in a district who can't vote, that they -- that
14 issue goes toward the voting strength of the district, which
15 I expect is the analysis that Mr. Desmond is doing now.

16 So it's not necessary to break them up
17 necessarily, but they can be counted as Hispanic voters if
18 they don't have the ability to vote because they're
19 incarcerated.

20 VICE-CHAIR FREEMAN: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Freeman.

22 VICE-CHAIR FREEMAN: That's part of what I heard
23 from the public about congregating prisons in a single
24 district, but certainly not all of it.

25 It's my under -- my understanding runs along the

1 lines of the Chair's, that the benchmark is ten districts if
2 21 should be deemed by further analysis to be affirmed, in
3 some respect that efforts would be made to strengthen it by
4 making other adjustments so that would be the tenth. But
5 that Mr. Adelson said the Department of Justice might look
6 favorably upon the overall plan if some district were
7 created and managed to have 31 percent voting age
8 population.

9 But, my question for counsel is, is the current
10 LD 23 now being looked upon as a benchmark, is it even an
11 effective district? If it's not an effective district, then
12 why are we considering it now as a benchmark?

13 JOSEPH KANEFIELD: Madam Chair,
14 Commissioner Freeman. Sorry. Is the question is the
15 current LD 23 considered a benchmark district?

16 VICE-CHAIR FREEMAN: And is it effective?

17 JOSEPH KANEFIELD: I think the answer is it is one
18 of our benchmark districts.

19 Is it effective based on the numbers now? I don't
20 believe so.

21 VICE-CHAIR FREEMAN: Do we know how long it has
22 not been effective?

23 JOSEPH KANEFIELD: Madam Chair,
24 Commissioner Freeman, as we mentioned earlier, that district
25 has experienced one of the highest population growths, and

1 the demographics have changed substantially over the last
2 ten years, so it's hard to say when it became less
3 effective.

4 CHAIRPERSON MATHIS: So, Mr. Desmond, do you have
5 information on prison populations?

6 WILLIE DESMOND: Yes, the prison population of old
7 District 23 is contained in this District 8, so this
8 District 8 would be by far the highest prison population of
9 any district in the state.

10 During the time when we were drawing the draft
11 maps, the way we kind of dealt with the prison population
12 was twofold.

13 When possible, to kind of separate it out, and
14 also, to, in cases where there was a high population default
15 on over-populating that district.

16 So there is roughly 18,000 prisoners in this
17 District 8. Yes.

18 And that's the same number that was in the current
19 District 23.

20 CHAIRPERSON MATHIS: And what's the population of
21 LD 8 in either of these adjustments? You've got it, I'm
22 sure.

23 WILLIE DESMOND: About 209,000 -- 208,194.

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: Mr. Desmond, what's the
2 voting age population of the current contemplated LD 8?

3 WILLIE DESMOND: The voting age population is
4 153,249.

5 COMMISSIONER STERTZ: And, Madam Chair, the 18,000
6 population is, of course, all over the age of 18, and as a
7 voting age population they would be considered part of that
8 153,249 -- or of the 210,000, excuse me, correct?

9 WILLIE DESMOND: Correct.

10 COMMISSIONER STERTZ: Just to carry that train of
11 thought, what's the current population of LD 23.

12 WILLIE DESMOND: LD 23 has a current population, I
13 believe, of 370,000.

14 COMMISSIONER STERTZ: And of that, do you know
15 what the voting age population is?

16 WILLIE DESMOND: 2,064,014.

17 COMMISSIONER STERTZ: So even though we're 111,000
18 voting age population less than the district, our prison
19 population remains the same in that district?

20 WILLIE DESMOND: Correct.

21 COMMISSIONER STERTZ: I think this is what we were
22 trying to avoid early on. And I'd like to see if we can
23 continue down that path.

24 So, of the contemplated district, we got a couple
25 cities that have been split up, and a -- and a large

1 percentage of the voting age population is prison
2 population.

3 Both of those two are sort of -- one is a --
4 breaches one of our six criteria of contemplation for our
5 constitutional requirements, and the second was a highly
6 discussed and debated issue for several months regarding
7 packing of prisoners into -- a prison population into a
8 particular district.

9 So I would hope that we would reconsider this
10 district, even though it may be an enhancement district,
11 potential 11th district. It's currently, right now, not
12 under the analysis of Dr. King. And we are, even though it
13 was looked at favorably by Mr. Adelson, it would also give
14 us, as again, a potential versus an included district, it
15 seems to me that it would be the 11th district that you are
16 referring to.

17 So to get to the 11th district and to have these
18 other communities broken up, and a large percentage going
19 from 18,000 and 264,000, to 18,000 and 153,000, that's a big
20 percentage swing.

21 I'm not sure how that would actually be evaluated.

22 COMMISSIONER McNULTY: Madam Chair.

23 CHAIRPERSON MATHIS: Ms. McNulty.

24 COMMISSIONER McNULTY: My perspective is that the
25 prison, the issue with regard to the prison population is

1 voting strength in the district. It's not a question of
2 splitting them up.

3 It's a question of making sure that we don't count
4 them toward the total Hispanic voting age population. And
5 in terms of splitting communities, I think we all know Casa
6 Grande and Eloy pretty well from having spent a lot of time
7 there over the last few months. They're a fairly large
8 sprawling communities, and by including some of the more
9 heavily Hispanic areas in a potential opportunity to elect
10 district, I don't think we're actually disregarding the
11 Constitutional criteria. I think we're enhancing them.

12 And so I think the analysis or the question would
13 be whether in the opinion of legal counsel this is better,
14 the metrics are better than the existing benchmark. Because
15 23 is, in fact, the benchmark. And I would want to hear
16 from Ms. O'Grady, Mr. Kanefield, and Mr. Adelson on that,
17 with regard to this. My understanding from Mr. Adelson was,
18 I think he was -- he was cognizant of the prison population
19 issue when he made the recommendation that this would, I
20 think his word was huge. This would be huge in bolstering
21 our preclearance application, given the way the demographics
22 of the state have changed, and given the challenges that we
23 faced in creating ten voting rights districts.

24 This would greatly help the whole package. And
25 for that reason I think he found it very important.

1 COMMISSIONER STERTZ: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Stertz.

3 COMMISSIONER STERTZ: Question for legal counsel.

4 Are the 18,000 prisoners that are located, are
5 they counted in the voting age population of any particular
6 district?

7 JOSEPH KANEFIELD: Madam Chair,

8 Commissioner Stertz, the prison population is counted in the
9 total population.

10 And, Madam Chair, Commissioner Stertz, that would
11 include the voting age population also.

12 CHAIRPERSON MATHIS: Say that again, please,
13 Mr. Kanefield.

14 JOSEPH KANEFIELD: Madam Chair, the prison
15 population would be counted, is counted as population. So
16 to the extent prisoners are over 18, they would be counted
17 in the voting age population.

18 COMMISSIONER STERTZ: So it would be counted as
19 part of the general population, and anyone over the age of
20 18 would be part of the voting age population, correct?

21 JOSEPH KANEFIELD: Madam Chair,
22 Commissioner Stertz, that is correct.

23 COMMISSIONER STERTZ: So we've got a voting age
24 population -- in CD 7 we've got 11.7 percent of the voting
25 age population in that district that cannot vote.

1 11.7 percent of the voting age population in a
2 single district does not have the right to vote.

3 Are we diluting the vote of the rest of the voters
4 in that district by having that large of a population that
5 does not -- that will not be voting.

6 VICE-CHAIR HERRERA: Madam Chair.

7 CHAIRPERSON MATHIS: Commissioner Herrera.

8 VICE-CHAIR HERRERA: It's been my understanding
9 since we started discussing this, the issue of the prison
10 population, especially the Hispanic prison population, that
11 they are counted as a total population in a district, but
12 they're not included in the HVAP.

13 That's always been my understanding. And I don't
14 think anything has changed since then.

15 So the 18,000 in the proposed LD 8 are not being
16 counted towards the HVAP. Again, that's been my
17 understanding since we started discussing the prison
18 population.

19 Again, can I get some clarification from counsel?

20 JOSEPH KANEFIELD: Madam Chair,
21 Commissioner Herrera, let me be clear on that.

22 It's my understanding, yeah, they're not counted,
23 they're not able to vote, so they shouldn't be counted in
24 any metrics as your voting strength, so if I misspoke, I
25 apologize.

1 COMMISSIONER McNULTY: Or to put it another way,
2 we have to factor it into the whole equation in the
3 preclearance application that 18,000 of the voting age
4 population in the district can't vote, and therefore, are
5 not included within the voting strength numbers that we
6 would present.

7 JOSEPH KANEFIELD: Madam Chair,
8 Commissioner McNulty, that is correct.

9 COMMISSIONER McNULTY: Thank you.

10 COMMISSIONER STERTZ: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Stertz.

12 COMMISSIONER STERTZ: How -- and this is a
13 question between counsel and consultants, how do you re --
14 how do you re-package the analysis to show the 153,000 less
15 the 18,000, as a re -- making sure that our percentages are
16 all understood?

17 Because I'm not -- I'm trying to look at that and
18 make that, because we're using the old LD 23 as a
19 comparison, where the 18,000 is a percentage is
20 significantly less than a percentage of the 264,000 of
21 voting age population that are currently -- that is
22 currently -- that we're about to adopt, or is a small
23 percentage, smaller percentage than compared to the 11.7
24 percent we're recommending.

25 How do you take those out and re-analyze so that

1 we can have a clearer understanding of what that district is
2 going to look like, not only from a majority-minority point
3 of view, but also as an ability to -- what the rest of the
4 demographics are going to look like?

5 How did you actually go about doing so?

6 JOSEPH KANEFIELD: Madam Chair,
7 Commissioner Stertz, my understanding is those numbers will
8 be reflected through the analysis for turnout and other
9 issues that would reflect whether these folks are actually
10 voting.

11 It will be clear throughout the analysis that
12 three districts contain substantial prison population. That
13 those folks aren't participating in voting. That's what we
14 having the vote of analysis being done by Strategic
15 Telemetry and Professor King.

16 VICE-CHAIR FREEMAN: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Freeman.

18 VICE-CHAIR FREEMAN: So it seems like the bottom
19 line to me is that the district lines are being manipulated
20 in a significant way to split communities, to create a
21 barbell district, to pack as many Republicans as possible
22 into the proposed 11, all for the effect of creating this
23 supposed voting rights district in an area that doesn't, in
24 my recollection of that area of the state, is not a viable
25 voting rights district area. That they are not able to

1 elect a candidate of their choice, at least significantly or
2 regularly in that area of the state.

3 So it's -- I don't know what the point is, other
4 than to pack the Republicans in 11, and perhaps get a
5 Democratic district out of 11, excuse me, my math is
6 backwards, 8, although it would not be a candidate, I don't
7 think, based on past voter performance, that would be a
8 candidate of choice of the minority population.

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

11 VICE-CHAIR HERRERA: The -- when the issue of LD 8
12 and the potential of it becoming a majority-minority
13 district was brought up, I think Commissioner McNulty said
14 it pretty well that Bruce Adelson said it was huge, and was
15 excited that we were able to find an 11th one.

16 And I think, hopefully, that the -- Mr -- well,
17 Willie Desmond was able to look at ways to strengthen 8.
18 And if I missed it, I apologize, but in -- and, hopefully,
19 we'll get that information, if we haven't already, and, then
20 hopefully send that to analysis.

21 Because I think 8 was able -- I think, well, the
22 old 23 was able to elect a few Hispanics over the ten-year
23 period, including Rebecca Rios.

24 And so it had an ability to elect before, and I
25 think what we're doing now is trying to strengthen 8.

1 So I feel like it is a viable option. And, again,
2 I think Bruce Adelson is the expert here, not any of us
3 sitting, not any of the five Commissioners. I -- I would
4 trust Bruce Adelson's recommendation, and I think he said,
5 again, he was excited with this.

6 And I think we need to wait to see what the
7 analysis comes back, once we do send it to analysis.

8 COMMISSIONER STERTZ: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Stertz.

10 COMMISSIONER STERTZ: Just as a followup on that.

11 Mr. Adelson's saying that it was huge, that there
12 be the opportunity to have the 11th majority-minority
13 district which exceeds our benchmarks that we currently are
14 focused on, is purely from his perspective from the DOJ, and
15 purely looking at one of the six criteria that we are having
16 to evaluate.

17 So I just want to make sure that we go on record
18 and say that we are compressing significant population of --
19 as a percentage of the voting age population into one single
20 district. We're breaking communities of interest. We're
21 breaking municipal lines. We are moving, by doing so, in my
22 thought of this, it is totally disingenuous to say that
23 we're doing it just to create something that exceeds what
24 our original benchmark and target was, in an effort to clip
25 off all of the Republicans to put them all into one

1 district, and to leave an ability to elect someone else that
2 probably may or may not have been able to be elected in the
3 district as it was designed in the draft.

4 So, that's -- we are breaking several of our
5 constitutional criteria in an effort to do something that we
6 are not -- is not under our original design or function to
7 do, which was to add an 11th district.

8 And I am -- want to make sure that we understand
9 that we're packing Republicans into one district by pulling
10 them out of another.

11 We are breaking our communities of interest.

12 We're breaking our municipalities.

13 And we are, in my opinion, using the prison
14 population, though not knowing what the analysis is, I can't
15 tell you what the direct cost actually is.

16 This is all testimony that we've heard over the
17 last eight months to not do, and we're doing it right here
18 now in these two districts.

19 VICE-CHAIR HERRERA: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Herrera.

21 VICE-CHAIR HERRERA: These are -- I think,
22 Commissioner Stertz said it best. These are his opinions,
23 and I agree those are his opinions, not mine.

24 And I think what we're doing here is not
25 disingenuous. I think we're doing the right thing.

1 When we started with the majority-minority
2 districts, all along I thought we -- the benchmark was nine,
3 not ten.

4 And I disagreed with Bruce Adelson.

5 And -- but, we ended up finding a tenth district.

6 And then we, after further analysis, we did find a
7 potential 11th district.

8 There's nothing disingenuous about it.

9 We have an obligation for the -- for the majority-
10 minority areas to be able to allow them to elect someone of
11 their choosing. And that's what we have to do.

12 And those six criteria, the top two, again, are
13 the most important ones. These are federally mandated, and
14 we have to obey those.

15 If it means breaking up communities of interest, I
16 don't want to do that. I really don't. But if it has to be
17 done in order for us to reach preclearance, then that's what
18 we have to do.

19 Again, this is Commissioner Stertz's opinion.

20 I don't agree with him. He's entitled to that
21 opinion.

22 I think we're doing the right thing by analyzing,
23 discussing this, and seeing if it is a viable option. And I
24 think it is.

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: Opinion is one thing, and
3 fact is another.

4 We are loading up all of the prisons into one
5 district. It is increasingly larger because of -- as the
6 percentage of the overall population than it currently
7 exists.

8 We are splitting communities up.

9 We are splitting the community of Casa Grande.

10 We are splitting the community of Eloy.

11 These are facts. They're not opinions.

12 An opinion would be, well, the people that live on
13 the south side of the street like blue, I think, and people
14 on the north side of the street like green. That would be
15 my opinion of my interpretation.

16 It is clear by the map that we are splitting the
17 communities in half.

18 We are splitting the cities in half.

19 And part of our mandate, as it -- again, is not
20 our opinion. Our mandate is without detriment to others,
21 okay? As it is practical, to not split cities, to not split
22 municipal lines. So those aren't opinions. Those are
23 facts.

24 I want to make sure you understand that.

25 Opinions, facts.

1 Facts are a pesky thing.

2 COMMISSIONER McNULTY: Madam Chair.

3 CHAIRPERSON MATHIS: Ms. McNulty.

4 COMMISSIONER McNULTY: Those are Mr. Stertz's
5 interpretation, and again, they're opinions.

6 And the Constitution actually doesn't say that we
7 have to keep communities whole. It says to the extent
8 practicable we're to use a variety of different boundaries,
9 some of which would not be consistent with one another, even
10 if that were our only criteria.

11 The Voting Rights Act is paramount. That's the
12 first and foremost criteria that we have to satisfy.

13 And as to the issue of packing Republicans, the
14 draft plan, if the -- if I understand the old plan to be the
15 draft plan from what Mr. Desmond had given us, in District
16 8, the difference between Republicans and Democrats, in
17 terms of performance under index two, was over 13 percent.

18 District 11, the difference was over ten or
19 11 percent.

20 So, neither of those presented opportunities to
21 elect.

22 And they weren't competitive. They weren't even
23 close to competitive.

24 So in the newer proposal that we're looking at,
25 District 8, based on performance, would be 51.3 percent

1 Republican, and 48.7 percent Democratic.

2 So that at least is within range of giving either
3 party an opportunity to elect. That's what we're supposed
4 to be doing.

5 That's what the Constitutional provision is, in
6 large part of that.

7 District 11 becomes 48.6 percent Republican based
8 on performance, and 41.4 percent Democratic.

9 Now, I guess the argument is that increase is
10 packing Republicans.

11 But the reality is, the districts, as they were
12 configured, were dominated by Republicans, and would have
13 been for the decade.

14 So it's a difference without a distinction.

15 And, again, I go back to the fact that our first
16 and foremost priority is to satisfy the Voting Rights Act.

17 COMMISSIONER STERTZ: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Stertz.

19 COMMISSIONER STERTZ: I'm going to make this very
20 simple here.

21 To the extent practicable, district lines shall
22 use visible geographic features, city, town and county
23 boundaries and undivided census tracts.

24 And only are we to be -- look at competitive
25 districts, when no significant detriment to those other

1 goals are -- occur.

2 So I look at splitting, I look at it as a
3 significant detriment to break Eloy in half, and now we've
4 diluted that municipality.

5 We've diluted the town of Casa Grande by splitting
6 that community into two different legislative districts.

7 Okay?

8 That to me is significant detriment.

9 That, Mr. Herrera, is my opinion.

10 I want to share that with you.

11 That is my opinion that there will be a
12 significant detriment brought forth on those two communities
13 by having them represented by two separate legislators.

14 We've diluted their opportunity to have a voice as
15 a community in the state legislature.

16 VICE-CHAIR HERRERA: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

18 VICE-CHAIR HERRERA: It doesn't seem we'll agree.

19 We all have our different opinions. That's fine.

20 Is there any way we can move forward from this
21 discussion? Because we could go back and forth, make it
22 more productive.

23 Can we send any information that Mr. Desmond was
24 able to compile to get it analyzed?

25 I mean, I think that's what we have to do, at a

1 minimum, is to determine -- if it comes back that the
2 analysis says, you know, this district that we're proposing
3 is no better than the benchmark 23, then, then -- then we
4 can go from there.

5 But as of right now, we don't have that analysis,
6 and I would recommend, first, to move forward by sending
7 send the information for analysis and see what happens.

8 CHAIRPERSON MATHIS: I agree. I believe --

9 I agree. I believe that that's already -- we've
10 already asked Dr. King. We've sent this forward for
11 additional analysis and that's being done. So, is that not
12 the case, Mr. Desmond?

13 WILLIE DESMOND: At this point, the split of 8 and
14 11 hasn't been put into the working map. It's not been
15 submitted for analysis.

16 CHAIRPERSON MATHIS: Okay.

17 WILLIE DESMOND: I guess that would be something
18 you would have to do when you look at the other ones, either
19 without objection or with a vote.

20 Just to clarify, I guess, a little bit about
21 current District 23. Mr. Kanefield can correct me if I'm
22 wrong, but I believe there was a debate amongst, you know,
23 the legal team, Mr. Adelson and Ken, about whether or not
24 District 23 should be included as one of our benchmark
25 districts.

1 Ultimately, it was included as a benchmark
2 district because it has elected minority candidates over the
3 past decade.

4 Mr. Adelson seemed to think that -- that any
5 district that has a history of electing candidates is
6 considered a benchmark.

7 Additionally, some of the analysis we've got back
8 from Dr. King on District 23 has, has -- questions us a
9 little more, and I think we'll talk about that in a little
10 while.

11 So, District 23 is one of our benchmarks, and
12 we're ultimately going to be comparing against that with
13 whatever plan you move forward with.

14 VICE-CHAIR FREEMAN: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Freeman.

16 VICE-CHAIR FREEMAN: I just wanted to talk about
17 these districts and illustrate what's been done with some
18 additional statistics.

19 The Index 2 competitive district, I believe, is
20 the index factors in the 2010 election results.

21 2010 being an historic high water mark for
22 Republicans nationwide, and Arizona in particular.

23 So that index is skewed and gives false results.

24 If you look at the two-way registration figures,
25 that is to say, take the party registration in those

1 districts, and just look at Republican and Democratic
2 exclusively, and normalize it to a 100-point scale, at least
3 as I understand what Mr. Desmond has prepared in District 8,
4 it was a draft map, it was 53 percent, 53.1 percent
5 Republican registration.

6 46.9 percent Democratic registration.

7 After the exchanges, it becomes 42.9 percent
8 Republican, 57.1 percent Democratic.

9 A huge shift.

10 LD 11, under the old draft map, the two-way
11 registration numbers were 51 percent Republican, 49 percent
12 Democratic.

13 Pretty much even.

14 After the changes, it goes to 58.2 percent
15 Republican, and 41.8 percent Democrat.

16 So another huge shift in Republicans into that
17 district, Democrats into the other district.

18 COMMISSIONER McNULTY: Madam Chair.

19 CHAIRPERSON MATHIS: Ms. McNulty.

20 COMMISSIONER McNULTY: I think, again, we have a
21 difference of opinion.

22 My opinion is that the great weight of authority
23 believes that performance is the best measure, far superior
24 to registration. So that's what I would look at.

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera.

2 VICE-CHAIR HERRERA: Would you entertain a motion
3 to send any of the changes to LD 8 to strengthen the
4 majority-minority strength to get it analyzed?

5 CHAIRPERSON MATHIS: Yes, I would, based on the
6 discussion Friday. And I would encourage anybody who didn't
7 see Friday's meeting to be sure to pull that up online, to
8 see the discussion regarding this potential for an 11th
9 majority-minority district.

10 And if I'm phrasing that incorrectly, because it's
11 actually called something else technically, I apologize.
12 But you should watch that, and it's a discussion with
13 Mr. Adelson regarding this.

14 And I do think it's worth considering for further
15 analysis if it strengthens the overall plan for
16 preclearance.

17 VICE-CHAIR HERRERA: Madam Chair, then I make that
18 motion.

19 CHAIRPERSON MATHIS: Is there a second?

20 COMMISSIONER McNULTY: I'll second it. With the
21 clarification that we would be sending the stronger of the
22 two proposals to include in the working map and to be
23 analyzed by Dr. King.

24 Is that acceptable Mr. Herrera?

25 VICE-CHAIR HERRERA: That is very acceptable.

1 Thank you.

2 CHAIRPERSON MATHIS: And by stronger of the two,
3 in terms of what measure?

4 COMMISSIONER McNULTY: In terms of Hispanic voting
5 strength.

6 CHAIRPERSON MATHIS: The HCVAP number? Or --
7 there's different --

8 COMMISSIONER McNULTY: I think the lines that I
9 put together are stronger in most categories, so to make it
10 simple, I would clarify by saying that the version, the
11 change report entitled create V-R-E-L-D 2 - McNulty.

12 CHAIRPERSON MATHIS: Okay. Any discussion on this
13 motion?

14 COMMISSIONER STERTZ: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Stertz.

16 COMMISSIONER STERTZ: I'll be opposed to this
17 motion for the various reasons I discussed in the past, but
18 most specifically, because we are having significant
19 detriment to other goals that were outlined in our
20 constitutional mandate.

21 We are splitting communities. There is no mandate
22 in our -- in the Constitution regarding prison populations,
23 but we, as a Commission, have had -- heard a great amount of
24 testimony regarding that. And I believe that as this
25 Commission has moved forward over the last several months,

1 it's been clear that when we moved these districts, that
2 instead of being placeholder districts and draft districts,
3 they actually end up becoming fixed lines when they go to
4 the level of analysis.

5 I heard Commissioner Herrera at great lengths talk
6 about the amount of delays that were going to be caused if
7 we make any changes to ten districts that were put forward.

8 I heard that testimony on Friday.

9 So, now we're getting to a place where we're
10 having another district that's going to be fixed.

11 I know that when this comes back, that that line
12 and those cities are going to be split, and there will be a
13 vote that will tell us that we're not going to be adjusting
14 those lines.

15 So communities will be split, and prison
16 populations are going to be packed, and District 11 is now
17 going from a 4 percent, as it was designed in the draft
18 registration advantage for the Republicans, to a 39.2
19 percent registration advantage for Republicans.

20 If that is not registration shifting, I've never
21 seen it before, anything like that.

22 So, Madam Chair, I highly disagree with the --
23 with this.

24 Again, going back to even what Commissioner
25 Herrera just said, he disagreed with going to ten districts.

1 Now he's enthusiastically going after 11.

2 And the reason he's going after the 11th is
3 because there is an opportunity to elect. 8 has now become
4 a district where Democrats are going to -- which is the
5 minority party in the state, minority party in the state is
6 now capturing -- has the ability by gerrymandering and
7 moving Republicans around and packing them into a single
8 district, now has another opportunity to elect. And that's
9 what this is about.

10 And it's been floated under the guise of the
11 Voting Rights Act.

12 And I am vigorously opposing splitting these
13 districts up this way.

14 COMMISSIONER McNULTY: Madam Chair.

15 CHAIRPERSON MATHIS: Ms. McNulty.

16 COMMISSIONER McNULTY: I think I just heard the
17 number 30 percent. I'm not sure where that comes from.

18 But I'm looking at the change report.

19 The two-way registration of 8, in the old plan,
20 was 53 Republican and 46.9 Democratic. And in the new plan
21 is 42.9 Republican and 57.1 Democratic.

22 But then in 11, in the old plan it was 51 versus
23 49. The new plan it's 58 versus 41.

24 So, again, I don't think that's the determinative
25 measure, but I don't see any 30 percent swings there. So I

1 wanted to clarify.

2 I think we're actually satisfying a number of
3 criteria here.

4 To the extent practicable, I think we are
5 recognizing various municipal and county lines in our map
6 overall.

7 I think we're doing a very good job of that.

8 I think we, contrary to diluting voting strength
9 in Casa Grande and Eloy, I think you could take the position
10 that we're strengthening it.

11 They're each going to have two representatives.

12 I don't think we're splitting communities of
13 interest.

14 In fact, by giving minorities a greater
15 opportunity to elect, I think we're preserving or protecting
16 or enhancing communities of interest.

17 JOSEPH KANEFIELD: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Kanefield.

19 JOSEPH KANEFIELD: I think I just want to clarify,
20 because I think there may be a little bit of a
21 misunderstanding.

22 I'm not certain that Bruce Adelson was advocating
23 the Commission create 11 majority-minority districts.

24 And, obviously, we had a substantial amount of
25 debate at the front end as to whether or not there were nine

1 or ten.

2 And if the analysis showed that there were, in
3 fact, the ability to create 11 majority-minority districts,
4 then that would be something that the Commission would have
5 to do, because that would be the determination made by the
6 Department of Justice, and anything short of that would
7 result in an objection.

8 But I'm not sure we're there.

9 I think where we're at is, we've got an issue with
10 the draft LD 26, and whether or not that, as the numbers
11 exist today, would result in an objection that the minority
12 voters in that district may not be able to elect a candidate
13 of choice.

14 Again, I'm not saying that on the record that
15 that's, in fact, the case, because the analysis is still
16 underway. But it certainly is not as strong. We can all
17 accept that as some of the other districts we had.

18 Bruce and I had recommended Guadalupe be added to
19 26 for that reason alone, to help strengthen it.

20 Obviously, that's a policy decision that the
21 Commission is going to have to make.

22 But not having that in there does weaken that
23 district quite a bit.

24 So I think the discussion about LD 8 came up as --
25 once the numbers became clear that there were more minority

1 population, and possibly the possibility to strengthen it,
2 and that might overcome some of the challenges that the
3 Commission is facing with 26.

4 Again, we're not there, still not ready to
5 conclude at this point that 26 isn't effective, but I think
6 that's where that was going.

7 And I will discuss this further with Bruce. But I
8 don't want to leave the Commission today with the
9 understanding that the advice of counsel was to create 11
10 majority-minority districts.

11 CHAIRPERSON MATHIS: Thank you for that
12 clarification.

13 I understood that.

14 And I believe Mr. Adelson would say whether it's
15 the tenth, whether this becomes the tenth or the 11th, this
16 is worth exploring for further analysis. That's my
17 interpretation of Friday's meeting.

18 COMMISSIONER STERTZ: Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Stertz.

20 COMMISSIONER STERTZ: Just as a clarification
21 about voter registration advantage or voter percentage
22 registration advantage. I've used this in the past. It is
23 the -- it's a very simple calculation.

24 It's the amount of Republicans divided by the
25 amount of Democrats, vice versa, and that percentage is

1 considered as a voter registration advantage. And a voter
2 registration advantage, even though you may have 51 percent
3 Republicans and 49 percent Democrats, the registration
4 advantage is actually not the 2 percent difference, but it's
5 a 4 percent advantage versus now a 39.2 percent advantage
6 than it currently exists as the contemplated LD 11.

7 CHAIRPERSON MATHIS: Any other discussion?

8 COMMISSIONER McNULTY: Madam Chair, I would just
9 add that my interpretation of what Mr. Adelson said was that
10 this would, in his view, greatly increase the possibility
11 that we would achieve preclearance without any objections or
12 problems with the Justice Department.

13 For that reason, I think it's very important.

14 CHAIRPERSON MATHIS: Any other discussion?

15 VICE-CHAIR HERRERA: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Herrera.

17 VICE-CHAIR HERRERA: Other than I think we have no
18 other option but to send this to get it analyzed.

19 I think there would be an issue with the
20 Department of Justice if we didn't even look at that.

21 So I'm surprised that Commissioner Stertz didn't
22 even want to look at it. And that's all we're asking is for
23 it to be analyzed. It's not being approved. It's just
24 getting analyzed.

25 I think we owe it to the majority-minority to make

1 sure this information is analyzed to see if it meets -- if
2 it meets the requirements.

3 CHAIRPERSON MATHIS: Any other discussion?

4 COMMISSIONER STERTZ: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Stertz.

6 COMMISSIONER STERTZ: I've already laid it on the
7 record, but if you want to know again, it's because we are
8 breaking city, town boundaries.

9 We are overly packing Republicans of one district
10 into another. And we are hyper-packing the amount of
11 prisons as a percentage of population into a single
12 district.

13 Those are the reasons why -- that we can go ahead
14 and send it up for analysis, if that's what the vote is
15 going to be. So let's go ahead and move forward with the
16 vote.

17 CHAIRPERSON MATHIS: Any other discussion?

18 (No oral response.)

19 CHAIRPERSON MATHIS: All in favor?

20 VICE-CHAIR HERRERA: A strong, yes.

21 COMMISSIONER McNULTY: Aye.

22 CHAIRPERSON MATHIS: Aye.

23 CHAIRPERSON MATHIS: Any opposed?

24 COMMISSIONER STERTZ: No.

25 VICE-CHAIR FREEMAN: Nay.

1 CHAIRPERSON MATHIS: Okay. The motion carries
2 three, two. So we'll be sending this legislative working
3 map draft change report, the McNulty LD 8, Version 2, to
4 Dr. King for additional analysis.

5 Okay.

6 VICE-CHAIR FREEMAN: Madam Chair.

7 COMMISSIONER McNULTY: Mr. Freeman.

8 VICE-CHAIR FREEMAN: May I please explain the
9 vote?

10 CHAIRPERSON MATHIS: Oh, of course.

11 VICE-CHAIR FREEMAN: I'm all in favor of analysis.

12 I think that a lot more analysis could have and
13 should have been done a lot earlier with respect to voting
14 rights districts elsewhere in the state. I think with
15 further analysis we would have been a lot further along.

16 I think -- at least this is just intuition
17 spending time with maps and looking at the data, that ten
18 strong districts could be created statewide. And perhaps
19 the way they are constructed now, there's now this talk of a
20 weak district that has prompted us, the Commission, looking
21 at the possibilities of LD 11 as this -- I don't know
22 exactly what the term would be, a potential voting rights
23 district or something along those lines.

24 Something that would curry favor with the
25 Department of Justice.

1 That really wouldn't be necessary, I don't think,
2 if those other districts had been constructed differently,
3 perhaps.

4 CHAIRPERSON MATHIS: Thank you.

5 Any other comments from other Commissioners?

6 COMMISSIONER STERTZ: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Stertz.

8 COMMISSIONER STERTZ: I'd like to know from any
9 other Commissioner if there are any other legislative
10 districts that you would like to move forward to fix the
11 lines right now, so that we can move this process forward?

12 If the goal is just to -- Madam Chair wants this
13 map completed by Christmas. Christmas is Sunday. We've
14 got -- if you want to start moving down the path of start
15 voting these districts in, let's start working our way
16 around the state and do so.

17 COMMISSIONER McNULTY: Madam Chair.

18 CHAIRPERSON MATHIS: Ms. McNulty.

19 COMMISSIONER McNULTY: Mr. Desmond, I think you
20 were going to look again at District 26; is that right?

21 WILLIE DESMOND: Yes. I did spend quite a bit of
22 time trying to improve District 26.

23 It might be helpful if I could just go into
24 briefly what some of the preliminary analysis are that
25 Dr. King has shown us there.

1 I think we've -- everything we've gotten back and
2 looked at has made clear that the statewide candidates of
3 choice have been able to win in Legislative District 26.

4 The thing that has been, I guess, troubling us
5 about Legislative District 26, the thing that has been
6 troubling about Legislative District 26, is that in some of
7 the preliminary ecological inference analysis of Dr. King,
8 the candidate of choice did not appear to be the same one as
9 we expected among the Hispanic voters in that district, when
10 looking at the Hispanic voting age population.

11 Meaning that preliminarily, the non Hispanic
12 candidate seemed to be performing better among Hispanic
13 voters than the Hispanic candidate among those voters.

14 In the call with Dr. King this weekend, you know,
15 further analysis was brought up.

16 It does seem to be the case that the candidate of
17 choice is what we would expect when looking at citizen
18 voting age population. And since there are low numbers in
19 this district, and very low turn out, it's quite possible
20 that this is simply something that is just showing up within
21 a fairly wide margin of error.

22 So that's the reason that we're -- that we're
23 really focusing in on 26 at this point, is just that, at
24 least, from what we've gotten back so far, again, we're --
25 the King analysis is not done. The one thing we're

1 noticeably missing in District 26 is a strong yes or no as
2 to whether or not this is a district that has the ability to
3 elect a candidate of choice.

4 So, we're continuing to analyze that and that's
5 the reason we've been exploring other options to try to
6 improve it.

7 I don't know if Mr. Kanefield has anything that he
8 wants to add to that, but it is something that we're looking
9 at.

10 As far as the other districts go, again, we don't
11 have a firm, yes, these are good to go.

12 But, nothing seems troubling, and I think we're
13 fairly close to being able to say they're fine.

14 So this was the only, any sort of thing we wanted
15 to look at a little bit more carefully. So we're continuing
16 to do that, just checking to make sure there's nothing
17 wrong, you know, that it was an area of the state where
18 there was quite a bit of problem with the election districts
19 matching the census.

20 Looking at that more carefully, we haven't found
21 any problems with the election results we're using, but it
22 is an area that just does seem to have, I guess, kind of an
23 unexpected results right now. So we're still -- we're still
24 delving into that and not prepared to say it's not a good
25 district.

1 If Ken, talking with him today, he would say he
2 thinks it's all right. But with Mr. Adelson, we just want
3 to be as careful as possible to make sure we -- we go to
4 Justice with the strongest district possible.

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: I want -- I would just like
8 some confirmation.

9 The ability to elect someone of their choosing
10 doesn't necessarily mean in those areas that the minorities
11 need to elect someone just like them. If it's a
12 majority-minority Hispanic area that they need to elect a
13 Hispanic. That was never my interpretation.

14 I don't think Mr. Adelson's interpretation.

15 Can you just confirm that?

16 JOSEPH KANEFIELD: Madam Chair,
17 Commissioner Herrera, that's correct. It doesn't
18 necessarily need to be a minority candidate. A candidate of
19 choice could be an Anglo candidate.

20 I'll just echo Willie's summary was accurate as
21 to where we're at in terms of the analysis of LD 26. We're
22 not prepared at this point to recommend to the Commission
23 that's an effective district primarily because the analysis
24 is not completed.

25 I know you've heard that a lot. It's frustrating.

1 But because of the numbers and the way it's playing out,
2 Professor King is needing to do additional deeper analysis
3 to make sure. It is a challenging district. It' -- it's
4 one of our lowest performing of the majority-minority
5 districts that the Commission has attempted to create.

6 And, again, as we know, it's measured with the
7 statewide, so we compare it to the weaker of the benchmark
8 districts. But we're not at the point yet that we can say
9 with absolute certainty that this is an effective district.
10 Before last week, we were, of course, we were again
11 recommending that the attempts be made by the Commission to
12 strengthen that district.

13 Guadalupe's issue was one way of doing that.

14 There are others that the Commission has explored.
15 So we'll continue to report back when we get that analysis.
16 And Professor King has told us that he is able to move
17 faster these days, given where he's at, so hopefully, we'll
18 have his report soon.

19 CHAIRPERSON MATHIS: Great. Can we just summarize
20 what he's analyzing? Is he looking at the working map
21 version of LD -- do you mind pulling that up on the screen
22 just so that we can all look at it.

23 And I am just trying to recall exactly what we've
24 given direction to him to further analyze, because we've
25 talked about different ways to enhance 26.

1 WILLIE DESMOND: At this point, what he's been
2 analyzing is Legislative District 26, with Guadalupe added
3 in.

4 CHAIRPERSON MATHIS: The way it's on the map.

5 WILLIE DESMOND: The way it's on the map, correct.
6 We have not yet submitted to him an alternate or
7 parallel District 26 for him to analyze.

8 CHAIRPERSON MATHIS: Was that Friday when we
9 discussed that idea of taking --

10 WILLIE DESMOND: Yes.

11 CHAIRPERSON MATHIS: -- other blocks?

12 WILLIE DESMOND: That is what I spent a lot of my
13 time this weekend doing, is just looking for ways to change
14 these districts.

15 I can go to the one I worked on last.

16 Ultimately, we were looking for a way of at least
17 matching the district.

18 It is what it is. It is as good as Guadalupe
19 without it.

20 So looking for alternatives of including Guadalupe
21 in District 26.

22 So in this version District 26 includes the Salt
23 River area. District 27 has taken population from
24 District 26 and District 26 has gone farther into
25 District 27.

1 Let me show you. The working map is this
2 residence line. So you can see the areas where this is a
3 divergent drop from the current area.

4 The map is shaded not by Hispanic percentage but
5 by total minority percentage.

6 District 26 loses quite a bit of population
7 here -- or 27, excuse me.

8 So it has gone and taken a little bit from
9 District 19 to try to balance it a little bit.

10 District 24 gave some population to District 26,
11 so it's taken all that from District 27 as well.

12 I have the change report of this, and I'll pass
13 that out as well.

14 I also have change reports for some of the ones --
15 the options we looked at on Friday, and I can share those as
16 well.

17 But, basically, barring any sort of radical
18 changes, the Guadalupe in District 26 seems to be the
19 strongest way to improve it. But we are, you know, pending
20 further analysis. So I'm not sure if Mr. Kanefield wants to
21 speak to, I guess the -- I don't know that there's a
22 consensus opinion from Mr. Adelson or legal team or from Ken
23 as to whether or not Guadalupe needs to go in.

24 CHAIRPERSON MATHIS: Before you go, Mr. Kanefield,
25 when is Ms. O'Grady expected back; do we know? Because she,

1 I know, would probably want to comment on this, too.

2 JOSEPH KANEFIELD: Madam Chair, yes, I'm sure she
3 would.

4 She's stepped away for just a moment, to take
5 another call. So, she's here. She'll be back soon.

6 CHAIRPERSON MATHIS: I'm just wondering if it's
7 worth having this discussion when she's in the room.

8 It's 11:03.

9 We could take just a ten-minute break and come
10 back, if that would work for Commissioners.

11 VICE-CHAIR FREEMAN: Fine with me.

12 COMMISSIONER McNULTY: Good for me.

13 CHAIRPERSON MATHIS: Okay, we'll take a short
14 recess. The time is 11:04.

15 (Brief recess taken.)

16 CHAIRPERSON MATHIS: We'll enter back into public
17 session.

18 The time is 11:28 in the morning. And we were in
19 the midst of just talking about LD 26.

20 And Mary O'Grady is back, and we thought it would
21 be good to have both legal back for that discussion.

22 I don't know if Mr. Desmond has anything else to
23 say about it.

24 Otherwise, if legal counsel does.

25 MARY O'GRADY: I'm sorry, Madam Chair, was there

1 something specific you wanted us, Joe and I, to respond to
2 -- Joe and me to respond to?

3 CHAIRPERSON MATHIS: We were talking before the
4 break about how LD 26 has been submitted for further
5 analysis to Dr. King, and that it's the working map version
6 of that which includes Guadalupe in it.

7 Mr. Desmond, over the weekend, I think, looked at
8 a variety of different ways of enhancing 26.

9 I don't know if he has anything to present on
10 that, or if legal counsel has anything they want to say just
11 in general about 26, but. . .

12 MARY O'GRADY: Well, we know that the analysis on
13 26 is still ongoing, and so we don't have an update
14 specifically on that, but we hope to have something in a
15 couple days in terms of the analysis of 26.

16 My thought is perhaps going through the options
17 that Mr. Desmond explored, and if there is one that the
18 Commission is interested in an alternative to the working
19 map version of 26 that the Commission is interested in
20 referring for analysis, so we would have a couple of
21 options.

22 And then we can get the analysis of both.

23 And then the Commission would have that
24 information available to it as it makes its decisions on the
25 final map.

1 Oops. Sorry.

2 Does that help?

3 CHAIRPERSON MATHIS: That sounds good.

4 Have we heard anything from Dr. King on LD 26
5 preliminarily? Or not yet?

6 MARY O'GRADY: When I -- our communication as far
7 as today's update was that the districts, as a whole, look
8 good, but they do have concerns about 26, and they want a
9 couple more days to look at district -- to analyze 26.

10 VICE-CHAIR HERRERA: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Herrera.

12 VICE-CHAIR HERRERA: This question may be for
13 Mr. Desmond.

14 Is Ken Strasma running the same analysis as
15 Dr. King is, and if so -- this is on Legislative
16 District 26, if so, what comments does Ken have?

17 WILLIE DESMOND: Well, Ken has been working with
18 Dr. King primarily looking at the analysis that Dr. King has
19 put together.

20 I think the one thing that everybody feels pretty
21 safe with is that District 26 has the ability to elect.

22 Where we haven't been able to lock anything down,
23 necessarily, either as a candidate of choice, we can't say
24 it's absolutely good. We can't say absolutely bad. That's
25 kind of what the further analysis that's pending.

1 So at this point, that's still up in the air, and
2 we're just working -- obviously, we'd like to have that
3 done, but that's where the holdup is, I guess.

4 So they continue to work through it with Ken
5 right now, and try to get this ready. And, hopefully, we'll
6 have something shortly.

7 VICE-CHAIR HERRERA: Okay.

8 CHAIRPERSON MATHIS: And so what's on the screen,
9 though, is something that you -- is an alternative option
10 that you explored?

11 WILLIE DESMOND: So last Friday, you know we heard
12 testimony that Guadalupe really did belong in District 27.

13 So we, you know, in session, we looked for ways of
14 leaving Guadalupe with District 27, but still making
15 District 26 as good as it was with Guadalupe.

16 This is probably the strongest of those -- of
17 those options that we looked at.

18 I looked at several.

19 It's not quite as good on CVAP or, well, it's as
20 good on CVAP. It's not as good on Hispanic registration.

21 In this version, the total minority is higher.

22 So this is, on most of our measures, as far as
23 racial categories, nearly as good as the district is with
24 Guadalupe.

25 It's not quite as good as on some of the, you

1 know, the key elections that you've been using.

2 So if the Commission was interested in sending an
3 alternate District 26, this would probably be the one to do
4 it on. This is probably the most extreme of the changes.

5 It does have effects to District 27.

6 It does have effects to District 19, also.

7 So we want to be cognizant of that as we send this
8 off. So also District 24. So it does -- it does involve
9 shifting population between many of our Maricopa County
10 voting rights districts.

11 And I guess what this does is, it allows
12 District 27 to retain Guadalupe.

13 It does give up other areas though, and absorb
14 areas of 26. So if the Commission was interested in trying
15 to find a way to keep 26 at the level it is, the working
16 map, without Guadalupe, this is as close as we're going to
17 get with that, barring any really wholesale changes to the
18 map.

19 CHAIRPERSON MATHIS: Can you pan out to include
20 all of 26 on the map, I mean on the screen.

21 WILLIE DESMOND: The red is the current working
22 map.

23 COMMISSIONER McNULTY: Mr. Desmond.

24 WILLIE DESMOND: Yes.

25 COMMISSIONER McNULTY: Could you talk about the

1 changes you've made, briefly describe them and talk about
2 how they impact the other voting rights districts.

3 WILLIE DESMOND: Sure. Okay.

4 COMMISSIONER McNULTY: In terms of metrics.

5 WILLIE DESMOND: I guess noticeably Salt River is
6 moved into District 26 from District 24.

7 This is one of the -- it's not, you know, strong
8 Hispanic necessarily, but it is very good total minority
9 percentage.

10 The reason that was done is because it was an area
11 of 24 that could easily go into 26. That was good.

12 As a result, District 24 then took some area from
13 27, down here just north of Van Buren, between Van Buren and
14 McDowell.

15 Additionally, District 27 took more population
16 from District 26, over here, in some of District 26, the
17 lowest performing areas.

18 Twenty-six grew in this area of Phoenix, north of
19 Guadalupe, to the west.

20 All of those changes to District 24, 26 and 27
21 meant that 27 was a little under-populated.

22 District 19 started about 900 people under-
23 populated.

24 So 27 took a little bit from 19 right here in
25 order to get a little closer on population deviation.

1 Twenty-seven is still under-populated by 9600
2 people. However, it started at 10,772.

3 So it's a little less under-populated than it was.

4 CHAIRPERSON MATHIS: Can we talk about the
5 differences between this alternative versus the working map?

6 WILLIE DESMOND: Yes.

7 So you'll notice that in District 26 the total
8 minority percentage went from 54.1 up to 55.8.

9 Total voting age minority went from 47.3 to 48.8.

10 The percentage Hispanic also went from 32.2 up to
11 32.6.

12 And, voting age Hispanic, excuse me --

13 And total Hispanic went from 38.7 up to 39.2.

14 The one area where we saw kind of a step backwards
15 was in our Hispanic registration.

16 In the working map with Guadalupe, District 26 has
17 a Hispanic registration of 18.5.

18 In this map it goes down to 17.6.

19 We do see a slight increase from CVAP from 19.2 to
20 19.3.

21 And then looking at some of our key elections, the
22 Prop 200 went up 15 percent to 50.4.

23 2000 presidential went from 53.4 down to 53.

24 Secretary of State dropped three-tenths.

25 And then 2010, mine inspector, 2008 presidential,

1 both dropped by about a tenth of a percent.

2 So in some categories, it's better. In some it's
3 a little worse. But ultimately it's fairly close.

4 I don't know if Mary or Joe want to add to that?

5 I guess not.

6 Are there other questions or further statistics?

7 COMMISSIONER McNULTY: I have a question about
8 District 27, what we're doing to it. By removing the
9 population into 26, in terms of Hispanic registration,
10 Hispanic voting age population and CVAP.

11 WILLIE DESMOND: Well, District 27 was affected.

12 CVAP did drop by 1.9 percent, however,
13 registration went up by six-tenths of a percent.

14 I think Bruce and Ken all feel like District 27 is
15 perhaps our strongest district, so it does have some
16 capacity to share population.

17 But this change did have an effect on the
18 district.

19 Overall its total minority percentage fell by
20 2 percent, but that voting age minority percentage is still
21 at 74.7 percent, so the district is still plenty strong.

22 COMMISSIONER McNULTY: Madam Chair.

23 CHAIRPERSON MATHIS: Ms. McNulty.

24 COMMISSIONER McNULTY: Mr. Desmond and
25 Ms. O'Grady, if we were to ask Mr. King to -- Dr. King to

1 analyze this on a parallel tract, he would also analyze the
2 implications for the surrounding voting rights districts?

3 MARY O'GRADY: That's right, Commissioner. He
4 would analyze the impact on 27 and any of the voting rights
5 districts that were affected by the change.

6 COMMISSIONER McNULTY: Is this something that you
7 think we should ask him to do?

8 MARY O'GRADY: If the Commission is interested in
9 an alternative that retains Guadalupe in 27, then it
10 probably is something that you want to refer for analysis.

11 COMMISSIONER McNULTY: Madam Chair, that would be
12 something that I would like to see, whether there's a way to
13 achieve the goal without moving Guadalupe.

14 CHAIRPERSON MATHIS: Thoughts from other
15 Commissioners?

16 (No oral response.)

17 CHAIRPERSON MATHIS: I actually have a request to
18 speak form from someone from the Town of Guadalupe. I don't
19 know if they're here currently. This would be an
20 appropriate time to talk about it, if they are. Andrew
21 Sanchez? Oh, he filled out a blue form, so he's left.

22 COMMISSIONER McNULTY: Would we want to have
23 Mr. Bladine read his comments for us?

24 CHAIRPERSON MATHIS: Sure.

25 RAY BLADINE: Madam Chair.

1 Andrew Sanchez from Guadalupe, would request the
2 Commission to make no changes to current representation of
3 Guadalupe. If the Commission is considering any such
4 changes, to allow residents in Guadalupe the chance to be
5 heard.

6 To hold one public meeting of your choosing in the
7 town of Guadalupe to meet the unique situations that many
8 residents encounter due to transportation and income levels.

9 Excuse me.

10 Community of interest: Shared religious and
11 additional and actual views and much more such as income and
12 density, with having working government with a majority-
13 minority population.

14 Define geographic area: Roughly, Baseline to
15 I-10, Baseline to Elliot.

16 Shared family/cultural and income. Deep family
17 roots. Multi-generational homes having majority of Native
18 American and Hispanic Latino ethnicity.

19 Surrounding areas: East valley has very different
20 views to culture and religious views and income levels.
21 Residents of Guadalupe are nowhere near what the east
22 valley's are.

23 That's pretty much the comment.

24 CHAIRPERSON MATHIS: Thank you.

25 Thought from other Commissioners on submitting

1 this alternative for further analysis?

2 VICE-CHAIR FREEMAN: I think it should be
3 submitted.

4 CHAIRPERSON MATHIS: Okay.
5 I'd entertain a motion.

6 COMMISSIONER McNULTY: I move that we submit the
7 map that Mr. Desmond drew over the weekend to Dr. King, and
8 ask him and Mr. Strasma to analyze it on a parallel tract
9 with our working draft.

10 VICE-CHAIR HERRERA: I'll second that motion.

11 CHAIRPERSON MATHIS: Any discussion?

12 (No oral response.)

13 CHAIRPERSON MATHIS: All in favor?

14 COMMISSIONER STERTZ: Aye.

15 VICE-CHAIR FREEMAN: Aye.

16 COMMISSIONER McNULTY: Aye.

17 CHAIRPERSON MATHIS: Any opposed?

18 (No oral response.)

19 CHAIRPERSON MATHIS: That notion carries
20 unanimously, so we'll get that information to Dr. King and
21 Mr. Strasma and have it analyzed on a parallel tract to the
22 working map version.

23 Any other discussion on these particular LDs and
24 any others?

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: I would like to comment on
3 my vote with the affirmative, Guadalupe being moved back in
4 with this community of interest from 26, current
5 contemplated 26 into 27.

6 With the idea that communities of interest are
7 important, and even if it requires additional analysis, that
8 bringing that community of Guadalupe back in with its
9 community of interest is paramount.

10 It's clear that the Commission as a whole agreed
11 with that analysis as well.

12 So I appreciate the consistency in the Commission,
13 seeing that we are going to be respecting and understanding
14 that communities of interest are important, and therefore
15 willing to even go so far as to continue further analysis to
16 be able to move that ball along the field.

17 So thank you to the rest of the Commissioners.

18 CHAIRPERSON MATHIS: Any other comments?

19 COMMISSIONER McNULTY: I'd make one comment, Madam
20 Chair, that kind of in keeping with that, on the LD 8 map we
21 were talking about split communities, but on the proposal
22 that we looked at this morning we actually made Queen Creek
23 whole.

24 So on the one hand we were -- there was a divide
25 in Eloy, Casa Grande, but at the same time Queen Creek was

1 made whole, which I think just demonstrates that this is a
2 balance.

3 COMMISSIONER STERTZ: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Stertz.

5 COMMISSIONER STERTZ: Question for Mr. Desmond.

6 When you did the calculation for the prison
7 population, did you include Globe?

8 WILLIE DESMOND: I'm sorry, can you repeat that
9 last part of the question?

10 COMMISSIONER STERTZ: When you were doing the
11 calculation of the prison population for LD 8, did you
12 include Globe?

13 WILLIE DESMOND: Yes.

14 I mean, what we do is we have a report that runs
15 statewide, so there's census blocks at least that we've
16 identified as having prison population.

17 What the report does, it just goes through and
18 totals what that population is in each of the districts, and
19 whatever area you're running the report on.

20 So Globe was included.

21 COMMISSIONER STERTZ: Madam Chair.

22 CHAIRPERSON MATHIS: Go ahead.

23 COMMISSIONER STERTZ: Similarly, was Globe
24 included in the previous LD 23?

25 WILLIE DESMOND: Globe was not in the previous

1 LD 23. In the current LD 23. Globe is in LD 5.

2 COMMISSIONER STERTZ: So, Madam Chair, the prison
3 population of Globe was previously not included in LD 23,
4 but is now -- should be included in LD 8, correct?

5 WILLIE DESMOND: Correct.

6 COMMISSIONER STERTZ: And, Madam Chair, am I also
7 correct that there has been a zero population change from
8 2001 to 2011 in the prison population in that area? Yet now
9 we're including all those -- I'm just trying to figure out
10 what prisons we've excluded in the current LD 8 that would
11 offset the inclusion of the prison population gained in
12 adding Globe into that? I -- I'm just trying -- I can't
13 visualize any.

14 I was wondering if Mr. Desmond had any knowledge
15 of that.

16 WILLIE DESMOND: I do not. I can do some more
17 checking into that and let you know.

18 COMMISSIONER STERTZ: That would be great. I
19 appreciate that.

20 CHAIRPERSON MATHIS: So any other comments or
21 questions on this, or other LDs?

22 COMMISSIONER STERTZ: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Stertz.

24 COMMISSIONER STERTZ: Leading off with what I was
25 saying earlier, it seems like there are, other than the

1 small adjustments that are taking place and the
2 contemplation of the analysis that's being done, is there a
3 reason why we don't start working our way through the map
4 and start clipping these districts off and approving them
5 and start to memorialize the, at least, where this map is
6 going?

7 Obviously, there's going to be a caveat that until
8 we get our final analysis from Dr. King, we are -- we're --
9 I'm going to guess that you're going to want to hold final
10 approval until that analysis; is that a correct analysis?

11 CHAIRPERSON MATHIS: We can move forward as -- it
12 depends on how Commissioners are feeling.

13 You know, the approvals can be made pending final
14 analysis from Dr. King.

15 And so they'd essentially be with a big asterisk
16 over them until we know for sure what exactly that analysis
17 is saying.

18 But, in terms of just looking at the other
19 districts around the state, outside of the majority-minority
20 districts, if there are adjustments that Commissioners are,
21 you know, based upon public comment that we heard, that
22 they'd still like explored by the mapping consultant, we
23 should discuss those.

24 COMMISSIONER McNULTY: Madam Chair, I would
25 request that Mr. Desmond perhaps walk through the open

1 change reports that he has on the legislative map.

2 I expect he's going to need to refresh his
3 recollection before he does that.

4 So it might make sense to do that this afternoon
5 after lunch, when he's had an opportunity to gather
6 everything that we have.

7 If his pile looks anything like mine, it's hard to
8 remember what we got and what's the most recent iteration of
9 each.

10 It would help me to walk through what's
11 outstanding and maybe take it from there, perhaps on both
12 legislative and congressional.

13 CHAIRPERSON MATHIS: I agree. It would help me,
14 too.

15 WILLIE DESMOND: So, this is probably not -- I
16 would appreciate a little time just to make sure that I have
17 them all, but, off the top of my head, I know there's some
18 population balancing that we looked at doing to Districts 6
19 and 1, and 9, that was a change that we looked at last
20 Friday.

21 There's also changes that Commissioner McNulty
22 asked for in the west valley in parts of western Arizona.

23 Changes that Commissioner Herrera asked for in
24 Maricopa County.

25 I'm not sure how Commissioner Freeman feels about

1 the changes we've done to District 7. That's also a
2 question that we looked at last Friday.

3 Are there others that right away Commissioners
4 remember? Open questions.

5 I know there are other ones that deal with areas
6 that have already kind of been affected, so I'm not
7 necessarily including those.

8 COMMISSIONER McNULTY: Madam Chair, Mr. Desmond,
9 had we incorporated the changes in LD 6, the Schultz fire,
10 and the Show Low-Pinetop change in our working draft, or are
11 those changes that are still subject to a change order, the
12 inclusion of Oak Creek?

13 WILLIE DESMOND: I believe that has all been done
14 already in the working draft.

15 COMMISSIONER McNULTY: Okay.

16 WILLIE DESMOND: I know the Schultz fire flood
17 area has been included, and that was part of the map that
18 Navajo Nation submitted December 9th.

19 Additionally, that also addressed the Show Low
20 question, and I believe Oak Creek as well.

21 As far as I know, there are no changes to --

22 Is my microphone working?

23 It says it has full battery.

24 As far as I know, there are no changes to northern
25 Arizona that are outstanding, except for the map I put

1 together somewhat based on a district that
2 Commissioner Freeman had given me.

3 Other than that, I believe there are no other
4 changes.

5 There are changes to, with the exception of
6 Commissioner McNulty's changes that did affect Mohave and
7 Yavapai County, there are changes to District 1 in Cochise
8 County dealing with the population balancing, and a couple
9 different sets of changes in Maricopa County.

10 COMMISSIONER McNULTY: In terms of population
11 balancing, legal counsel, would it make sense to walk
12 through the outstanding changes, look at those, and then
13 look at that issue on the legislative map, whether there are
14 still districts in which we need to address population
15 balance?

16 MARY O'GRADY: I think that does make sense to
17 look at the substantive changes.

18 Now, some of the population balancing in the
19 legislative might be significant enough that has policy
20 changes, but it might make sense to look at the others
21 first.

22 COMMISSIONER McNULTY: Okay.

23 WILLIE DESMOND: So, did you want to start there
24 now, or is there a different place you'd like to look at
25 that if I can refresh everyone on the -- the change that we

1 looked at to balance the population of District 6, 9 and 1.

2 Okay.

3 This is changes I believe we looked at last
4 Friday.

5 There's two areas where in the working map I
6 believe we have a population, a balance District 9 is under-
7 populated by about 10,000 people in the working map.

8 District 1 is overpopulated by about 11,000
9 people.

10 I believe District 6 is also under-populated by
11 about 10,000 people.

12 So where this is different than the working map,
13 is that Camp Verde is added to District 6, bringing
14 District 6's population to 214,140 people.

15 Which is a positive deviation of 1,073, or half a
16 percentage point.

17 Excuse me for one second.

18 Also, so District 6 did go from a negative
19 population balance of 9,908 people, or negative 4.7 percent,
20 to a positive population balance of 1,072.

21 10,980 people were shifted from District 14.

22 District 14 started as overpopulated by 7,382
23 people. Following removal of Camp Verde, goes to a negative
24 population of -- deviation of 3,598.

25 So it is left under-populated by 1.7 percent.

1 Next, District 1.

2 District 1 in the working map is overpopulated by
3 11,766 people.

4 What happened is that population is added from
5 District 1 into District 10.

6 This moves District 1's population from plus
7 5.5 percent, down to plus 2.5 percent.

8 So a shift of 6,382 people. Leaving District 1
9 overpopulated by 5,384.

10 District 10, as a result, does grow by that 6,000
11 people.

12 It is able to shed that population to District 9,
13 which grows from a negative deviation of 10,347 people, or
14 negative 4.9 percent, to a positive deviation of 150 people.

15 So it is left a tenth of a percent overpopulated.

16 District 10 is -- goes from a one-percent positive
17 population deviation to a .9 percent negative population
18 deviation.

19 Are there any questions about that right away?

20 These changes do have other effects.

21 We do have one fewer split census place. So
22 that's positive.

23 However, there are more splits to census tract and
24 block group.

25 I can go through some of the competitiveness

1 numbers.

2 It looks like in any of the districts, the biggest
3 shifts are: District 10 becomes about 7/10ths of a percent
4 more Republican, less Democratic.

5 District 9 becomes about 4/10ths of a percent more
6 Democratic, less Republican.

7 District 6 becomes about half a percentage point
8 less Democrat, more Republican.

9 But on the whole, Districts 1, 6 and 9 are much
10 closer to their ideal population.

11 CHAIRPERSON MATHIS: I have a question.

12 Do you have something that you wanted to ask him
13 on this particular thing?

14 Because my question, I hate to beat a dead horse,
15 but I want to go back to prison population in LD 8.

16 So, on the McNulty version, it's looking like the
17 deviation from ideal is now 1.5 percent over; is that right,
18 for the one that we just agreed to send on for further
19 analysis?

20 On this change report, I don't see the actual
21 population number, but it's got deviation from ideal.

22 WILLIE DESMOND: So District 8 goes from an
23 overpopulation of 3,262, to an under-population of 4,873.

24 CHAIRPERSON MATHIS: Got it.

25 So we're under by 2.3 percent?

1 WILLIE DESMOND: Correct.

2 CHAIRPERSON MATHIS: So is that something where
3 we, given the amount of prison population in the proposed
4 LD 8, is that something we ought to be trying to augment in
5 terms of just sheer population numbers?

6 MARY O'GRADY: Madam Chair, the main thing that
7 we've been looking for in LD 8 are the performance measures
8 for the elections, and then, you know, the overall Hispanic
9 minority demographics.

10 We will be getting the numbers that take into
11 account the prison population.

12 So I don't know if there's an additional
13 adjustment that needs to be made at this point, in light of
14 the prison issue.

15 CHAIRPERSON MATHIS: It just sounded like from
16 earlier discussions this morning, that one of the strategies
17 for dealing with districts that have a large amount of
18 prison population in them is to overpopulate them.

19 And it sounds like right now this is under-
20 populated.

21 And if we're talking about population balancing, I
22 was just wondering to see if we should be looking to put
23 some population into that district.

24 And we don't even know -- we don't know what will
25 happen with the analysis on LD 8, but I'm just wondering.

1 MARY O'GRADY: Madam Chair, our biggest concern is
2 on minority makeup there. And in terms of the prison
3 population and the population balancing issue, the main
4 thing is just to justify whatever has been done, minimize,
5 if possible, but I think it's okay to leave it low from a
6 voting rights standpoint like we've talked already in
7 previous discussions.

8 And since I was out of the room for some of the
9 earlier discussions, I don't know if that's out of synch
10 with the earlier discussion of these, but I think the main
11 focus should be the minority makeup and electoral results.

12 COMMISSIONER McNULTY: Madam Chair.

13 CHAIRPERSON MATHIS: Ms. McNulty.

14 COMMISSIONER McNULTY: Ms. O'Grady, we talked a
15 little earlier about how the prison population factors in.
16 And I think what I came away with is that from the total
17 population standpoint, the prison population is included.
18 For some population balancing, these numbers wouldn't
19 change. But for a voting strength analysis standpoint, the
20 prison population has to be disregarded.

21 Again, that wouldn't affect total population
22 numbers in the population balancing.

23 MARY O'GRADY: That's right.

24 COMMISSIONER McNULTY: Is that right?

25 MARY O'GRADY: That's right.

1 CHAIRPERSON MATHIS: Thank you.

2 Any other comments or questions?

3 COMMISSIONER McNULTY: I was just going to say
4 what Mr. Desmond did, it looks like those were areas where
5 we had predicted substantial deviation.

6 I think these changes are good.

7 They solve pretty significant population balances
8 in at least two, maybe three different districts, without
9 really changing the other metrics of the map a whole lot.

10 COMMISSIONER STERTZ: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Stertz.

12 COMMISSIONER STERTZ: Mr. Desmond, will you have
13 these reports ready after lunch, based on your adjustments
14 that you've currently made?

15 WILLIE DESMOND: The population balance report?

16 COMMISSIONER STERTZ: Well, this would -- is there
17 any reason why we shouldn't run a report of all 30 districts
18 at this time, based on this new design?

19 Because this meets the plus or minus criteria of
20 your population.

21 Why don't we start looking at all of the rest of
22 the metrics of all the districts.

23 WILLIE DESMOND: Well, we --

24 COMMISSIONER STERTZ: Madam Chair.

25 Mr. Desmond, you alluded to that there was slight

1 adjustments in District 10, as it pertains to voter
2 registration.

3 I'm sure that Ms. McNulty -- Commissioner McNulty
4 and Herrera would like to know what that's going to do to
5 the competitive analysis for Districts 10 and 9, and get
6 that out there on the table now, so that we can know where
7 we are.

8 COMMISSIONER McNULTY: I think you gave that to us
9 already. Didn't you give these to us on Friday?

10 WILLIE DESMOND: Yeah, these were on Friday.

11 COMMISSIONER McNULTY: I think we got these on
12 Friday.

13 WILLIE DESMOND: I'll check to see if I have an
14 extra copy. If not, I'll give you one over lunch.

15 And anybody who's watching, these are available on
16 the website also.

17 COMMISSIONER STERTZ: Okay. Thank you.

18 WILLIE DESMOND: So this was just the first, I
19 guess, of some of the outstanding changes for you guys to
20 consider.

21 I can move on now, or if you have other questions
22 about these changes?

23 COMMISSIONER McNULTY: Is anyone else hungry?

24 VICE-CHAIR FREEMAN: Yes.

25 CHAIRPERSON MATHIS: I had cake.

1 COMMISSIONER STERTZ: Madam Chair, can we at
2 least, which, you said these were -- these were -- this is
3 in the LD population balance analysis. This is a PDF on the
4 website?

5 WILLIE DESMOND: Yes.

6 COMMISSIONER STERTZ: All right. Thank you.

7 CHAIRPERSON MATHIS: So it's 12:13 p.m. Do
8 Commissioners want to break for lunch.

9 COMMISSIONER STERTZ: Yes.

10 CHAIRPERSON MATHIS: Is half an hour sufficient?
11 We can aim -- we'll come back. That's a good goal. 1:00
12 p.m. we'll be back.

13 The time is 12:13 p.m.

14 (Lunch recess taken.)

15 CHAIRPERSON MATHIS: Okay. We'll enter back into
16 public session.

17 The time is 1:25.

18 And I believe we're talking still about
19 legislative districts.

20 WILLIE DESMOND: When we left, we were discussing
21 the population balance change. Are there further questions
22 on that? Anything you want to see? Or should I go on and
23 discuss some of the other kind of pending changes?

24 CHAIRPERSON MATHIS: I think we've covered the
25 population balances. Did you have a question?

1 COMMISSIONER McNULTY: I do have one question.
2 Are the pending changes all of the changes that
3 Commissioners intend to submit? That was my thought when we
4 started reviewing the pending changes, is that we had
5 everything in front of us that was going to be submitted.

6 Is there anything else that is going to be
7 submitted before we start working our way through what is
8 currently in front of us?

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

11 VICE-CHAIR HERRERA: I have submitted all my
12 changes, so I don't plan on submitting any additional
13 changes.

14 COMMISSIONER McNULTY: I don't have anything else
15 that I presently plan to submit.

16 CHAIRPERSON MATHIS: Anything from anybody else?

17 COMMISSIONER STERTZ: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Stertz.

19 COMMISSIONER STERTZ: Commissioner Herrera, are
20 these changes that you've already submitted or are these
21 more changes that you intend to submit?

22 VICE-CHAIR HERRERA: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Herrera.

24 VICE-CHAIR HERRERA: I have submitted all my
25 changes. I don't plan on submitting any additional changes.

1 CHAIRPERSON MATHIS: He submitted all of his
2 changes and doesn't plan to submit anymore.

3 COMMISSIONER STERTZ: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Stertz.

5 COMMISSIONER STERTZ: The question of changes or
6 the question of areas of specific adjustment, I don't know
7 whether or not they need to be submitted for change, or I'd
8 rather -- or whether or not it just would be easier to have
9 them as open discussion.

10 And the reason I'm saying that is, because I don't
11 want to waste anybody's time by going through the process of
12 going through arduous submittal, if, including the mapping
13 consultant, if the intent is to just move past them for
14 whatever reason they may be.

15 I'll give you an example.

16 For example, Rita Ranch, which is a neighborhood
17 in southeast Tucson, has been split in two, and is in two
18 different legislative districts.

19 Before I want to have to go through the process of
20 drawing it and analyzing it, where we are, is that I'd
21 rather just poll the board, poll the Commission, and say is
22 this something where we can bring this community together,
23 and then proceed with that, rather than going through sort
24 of a where's the pea under which cup game.

25 I'd rather say, do we think this is worth doing.

1 Then let's put Rita Ranch together.

2 If Rita Ranch is going to stay apart, for whatever
3 reason that might be, then let's move past it.

4 So there are areas like that where I would like to
5 at least get the opinion of the Commissioners, of which
6 direction that they would go in, and then move on.

7 So if there was going to be a discussion, yes,
8 we'd like to hold Rita Ranch together, that's going to have
9 some impact to at least two, possibly three, ranches, for
10 how it was split in half.

11 So what's the Chair's pleasure?

12 CHAIRPERSON MATHIS: Well, we -- let's pull up
13 Rita Ranch and look at it.

14 I don't know the specifics around that particular
15 neighborhood, so we can look at the impact that it has in
16 terms of what it looks like.

17 WILLIE DESMOND: How do you spell that? Is it
18 R-I-T-A?

19 CHAIRPERSON MATHIS: Yes, the southeast area of
20 Tucson.

21 COMMISSIONER STERTZ: It's the confluence of
22 Legislative Districts 1, 2, and 10.

23 WILLIE DESMOND: Okay.

24 Do you know which streets?

25 COMMISSIONER STERTZ: Yes. It's that little hook.

1 WILLIE DESMOND: Right here?

2 COMMISSIONER STERTZ: Right there.

3 And that's Rita Road.

4 You'll see that Rita Road, there are residences on
5 the north and west that are in, and, obviously, to the east,
6 that are in Legislative District 2, and across the street
7 they're in Legislative District 1.

8 And that whole area is considered Rita Ranch.

9 What I'd like to do is, before we would send the
10 mapping consultant on an analysis, is this: Can we keep
11 this neighborhood together?

12 And if not, can someone give me an explanation
13 that if someone that lives in Rita Ranch asks me why we
14 can't keep it together, what I can give to them.

15 COMMISSIONER McNULTY: Madam Chair, that was the
16 process we agreed we would follow. And we've been doing
17 that for a couple weeks, proposing changes, getting the
18 sense of the Commission whether they'd be interested in
19 understanding what the implications would be, and then
20 discussing them.

21 So kind of have to know what the implications are
22 in order to discuss them.

23 COMMISSIONER STERTZ: I'm not sure what
24 implications we have.

25 We have a neighborhood which is located now in --

1 it's split into two different legislative districts.

2 It affects two, and it affects one.

3 And the question is, can we put that neighborhood
4 back in one legislative district?

5 How it affects it means that we have to move
6 populations out of one into two and/or two into one, that's
7 how it affects it, to put that neighborhood back together.

8 I'm not sure what more explanation that I would
9 need to give than that.

10 COMMISSIONER McNULTY: I don't think any
11 explanation is necessary, but we would want to understand
12 how it changes the composition of the districts, and that's
13 the analysis that we would make a decision based on.

14 CHAIRPERSON MATHIS: Is that something that we can
15 do here, Mr. Desmond, to look at?

16 WILLIE DESMOND: Yes.

17 COMMISSIONER McNULTY: Can you determine what the
18 boundary is and just move it into one so that little,
19 whatever the arm is, isn't?

20 WILLIE DESMOND: Moving that into District 1,
21 would that solve it, or is there still another --

22 COMMISSIONER STERTZ: This entire area is
23 considered Rita Ranch.

24 CHAIRPERSON MATHIS: It's a triangle.

25 COMMISSIONER STERTZ: It's a large triangle. It's

1 actually that zone right there.

2 WILLIE DESMOND: Okay.

3 COMMISSIONER STERTZ: It is truly a community of
4 interest, and they consider themselves as a community within
5 about themselves. And they -- every aspect of community is,
6 there's no difference here in the way that they view their
7 neighborhood and their being bifurcated as you would see in
8 the Town of Guadalupe, for example. They are that connected
9 within themselves. And I would like to see this whole area
10 being put into -- and truly if you go down Alpa Road, this
11 is a community where the residents of this community work at
12 Davis Monthan. They work at Raytheon. That's this bedroom
13 community and that's where this serves.

14 There is very little commercial in this area.

15 This is the Houghton corridor, okay? The Houghton
16 corridor is being heavily developed right now. Rita Ranch
17 is an anchor for the south corner of the Houghton corridor.

18 So that community is really most connected to
19 urban Tucson.

20 It is not rural.

21 It is not ranching.

22 It is not east related.

23 It is an urban community and it is connected by
24 geography, transportation. There is a campus that the folks
25 here go to, Pima Community College West Campbell where

1 they'll attend.

2 They also attend the University of Arizona's
3 extension campus, which is in the IBM, which is right down
4 Interstate 10, which is also part of urban Tucson and its
5 impact.

6 So. . .

7 WILLIE DESMOND: All right. Well, including this
8 area in District 1, 14,750 people, as you pointed out,
9 District 1 is already the largest district, so this will
10 leave District 1 overpopulated by 16,524 people.

11 Something we probably have to fix with a different
12 sort of population balance.

13 Looking at the numbers though, this does seem like
14 it would be removing an area from District 2 that probably
15 wouldn't have any sort of ill effect on its voting rights
16 status. Although District 2 would then be under-populated
17 by 13,456 people.

18 So how we can proceed now, is I can execute this
19 change, and we can look for another area to balance
20 population between Districts 1 and 2, or we can try a
21 different change to try to include all of District 2 and see
22 how much of a effect that has on it.

23 We do have a printer here today, so I could run a
24 change report and have copies for you relatively easy.

25 It would probably still take over 15 minutes to

1 have that happen, but it is an option for you to evaluate
2 it. But it's up to you, however you want to proceed.

3 COMMISSIONER STERTZ: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Stertz.

5 COMMISSIONER STERTZ: Am I correct, where are we
6 with population in District 10?

7 COMMISSIONER McNULTY: With the population balance
8 we'd be very close.

9 COMMISSIONER STERTZ: I'm sorry?

10 COMMISSIONER McNULTY: With the population
11 balancing that we just looked at, we would be very close to
12 balance.

13 WILLIE DESMOND: Currently, District 10 is in the
14 working map. District 10 is 2,122 people overpopulated, a
15 one-percent population deviation.

16 District 1 is 11,767 people overpopulated. A
17 deviation of positive 5.52 percent.

18 And District 2 is 8,699 people under-populated. A
19 deviation of negative 4.08 positive.

20 So, as we currently stand, 2 is too small, 1 is
21 too big.

22 So adding more to 1 from 2, would kind of
23 exacerbate that, so we would probably have to find a place
24 to swap population from District 1 to District 2.

25 The other option would be to keep Rita Ranch whole

1 within District 2, and see what sort of impact that has on
2 its status as a voting rights district.

3 COMMISSIONER STERTZ: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Stertz.

5 COMMISSIONER STERTZ: This is also the part of
6 this, all of this area is part of Vail School District, as
7 well, so you've got school districts being split multiple
8 places. This is another area of residences that are also --
9 that are family residences that belong to Vail School
10 District.

11 So I'm looking at an area you're saying would be
12 under-populated in 2 and heavily overpopulated in 1.

13 The last iteration, we took off a leg that
14 connected this piece right here, because this is in the
15 draft before Friday we're connecting; is that correct?

16 You had dropped this leg down prior to this
17 adjustment?

18 WILLIE DESMOND: In the population balance change,
19 I can add that as a layer, and you can see how that would
20 affect District 10.

21 The population will balance. It did not affect
22 District 2 at all.

23 COMMISSIONER STERTZ: What it did is it took that
24 piece right there out of District 10 and put it into
25 District 1.

1 WILLIE DESMOND: So, yes, this portion right here
2 did go from 1 to 10.

3 That brought 1 from a positive deviation of
4 11,766, to deviation of 5,384. So it went from
5 overpopulated by 5.5 percent to overpopulated by 2.5
6 percent.

7 So if we were to add, assuming you kept that
8 change, and did this, District 1 would then be overpopulated
9 by roughly 10,000 people, which is better than it is now.
10 It's now 11,766, but District 2 would be under-populated by
11 13,456.

12 If you did both of these changes.

13 If you did not do the population balance --

14 COMMISSIONER STERTZ: Mr. Desmond, in this area
15 right here, there's 5,516 residences in that census block
16 right there.

17 WILLIE DESMOND: Okay. So that right there is
18 5,516.

19 COMMISSIONER STERTZ: So it would give the
20 opportunity of keeping Rita Ranch whole.

21 WILLIE DESMOND: Yes.

22 The only --

23 COMMISSIONER STERTZ: In one.

24 WILLIE DESMOND: The only concern with that is
25 that area has only 25 percent voting age Hispanic, and

1 District 2 is one of our voting rights districts.

2 COMMISSIONER STERTZ: Your not losing.

3 WILLIE DESMOND: That's true. We could do a
4 one-to-one swap and see what that does to Districts 1 and 2
5 to see if you're right.

6 COMMISSIONER STERTZ: Great. You would swap that
7 and keep Rita Ranch whole, in one.

8 WILLIE DESMOND: Yes, let me --

9 All right, so doing that, District 2 is now under-
10 populated by 7,940 people.

11 It's HVAP is 52.64.

12 Let me -- I can either run the whole change report
13 or I can just give you some of these numbers compared to
14 what it is.

15 It's currently in the working map 52.8.

16 So it is a slight hit on its HVAP.

17 District 2, in the working map, has a mine
18 inspector's dem percentage of 56.8.

19 In this district it would be 56.78.

20 So just about the same.

21 That's it.

22 Would you like me to run a full change report on
23 this, or are there other tweaks that you would want to see
24 to this?

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: Again, what it does is it
3 keeps a community -- it keeps a neighborhood intact being
4 represented by one legislator, which even though that
5 community has more relation to urban Tucson, and to where
6 its employment centers are, than it certainly does to Sierra
7 Vista and to the rest of Cochise County, the legislator at
8 least would have knowledge and understanding about that
9 neighborhood as a whole.

10 That's an important neighborhood on the southeast
11 side of Tucson. And to split it up, I couldn't give an
12 answer to someone.

13 There's other neighborhoods that we've talked
14 about, and we just talked about one this morning in
15 Guadalupe that it would be hard to explain to them why
16 historically we're one district, and now we're in another,
17 and now we've made that change.

18 This makes sense here.

19 COMMISSIONER McNULTY: Madam Chair.

20 CHAIRPERSON MATHIS: Ms. McNulty.

21 COMMISSIONER McNULTY: Mr. Desmond, could you just
22 walk through what the change involve, the change from 2 to
23 1, the population, and then the swap back from 1 to 2 --

24 WILLIE DESMOND: Yes.

25 COMMISSIONER McNULTY: -- population. And we're

1 doing this based on the working draft; is that right?

2 WILLIE DESMOND: Correct.

3 Okay. So --

4 Bear with me for one second.

5 So 4,757 people were moved from District 2, into
6 District 1, keeping Rita Ranch whole down here.

7 So now this entire area that's in red would go
8 with District 1.

9 To balance that population 5,5016 people were
10 added from 1 into District 2.

11 COMMISSIONER McNULTY: You can run a change a
12 report for us?

13 WILLIE DESMOND: Yeah, I'll do that right now.

14 COMMISSIONER McNULTY: Thank you.

15 MARY O'GRADY: Just for the record, I thought it
16 might be helpful if he puts in the record where the
17 population is coming from, from 2 to 1. We'd know about
18 Rita Ranch, but just to identify the other areas that's
19 affected.

20 WILLIE DESMOND: So population is going from Rita
21 Ranch, the portion of Rita Ranch that was in District 2,
22 into District 1.

23 The population from District 1 is everything north
24 of old Vail Road -- from District 1 into District 2 is
25 everything north of Old Vail Road, east of Wilmont, and, I

1 mean, between there and Interstate 10, essentially.

2 Sorry. This will just be a second.

3 While the change report is running and get
4 everything ready, are there other things you want to look
5 at in the meantime?

6 It will take a couple minutes for this to all be
7 set.

8 COMMISSIONER STERTZ: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Stertz.

10 COMMISSIONER STERTZ: While Mr. Desmond runs the
11 change report, I appreciate this work in progress, because
12 it's also showing anybody that's out there that we are
13 looking at this thing at this level.

14 On various edges on certain districts on the map,
15 I know some of these have to do with census blocks where we
16 have small dips and notches.

17 One of the things we talked about a week ago to
18 try to get to major -- get away from local roads, local
19 streets, and go to arterials and collectors, without going
20 through all of the different lines on all of the maps, has
21 that been an attempt by Strategic to do that?

22 For example, I noticed in the city between
23 Districts 9 and 10, you moved off of Helen Street and moved
24 to Speedway, for example, where it went from a local street
25 to the south to Speedway Boulevard, which is an arterial.

1 CHAIRPERSON MATHIS: That's a good thing, isn't
2 it?

3 COMMISSIONER STERTZ: It is.

4 COMMISSIONER McNULTY: That was in the population
5 balancing that we had just looked at.

6 COMMISSIONER STERTZ: It is.

7 And I am wondering whether or not it was done, if
8 that was -- if that was -- if there was intentional movement
9 across the -- across the state throughout urban areas to go
10 to arterials and collectors, rather than to try to stay off
11 of locals as being dividing lines of districts?

12 Or did it just happen to be that we moved off of
13 Helen and down to Speedway.

14 WILLIE DESMOND: In that case, I was moving
15 population at the VTE level, so that was not an intentional
16 move. I was just using the voting precincts to switch
17 population for Commissioner McNulty's changes that she asked
18 for.

19 That is something that we can go through and do
20 them, if that is something that you want me to prioritize.
21 I can also do that.

22 COMMISSIONER STERTZ: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Stertz.

24 COMMISSIONER STERTZ: As the opportunity to keep
25 from dividing neighborhoods decreases when you use arterials

1 and collectors rather than locals, and it gives a, in my
2 opinion, a clearer delineation between areas when you're
3 looking at an arterial or collector as a dividing line
4 rather than a small local street.

5 So if it was Commission's intent to try to give --
6 try to create those sort of lines, then I would be all in
7 favor of it.

8 But I think even then, because it was effective,
9 as Commissioner McNulty said, to not only enhance
10 population, but to give clarity of the devising line between
11 Districts 9 and 10 to use Speedway rather than Helen.

12 WILLIE DESMOND: Mr. Bladine will distribute the
13 additional copies.

14 I know Commissioner Freeman and Commissioner
15 Herrera will want one, and the lawyers also, please.

16 Are there questions on the change report?

17 As you can see, District 1 is still overpopulated,
18 although not as much. It's moved a net 70,059 people.

19 District 2, which is the voting rights district,
20 there was a tenth of a percent drop to the voting age
21 Hispanic percentage.

22 And a percentage point drop to the total minority
23 percentage, 2/10ths of a percent drop to the voting age
24 total minority.

25 However, some of the indictors of races that we

1 used to look at ability to elect, did increase. So, again,
2 Proposition 200, Yes, the report is better.

3 So this dropped by 5/10ths of a percent, so that's
4 a good change. And then the other things went up between
5 0 percent and 8/10ths of a percent in District 2, which is
6 our voting rights district.

7 (Brief pause.)

8 CHAIRPERSON MATHIS: Mr. Desmond, just a question.

9 The HVAP in 2 on this change report, why isn't it
10 a change of .2 percent?

11 WILLIE DESMOND: District 2? Well, because the
12 52.8, the 52.6, are rounded.

13 CHAIRPERSON MATHIS: Okay, that's what I thought.

14 WILLIE DESMOND: Those are simply rounded.

15 CHAIRPERSON MATHIS: Okay. So I guess I would ask
16 legal counsel what they would say about this small drop in
17 HVAP, vis-a-vis all the other indicators that seem to be
18 okay, like HCVAP is untouched.

19 MARY O'GRADY: Madam Chair, it doesn't look like
20 this would be, you know, have any practical impact on
21 District 2 as a voting rights district. But my suggestion
22 would be if you're interested in putting in this working
23 map, that we do so, so that it gets analyzed.

24 Because right now they are working off the working
25 map, and I guess they should get all the changes to the

1 voting rights district. I don't see how this would have
2 much of an impact on its viability.

3 CHAIRPERSON MATHIS: Do Commissioners have any
4 thoughts on that?

5 COMMISSIONER McNULTY: Madam Chair, that sounds
6 right to me.

7 I wonder if we should bring up the population
8 balance that we looked at, at the same time, because they're
9 in the same area. Maybe we can address that all together.

10 CHAIRPERSON MATHIS: That makes sense.

11 WILLIE DESMOND: Those changes do both affect
12 District 1, but I don't believe there's any conflict between
13 the two. So I think it's safe to still analyze them
14 separately. That if you wanted me to combine them, we could
15 do that, but District 1, even with this change to the Rita
16 Ranch area, is still 11,000 people overpopulated. So it's
17 probably still a good idea to find some way of bringing that
18 closer to the ideal population.

19 COMMISSIONER McNULTY: So could you bring up the
20 population balance that we looked at and walk through it?

21 WILLIE DESMOND: Yes.

22 So the population balance, you'll notice this
23 area, this is the old line. So kind of disregard that. If
24 you wanted to look at that in concert with this change, what
25 does happen is District 10 goes down here, incorporates this

1 area of southeast Tucson.

2 That removes -- one second -- that removed 6,382
3 people from District 1, which would bring it to right
4 around, I think, 5,000 people overpopulated.

5 So over 2.3, 2.4 percent, approximately, if both
6 these changes were done.

7 Additionally, District 10 then sheds population to
8 District 9 in order to make District 9 closer to the ideal
9 population.

10 Currently working map District 9 is under-
11 populated by 10,347 people.

12 So taking that area from District 10, it becomes
13 overpopulated by 150 people, going from a deviation of
14 negative 4.9 percent to a positive deviation of a tenth of a
15 percent.

16 Additionally, in the population balance, again
17 there is those areas between 14 and 6, bringing the Camp
18 Verde area into District 6, so that District 6 goes from a
19 negative deviation of 9,908, to a positive deviation of
20 1,072. So from negative 4.7 percent to negative .5 percent.

21 Moving that population that's approximately 11,000
22 people from District 14, brings 14 from a positive deviation
23 of 7,382 to a negative deviation of 3,598, so a change of
24 from positive 3.5, to negative 1.7 in 14.

25 Are there any questions about that?

1 COMMISSIONER STERTZ: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Stertz.

3 COMMISSIONER STERTZ: Mr. Desmond, could you go
4 back down to the confluence here, and say again, is that in
5 your change report that you just provided, is that piece in
6 1 or in 10?

7 WILLIE DESMOND: In the report that I just
8 provided, this area is still in 1.

9 The change report you just got only reflects this
10 area, the Rita Ranch, and then this area being changed.

11 If you were to also do -- let me change the color
12 here so it's a little bit easier to tell what's what.

13 So this change does border the other change, but
14 they don't overlap in any place.

15 COMMISSIONER STERTZ: There's what, a little over
16 1100 people in there?

17 WILLIE DESMOND: In there? No. I think it's
18 6300.

19 COMMISSIONER STERTZ: 6300?

20 WILLIE DESMOND: Let me tell you specifically.
21 It's 6,382.

22 COMMISSIONER STERTZ: And currently that's counted
23 in 10.

24 WILLIE DESMOND: Currently, that's in 1.

25 COMMISSIONER STERTZ: Currently that's in 1.

1 WILLIE DESMOND: So the red line is what we're
2 currently working off of.

3 The green line is what would be changed in the
4 population balancing change report.

5 The black line is what would be changed in the
6 Rita Ranch population balance.

7 And again, these do both effect District 1,
8 however, they do not -- did not cross in any area.

9 So if you did the Rita Ranch change to District 1,
10 it's still overpopulated albeit by 800 people less, but
11 still overpopulated by 8,000.

12 I believe if you did the other change, it would
13 keep Rita Ranch split, but not -- but bring District 1 and
14 District 9 closer to the ideal population.

15 District 10 gets a little further from its ideal
16 population, because it's used what -- how the map is
17 currently is District 1 is too big, and District 9 is too
18 small, so the population is intended, I guess, to move
19 population from 1 into 9.

20 The other one we just looked at was just intended
21 to keep Rita Ranch whole.

22 COMMISSIONER McNULTY: Madam Chair.

23 I suggest we incorporate both of these into the
24 working draft.

25 However, if we want to go through other changes so

1 that everything is in front of us before we begin that
2 process, that works for me, too.

3 CHAIRPERSON MATHIS: Other thoughts from other
4 Commissioners?

5 COMMISSIONER STERTZ: Just for clarification.

6 Commissioner McNulty, you are going to take this
7 and incorporate that into District 10?

8 COMMISSIONER McNULTY: Yes.

9 COMMISSIONER STERTZ: This area here will be
10 incorporated into District 1?

11 COMMISSIONER McNULTY: Yes.

12 COMMISSIONER STERTZ: And this triangle piece from
13 District 1 will be incorporated into District 2?

14 COMMISSIONER McNULTY: Yes. And the boundary
15 between 9 and 10 would be adjusted as described in the
16 population balancing.

17 COMMISSIONER STERTZ: Could you zoom into that
18 area, Mr. Desmond. Let's lay some roads on there so we can
19 see where we're moving.

20 COMMISSIONER McNULTY: It's from Stapley to
21 Craycroft.

22 COMMISSIONER STERTZ: We're moving from the
23 eastern border between 9 and 10, will be moved easterly from
24 Swan to Craycroft, from the southern border will go from,
25 you can zoom into that street, please.

1 WILLIE DESMOND: Helen, Bellevue.

2 COMMISSIONER STERTZ: Bellevue.

3 And what's that right there?

4 WILLIE DESMOND: Sorry.

5 Helen, Bellevue and Lee.

6 COMMISSIONER STERTZ: Lee?

7 So Lee will move south to Speedway.

8 Belleville will move south to Speedway.

9 And Helen will move south to Speedway; is that
10 correct.

11 WILLIE DESMOND: Correct.

12 COMMISSIONER STERTZ: Okay.

13 WILLIE DESMOND: So the new line would be
14 Speedway.

15 COMMISSIONER STERTZ: Speedway and Craycroft.

16 WILLIE DESMOND: And Craycroft, correct.

17 CHAIRPERSON MATHIS: That seems to me to make more
18 sense.

19 COMMISSIONER McNULTY: And then Camp Verde moved
20 into --

21 WILLIE DESMOND: District 6.

22 COMMISSIONER McNULTY: Six.

23 WILLIE DESMOND: The only thing that I would say
24 is that I believe the changes that Commissioner McNulty has
25 that are pending, and the change to Legislative District 7,

1 would both have an effect on District 6.

2 So that's a possible source or at least a conflict
3 if you were to say accept multiple changes.

4 Although we can address that once we get to the
5 other changes, and see what effect it would have.

6 COMMISSIONER McNULTY: Madam Chair, Mr. Desmond,
7 that movement of Camp Verde doesn't bear on the population
8 balancing of 1, 2, 9 and 10, though; is that right?

9 WILLIE DESMOND: Correct.

10 COMMISSIONER McNULTY: So we could hold that and
11 have discussion about that, but incorporate the others.

12 WILLIE DESMOND: Correct.

13 COMMISSIONER McNULTY: Okay.

14 CHAIRPERSON MATHIS: So I'd entertain a motion to
15 incorporate these changes as just described into the working
16 map.

17 COMMISSIONER McNULTY: I move that we incorporate
18 the swap that Mr. Stertz put forward, and the changes on my
19 population balance proposal, except for the movement of Camp
20 Verde to District 6, which we'll hold off on until we
21 discuss those districts. And with that exception,
22 incorporate these into the working draft and request that
23 Dr. King analyze District 2 as revised.

24 CHAIRPERSON MATHIS: There is a second?

25 COMMISSIONER STERTZ: I'll second.

1 CHAIRPERSON MATHIS: Any discussion?

2 I didn't realize Mr. Herrera wasn't here.

3 I don't know if he needs to be for that.

4 I mean, I know we can move forward without him,
5 but I would like -- there he is.

6 Mr. Herrera, I didn't know you were out of the
7 room when I said I'd entertain a motion.

8 COMMISSIONER McNULTY: We just moved to replace
9 you.

10 VICE-CHAIR HERRERA: Sorry.

11 CHAIRPERSON MATHIS: To bring you up to speed, we
12 just had a motion that was seconded, a motion made by
13 Ms. McNulty, seconded by Mr. Stertz, to essentially put the
14 changes we just talked about, Rita Road, the Rita Ranch
15 neighborhood swap we just talked about the adjustments, for
16 population balance between 9 and 10, that change there, that
17 was in, that Mr. Desmond has already done a change report
18 on.

19 I'm trying to think of other parts of that motion.

20 Essentially, to put those into the working map as
21 described, and then hold off on the Camp Verde population
22 balance change until we deal with the districts up there.

23 Is there anything else I'm missing from that
24 motion?

25 COMMISSIONER McNULTY: I don't think so, Madam

1 Chair. I think that covers it.

2 CHAIRPERSON MATHIS: Okay. And we are now at the
3 any discussion standpoint, if anybody has comments on that.

4 (No oral response.)

5 CHAIRPERSON MATHIS: Okay. Hearing none, all in
6 favor?

7 COMMISSIONER STERTZ: Aye.

8 COMMISSIONER McNULTY: Aye.

9 VICE-CHAIR FREEMAN: Aye.

10 CHAIRPERSON MATHIS: Any opposed?

11 VICE-CHAIR HERRERA: Abstaining.

12 CHAIRPERSON MATHIS: So we have four ayes and one
13 abstention, Mr. Herrera.

14 WILLIE DESMOND: Okay. I will incorporate that
15 into the working draft along with the Districts 8 and 11
16 that were discussed earlier.

17 Are there any other changes right away that
18 Commissioners would like to kind of play out?

19 I can run quick change reports like we just did.

20 If not, I can also go and re-look at the pending
21 changes of Commissioner McNulty and Freeman.

22 COMMISSIONER McNULTY: If there are other changes
23 that Commissioners have, I suggest that we get those in
24 front of us, so we can go through this process before we
25 start going through the changes that were submitted a week

1 or two ago.

2 COMMISSIONER STERTZ: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Stertz.

4 COMMISSIONER STERTZ: I don't have any at this
5 particular moment, but I think we should go ahead and move
6 forward with the changes that have been submitted.

7 COMMISSIONER McNULTY: Madam Chair, I also like
8 Mr. Stertz's idea of just looking through the districts, to
9 see if we've used small neighborhood streets where we might
10 use arterials or main streets. But I do think that that's
11 something that either we need to do as a group, or certainly
12 that we need to discuss as a group, if Mr. Desmond finds
13 things like that, because those could result in more than
14 nominal changes to districts that we would need to make
15 policy decisions about.

16 COMMISSIONER STERTZ: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Stertz.

18 COMMISSIONER STERTZ: My opinion is that as an --
19 as is practicable, that we should use collectors and
20 arterials as you're devising lines between districts. It's
21 clear and it is the least opportunity for bifurcation of
22 neighborhoods.

23 And I would leave it to the discretion of the
24 consultant to work through the edges of the districts, and
25 then bring forward those, if there was any large standing

1 questions that might come up.

2 WILLIE DESMOND: Okay. I can take a pass at that,
3 although I think it will be helpful if you guys have any
4 that you can think of, to let me know.

5 By and large the districts have been drawn at
6 census block group or tract level. In many cases those are
7 -- use main roads as border -- as borders. So I'll keep an
8 eye out for that. But if there's none specifically to look
9 at right now. . .

10 COMMISSIONER STERTZ: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Stertz.

12 COMMISSIONER STERTZ: Mr. Desmond, just as you're
13 drawing your edges, you may look for -- you might see block
14 groups. You might see voter block areas. But you might
15 also notice that there -- that to be -- to pay attention to
16 what would be considered arterials to collectors.

17 For example, you've chosen to the south side of, I
18 think it's District 2, to use 21st Street instead of 22nd,
19 for example.

20 Twenty-first is a small neighborhood street. 22nd
21 is a large arterial.

22 That may have been because that was a large voter
23 block that you were trying to pick up, or a balance of
24 population. But if you could try to stick to main roads,
25 it's going to make it easier for people to understand why

1 they're one side or the other.

2 COMMISSIONER McNULTY: And, Madam Chair, I would
3 not want to make changes like that in voting rights
4 districts, because we've already submitted those for
5 analysis.

6 I think, you know, it makes sense to do this
7 outside of the voting rights districts, but within the
8 voting rights districts those have gone through a lot of
9 careful thought and a lot of -- by a lot of people, and I
10 wouldn't want to be re-submitting those to Dr. King for that
11 purpose.

12 COMMISSIONER STERTZ: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Stertz.

14 COMMISSIONER STERTZ: I agree with
15 Commissioner McNulty with one caveat. I think saying that
16 if it was intentional, without affect, or that had effect --
17 excuse me -- if it was intentional and had effect to use
18 22nd Street for a two or three block stretch, to be able to
19 pick up a particular voter block group that enhanced a
20 district, if that was the only way to accomplish that
21 enhancement, then I would say that that would be -- that
22 that was an intentional decision.

23 If it was just because the north boundary happened
24 to fall a block north to 21st Street instead of 22nd Street
25 for that three block length, then it may have been an

1 unintentional and not something that is particularly a
2 mandate or a prerequisite to the enhancement of that
3 district.

4 So again, I'd like to leave some of that
5 discretion back up to the mapping consultant, based on that
6 sort of outline for criteria.

7 CHAIRPERSON MATHIS: Any thoughts from other
8 Commissioners?

9 (No oral response.)

10 So it sounds like we're in agreement, at least
11 there's consensus that we can have our mapping consultant
12 look through the edges of these districts and see if main
13 roads are used as the boundaries. And bring those back to
14 us for any suggestions for where we might make adjustments
15 accordingly.

16 VICE-CHAIR HERRERA: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

18 VICE-CHAIR HERRERA: I think the agreement was in
19 districts outside of majority-minority districts.

20 I would not agree for that to happen to the
21 majority-minority districts that are being analyzed.

22 So I would agree to definitely the ones that
23 haven't been locked in for analysis, so those outside the
24 majority-minority districts.

25 CHAIRPERSON MATHIS: Okay.

1 COMMISSIONER McNULTY: Madam Chair, I would also
2 add we've done a lot of work to keep communities of interest
3 and census tracts whole, and I wouldn't in, you know, asking
4 Mr. Desmond to look at this to suggest that we wanted to
5 depart from that.

6 VICE-CHAIR FREEMAN: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Freeman.

8 VICE-CHAIR FREEMAN: The Constitution says we're
9 to use whole census tracts to the extent practical.

10 I think we should do that.

11 Usually they're going to line up on major
12 arterials.

13 Where they don't, I would want to be aware of
14 that.

15 And if Mr. Desmond is going through the map to do
16 that statewide, that would be great.

17 That would help my burden.

18 I suppose there may be areas where the lines may
19 not fall, and I think this is what you were getting at, and
20 Commissioner Stertz was getting at. If they don't fall on
21 the major arterials, it might be intentional in that it
22 might be necessary to boost the performance of a voting
23 rights district, or it might have been needed so that a
24 community of interest was not split, or it might not have
25 been.

1 If it's either of those two things I mentioned,
2 then I think we should look hard at putting it on the major
3 arterial.

4 COMMISSIONER STERTZ: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Stertz.

6 COMMISSIONER STERTZ: For example, Mr. Desmond,
7 would you be so kind as to go to the -- it's in, again, the
8 Greater Tucson area. It's above Interstate 10, south of
9 Pima Farms Road, north of Ina.

10 And you'll see that there's a -- and you may have
11 already cleaned this up -- no, you haven't.

12 See that little unit right there?

13 WILLIE DESMOND: Right here?

14 COMMISSIONER STERTZ: Can you blow that up for me?

15 Now there's a reason for that?

16 WILLIE DESMOND: Yes. The reason is, I think the
17 census block is quite large, I thought.

18 I could be wrong.

19 No, never mind.

20 COMMISSIONER STERTZ: There are three people that
21 live in that.

22 WILLIE DESMOND: Yes, that is certainly something
23 that we could clean up.

24 COMMISSIONER STERTZ: Madam Chair, that's one of
25 the things that I'm referring to, is that we have that, we

1 have little consideration like that, which obviously for the
2 three people, as you can see, that are actually populating
3 that area, it may or may not be important to the three of
4 them which district they're in, but from creating the lines
5 and making some, that's the sort of detail that truly has no
6 effect, other than to make for a understandable --

7 And what it also does, it takes a question off the
8 table, from my perspective.

9 If somebody would ask me why is that there, I
10 would have no ability to answer that question.

11 Forgot to ask the question to be asked.

12 CHAIRPERSON MATHIS: This is a level that we
13 haven't gotten to, and I am sure there are a lot of little
14 things like that on the maps. So, Mr. Desmond, do you have
15 ideas for providing a list or something for those when you
16 come across them or what would you suggest?

17 WILLIE DESMOND: Well, a couple things. For this
18 particular one, I can change this for the working map.

19 Additionally, I know like in Maricopa County, a
20 lot of these were highlighted when we worked with the county
21 over their proposed VTEs and there were a lot of areas that
22 were things like a highway that has, let's say, a census
23 block that runs down the middle of a divided highway.

24 So by moving it from one side to the other moves
25 no people but helps them clean up their borders a little

1 bit.

2 We had talked about a kind of tentative approval
3 of the map to give us a little time to work with some of the
4 counties and clean up some of these kind of technical things
5 like that.

6 Also, things like this, move six people in the
7 congressional, those six people won't have an effect on the
8 population balancing, but it's something that can be taken
9 into account then.

10 So I think to the extent that we can take care of
11 these things before the technical changes at the end, that's
12 great, but also I hope that a lot of that will be able to be
13 picked up.

14 So I think it makes perfect sense to move this
15 area from -- these six people from District 11 into
16 District 9.

17 Is that something that I should do for the working
18 map?

19 COMMISSIONER STERTZ: Madam Chair, may I check
20 first to see if they're Republicans or not?

21 Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Stertz.

23 COMMISSIONER STERTZ: In all seriousness, I think
24 that, you know, Santa is loading the sleigh right now. And
25 you said that Christmas was the target of this. And I think

1 what Mr. Desmond just said is correct, in that he's going to
2 need to -- we've got voting rights district analysis that's
3 being done, that's out there.

4 I'd like to get to a point where we say, yes,
5 we're fixing, you know, we're going to give him, you know,
6 preliminary okay on what these maps are, and move them down
7 the -- move them down the field.

8 And then once the analysis is complete, reconvene
9 to make any final technical changes.

10 But in the meantime, all of this sort of thing
11 should be at the discretion of the consultant, to start
12 working his way around the edges of these maps.

13 In my opinion.

14 CHAIRPERSON MATHIS: How do other Commissioners
15 feel about that?

16 COMMISSIONER McNULTY: Madam Chair, I don't have
17 any problem with Mr. Desmond looking.

18 I do have a problem with delegating discretion to
19 make any change that has any impact whatsoever on the metric
20 of any of the districts, without our reviewing it and
21 approving it.

22 CHAIRPERSON MATHIS: Any other opinions from other
23 Commissioners?

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: I guess the word is best
2 discretion, was probably -- could be bracketed by saying
3 that if there were areas like this, which I don't think any
4 one of the Commissioners, but I can't speak for anyone other
5 than myself, would have any issue of making that
6 modification, if those were tracked and itemized, be
7 outlined to see what the Commission would do, so that the
8 changes that were made were properly placed through the
9 record, so that issues such as this don't take up the time
10 of the Commission, because this is not anything else other
11 than a technical cleanup issue.

12 And I am guessing as the consultant works his way
13 around the edges of all 30 districts, he will find dozens
14 and dozens of small areas like this.

15 CHAIRPERSON MATHIS: Oh, I guess it depends on the
16 Commissioner's definition of technical changes, what's
17 included in that. Something that's moving a line to a major
18 street or arterial is probably different, in my view, than
19 this kind of change that we've just highlighted here.

20 So, what do other Commissioners feel about that?
21 Do we want Mr. Desmond to provide an entire list of all
22 changes where he suggests any major streets that maybe we
23 could use as a boundary as well as all these kinds of
24 technical changes?

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: For example, Mr. Desmond,
3 would you also add that and show that that is a zero
4 population change?

5 So we still stayed at our six.

6 And what's happened, is that we've now been able
7 to -- if was added to 9 instead of to 6, you might be able
8 to nicely clean up those lines in these districts, or one of
9 the other.

10 That's the sort of thinking that I would say would
11 be, in my opinion, would be discretion of the consultant.

12 That is what he's here for. That's what they're,
13 without having any truly effect on the maps or their
14 integrity.

15 COMMISSIONER McNULTY: Madam Chair, I don't have
16 any problem with Willie doing tech, you know, compiling
17 technical changes that don't have any impact on the map,
18 other than, you know, moving three people, for example.

19 Three is probably my limit, it's probably my max.

20 But I think he would -- he's going to want to come
21 back to us for approval on those anyway, I mean, once we
22 approve a working draft map and it's analyzed by Dr. King,
23 and technical changes and working with the counties, we'll
24 still have to approve all those, so. . .

25 But anything larger than that, like the change

1 from Helen to Speedway, I mean, that was a material change
2 and it involved population balancing and looking, you know,
3 for the correct balance and all those sorts of things and
4 those kinds of policy decisions that we would need to make.

5 And I didn't think that's what Mr. Stertz is
6 saying to you. I don't think he's -- I think we're saying
7 the same thing.

8 WILLIE DESMOND: If it's all right, can I point
9 out one other small change that I've wanted to make for a
10 little while? Ever since meeting with Maricopa County.

11 COMMISSIONER McNULTY: Is it less than three
12 people?

13 WILLIE DESMOND: It is more than three people. I
14 think it's 54 people.

15 This is a practical change that the different
16 counties have asked for.

17 Currently in your legislative district the border
18 between 18 and 27 runs to the north of South Mountain.

19 And in our congressional district it runs to the
20 south of South Mountain.

21 Now the census blocks that comprise South Mountain
22 are very large. They do have population.

23 There are people that live kind of off the
24 mountain, that are going to be put in a district that mostly
25 goes on the other side. So that there are people on the

1 north side and people that live on the south side.

2 What this means practically, there's going to be
3 20 to 30 people that end up voting on the other side of the
4 mountain from which they live.

5 And I guess from like Maricopa County's
6 perspective, it would be easier if those were the same 20
7 people for both legislative and congressional.

8 So in places where they have used like a visible
9 geographical feature, and it's different from the
10 congressional and legislative draft maps, anyplace where we
11 can make those lines synch up, does save the County a
12 headache when creating a VTE association. So that's another
13 type of thing that I'll probably want to bring to your
14 attention as we move forward.

15 Since we do have a little bit more flexibility
16 with legislative districts, I would recommend in cases where
17 the congressional districts are balanced, that we move the
18 legislative line to meet the congressional line.

19 That's another type of example that we'll be
20 bringing forward once you guys kind of locked in the maps.

21 CHAIRPERSON MATHIS: I would think anything we can
22 do to make their lives easier that doesn't impact all the
23 other criteria we're following, we should.

24 So. . .

25 WILLIE DESMOND: Okay. I can start having some of

1 these technical things prepared and bringing them in, for
2 you saying yes or no to.

3 You know, coming up.

4 And then there will be, hopefully, once the maps
5 are very close and all you have is technical, then I would
6 like to go back to the counties to have them look at the
7 maps and suggest any other places that will cause a
8 headache, any precincts that are only a few people or where
9 we can move a line or where they had help to mesh up what
10 they were hoping to have.

11 We'll be bringing those forward also.

12 CHAIRPERSON MATHIS: Thank you.

13 Any comments?

14 WILLIE DESMOND: Just one question. Should I move
15 these six people?

16 CHAIRPERSON MATHIS: I would entertain a motion to
17 move the six people to the working map.

18 COMMISSIONER STERTZ: I move that those six people
19 are moved.

20 COMMISSIONER McNULTY: Second it.

21 CHAIRPERSON MATHIS: Any discussion?

22 COMMISSIONER McNULTY: Are they Republicans?

23 WILLIE DESMOND: I can tell you they're all over
24 18.

25 Four of them are registered.

1 It doesn't look like they vote.

2 The one person voted for McCain.

3 COMMISSIONER McNULTY: No state mine inspector,
4 right?

5 WILLIE DESMOND: No, there was -- it says there
6 were two votes for the mine inspector.

7 COMMISSIONER STERTZ: Looked like somebody voted
8 twice, seven votes.

9 CHAIRPERSON MATHIS: Any other discussion?

10 (No oral response.)

11 CHAIRPERSON MATHIS: All in favor.

12 VICE-CHAIR FREEMAN: Aye.

13 COMMISSIONER STERTZ: Aye.

14 CHAIRPERSON MATHIS: Any opposed?

15 VICE-CHAIR HERRERA: Abstaining.

16 CHAIRPERSON MATHIS: Okay, we have four ayes and
17 Herrera abstaining.

18 So those six people will move in the working map.

19 Okay.

20 So do we want to move on and talk about the other
21 changes in the legislative map?

22 WILLIE DESMOND: Is there anyplace that you'd like
23 to start? Does anyone have a preference? Okay.

24 CHAIRPERSON MATHIS: You can decide.

25 WILLIE DESMOND: I believe the first one you

1 received was Commissioner Herrera's, so I'll start there.

2 I should have offered -- I could have run the
3 change report.

4 Okay, Commissioner Herrera's changes affect the
5 west valley going over to District 28.

6 If he wants to introduce them, that's fine, or I
7 can kind of walk through the changes.

8 VICE-CHAIR HERRERA: Mr. Desmond, go into the
9 changes. I appreciate that.

10 WILLIE DESMOND: Sure.

11 So the green line is the current working map.

12 Usually when we started this change we started in
13 District 22, so I'll start there.

14 In the current working map, Glendale is split five
15 times into six different districts.

16 So one of the criteria here was to try to keep
17 that in as few districts as possible.

18 As a result, District 22 comes down and grabs most
19 of, grabs everything Glendale, aside from a small portion
20 out by Citrus Park, and it leaves the two voting rights
21 districts which have portions in Glendale alone.

22 So it's this entire area here.

23 Previously, a portion of that was District 21, a
24 portion of that was District 20.

25 Now, it's all of District 22.

1 As a result, District 1 needs to make up some
2 population.

3 It does that by taking a larger portion of Peoria.
4 District 22 also gives up population in the New
5 River area.

6 Previously, took the northern portion of New
7 River, and this portion of Phoenix.

8 That goes to District 15.

9 So New River and Anthem are kept whole with Cave
10 Creek and Carefree.

11 District 15 sheds some population to District 20,
12 which also needed to make up population, because it lost a
13 portion of it that was in Glendale previously.

14 This makes District 20 wholly contained in the
15 city of Phoenix.

16 Additionally, District 28 becomes wholly contained
17 in the city of Phoenix.

18 Paradise Valley is moved to District 15.

19 This was intended to make 28 a more competitive
20 district.

21 Other than that, there aren't very many changes.

22 There's some small tweaks to 14 and 13 around the
23 edges to balance population a little bit.

24 But, other than that, everything -- there's also,
25 you know, a small change here to try to keep Wittman whole,

1 and change to that effect.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: The changes that were made to
5 the west valley were splits in Glendale, and I think we were
6 ready to remove two splits, because of changes made. But
7 also I guess one of the bigger changes made to this map was
8 28.

9 Again, feeling that we didn't have enough
10 competitive districts, I was trying to create a competitive
11 district in 28 by putting Paradise Valley with Anthem and
12 New River, which ideally they have a lot in common.
13 Meaning, they're both pretty much the same.

14 And I think Arcadia, I live in Arcadia, I think
15 it's more of a swing area, and I was able to create -- by
16 moving Paradise Valley, create a competitive district.
17 Again, we don't have any in the legislative map, so that was
18 my rationale for doing that.

19 And again keeping Paradise Valley whole but in a
20 different district.

21 VICE-CHAIR FREEMAN: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Freeman.

23 VICE-CHAIR FREEMAN: This destroys a community of
24 interest, the Paradise Valley Arcadia Biltmore community of
25 interest, which I have lived in each of those areas. My

1 family has lived in my entire life. They all go together.

2 To do that k, a peninsula has to be dropped down
3 in the north valley connecting Paradise Valley just by the
4 slender thread of Tatum Boulevard and nothing else to
5 swallow up that town.

6 Fifteen is significantly lacking in compactness,
7 as is 28.

8 So I also, it looks like with 22, if I'm reading
9 that right, also has a peninsula tipping down to get that
10 section of Glendale and connecting it with northern Peoria
11 and Surprise area.

12 Which I also think is -- significantly impacts the
13 map and the other constitutional goals.

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Herrera.

16 VICE-CHAIR HERRERA: What I asked all four of the
17 other Commissioners was to -- if there were issues they had,
18 especially with 28, that they do whatever they could to be
19 able to create a competitive district, whether it be keeping
20 Paradise Valley in 28 or putting it in 15.

21 That was challenging some of my fellow
22 Commissioners to be able to create another competitive
23 district. I don't think anybody was able to create a more
24 competitive district, for example, by taking out Paradise
25 Valley and putting it in an area where they vote similarly.

1 I don't think anybody would disagree that Anthem
2 and New River they vote no different than Paradise Valley.

3 But again, I was -- I see Stertz's face. I -- I
4 don't know what he -- I'm pretty sure that I'm right, in
5 terms of it's a pretty conservative area.

6 So, again, I'd encourage my fellow Commissioners
7 to come up with a different version of 28, if they like, but
8 I like the competitiveness of 28.

9 VICE-CHAIR FREEMAN: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Freeman.

11 VICE-CHAIR FREEMAN: Well, of course they vote the
12 same way, because the effort is to pack as many Republicans
13 into that district as possible.

14 The Constitutional standard isn't that they vote
15 for one particular party or for another. It's the community
16 of interest.

17 And I think it's a bit of a stretch just to reach
18 down to pluck out Paradise Valley and stick it up there with
19 Anthem and New River and say, I can see that being a
20 community of interest in a broader -- in a congressionally,
21 where you have to put find 710,000 people, but on a
22 legislative district, no, there is a community of interest
23 with Paradise Valley, Arcadia, Biltmore area.

24 I guess I should say the greater Arcadia area,
25 because technically, if you go back historically, the true

1 Arcadia area is a very narrow sliver of line between
2 Camelback and Lafayette and, I think, the other exit on 56th
3 Street. I'm not sure what the eastern boundary is.
4 Lafayette kind of runs into Camelback and 44th Street for
5 the western boundary.

6 The surrounding areas were areas that developed
7 around Arcadia in old orange groves, and it's a, it's a
8 definite community of interest, and it's tied together with
9 P.V. and the Biltmore area.

10 And I am drawn back to a lot of the public
11 testimony, which actually looking at some of that over the
12 weekend, where there was some people who came to the
13 microphone and said things that really resonated with me,
14 because like I said, I've spent my entire 46 years with my
15 family in that area, about how we've always chosen to live
16 in one of those three areas, around about one of those three
17 areas.

18 My family has, and I have.

19 Because it's one community.

20 And that's being run asunder by this effort to
21 stick the Republicans together in a district that comes down
22 from Anthem and New River.

23 VICE-CHAIR HERRERA: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Herrera.

25 VICE-CHAIR HERRERA: I have a difficult time

1 hearing Commissioner Freeman, but I just wanted to say that.

2 But I -- I want to correct Commissioner Freeman.
3 Arcadia goes -- it's not just Camelback.

4 I think he -- he never ventures probably south of
5 Camelback, so he's not familiar with that area. I am, and
6 it is part of Arcadia.

7 And if --if -- I mean. I know a good number of the
8 residents there and most people don't have anything in
9 common with Paradise Valley. They don't send their kids to
10 school there to attend schools in Paradise Valley.

11 I think the area that I was able to create in
12 28, removing Paradise Valley is a community of interest. And
13 again, what I ended up -- I didn't break up Paradise Valley.
14 I kept it whole, and I kept it whole but in a different
15 district that I think they would be well represented with
16 Anthem and New River.

17 So again, I disagree with Commissioner Freeman
18 who's talking about Arcadia again. I live in the Arcadia
19 area and it's -- and it goes to Thomas, and again, the
20 individuals there would probably agree where me, that they
21 have nothing in common with Paradise Valley, and that's
22 okay. We can both disagree, and that's my opinion.
23 Commissioner Freeman has his opinion.

24 VICE-CHAIR FREEMAN: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Freeman.

1 VICE-CHAIR FREEMAN: First of all, you didn't
2 listen very carefully to what I said. I was bringing up
3 the historic Arcadia area, which was a development in the
4 1940s just south of Camelback Mountain.

5 I grew up on Clarendon and roughly 42nd Street.
6 That's south of Camelback. That's south of Indian School.
7 It's within a short walk of Arcadia High School. That's a
8 development that came in the '50s in a few orange grove
9 neighborhoods that were developed inside orange groves that
10 were in those areas.

11 That might be considered the greater Arcadia
12 neighborhood.

13 And that, I would consider a community of
14 interest, tied intimately with P.V. and the Biltmore area.

15 By the way, people don't go to shop in Paradise
16 Valley because the only commercial there, I think, is a
17 couple resorts. That's it. There's not a shopping mall in
18 Paradise Valley. It's a bedroom community.

19 That area is being broken apart by this map.

20 It is significant. The compactness of those
21 districts is significantly impacted, and I guess what I'm
22 learning is the significant detriment criteria has been
23 written out of the Constitution, because what the designers
24 of Prop 106 probably should have written was, you know,
25 five or three Commissioners, unaccountable Commissioners,

1 can just draw the maps however they want and backfill the
2 rationale afterwards, and it's all good.

3 Because if that isn't a significant detriment, I
4 don't think that much of anything is.

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Before -- I'll give you the
7 floor in a second.

8 Mr. Desmond, can you just pull up or zoom in on
9 28 and also just do the two different versions, whatever the
10 working map is and then Mr. Herrera's adjustments, so I can
11 see.

12 It would help to see some streets, too.

13 I don't know if that's possible.

14 WILLIE DESMOND: Is that better?

15 Should I zoom in a little more?

16 CHAIRPERSON MATHIS: So the brown line is
17 Mr. Herrera' change?

18 WILLIE DESMOND: Correct.

19 The green line --

20 CHAIRPERSON MATHIS: Is the working.

21 WILLIE DESMOND: Is the working.

22 I don't know. You can tell me, is it better as
23 green or red?

24 CHAIRPERSON MATHIS: That's better.

25 WILLIE DESMOND: Okay. I'll make it so the red

1 line is the working.

2 CHAIRPERSON MATHIS: And where is Arcadia? Can
3 somebody --

4 WILLIE DESMOND: Here's Camelback Road right here.
5 This is Indian School.
6 This is 4th Street --I'm sorry, 44th.

7 COMMISSIONER STERTZ: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Stertz.

9 COMMISSIONER STERTZ: We're all talking about
10 where we live.

11 I know this part of the City of Scottsdale
12 extraordinarily well.

13 Having not only developed in this area, developed
14 above the 101, developed in Paradise Valley, in Scottsdale
15 proper, and also having been a consultant to the Scottsdale
16 Unified School District.

17 So I know that Arcadia and Paradise Valley and
18 Scottsdale are all school districts that combine.

19 So one of the things you need to know is that
20 Scottsdale, the idea of Scottsdale as its grown, this is --
21 I mean, if you want to talk about where old Scottsdale
22 resides and where main arterials are, Lincoln, and Tatum,
23 and the connection down to Lincoln and Tatum, and then the
24 44th Street corridor going back into the main shopping
25 district, that little intersection right there of Camelback

1 and Scottsdale Road is probably one of the most premier
2 shopping intersections in the city.

3 That also connects over to the Biltmore shopping
4 area, which is located here.

5 Camelback is an incredible east-west corridor for
6 transportation.

7 And it doesn't get until -- you're talking about
8 the light-rail, it doesn't take -- I think the light-rail is
9 picked up at Third or Central, Central where it's picked up
10 where it makes the turn.

11 So the areas of involvement relationship,
12 transportation, economics, families, school districts,
13 shopping, they're all really highly connected here.

14 And to try -- the reason -- I didn't mean to --
15 when you said that there's more connection up to New River
16 and Anthem, even getting up there is a challenge.

17 You know, hopping on the 101, making the loop over
18 to the I-17 going north. That's probably as close a
19 connection as you'll have.

20 And there's a mountain range up here that you
21 don't even see that splits the New River and Cave Creek
22 side.

23 So the idea of -- you've got Camelback Mountain
24 sitting right in here.

25 So that connection is a really hard one, knowing

1 as much as I know about this community.

2 In fact, we developed, built right there, I built
3 one of our carwashes right there.

4 And we were way out of town right there.

5 In fact, this area, that's my market area.

6 I understood it clearly where we were developing.

7 You look at a one mile radius, three-mile radius,
8 and five-mile radius, depending on whatever your market area
9 is.

10 We developed a very high-end nightclub right here
11 at the intersection of Greenway-Hayden Loop and Scottsdale
12 Road, called Barcelona, which now closed about a year and a
13 half ago. I designed and built that. That had a market
14 area that included Paradise Valley, the greater Scottsdale
15 area. It certainly may have pulled a couple of people from
16 way up here in Anthem and New River, but that's its market
17 area.

18 So I look at areas where people live, people
19 reside, where they go to school, where they shop, where they
20 go to work, and those -- that connection right there is just
21 a really hard one for me to tie together.

22 And we have a house right there, by the way.

23 So you guys keep talking about where you all live,
24 we've got one right there.

25 VICE-CHAIR HERRERA: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Herrera. And I
2 apologize, because it was your turn.

3 VICE-CHAIR HERRERA: I didn't know that a dance
4 club was a community of interest. So I appreciate that.

5 You know, I -- I -- we're going to have our
6 disagreements, but I really do think that the -- and I
7 challenge the Commission, want Commissioners to come up with
8 a district that is more competitive than the one that I was
9 able to create, and that is entirely in the city of -- in --
10 in Phoenix. And, again, pretty extremely competitive.

11 And as I stated before, it's one of the six
12 criteria and we don't have enough competitive districts, so
13 that's why I ended up creating a district the way it looks.

14 Again, I stick by it, and hopefully, in the end it
15 will be approved the way it -- the way I have it drawn out
16 with definitely minor corrections at the edges, marking it
17 if it's for arterial streets or other ways to make it look a
18 little cleaner, I'm okay with that, but I'm sticking to --
19 with the way it looks now.

20 VICE-CHAIR FREEMAN: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Freeman.

22 VICE-CHAIR FREEMAN: The Constitution doesn't say
23 if you need more competitive districts create them.

24 It says follow the first five constitutional goals
25 and then to the extent practicable and to the extent there

1 is no significant detriment to the other five goals, then
2 competitive districts or more competitive districts, as our
3 Supreme Court has said, should be favored.

4 COMMISSIONER McNULTY: Madam Chair.

5 CHAIRPERSON MATHIS: Ms. McNulty.

6 COMMISSIONER McNULTY: I don't live there, but you
7 know, I don't see any real communities of interest the way I
8 perceive them being split here.

9 This is a big city. It's a big metropolitan area.

10 And I am concerned that we have not succeeded in
11 creating a competitive district in a way that I think people
12 hoped and expected us to.

13 I also think that had we used competition as our
14 first or primary criteria, that the map would have looked
15 very different than it does.

16 A couple people came in with suggestions about
17 ways that we could draw, I don't know, 10 or 12 competitive
18 districts.

19 And we didn't take that route.

20 We took a route where we really did do a balancing
21 act of all six criteria.

22 We paid really careful attention to the Voting
23 Rights Act.

24 So I like the idea of what Mr. Herrera has
25 created. I think it would be fabulous to have a truly

1 competitive legislative district in the middle of Phoenix.

2 I don't think where we all shop or where we all
3 develop things or where we all go to the movies or even
4 where our friends are, I don't think that defines a
5 community of interest.

6 I think someplace like Guadalupe, where you know,
7 they have ethnic traditions, ethnicity and tradition in
8 common, it's a small very cohesive group.

9 If we were talking about dividing Guadalupe in
10 half for a legislative district, that would be one thing.
11 But we're not talking about doing that.

12 And my view may be colored by the fact that I live
13 three blocks from, you know, the boundary of a congressional
14 district, and I shop in another congressional district
15 virtually every single day.

16 I still see all my friends there.

17 And know the two historic districts in the middle
18 of town are divided by a congressional line. And it makes
19 absolutely no difference in our daily lives.

20 I don't want to over emphasize the community of
21 interest aspect of this. And I do want to say that I
22 support what Mr. Herrera has done here. I think it would be
23 a good thing for the metropolitan area.

24 VICE-CHAIR HERRERA: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Herrera.

1 Just, I know I've done this to you before, but I
2 swear this time I will let you have it, but I just want
3 Mr. Desmond to pull up the splits report, if he can, on the
4 screen for the working versus Herrera.

5 Go ahead, Mr. Herrera.

6 VICE-CHAIR HERRERA: I think -- well, I did get
7 Mr. Desmond's help.

8 And I think one of the things we were trying to
9 avoid was creating additional splits, so I think he would
10 agree with that comment.

11 But what I wanted to say is Commissioner McNulty
12 is right. I think we're all -- we haven't admitted it, but,
13 you know, these lines that we're creating isn't going to
14 stop anybody from shopping anywhere.

15 And so we need to keep that in mind.

16 We're doing everything possible to balance all six
17 criteria.

18 But in the end, you'll still be able to see
19 friends that are in another district.

20 You'll still be able to shop at your favorite
21 shopping mall and eat at your favorite restaurant.

22 But another comment about competitiveness, I think
23 she hit the nail on the head.

24 From early on we were getting comments about
25 people saying I was able to create 10 competitive districts.

1 I was able to create eight.

2 And I think if we had put competitive first above
3 all, especially above all the state criteria, above all
4 four, not the entire six, but of the four state mandated
5 criteria, that we would have had, I really believe ten
6 competitive districts.

7 We didn't do that. I know Commissioner McNulty
8 didn't do that, I didn't do that.

9 We ended up balancing all six criteria.

10 I feel we were not able to create as many
11 competitive districts as possible, but now we can, now that
12 we're making changes, I think we can create a couple more,
13 especially one in Maricopa County. I think we're able to
14 create that as I saw, as I was able to demonstrate.

15 So I -- I appreciate Commissioner McNulty's
16 comments because they're right on.

17 CHAIRPERSON MATHIS: Were there other districts
18 that you proposed to enhance competitiveness.

19 VICE-CHAIR HERRERA: Madam Chair, 28 was the only
20 one.

21 What I ended up doing, I felt that Commissioner
22 McNulty was on the right path with 8. So I ended up
23 leaving -- not touching 8.

24 I thought 9 and 10 were, in my opinion, were
25 already competitive.

1 So I ended up, again, trying to keep 28, make it
2 competitive but also maintain it within the city, within the
3 city of Phoenix.

4 I wish I was able to bring more. If given more
5 time maybe I'll be able to. But for now, 28 was the one I
6 was able to make competitive.

7 VICE-CHAIR FREEMAN: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Freeman.

9 VICE-CHAIR FREEMAN: Right now 28 includes the
10 city of Phoenix, and the Town of Paradise Valley, which is
11 about, I believe, about 10,000, 11,000 people, that's all.

12 It is one community of interest. It's really
13 interesting to hear the rationales supporting various
14 communities of interest, and how they more depending on
15 which part of the map you're looking at.

16 That is -- it is a contiguous compact area that
17 has common interest and a common need to speak with one
18 voice at the legislature.

19 I'm reminded of some public comment at the Peoria
20 hearing that Commissioner Herrera chaired, and there was a
21 minister, and this is one of the public comments that really
22 struck me, because it really resonated with me. A pastor of
23 one of the churches that is on, I believe, along Lincoln or
24 thereabouts, there's a number of churches along Lincoln
25 between 32nd Street and Tatum, and they, the people who

1 attend those churches, come from Paradise Valley, Biltmore
2 area, Arcadia area. That's the community they serve.

3 And I actually, I take my kids to the preschool at
4 one place on Lincoln, and I attend a place down on
5 MacDonald, and I am going to be popping between various
6 legislative and congressional districts it looks like, as
7 that -- as that well established longstanding community is
8 being torn apart.

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: One second.

11 Mr. Desmond, can you pull up the competitiveness.

12 WILLIE DESMOND: I just want to highlight that
13 this -- this is the thing we're looking at.

14 This also includes 8 and 11.

15 So the splits in Maricopa County are probably
16 better reflected by the first draft.

17 So it's three less splits to census places.

18 Looking at version two, which is based off of the
19 working map, there's the competitiveness LD 8 -- or 28.

20 Excuse me.

21 VICE-CHAIR HERRERA: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Herrera.

23 VICE-CHAIR HERRERA: Just a couple things.

24 You know, the issue of community of interest is an
25 interesting one.

1 We've had Commissioner McNulty describe her
2 definition of community of interest, and I agree with her.

3 There's also one individual that has attended a
4 good number of her meetings, has defined community of
5 interest, and I love her definition. That's Jennifer --
6 Professor Jennifer Steir.

7 I wish she was here today and commented during the
8 public period and talk about what community of interest
9 means to her.

10 And again, I -- it just -- it is difficult to be
11 able to create a map using -- balancing those six criteria
12 without -- if every area is a community of interest, I mean,
13 I -- I -- it's -- it would be virtually impossible.

14 And so that's why I'm doing it, trying to balance
15 it out, trying to create the best district as possible, and
16 being fair, and trying to create fairly competitive
17 districts.

18 As you can see by 28, by the old standards and
19 then the new ones, that's a pretty competitive district.
20 Again, it's not -- it isn't something Democratic, it leans
21 Republican, and it's not hyper-packing anybody.

22 Republicans tend to accuse us of hyper-packing.
23 And then when we try to do the opposite, they bring up the
24 argument we're trying to create districts that favor
25 Democrats.

1 This one, what it does, it is as close to 50/50 as
2 I could possibly get it.

3 And I would -- as I said before, I would encourage
4 my fellow Commissioners to be able to create as competitive
5 a district as possible, and keeping whatever areas of
6 community of interest you think should be 28.

7 COMMISSIONER McNULTY: Mr. Desmond, we have more
8 than one concept on this map; is that right?

9 So, I guess what I mean by that, is that the issue
10 of the competitiveness of Legislative District 28 is
11 addressed by changing 28 and 15 mostly? Is that right?

12 WILLIE DESMOND: It comes from 15 and also
13 District 20. So, Districts 20 and 15.

14 COMMISSIONER McNULTY: Is 20 involved in any of
15 the west valley changes that we need to look at later?

16 WILLIE DESMOND: Twenty, yeah they're all kind of
17 in there. 20 had a portion of Glendale that goes to 22.

18 So that is involved there.

19 Just to bring up the map quickly and turn off the
20 roads.

21 So District 20 used to be a little bit more of a
22 north-south and a portion of Glendale.

23 It's now, I guess, all in Phoenix, so it takes
24 from 15.

25 Twenty-eight takes a little bit from 15.

1 Fifteen absorbs a lot from 28.

2 Twenty-eight takes a little, so these three kind
3 of cycle together.

4 But also 22 takes from 20, and as a result, 20
5 takes from 22 a little bit.

6 Twenty-two takes from 21.

7 Twenty-one takes from 22.

8 They all do -- yeah, it's a good example of how
9 one change really is a domino that they go through.

10 COMMISSIONER McNULTY: So which of the changes is
11 it, the part of 20 has come into 28; is that right?

12 WILLIE DESMOND: Yes, so 28 grew over here.

13 That use to be in District 20.

14 Twenty-eight also grew up here, and that used to
15 be in District 15.

16 Twenty-eight shrank here, and that all went back
17 to 15.

18 Fifteen also grew up in here, taking all of New
19 River and used to only have a portion of New River.

20 It already had Anthem, Cave Creek and Carefree.

21 And again, District 22 used to just have the
22 northern portion of Glendale.

23 And used to have more of Peoria.

24 Now has less of Peoria.

25 This went to District 21, but now has all of

1 Glendale.

2 Twenty-one also grew here a little bit, into
3 Surprise.

4 And just one more time.

5 Fifteen was, you know, northeastern Phoenix,
6 Carefree, Cave Creek, Anthem and then the southern portion
7 of New River.

8 It's now a little bit less of northeast Phoenix,
9 but all of New River, and then a little portion of northern
10 Phoenix here, going up to the unincorporated area of the
11 very top of Maricopa County.

12 COMMISSIONER McNULTY: It helps me to try to think
13 in terms of our goals.

14 Maybe we could recap those so that -- just to help
15 refresh my memory of what they were in this whole area.

16 I think from my perspective, one goal was to
17 enhance the competitiveness of 28.

18 Another goal was to reduce the split, if possible,
19 in Glendale.

20 Another goal was to look at the area in and around
21 El Mirage and 21, the emerging Hispanic areas that I had
22 hoped could become part of the second congressional
23 competitive district to enhance the merging competitiveness
24 of a legislative district.

25 And then another goal was to take the arm that

1 reached into 13 and kind of even that out in western
2 Maricopa County, and perhaps to put La Paz County with Yuma
3 County.

4 WILLIE DESMOND: That's in your changes. These
5 are still Commissioner Herrera's sub-changes here up.

6 COMMISSIONER McNULTY: Right. I'm talking about
7 all the goals we gave in our various changes.

8 WILLIE DESMOND: Correct.

9 CHAIRPERSON MATHIS: Because it seems to me we
10 don't have to be in position to make decision change by
11 change and not have the ability to look at all those goals
12 if they all impact one another.

13 WILLIE DESMOND: Correct.

14 COMMISSIONER McNULTY: So are there other big
15 goals that we had in this area that we're trying to achieve?

16 VICE-CHAIR HERRERA: Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Herrera.

18 VICE-CHAIR HERRERA: I think you -- you at least
19 named all the goals I had.

20 But Mr. Desmond, can you do me a favor. There's
21 three congressional districts, I think there's ten -- I
22 think ten benchmark districts.

23 Out of -- just keeping the benchmark districts
24 aside, how many competitive districts would you say we have,
25 using Index 2?

1 WILLIE DESMOND: Five and under. Five percentage
2 points, 47 to 52 and a half or 55 to 45?

3 VICE-CHAIR HERRERA: Fifty-five to 45 -- no. So
4 there's 47.

5 So not the 10 percent.

6 I think that wouldn't be considered competitive.
7 As close to a five percent performance deviation.

8 WILLIE DESMOND: Using that particular measure.

9 CHAIRPERSON MATHIS: Mr. Stertz.

10 COMMISSIONER STERTZ: Mr. Herrera, has there been
11 a definition of competitiveness that I'm not aware of?

12 VICE-CHAIR HERRERA: I think we all came up with
13 our own.

14 COMMISSIONER STERTZ: Okay.

15 VICE-CHAIR HERRERA: That happens to be my
16 definition of competition, something within five percent.

17 I think anything over that it starts getting away
18 from being competitive. But, again, that's just my
19 definition and I think we've encouraged each Commissioner
20 --and I think each Commissioner probably has their own.

21 COMMISSIONER STERTZ: So that is your opinion
22 right now?

23 VICE-CHAIR HERRERA: My -- that is my opinion,
24 definitely.

25 COMMISSIONER STERTZ: Okay.

1 VICE-CHAIR HERRERA: Go ahead.

2 WILLIE DESMOND: District 18 could be competitive
3 using that definition. And I believe that's it.

4 If you extended up to a 6-percent total, then
5 Districts 9 and 10 would also be competitive.

6 VICE-CHAIR HERRERA: So that is up to 6 percent?

7 WILLIE DESMOND: Yes.

8 VICE-CHAIR HERRERA: And that would be 18, 9 and
9 ten.

10 WILLIE DESMOND: 189 and ten.

11 VICE-CHAIR HERRERA: Let's go to 10 percent.

12 WILLIE DESMOND: 10 percent, you bring in
13 District 6. You bring in District 4. So that's not
14 necessarily a good thing, because that's one of our voting
15 rights districts.

16 That would be using Index 2.

17 VICE-CHAIR HERRERA: So Index 2, 10 percent would
18 be adding 6 and 4. So we have three under 6 percent, 18, 9
19 and 10?

20 WILLIE DESMOND: Correct.

21 VICE-CHAIR HERRERA: And to me, competitiveness,
22 yeah, definitely 6 percent would be around the ballpark.

23 Ten to me is not competitive.

24 So really, using Index 2, we only have,
25 accordingly, three competitive districts. And let see,

1 would -- how many in Maricopa County using a five-percent
2 index.

3 WILLIE DESMOND: In Maricopa County, 18.

4 VICE-CHAIR HERRERA: Eighteen, so that's just one.
5 And 9 and 10 are in Pima County.

6 WILLIE DESMOND: Yes.

7 VICE-CHAIR HERRERA: So using Index 2, 6 percent
8 and under we only have one competitive district in Maricopa
9 County.

10 To me that is unacceptable. It really is.

11 I think for those of us -- I think all of us who
12 were listening or attended public hearings the first round
13 and second round.

14 And we heard the word competition spoken at every
15 -- I don't care what area we were in, competition was
16 brought up.

17 I think Mr. Desmond was able to show us in a word
18 cloud version what some of the main phrases were and
19 competition was in most of the areas. It was pretty visible
20 and to me, this is creating three competitive districts,
21 it's not -- it's definitely not putting it first, as some of
22 our Commissioners have accused us of.

23 So I think we can do better. We can definitely do
24 better than this, so...

25 Thank you for helping me out Mr. Desmond.

1 VICE-CHAIR FREEMAN: Madam Chair.

2 CHAIRPERSON MATHIS: Mr. Freeman.

3 VICE-CHAIR FREEMAN: The Constitution says nothing
4 about the number of competitive districts in Maricopa County
5 or anywhere else in the state.

6 When you take out the voting rights districts in
7 Maricopa County, there is a huge registration differential
8 between registered Republicans and registered Democrats.

9 In order to get districts that Commissioner
10 Herrera thinks fit the definition of competitive, and who
11 knows how the Commission is applying that definition, the
12 meaning of that term, you have to come up with contrived
13 districts that split communities and are not compact, and
14 bear no relation to how Maricopa County fits together.

15 For example, just another example on that
16 District 28, is, you know, one unique thing about the
17 Arcadia area, it's part of the Scottsdale School District by
18 and large.

19 And Arcadia High School is in the Scottsdale
20 School District and has various feeder schools, those
21 include schools in Paradise Valley.

22 In fact, when my family, a long, long time ago,
23 moved up 44th Street up into Paradise Valley area, I would
24 have gone to Cherokee grammar school, which I believe is in
25 the Scottsdale School District.

1 Instead, I ended up finishing up at Devon
2 Ingleside where I started out right there on Osborn right
3 down the street from me.

4 It's because it's all tied together.

5 It's one community.

6 And that's being -- it's being destroyed with this
7 map.

8 VICE-CHAIR HERRERA: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Herrera.

10 VICE-CHAIR HERRERA: The Constitution doesn't
11 limit the number of competitive districts we can create.

12 It doesn't say you can create this many or you're
13 limited to this. It gives us the discretion, it does, and
14 that's how I interpret it.

15 And I also in listing to the people of Arizona
16 that wanted to take away the power, our redistricting away
17 from the constituents, from the legislators that were able
18 -- what they were doing is basically securing their own
19 seats, selecting the voters.

20 And we're not doing that. What we're doing is
21 selecting the best area, you know, obviously changing the
22 entire map, starting from scratch, but also looking at those
23 six criteria, trying to balance, and competition is one of
24 them. It's not the last one. I mean, it is the last one
25 literally, but it's not the last one we should take into

1 consideration.

2 It's not the first, as I said before. And if I
3 took competition as first criteria, we would have had more
4 than three in the entire state of Arizona.

5 Again, this is unacceptable. We're not limited to
6 how many we can create.

7 Again, I challenged Commissioner Freeman to be
8 able to create a competitive district out of 28 and he has
9 not done so.

10 I still encourage him, if competition is something
11 he cares about, which I think he does, then he should redraw
12 the map, 28, in particular, and try to see if he can create
13 a competitive district. That's all I'm asking.

14 VICE-CHAIR FREEMAN: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Freeman.

16 VICE-CHAIR FREEMAN: The Constitution doesn't
17 require me to create a competitive district in the area
18 proposed LD 28.

19 That doesn't appear in the Constitution.

20 The Constitution does constrain, puts a constraint
21 on the competitive districts.

22 The Arizona Supreme Court has a rule that the six
23 criteria, the competitive criteria is the only conditional
24 criteria, meaning we need to fit together the other criteria
25 and then as long as there's no significant detriment, which

1 is a limitation, as is to the extent practicable, that is a
2 limitation.

3 We should favor the creation of competitive or as
4 the Arizona Supreme Court has said, more competitive
5 districts.

6 And I emphasize that more competitive districts
7 because I think it is going toward my opinion, treating the
8 competitiveness factor fairly and evenly across all
9 districts, so as you do not engage in this political
10 gerrymandering where you stuff Republicans in certain
11 districts, so you give a party that is at a big registration
12 disadvantage in the county, an artificial leg up on the
13 other parts of the Valley, that treats voters differently
14 across the state.

15 We've heard rationales in favor of competitive
16 districts or more competitive districts along the lines of
17 voters of the minority party are harmed by being in a
18 district where they're at a distinct disadvantage, as are
19 voters in the majority party.

20 So when you're picking areas artificially, in
21 disadvantaging voters in one part of the state, not giving
22 them the benefit of a more competitive district, because
23 you're stuffing members of one party, the Republican party,
24 into certain contrived districts, and then giving all the
25 blessings of a competitive district to the people living in

1 another part of the state.

2 That is, that's not fair. That's being -- that's
3 being arbitrary, and I don't think that's following the
4 Constitution.

5 COMMISSIONER McNULTY: Madam Chair.

6 CHAIRPERSON MATHIS: Ms. McNulty.

7 COMMISSIONER McNULTY: I just don't think that's
8 right.

9 I think there are areas of the state where there
10 are very dense populations of folks registered as Democrats
11 and then there are other areas where there are very dense
12 populations of folks registered as Republicans.

13 And Paradise Valley might be one example.

14 San Tan Valley might be another.

15 Saddlebrooke might be another.

16 East Mesa might be another.

17 And once you get out of those areas, the state is
18 pretty balanced.

19 We're certainly not a huge voter registration
20 advantage or disadvantage.

21 I think, you know, we've talked a lot about the
22 fact that it's essentially, not exactly, but essentially a
23 third, a third, and a third.

24 And the third that's growing the most are
25 independents who clearly favor competitive districts.

1 So, I don't think it's quite like that.

2 I don't think anyone is gerrymandering anything to
3 disadvantage one party or another.

4 I think it's our job to recognize that the state
5 is fairly divided along Democrats and Republicans and
6 Independents, even with the voting rights districts.

7 Once you take out the countervailing Republican
8 areas of dense Republicans, you know, the state is pretty
9 balanced.

10 That's what we're supposed to do, is achieve some
11 balance, to develop a map overall, not district by district,
12 but overall reflects the makeup of the state.

13 VICE-CHAIR FREEMAN: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Freeman.

15 VICE-CHAIR FREEMAN: I disagree.

16 I think you can always come up with a contrived
17 district to give any voter anywhere in the state the
18 advantage of a competitive district.

19 But the district must be contrived.

20 And that's what's going on in the Phoenix Metro
21 area.

22 I ask this question only because I do not have the
23 information in front of me, otherwise I would not be wasting
24 everyone's time with editorial today.

25 But I'm wondering if we could get the figures on

1 when you subtract out the Voting Rights Act, what the
2 numbers are in Democrat and Republican in the rest of
3 Maricopa County.

4 COMMISSIONER STERTZ: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Stertz.

6 COMMISSIONER STERTZ: Last week I asked -- one of
7 the things I asked of Mr. Desmond was to do -- was to
8 include populations in our tables. Mr. Desmond, were you
9 able to include that for us?

10 WILLIE DESMOND: I don't have it automated.

11 That's something that we can look up.

12 I did talk to Ken about that again this morning,
13 and that's something he's working on programming right now
14 for the change reports, is to add the total registration in
15 changes. I could probably figure out the number of
16 registered Democrats, Republicans, and Independent Others
17 for the voting rights district and for the rest of Maricopa
18 County.

19 But that's something that I would have to do by
20 hand and it would take a couple minutes.

21 So I can do that now, if you like, or during a
22 break another time.

23 COMMISSIONER STERTZ: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Stertz.

25 COMMISSIONER STERTZ: I'm not trying to speak for

1 Commissioner Freeman, but I think what he's trying to say is
2 just by general registration alone, there is approximately
3 150,000 more registered Republicans in the state of Arizona
4 than there are registered Democrats.

5 And when the voters rights districts, both in the
6 congressional and legislative, are put into place, somewhere
7 between 75 and 80 percent of voting age Hispanics are
8 registered Democrat.

9 Which takes out a large Democrat population
10 already out of the depleted population. It's not a third, a
11 third, a third. It's 30 percent approximately Democrats.
12 36 percent Republicans. And the remaining are Other and
13 Independents.

14 And the Other and Independents, that's really what
15 we've been talking about, is how -- that's what the voter
16 trends actually focus on, are the 20 percent on the -- of
17 the Independents vote Republican, 20 percent will vote
18 typically Democrat.

19 And it's the 60 percent in between that's being
20 bantied about by being the flex group of voters.

21 Really, when you -- when you take away that many
22 Democrats into the voters rights district, there's just less
23 Democrats to spread around.

24 So I know that Commissioner's Herrera and McNulty
25 have been working diligently to move other folks around so

1 that we can give the intent of, or the goal of, of trying to
2 get a competitive district however they can find one.

3 That's terrific. I get that.

4 It's where we can do that without having to break
5 the other criteria. And that's all I've been saying since
6 we started this, that if we can achieve all the other
7 criteria and get competitive districts, terrific. I think
8 that's our goal. That's how the Constitution was laid out.

9 And when I look at what can Commissioner Herrera
10 has done to try to connect Paradise Valley up to Anthem,
11 that looks like it was contrived for the sake of creating a
12 competitive district.

13 And you said that it was created -- it was
14 attempted to -- we wanted to get competitive districts, but
15 you had to back into it by creating the analysis about how
16 that community, those communities actually relate to each
17 other as a community of interest.

18 And that, as far as the smell test goes, is really
19 more of a challenge.

20 I think Commissioner Herrera is right. He sort of
21 threw out an idea and said let's try to get one more
22 competitive district out of it.

23 He's made an attempt at it.

24 I don't agree with his solution, but I've got to
25 believe that there's a solution out there that we should try

1 to achieve.

2 But to do so, means that we've got to grab
3 Republicans and put them into one district, because we just
4 don't have enough Democrats left to go around.

5 And that's what makes this process so difficult.

6 CHAIRPERSON MATHIS: I would agree. It's -- I
7 think that we can adjust the way -- I wouldn't say that it's
8 contrived.

9 I would say you can adjust for any of the
10 Constitutional criteria and that's what we've been trying to
11 do.

12 And when you adjust for competitiveness, the only
13 way to do that is to move Democrats and Republicans.

14 There's no other way to adjust for that.

15 So, I guess I would -- I wouldn't say that it's
16 contrived, I would say you're adjusting for competitiveness.

17 And that same verb goes with adjusting for any of
18 the other constitutional criteria. And that's my
19 perspective.

20 If others have thoughts.

21 COMMISSIONER STERTZ: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Stertz.

23 COMMISSIONER STERTZ: I would agree with you
24 that-- I used the word contrived, because contrived means
25 that we're -- contrived means that we are, in my head, was

1 that we are trying to -- you tried to back into the
2 competitiveness by creating a reason for the other
3 compliance issues, whether or not it's a geographic
4 continuity, or compactness, or community of interest, or
5 visible geographic features, or city, town boundaries, so on
6 and so forth.

7 And since we did not and have not created
8 definitions for anything, for any of the other
9 constitutional criteria, including competitiveness, we are
10 just going with whatever our individual opinions are, and it
11 is going to be a vote on whatever the districts looks like.

12 And there's going to be some agreement, as there
13 has been a little bit today.

14 And there's going to be some disagreement, as
15 there has been today.

16 So I think for us to be able to move the ball down
17 the field, is to -- we are going to have to come to close on
18 this sooner rather than later, and I am hoping that's
19 sooner.

20 I happen to be okay with the majority of
21 Commissioner McNulty's changes that she was recommending to
22 be made.

23 The ones that Commissioner Herrera has included,
24 although some of them have got some merit, when we talked
25 about this last week, there are some, for example, the ones

1 he just described, which is how he used -- I'll try to use
2 the word -- but not use the word contrived, but were created
3 to be a competitive district, which, in my opinion, breaches
4 the other constitutional criteria so severely that it would
5 fall under the clause of significant detriment.

6 And since we have not given ourselves any
7 definitions as a Commission, we can only outline our own
8 personal opinions on this.

9 And then take a vote.

10 So I think that that is where we need to start
11 moving next, is start to bring closure to some of these.

12 And I am going to suggest that maybe we take a few
13 minutes, and a break, and maybe come back and start moving
14 down that path.

15 VICE-CHAIR HERRERA: Madam Chair, I agree with n
16 Commissioner Stertz. If no one has any additional changes,
17 I think we need to start doing that. Start deciding outside
18 the majority-minority districts what the changes that each
19 of --there's been at least three or four Commissioners who
20 have proposed changes to the legislative map, changes to
21 respective districts.

22 We should vote on them.

23 And, I think that's not a bad idea, if, and only
24 if there's been no other changes you're going to propose
25 tomorrow. That if -- if everyone has everything on the

1 table, let's do it.

2 CHAIRPERSON MATHIS: Okay.

3 I would -- I think the idea of a break is a good
4 one. So why don't we take a 15-minute break. It's
5 3:35 p.m.

6 Thank you.

7 (Recess taken.)

8 CHAIRPERSON MATHIS: Okay. We'll enter back into
9 public session. The time is 4:03 p.m.

10 Did Commissioners have any thoughts over the break
11 about anything?

12 VICE-CHAIR FREEMAN: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Freeman.

14 VICE-CHAIR FREEMAN: No, but Mr. Desmond did
15 provide me with the State's registration stats for Maricopa
16 County when you subtract out the voting rights districts.

17 It's just about a 15-point registration
18 difference, and when you normalize that head to head, I
19 think he said it was 60 to 40 Republican.

20 And if that's incorrect, Mr. Desmond, please
21 correct me.

22 WILLIE DESMOND: 605,461 registered Republicans.
23 361,021 Democrats.

24 And 481,734 Independents and Others.

25 So if you -- if you look at it as a two-way

1 percentage, it's about 63 percent Republican, and then about
2 37 percent Democrat in the registration in the non-voting
3 rights districts of Maricopa County.

4 COMMISSIONER McNULTY: That's legislative?

5 WILLIE DESMOND: Yes.

6 COMMISSIONER McNULTY: By the same token, if
7 Republicans were a protected class, and we had minority
8 Republican rights districts, and we took the areas of
9 Republican concentration and set those aside, we may still
10 have balance, you know, in the rest of the state.

11 And we don't really know that, because we have
12 this convenient metric for determining the concentrations of
13 Democrats, because they're in the voting rights districts.
14 But we don't have the same metric for concentrations of
15 Republicans.

16 Madam Chair, would it make sense to look at the
17 west valley and some of those other changes, and maybe get
18 those out of the way, so that we could then focus on the
19 center city in Phoenix?

20 CHAIRPERSON MATHIS: I would be fine with that.

21 Did anyone else have any other thoughts on 28
22 before we go away from that?

23 VICE-CHAIR FREEMAN: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Freeman.

25 VICE-CHAIR FREEMAN: Not on 28, which I think is

1 important. But on the issue of keeping Scottsdale School
2 District as whole as possible, I know we had public comment
3 about an issue between Districts 23 and 24, and getting the
4 Coronado High School into -- out of 24, basically, into 23,
5 if that's possible, without impacting the performance of the
6 voting rights districts.

7 I think we're going to probably hear some more
8 public comment about that today, as on the -- I was talking
9 on the break with someone about that.

10 I don't know if that's also something that we can
11 look at to see if that's possible.

12 CHAIRPERSON MATHIS: Sure we can do public
13 comment, too. Would that be helpful to folks now, to do
14 some?

15 WILLIE DESMOND: Is that something you want to do
16 and then have me run the change report on?

17 COMMISSIONER STERTZ: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Stertz.

19 COMMISSIONER STERTZ: Mr. Desmond, what would the
20 change report be?

21 WILLIE DESMOND: I'm not exactly sure.

22 COMMISSIONER STERTZ: I'm sorry?

23 WILLIE DESMOND: What would it mean?

24 COMMISSIONER STERTZ: No, what would it be
25 including?

1 WILLIE DESMOND: I'm talking about the difference
2 between 23 and 24 and the Scottsdale School District.

3 I'm not exactly sure what Commissioner Freeman is
4 referring to.

5 VICE-CHAIR FREEMAN: Madam Chair, in one of the
6 last iterations I think of District 24, we were trying to
7 improve its performance. I believe we were shedding
8 population, and we shed -- we moved the line down in one
9 census block to improve the performance of 24.

10 If we would have picked a block just to the left,
11 or the west of it, between Scottsdale Road and Hayden,
12 versus Hayden and Pima, I think, we would have captured at
13 least one other school, including Coronado High School, and
14 kept it together with the rest of the balance of Scottsdale
15 School District in 23.

16 WILLIE DESMOND: Do you know if that is the
17 unified school district or the. . .

18 VICE-CHAIR FREEMAN: I believe so, but I'm not
19 sure.

20 WILLIE DESMOND: This heavy pink line is the
21 unified school district.

22 I don't see -- this one? No.

23 VICE-CHAIR FREEMAN: My suggestion would be to
24 leave that up and see if there's public comment on this
25 issue.

1 WILLIE DESMOND: Okay.

2 CHAIRPERSON MATHIS: Okay. Comments from anyone
3 else?

4 (No oral response.)

5 Okay. Do you want to do some public comment now
6 then?

7 I think I have five request to speak forms.

8 So we'll go ahead and start.

9 Lynne Breyer, representing self, from Maricopa.

10 VOICE: She had to leave.

11 CHAIRPERSON MATHIS: Bill Engler, representing
12 self, from Anthem. He left?

13 Joshua Offenhartz, representing self, from
14 Scottsdale.

15 JOSHUA OFFENHARTZ: First name Josh --

16 COURT REPORTER: Josh, will you please speak up.

17 JOSHUA OFFENHARTZ: Last name Offenhartz,
18 O-F-F-E-N-H-A-R-T-Z.

19 And I'd like to actually speak to this map today.
20 Again, it goes back to the attempt to improve the voting
21 rights district in 26 and 24 that we talked about earlier
22 today.

23 It seems that you would need to get non minority
24 voters out of the district, and I think previous meetings,
25 as I testified before, LD 23 can afford to pick up some

1 population.

2 So what we're recommending is if you zoom in a
3 little farther on that kind of hook in south Scottsdale, we
4 can show you what we're talking about.

5 Right now if you're looking at the lines, there's
6 a high school that's in between -- It's actually between Oak
7 and Miller.

8 I'm not sure if you can get that close.

9 I have a bar map over here.

10 COMMISSIONER McNULTY: Let's give the laser
11 pointer to our speaker.

12 WILLIE DESMOND: This is Miller right here.

13 JOSHUA OFFENHARTZ: Coronado High School is okay,
14 just south of Thomas. So this is Thomas and Miller, so it's
15 going to be here.

16 This is actually -- there's a playschool right in
17 here.

18 And that's Coronado High School. And so what we
19 have found just doing preliminary data is that as opposed to
20 using this chunk, if you shift this and kind of take a
21 Scottsdale Road to Hayden Road chunk, you not only get the
22 high school, you meet the same population requirements.
23 It's just all about keeping that school district as whole as
24 possible.

25 We offer this up just as if we're to move

1 population to ripple clean up lines, you know, this is just
2 a way to keep as many schools, and thus the influence of
3 Scottsdale Unified District with those Scottsdale
4 legislators.

5 As you can see, if you followed LD 23 closely,
6 when it comes to municipal boundaries, which we appreciate,
7 this is one way to make it an even better district while at
8 the same time ripple effects help the other goals that have
9 been stated by the Commissioners, which is to make 24 more
10 competitive and 26 and 24 gives you some room to make those
11 stronger majority-minority rights districts.

12 And really it's just our opinion that if we don't
13 have a reason for where that -- those 5,000 people should
14 come from, or it's just we're looking for those non minority
15 voters, why not bring the high school in there and keep that
16 school district whole as well.

17 If there is extra population there's also a middle
18 school in that area. It's just right along those, so it's
19 this kind of block in between Scottsdale Road and Hayden
20 Road, is really what we're asking for.

21 And it's just in an effort to keep, you know, that
22 school district as whole as possible within the community.

23 Like I said, it does help with some of the -- the
24 other goals that you've been looking at in some of the other
25 nearby districts.

1 Yep.

2 And with that, I'd just like to give a few
3 comments on LD 28.

4 I personally favor something along the lines of
5 Commissioner Freeman and the draft map.

6 I say that having lived and worked in the area,
7 just some things that I noticed about the proposed shift.

8 I think it's a great idea, you know, to be
9 competitive, but things that I noticed were the proposed
10 shift makes LD 15 have six municipalities within the
11 district.

12 You know, to me, for a legislative district, I
13 find that that may be hard for the legislator to represent
14 all of those views, especially when you consider that
15 Paradise Valley is more of a tourist destination. Let's
16 bring in beds and fill our resorts, whereas Anthem and New
17 River are developing.

18 Also, I think that your shift -- while I like what
19 you do, you lose part of the Madison School District, which
20 does creep into that Paradise Valley area. So if you could
21 make some changes to kind of, again, to keep those school
22 districts whole, that would be great.

23 Other than that, you guys are in the home
24 stretch. I think you're doing great work. Keep it up. But
25 really, we would like it if you could adjust that area, as

1 opposed to this area, to keep those schools whole.

2 Thank you.

3 CHAIRPERSON MATHIS: Thank you.

4 Our next speaker is Michael Rubinoff, representing
5 self, from Scottsdale.

6 MICHAEL RUBINOFF: Michael Rubinoff,

7 M-I-C-H-A-E-L, R-U-B-I-N-O-F-F.

8 Thank you.

9 Good afternoon, members of the Commission.

10 And as a Scottsdale resident, I'm glad I can
11 share with you just a few thoughts, because I've been
12 following the redistricting process.

13 And I know all of your work, which I know is a
14 tough job that you've had, and I commend you for your public
15 service. I remember seeing Mr. Stertz at the south
16 Scottsdale hearing, which I think was one of the largest
17 attended hearings. In fact, we were the first round of
18 public comments.

19 I would like to add on to what Mr. Offenhartz has
20 talked about, with the change in District 23, 24, as to
21 which block you're adding to 24, to 23 as based on a south
22 Scottsdale resident, and advocate the change that has been
23 put forward last week, that would truly bring some
24 consolidation of what the Scottsdale Unified School District
25 has wanted.

1 There are three schools that you can actually
2 bring into that Scottsdale oriented District 23.

3 And that would be both the early child care
4 campus, which is on First Street.

5 The Sierra Academy, which is right next to it,
6 which is a high school for special needs students.

7 And then Coronado High School, which is the oldest
8 high school in the City of Scottsdale.

9 CHAIRPERSON MATHIS: Could you repeat the first
10 school. I couldn't hear.

11 MICHAEL RUBINOFF: The early child care campus
12 which basically helps younger kids.

13 CHAIRPERSON MATHIS: On which street?

14 MICHAEL RUBINOFF: That's on Oak Street.

15 All three schools are basically running together
16 on one side of Oak Street. And directly across the street
17 from them on Miller Road is El Dorado Park, which serves the
18 community, and Coronado High School, which use the
19 facilities in the El Dorado Park for their swimming team for
20 to 40 years, and the Scottsdale Boys Club complex, which is
21 there also. What we have is that these three schools all
22 joined together with this area on both sides of Miller Road.

23 And, thus, that's the reason we're calling for
24 this switch. Is that, A, you strengthen Scottsdale's real
25 window of legislative responsibility, which has not been in

1 there the past decade because the jurisdiction has been
2 under Tempe and old District 17.

3 And this would actually help the Scottsdale School
4 District keep this focused.

5 And you also unite between Scottsdale Road and
6 Hayden, ancillary parts of the Scottsdale Healthcare campus,
7 which is on Osborn Road.

8 This has been divided for the past ten years.

9 You also have the Banner Health Hospital for
10 Psychiatric Care, which is on the south side of Osborn.

11 So if you go with this suggested plot here, you're
12 going to strengthen both the medical care campus, your
13 senior assisted care facilities and apartments, and then as
14 you cross over Thomas Road south, you pick up the schools,
15 and you also pick up this community of interest.

16 And last but not least, you basically make
17 incumbent upon the Scottsdale legislators, for the first
18 time in ten years, to have legislative responsibilities for
19 looking at redevelopment of the McDowell Road corridor.

20 This has been something which is a priority for
21 the City of Scottsdale. It's been an area, if any of you
22 have been there in the past decade, has gone into a state of
23 decline, as the automobile dealerships have packed up and
24 left.

25 The ASU SkySong development at Scottsdale and

1 McDowell leads us to believe there's going to be some
2 positive things, but even the smallest between --
3 Mr. Herrera is suggesting, if you can even add some
4 population, because the schools might be taking up what
5 might be residential just east of Hayden Road, you give
6 Scottsdale a chance. Because south Scottsdale is the most
7 under-served part of the city.

8 And so I would simply urge you to look at making
9 this shift.

10 It's not going to change things much in terms of
11 your goals between District 24 being Voting Rights Act
12 district and District 23, which certainly is not.

13 But I think you strengthen Scottsdale's oversight,
14 of what has been an under-served high school and community
15 for the past ten years.

16 It's not a major change, but one that I know the
17 school district, based on my conversations with their
18 leadership, they support.

19 I know the City of Scottsdale cares very much
20 about getting some oversight into their legislative team in
21 towards McDowell. And so I certainly appreciate your
22 consideration, and hope that you can make this possible
23 adjustment when you are doing your changes.

24 Thank you very much for your time.

25 CHAIRPERSON MATHIS: Thank you.

1 Our next speaker is Shirley Dye from Gila County,
2 representing northern Arizona.

3 SHIRLEY DYE: Good afternoon, Commissioners.

4 I really don't have a whole lot to say right now,
5 because I have been following the draft maps on my computer
6 at home, but I can't print anything out and I haven't been
7 able to do that because I was sick for four weeks, and saved
8 a lot of gas money. But over the last number of months
9 where I've driven up and down the mountain, I could have
10 purchased a really nice tablet so I could sit here and know
11 what you're talking about.

12 My latest map that I have is your draft map.

13 And in looking at this area here, and trying to
14 compare it to the draft map, it is so absolutely completely
15 different in what you've done this last two weeks, that I
16 can't tell what is going on.

17 And I wish that I could printout stuff.

18 On last Thursday there was a map by Mr. Freeman of
19 the legislative draft map that showed a strip attaching the
20 Navajo Nation down the east side of the New Mexico border,
21 and then picking up the Apache San Carlos and White Mountain
22 Apaches that allowed Eagar and Springerville and Pinetop and
23 Lakeside to be joined with Show Low and Snowflake and
24 Payson, and over into Flagstaff, that really kept our
25 community of interest, and kept our people that we have been

1 working so hard together for forest issues and things like
2 that.

3 And then on Friday, I saw a map that was posted
4 for the end of the day on Friday, studied it really really
5 well.

6 Studied it again on Saturday, checked out the
7 other maps.

8 And now I'm hearing from various people that what
9 I think I remember seeing on those maps is not what is now
10 on the maps.

11 So I don't know whether you changed things again
12 over the weekend, or what. But until I get a chance to see
13 those maps and where you are now, I really cannot comment.

14 So I have really found it interesting discussion
15 that you've just had on the number of Republicans,
16 Independents and Democrats, and how you are socially
17 engineering some districts just to make them competitive.
18 When ordinarily, in the natural scheme of things, if you
19 were actually looking at communities of interest, county
20 boundaries, city boundaries, and all those that I feel are
21 higher along the priority list than the last one, which is
22 competitive, you know, that you're engineering those
23 districts to somewhat of an advantage that ordinarily
24 wouldn't be there.

25 So I'll be back tomorrow, and hopefully by then

1 I'll in some way be able to -- hopefully, tonight you're
2 going to post where you left off, so I can examine that,
3 because at this particular point I don't know where you are.

4 And so thank you.

5 CHAIRPERSON MATHIS: Do you have a comment?

6 VICE-CHAIR HERRERA: Yeah, Madam Chair, I want to
7 make sure that all the maps that we proposed are online. To
8 my knowledge, they all are.

9 WILLIE DESMOND: I believe everything's online
10 except for the changes that were presented today to 8 and
11 11, and add the new LD 26, so we said for kind of like
12 parallel analysis.

13 Just to clear up any confusion, the map that
14 everything has been going off of is the working map, which I
15 believe is the top section on the website.

16 So the working map is what changes are considered
17 to and then all the individual changes are listed
18 separately.

19 VICE-CHAIR HERRERA: Mr. Desmond, do you mind
20 quickly showing where the working draft map is, and will you
21 be able to post our proposed changes to 8 and 11 and 26
22 either today or tomorrow?

23 WILLIE DESMOND: I hope so.

24 If not, we'll see.

25 Legislative and congressional working map is the

1 top box here.

2 Outlined in red.

3 If you -- there's -- that section on the left is a
4 congressional working map.

5 Section on the right is legislative.

6 You have the shape file, which is, if you want to
7 load that into mapping software, you have the D E F, which
8 also allows you to load it.

9 If you have JPEG, which gives you a quick picture
10 of it.

11 And then all the other data tables and stuff.

12 CHAIRPERSON MATHIS: Thank you.

13 Our next speaker is Lauren Bernally, Policy
14 Analyst for Navajo Nation.

15 LAUREN BERNALLY: Good afternoon, Commissioners.

16 My name is Lauren, L-A-U-R-E-N, Bernally,
17 B-E-R-N-A-L-L-Y.

18 Commissioners, first again, congratulations making
19 it through another week. I look forward to working with you
20 until we complete this whole redistricting process.

21 I'm here on behalf of the Navajo Nation. I wanted
22 to re-emphasize our perspective with respect to the working
23 map that was completed on December 9, 2011, that shows the
24 Navajo Nation adjustments.

25 The Navajo Nation, as well as the other indigenous

1 nations with respect to this, continue to support this map
2 and request Commissioners to put this in the forefront of
3 District LD 7.

4 CHAIRPERSON MATHIS: Thank you.

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: Would it be okay if Mr.
8 Desmond shows the map that Ms. Bernally is referring to, the
9 portion of that area that she wants us to stick to.

10 WILLIE DESMOND: Which?

11 VICE-CHAIR HERRERA: Legislative District 7.

12 CHAIRPERSON MATHIS: I think it's dated December
13 9th, right.

14 WILLIE DESMOND: Yes, I believe that district is
15 the district in the --

16 VICE-CHAIR HERRERA: Working map.

17 WILLIE DESMOND: So District 7.

18 VICE-CHAIR HERRERA: Thank you.

19 CHAIRPERSON MATHIS: Okay. Was there anyone else
20 from the public that wanted to address the Commission?

21 Thank you for your input everyone.

22 Based upon that, did Commissioners have any
23 thoughts about any proposed adjustments they'd like to see
24 explored?

25 VICE-CHAIR FREEMAN: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Freeman.

2 VICE-CHAIR FREEMAN: Could we look at whether that
3 tweaking of 24 and 23 is feasible?

4 CHAIRPERSON MATHIS: It's south Scottsdale?

5 VICE-CHAIR FREEMAN: Yeah.

6 CHAIRPERSON MATHIS: Uh-hmm. Does the school
7 district later come up, Mr. Desmond, too?

8 WILLIE DESMOND: I'll add it.

9 I'm going to quickly create a new plan so we can
10 analyze it without affecting all of the other current change
11 maps.

12 (Brief pause.)

13 WILLIE DESMOND: Okay. So we have unified school
14 district, we also have the elementary school districts, and
15 the secondary school districts.

16 I don't know that there's necessarily, in this
17 area, any school districts, but, we can put in those
18 particular schools.

19 The one thing to be aware of is just that this
20 District 24 is a voting rights district.

21 So if I remember correctly, here on Miller Road
22 and Oak is the high school.

23 Commissioner Freeman, do you want to use the laser
24 pointer to highlight the area you would like to see added to
25 District 23?

1 VICE-CHAIR FREEMAN: Okay. I can't,
2 unfortunately, with my eyes I cannot see the road. I think
3 it's roughly swapping this block, the population, for a
4 block over here. And I think you end up grabbing the high
5 school and the elementary school, but not being able to see,
6 I can't know for sure.

7 I think we probably want to have our layer up,
8 HVAP layer up, to know whether it's an even-Steven swap.
9 Because this is affecting 24.

10 CHAIRPERSON MATHIS: Sure, Mr. Rubinoff.

11 MICHAEL RUBINOFF: There's some questions about
12 exactly where the schools are. Can I take the liberty of
13 helping you with the map.

14 CHAIRPERSON MATHIS: Certainly.

15 MICHAEL RUBINOFF: Can we make that larger?

16 Now, that top line that says for 23, that is
17 Thomas Road, where I'm looking right there.

18 WILLIE DESMOND: This right here is Osborn.

19 MICHAEL RUBINOFF: This is Hayden?

20 WILLIE DESMOND: Yes.

21 MICHAEL RUBINOFF: An this is Scottsdale?

22 WILLIE DESMOND: No, that is Miller.

23 MICHAEL RUBINOFF: What we're talking about
24 essentially is where this line is here and this you bring
25 that community together.

1 The high school is about here.

2 WILLIE DESMOND: I believe -- I believe the high
3 school is here. This is Oak.

4 MICHAEL RUBINOFF: Where's Oak?

5 WILLIE DESMOND: Right here.

6 MICHAEL RUBINOFF: So you basically can take this.
7 This is most -- this is mostly park area here. I
8 might add, see, there's not going to be much residential
9 other than this little layer here.

10 You have the Boys Club and so forth over here, and
11 you also have -- the schools are using the athletic fields,
12 so if can take all of this, you're going to get the high
13 school which is right there in the vortex.

14 And so you bring that in, and you swap the area
15 here, which is heavily residential, where this is not, and
16 this is Scottsdale Road over here.

17 WILLIE DESMOND: This is Scottsdale. Scottsdale
18 is right here.

19 MICHAEL RUBINOFF: So you actually bring at least
20 these four quadrants in. That would do it.

21 The Scottsdale Unified District means both high
22 schools, middle schools, they're all together, and you
23 actually have one of three varieties all there at this
24 vortex. And you bring in three, as you say, you bring in
25 three schools. That brings in all but three schools.

1 There's a couple other schools in south Scottsdale which
2 are, unfortunately, not able to be brought in on this.

3 MR. MURATORE: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Muratore.

5 MR. MURATORE: That is Thomas Road?

6 MR. RUBINOFF: This is Thomas Road, yes.

7 This is where the health care, the Scottsdale
8 Health Care Shea is at Osborn, and Banner Health is right
9 on --

10 VICE-CHAIR HERRERA: Madam Chair --

11 MR. RUBINOFF -- and you have all these assisted
12 care apartments and complexes, rehabilitation centers,
13 residences and so forth, that serve all that community. So
14 you're able to unite it, which, of course, is one of the
15 biggest hospital complexes and health facilities in the
16 metropolitan area. And right here at Thomas you then go and
17 get the schools over here.

18 CHAIRPERSON MATHIS: Mr. Herrera.

19 VICE-CHAIR HERRERA: Are we -- I think the changes
20 were to swap some population between 23 and 24, or did I
21 misunderstand?

22 CHAIRPERSON MATHIS: I believe it's this district,
23 this block, we'll call it, to the east that would be
24 swapped.

25 But I'll have to ask Mr. Freeman.

1 VICE-CHAIR HERRERA: I mean, I think I'm correct,
2 24 is one of the majority-minority districts, and I think to
3 reiterate, let's wait until the analysis gets back before we
4 make any additional changes to 24.

5 I still think we can. The analysis will come back
6 and tell us what changes we need to make. That's still my
7 recommendation.

8 VICE-CHAIR FREEMAN: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Freeman.

10 VICE-CHAIR FREEMAN: Well, we just made a change
11 to LD 2 today, so, that's a majority-minority district.

12 So I think this is another change worth
13 considering.

14 Yes, the swap would be just to equalize the
15 population, get the school district as whole as possible,
16 get the schools in with the rest of Scottsdale.

17 And then take out whatever population is necessary
18 to restore the balance.

19 And again, I think we would have to be mindful of
20 the Voting Rights Act implication of 24 to make doubly sure
21 that we're trading apples for apples.

22 If, you know, to make sure it's feasible to even
23 entertain this change.

24 WILLIE DESMOND: It looks like this area in red,
25 which is currently in District 23, has roughly the same

1 population as the area we just looked at.

2 This area is 5,346 people.

3 While this area is 5,070.

4 The reason we initially took this area to the
5 right was because, I'll make this a little bigger, a little
6 more obvious, because we were trying to remove areas that
7 have relatively low Hispanic percentage.

8 The lighter colored areas have lower Hispanic
9 percentage, as well as poor performing on some of our key
10 race indicators.

11 So that the decimal points you see there in the
12 little white boxes are the performance in the mine inspector
13 race for both Hispanic and of choice.

14 So these areas were worse, that's why we did it.

15 That's not to say this will have a giant effect.

16 If you just wanted to look at this swap. we could
17 run a change report and see what it does. But just so I
18 understand correctly, we are talking about a swap, right?

19 This area would go back into 24?

20 VICE-CHAIR FREEMAN: Well, I guess whatever makes
21 the most sense to preserve performance of 24. See what that
22 looks like.

23 WILLIE DESMOND: Okay.

24 And, I will -- ideally we can probably take both
25 of those areas out. District 24 is already under-populated

1 by 8300 people, so we can't afford to shed much more
2 population without growing it somewhere else.

3 I'm sorry, this is a little extreme.

4 It doesn't seem to be a great area to grow.

5 Let me just go ahead and do this.

6 Now the border looks something like this.

7 Is that correct? If so, I will run a change
8 report.

9 And as you know by now, this will take a few
10 minutes.

11 We can look at other things in the meantime, or
12 just hang out.

13 COMMISSIONER McNULTY: Madam Chair.

14 CHAIRPERSON MATHIS: Ms. McNulty.

15 COMMISSIONER McNULTY: Just so I understand what
16 we're considering here, the boundaries of the school
17 district, we're not moving something to conform to the
18 boundaries of the school district, we're moving something to
19 include three specific schools?

20 WILLIE DESMOND: I believe so, yes. The
21 boundaries of the school district, I'll be able to show you
22 in one second, don't run through our new area or our old
23 area necessarily.

24 COMMISSIONER McNULTY: Right. You showed those to
25 us earlier.

1 So I'm not suggesting I have strong objection to
2 this, but I'm just not understanding the purpose of it.

3 Wouldn't these schools be administered at a school
4 district level, if we aren't changing any boundaries to
5 conform to the school district?

6 What is the purpose of this?

7 I'm just not sure I understand.

8 VICE-CHAIR FREEMAN: I think the rationale we just
9 heard today and last week, is that Scottsdale School
10 District viewed itself as a community that's being sliced up
11 unnecessarily, and that diminishes its votes in the
12 legislature, to the extent that it can be kept more whole or
13 divided up less and that more of those schools kept together
14 in one district versus being divided, we just heard that
15 that preference was to keep them.

16 That's all.

17 COMMISSIONER McNULTY: Okay. Thanks.

18 CHAIRPERSON MATHIS: I'm assuming we're not losing
19 schools in the block, we're swapping out.

20 I didn't ask that question earlier, but. . .

21 WILLIE DESMOND: Are there any schools north of
22 Oak and east of Hayden, but south of Osborn?

23 MR. RUBINOFF: There is one school that is south
24 of Oak between Hayden and Pima, so it was not in the swatch
25 that you are substituting here. That already was a grade

1 school that was south, on the south side of Oak Street.

2 Oak Street is an incredible corridor of schools
3 there on the south side of Scottsdale.

4 So what you're doing with this switch, you're
5 directly bringing three schools in and losing none, because
6 the elementary school is on the other side of Oak Street on
7 the south side, so I hope that clarifies.

8 You're grabbing three schools while it's not --
9 and Commissioner Mathis, you had said about the school
10 district, right now the school district is drawn in four
11 draft legislative districts.

12 There's Tempe, one precinct. Actually is in
13 Scottsdale School District, and your new draw for
14 District 26 has it there.

15 I know that the district's real issue is to try to
16 be able to have at least as much of it not bifurcated and
17 trifurcated.

18 And while some of it's going to be in the voting
19 rights District 24, at least you're able to bring the
20 Coronado High School community, which has been really
21 separated from Scottsdale for the past ten years, because it
22 was assigned to a Tempe jurisdiction.

23 You're bringing that in and it's been the under-
24 served high school of Scottsdale, as well as the academy,
25 which is also looking at learning disabled students and

1 students at risk, so that you bring that Sierra Academy in.

2 I think these are some of the district's main
3 concerns, that Scottsdale based legislators will be able to
4 have this focus in contrast to where it would otherwise have
5 been, basically, a Phoenix legislative one.

6 I don't know if this helps at all.

7 Thank you again for your consideration.

8 WILLIE DESMOND: Are there other questions? I can
9 do other Maptitude things while this is running.

10 CHAIRPERSON MATHIS: Other questions or things we
11 want to explore?

12 COMMISSIONER McNULTY: Should we just set this
13 aside while its running and come back to it, and move to one
14 of the other change orders? Does that make sense?

15 CHAIRPERSON MATHIS: Sure. To me it does.

16 WILLIE DESMOND: Okay. Any preference? We're all
17 done with the changes that Commissioner Herrera proposed.
18 Should I go to another set?

19 COMMISSIONER McNULTY: Madam Chair.

20 CHAIRPERSON MATHIS: Ms. McNulty.

21 COMMISSIONER McNULTY: As much as I'd like to
22 postpone it, I suggest that we address LD 6 and Mr.
23 Freeman's proposed changes, because if we were to go down
24 that route, I think it would make some pretty substantial
25 changes to the map. We're going to need to address that.

1 Might as well do it.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: One of the reasons I was
5 bringing it up, is because I wanted to hear from the Navajo
6 Nation and the tribes, and I think we've heard from them.
7 And I said, you know, if the Navajo Nation and the tribes in
8 that area want to pursue it, then I'm definitely looking --
9 would look into it. But they were pretty clear that they
10 wanted to stay with what we have in the draft maps.

11 So that would be one big reason why we shouldn't
12 pursue it.

13 Those are people that would be affected, and it's
14 not -- it's not something that they want to pursue. So to
15 me, I'd rather move to some other things, some other areas
16 of the map that are -- that are being proposed, that may be
17 approved or that may have a shot at getting consensus,
18 that's something that we want to pursue.

19 But that particular change, I'm sorry, I just
20 don't see it happening.

21 WILLIE DESMOND: So, I'll go to the LD 7 change
22 or, we can wait a minute. It's actually printing now, the
23 change report.

24 VICE-CHAIR HERRERA: You know, I guess I was under
25 the impression, Madam Chair, that we were going to start

1 looking at areas in the map that we wanted to lock in
2 outside of the majority-minority districts. That was my
3 impression that we were going to be doing. If we are, I
4 think that Commissioner Stertz appeared to be pretty serious
5 about it, so I -- I second that. I think we should go and
6 look at areas where we can come up with hopefully a
7 consensus, and not just vote to see if there's a 3-2, 4-1,
8 5-0, and see what we can agree.

9 CHAIRPERSON MATHIS: Yes, now we have the change
10 reports from the Scottsdale schools proposed adjustment.

11 Commissioners have any thoughts on this now,
12 seeing the change reports? Or legal counsel?

13 COMMISSIONER McNULTY: Madam Chair, my first
14 reaction is it's not an insignificant reduction in the
15 metrics based on the size of the changes. I'm not adverse
16 to doing it, but I would want legal counsel, you know, to
17 tell us that this isn't significant.

18 JOSEPH KANEFIELD: Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Kanefield.

20 JOSEPH KANEFIELD: Looking at the change report
21 for District 24, which is one of our minority districts, it
22 does bring the numbers down for Hispanic voting age
23 population, Hispanic citizen voting age population slightly,
24 but it does bring those numbers down and this is one of the
25 districts that it was pretty close to begin with. So we'd

1 have to take a careful look at this number before we could
2 recommend this change take place.

3 VICE-CHAIR HERRERA: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Herrera.

5 VICE-CHAIR HERRERA: I wouldn't be in favor of any
6 change that reduces the Hispanic voting age population, or
7 voting strength for minorities, especially in 24. I think
8 24, as Mr. Kanefield stated, is one of the ones that we're
9 looking at strengthening. So any change at this point that
10 would diminish the strength, is not something that I would
11 be in favor of.

12 CHAIRPERSON MATHIS: I would have to agree. I
13 know Mr. Adelson isn't here, but I can't imagine that he
14 would think that the Hispanic CVAP hit would be something
15 that we would want to explore.

16 Are there other ways to look at that quadrant to
17 accommodate partially what is being desired, and not hurt
18 the performance of 24?

19 I guess what I'm wondering is what if you took the
20 top of both of those quadrants.

21 WILLIE DESMOND: So if we were to remove some of
22 the areas we just put back in, that would help.

23 I mean, just a little bit.

24 However, District 24 is already under-populated by
25 nearly 8,107 people.

1 Taking out just the top two block groups would
2 further remove 2,454 people, putting then District 24 at a
3 negative population deviation of 4.96 percent.

4 Removing fully the area that we just put back in,
5 would under-populate District 24 by 6.31 percent.

6 And it's -- 23 has room to grow still, no doubt,
7 but 24 would probably have to find population somewhere
8 else.

9 I mean, in some of our other things we've looked
10 at taking population from 27.

11 However, 27 is already under-populated.

12 There is no -- it's possible with a series of
13 changes to a bunch of districts, however, it's going to
14 start affecting many districts. But it's something that we
15 can explore right now, if you like.

16 COMMISSIONER McNULTY: Madam Chair.

17 CHAIRPERSON MATHIS: Ms. McNulty.

18 COMMISSIONER McNULTY: Mr. Desmond, I'm not
19 excited about the prospect of moving around a bunch of
20 districts.

21 What if we removed vertically rather than
22 horizontally.

23 I think two of those are .46 and two are .43.

24 WILLIE DESMOND: What we could do is make
25 District 23 maybe, at its most extreme, bringing in the

1 school would be something like this.

2 Although that's less than an ideal district shape.

3 Again, the school is right in this corner down
4 here, the high school.

5 And I am not sure we might have just removed the
6 two other schools that were intended to be put back in.

7 COMMISSIONER McNULTY: Does it strengthen the
8 voting rights district or dilute it?

9 WILLIE DESMOND: This change, mine inspector Dem
10 would be 59.69.

11 So probably it's better than it was in this latest
12 change.

13 It looks to be a little better than it was in our
14 working map.

15 Total minority voting age would be 47.29.

16 So that looks to be a little stronger than the
17 working map and stronger than the change map.

18 Let me just see.

19 District 24 is still under-populated.

20 District 23 is only 500 people away from the ideal
21 population value.

22 COMMISSIONER McNULTY: What about CVAP.

23 WILLIE DESMOND: Again, I'm sorry, I don't have
24 CVAP as part of our census operation. It's run on a
25 separate portion of Maptitude. So I'd have to run the

1 change for it to work.

2 MICHAEL RUBINOFF: Commissioner Mathis, if I can
3 just state, given their configuration, I think does achieve
4 most of the goals that I think we have outlined. I think
5 that because you're bringing -- it is an interesting kind of
6 finger, but I think we are getting those schools through
7 there as I'm looking at that, because that middle brown
8 line, I guess Thomas Road, so I think we're achieving those
9 goals, so if that helps the Commission.

10 CHAIRPERSON MATHIS: Thank you.

11 WILLIE DESMOND: Should I run another change
12 report?

13 CHAIRPERSON MATHIS: Yeah.

14 (Brief pause.)

15 JOSHUA OFFENHARTZ: Madam Chair.

16 Just on this idea, I'm just thinking out loud in
17 the back, if the Commission were to go ahead and accept
18 something like this, I realize that it causes some ripples,
19 but I think that based on what I'm observing in the
20 testimony, there does seem to be some discrepancy about what
21 to do with the 28, 26, 15 area. And I think this allows you
22 to focus your differences on that area to try to shuffle
23 those lines to meet the reduced population and majority-
24 minority issues. I'm also beefing up the 23.

25 Obviously, we're self-advocating over here, but I

1 do think it makes your job a little easier by focusing your
2 differences in the one area as opposed to stretching across
3 half of the northeast valley.

4 CHAIRPERSON MATHIS: Thank you.

5 WILLIE DESMOND: I can print it, if you like, or
6 else I can show it to you on the screen.

7 Here's the change report.

8 So we're -- it looks like we're very, very close
9 to the working map as far as CVAP goes, a difference of four
10 people.

11 But it's a positive increase, even though we lost
12 four people because the district is slightly smaller.

13 Registration is 28 people different, a tenth of a
14 percent.

15 We're about even on most of our ability to elect
16 measures, slightly lower non-Hispanic white percentage.

17 Slightly higher total minority percentage.

18 The district is 598 people further under-
19 populated, bringing it to 8,981, 4.2 percent. I'll leave to
20 counsel to say if that's within a margin for voting rights
21 district or not.

22 I don't think it's our most under-populated
23 district at this point.

24 Are there any questions right away or would anyone
25 like a paper copy?

1 MARY O'GRADY: Madam Chair, in terms of the
2 population deviation, I think this is in the ballpark of
3 what we've been doing in terms of the other voting rights
4 district, so I don't have a problem on that issue.

5 As far as the deviation, it seems like it's close
6 enough that it would be a policy call, and you could kick it
7 for analysis, if you wanted to do so.

8 COMMISSIONER McNULTY: Madam Chair.

9 CHAIRPERSON MATHIS: Ms. McNulty.

10 COMMISSIONER McNULTY: Ms. O'Grady, would you
11 advise that we put it on a parallel tract that we agree to
12 substitute it in the working draft pending your discussion
13 with Mr. Adelson and Ken, to make sure that there's no --
14 they don't see any issues, and if they don't?

15 MARY O'GRADY: Commissioner, I think that makes
16 sense, you know, to permit us to have a further discussion
17 if it is a change that the Commission is interested in
18 making, to defer it for the lawyers and Ken, and Dr. King,
19 for further discussion.

20 COMMISSIONER McNULTY: Okay.

21 You probably don't need a motion for that. Do we
22 have consensus that we would like you to look at it and
23 advise us if you see issues that aren't apparent on the
24 change report here?

25 VICE-CHAIR FREEMAN: I'm sorry. I'm having a hard

1 time with the acoustics, hearing everything.

2 If you're both saying if it's more analysis, I'm
3 in favor of it.

4 COMMISSIONER STERTZ: And add it in.

5 COMMISSIONER McNULTY: Do you want a motion or do
6 you -- I think we just do it.

7 CHAIRPERSON MATHIS: I think everybody agrees.

8 COMMISSIONER McNULTY: The lawyers will look at it
9 and if they're comfortable that it serves the same purpose
10 as our existing voting rights district, they can advise us
11 and at that point we can substitute it.

12 WILLIE DESMOND: So, just so I understand, is this
13 in the working draft or is this a separate thing?

14 I think from a point of just keeping everything
15 straight, it would be better to either incorporate it or
16 not, but it's up to you.

17 COMMISSIONER McNULTY: All right, I'll make a
18 motion that we -- well, I don't want to do that until the
19 lawyers have had an opportunity to talk among themselves
20 about whether this raises any other issues. So I would just
21 request that Mary and Joe and Ken and Dr. King look at this
22 today. Tomorrow, if they feel comfortable tomorrow telling
23 us that we can substitute it, then I'd be happy doing that.

24 If they aren't, then I guess I'd request that we
25 put it on a parallel tract in the same way that we did in

1 another district earlier, and just get confirmation that it
2 works as well as the other; does that sound okay.

3 CHAIRPERSON MATHIS: Yep.

4 VICE-CHAIR FREEMAN: I agree.

5 WILLIE DESMOND: Okay.

6 We will take a look at this later and kind of
7 confer.

8 CHAIRPERSON MATHIS: Okay, any other? Do we want
9 to move onto the next area of the leg map.

10 COMMISSIONER McNULTY: I vote for that.

11 WILLIE DESMOND: Which one are we looking at? I'm
12 sorry.

13 CHAIRPERSON MATHIS: Open to any preferences from
14 anyone.

15 COMMISSIONER McNULTY: I'd like to address 6,
16 because if we were to change that, it would have an impact
17 on everything else that we've looked at.

18 CHAIRPERSON MATHIS: Mr. Stertz.

19 COMMISSIONER STERTZ: While looking at 6, I'm
20 looking down into -- I know that there's going to be
21 discussion surrounding Flagstaff and greater Flagstaff.

22 I also want to look at Gila County. Part of the
23 testimony received last Thursday is that we split Gila
24 County into three different legislative districts, ranging
25 55,000 odd population of the county. We broke it up into

1 18,000, that's in 8, and the rest broken up into 7 and 6.

2 Is there any way -- I'm throwing this out to the
3 other Commissioners because I don't have an answer to the
4 question. Is there any way we can look at trying to get --
5 right now Gila County has been used as a population
6 balancing tool, it appears.

7 Is there a way that we could re-look at Gila
8 County as a way to try to get that to be more whole, so that
9 they can receive some proper representation in the
10 legislature?

11 I'm throwing this open for ideas.

12 I don't have any solutions this time.

13 Has anyone looked at this, or do we want to take a
14 hard look at how to fix Gila County.

15 Because Gila County, as it pertains to 6, we've
16 got 27,635 people out of Gila County that are populating 6.

17 6966 populating 7.

18 And another 18,996 that are populating 8.

19 And it's a shame from what all the people that
20 we've heard from in Gila County, that we're not able to do a
21 better job.

22 COMMISSIONER McNULTY: Madam Chair, I'll give my
23 thoughts, which are that I think it's been looked at really
24 hard for months now. And I don't think that Gila County has
25 been used to balance population. And I also don't think

1 they won't have adequate representation. I think it's a
2 falsity that just because they aren't in the same
3 legislative district that they're in now, that they won't be
4 well represented.

5 I think it's kind of unfortunate to view it from
6 that perspective.

7 I think the diverse population shares county
8 governments, and that doesn't mean that some part is not
9 getting represented at all.

10 I mean, part of what we're trying to do is create
11 districts in which not -- there isn't an overwhelming
12 advantage for one party. So whoever it is that does
13 represent them has to be receptive and responsive.

14 So from my perspective, it's not as if I haven't
15 thought about that. It's not that I don't care about that.

16 I do care about that.

17 But we have to achieve a balance, and you bump up
18 to things in maps where you just can't do everything that
19 everybody wants, and I think this is a place where we've
20 bumped up against that.

21 But I feel strongly that the balance that we
22 achieved in the draft map was a good one.

23 CHAIRPERSON MATHIS: Comments from other
24 Commissioners?

25 VICE-CHAIR HERRERA: Madam Chair, I echo

1 Commissioner McNulty's comments.

2 You know, making changes to the leg map trying to
3 not break up, you know, keep as many counties whole, lessen
4 the splits, you know, again, it's just a balancing act and
5 we did our best we could.

6 So, again, I agree with Commissioner McNulty.

7 CHAIRPERSON MATHIS: I would ask, I guess, our
8 mapping consultant, is he aware of anything that he's seen
9 in this area that might be improved, to answer Mr. Stertz's
10 question, with regard to Gila County?

11 WILLIE DESMOND: Well, since District 8 is now
12 being submitted for analysis as a possible voting rights
13 district, that and district -- the reservation areas in
14 District 7 are now in voting rights districts kind of, so
15 that complicates things.

16 The only option I guess would be to add in more
17 area to one of those.

18 But I don't think that necessarily works.

19 If it turns out that District 8 is not a viable
20 option, then, that we don't want to take to justice.

21 It's possible that District 6 could grow further
22 south and incorporate all of Gila County.

23 As Commissioner Stertz mentioned, it is a fairly
24 large portion of the county in District 8. So about half of
25 the district is in 6.

1 About 35 percent is in 8.

2 And the remainder is in District 7.

3 COMMISSIONER McNULTY: I would point out that we
4 did go through that exercise when we went through the draft
5 map, and we concluded that it wasn't the way we wanted to
6 go, and that would be my view now also.

7 COMMISSIONER STERTZ: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Stertz.

9 COMMISSIONER STERTZ: You know, I'm responding to
10 the testimony that we received last week from the
11 representative who came on behalf of the Board of
12 Supervisors for Gila County, and his level of frustration on
13 their behalf.

14 My crystal ball is broken. I don't know what
15 representation is going to look like and whether or not
16 they're going to be properly represented or not.

17 I'd like to think that any representative that has
18 had any part of any county in their district is going to
19 represent them appropriately.

20 But that's not -- that's an -- that's -- like I
21 said, my crystal ball is broken.

22 I can't tell what's going to happen in the future.

23 I want to make sure that we feel, as a Commission,
24 that we have adequately responded to what was clearly an
25 emotional concern of someone representing the Board of

1 Supervisors of that county, and therefore, representing
2 those constituents and those residents of the county, that
3 we have done our best to represent, whether or not we can
4 extract areas out of 7 to move them into 6, out of 8 to move
5 them into 7, out of 6 to move them into 8, I can't answer
6 that.

7 Because as all things do, they all have a massive
8 ripple effect.

9 Right now 7 and 8 are in for analysis and those
10 are now connected right through the center of Gila County.

11 WOMAN IN AUDIENCE: That is not the working map on
12 the screen, is it?

13 VICE-CHAIR FREEMAN: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Freeman.

15 VICE-CHAIR FREEMAN: Madam Chair. No, that is not
16 a work draft map. That is a proposal that Mr. Desmond put
17 forward given some instructions I had given him which were a
18 little different.

19 Of course, it's possible to keep Gila County whole
20 if the will is there.

21 It's likely that there would be at least one split
22 of Gila County, because of the San Carlos Indian Reservation
23 and the desire to keep it whole. But with respect to the
24 non-reservation part of county, that can be kept whole if
25 the will is there and the desire is there.

1 Certainly we heard loudly and clearly in Payson,
2 contrary to other interpretations, that they wanted to keep
3 Gila County whole.

4 We heard that in Globe, a lot about their county
5 and county government, and the way the people speak through
6 their county.

7 We heard that in the Thatcher-Safford hearing
8 about the desire to keep the Gila and Graham and Greenlee
9 together, eastern Arizona together. And, unfortunately, I
10 don't think those people will be heard.

11 I think voices are going to be drowned out by
12 voices in other parts of the state, and I think that's
13 unfortunate, because I do think they should be heard.

14 COMMISSIONER McNULTY: Madam Chair, I think it's
15 important just to say that they have been heard.

16 We've listened to everyone that's come before us.
17 We've heard a great deal of testimony from northern Arizona
18 and from eastern Arizona. It's a difficult balancing act,
19 and I do believe that in the draft map we had achieved a
20 good balance.

21 Change is frightening, so I know there is a lot of
22 emotion. But that doesn't mean that things don't change.
23 And it doesn't mean that people won't be well represented.
24 And it doesn't mean that people can't participate in their
25 democracy.

1 All of those things can and will continue.

2 But the thing we're talking about right now are
3 things that we talked about at great length as we developed
4 the draft map.

5 VICE-CHAIR FREEMAN: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Freeman.

7 VICE-CHAIR FREEMAN: With all due respect to
8 Ms. McNulty, that comment has a little tinge of -- sounds a
9 little patronizing and a little dismissive of what those
10 people had to say.

11 And in terms of the Commission listening to those
12 people, we've got a Commissioner who believes that the
13 Clarion call of the Payson public comment hearing was to
14 link Payson with Prescott.

15 And as I pointed out on Friday, the word Prescott
16 appeared twice in over 8,000 words of transcript, and on one
17 occasion that was an individual talking about how it would
18 be inappropriate to link Payson with Prescott.

19 And the other person was someone who I believe was
20 a representative from the Gila County Democratic party.

21 And he did say -- out of all of the people that
22 turned out at that public hearing, he did say, yeah, Payson
23 is just like Prescott, Sedona and Bullhead City, so they
24 belong together.

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: During the public comment
3 that I heard at -- during the 30-day post draft map
4 approval, both in San Carlos and in Globe, was that San
5 Carlos and Globe are, were, are absolutely connected as
6 communities.

7 They are one and the same. They shop together,
8 they live together, they commute together, they were
9 absolutely connected.

10 We've heard that both in San Carlos and in Globe.

11 And yet, we have by virtue of a few miles, pulled
12 Globe out of the connection with San Carlos and plugged it
13 into 8, and now we're representing San Carlos with the
14 District of 7.

15 So I think that we had -- we could work harder to
16 fix these connections, to fix those relationships that are
17 there, if we so chose. And I find that it would be
18 disingenuous of me to not give that -- to give that a try.

19 So I guess I would start looking at this, of the
20 folks that are located in 7. What I'm hearing is that, is
21 that because 7 is under -- is under analysis right now, it's
22 an untouchable district, and now we've just, by a 3 to 2
23 vote this morning, made 8 a likewise untouchable district
24 during its analysis.

25 And, therefore, we're not going to be able to even

1 attempt to respond to the comments that were not only given
2 last Thursday, but also in San Carlos by two hours of
3 testimony, and by folks in Globe, and the two-and-a-half,
4 three hours of them that they received there.

5 And I am sure we also have other volume of
6 testimony that have been put on the record.

7 So as I said, we've -- by virtue of these
8 decisions that have been made down the line, and I said this
9 earlier today regarding the 8, 11 discussion, we are -- we
10 are fixing districts by virtue of them going to analysis.
11 And where I just see this going is that the analysis is
12 going to comes back, it's going to say 7 looks great. These
13 other districts look great. Let's not touch them, so we
14 don't have to go through and delay the process any further.
15 So. . .

16 COMMISSIONER McNULTY: Madam Chair.

17 CHAIRPERSON MATHIS: Ms. McNulty.

18 COMMISSIONER McNULTY: Two points. I think Globe
19 Miami, it's part of copper country. It's part of the copper
20 corridor. I think it makes perfect sense for it to be tied
21 to the copper communities and the Latino communities that we
22 talked about this morning in LD 8.

23 And on the issue of sending things for analysis, I
24 think it's been two months or more since we finished our
25 second round hearings.

1 And so we've been working all through this process
2 to come up with ideas to try and address these things, and
3 now is the time to send things to analysis. And I think the
4 fact that Mr. Stertz doesn't have an answer to this, I
5 understand, because we've looked really hard to try and find
6 an answer to it.

7 And we've, again, I think, achieved a balance in
8 light of all the testimony that we've received in the past
9 months, that makes sense.

10 It doesn't make everyone happy, and it makes a
11 select group of folks very unhappy, and I understand that.
12 But it doesn't mean that we haven't tried hard.

13 It doesn't mean that we haven't achieved a good
14 balance of the criteria.

15 It doesn't mean that they won't be well
16 represented.

17 VICE-CHAIR HERRERA: Madam Chair.

18 CHAIRPERSON MATHIS: And I would also add that it
19 doesn't mean that we haven't listened, too.

20 Mr. Herrera.

21 VICE-CHAIR HERRERA: Sure, I think we've -- we --
22 I would say that there's no one in this Commission that
23 hasn't listened to people, you know, whether they attend all
24 the meetings or not, whether they participate via Skype,
25 whether they listen to the public hearings in person or they

1 were, again, they were listening to the public hearings
2 during streaming.

3 I think we all listened, and I think we would all
4 agree that it's a difficult task that we have to -- when we
5 put together these maps. Not everybody is going to be
6 happy, and I think we all agreed to go forward. That we
7 knew going in that we weren't going to make everyone happy.

8 And I even said I wish I -- if I could -- if I
9 could, it would be one of my goals is to make everyone happy
10 when we created these maps and when we finish them, but I
11 knew that wasn't realistic.

12 What I want to ask is how many of the majority-
13 minority on the legislative side are being sent for
14 analysis? Is it all of them, Mr. Desmond?

15 WILLIE DESMOND: Yes.

16 VICE-CHAIR HERRERA: So that's ten plus one, so
17 with the eight and that's 11.

18 So that's 11 that we're not messing with out of
19 the 30.

20 What I'd like to start doing, I'd like to start
21 locking other of the LD districts, again, outside of the
22 majority-minority districts that Mr. Stertz was, that was
23 his idea, and actually I liked that idea, if we could do
24 that, then, I'm all for it.

25 CHAIRPERSON MATHIS: Do other Commissioners have

1 thoughts on changes, proposed changes outside of the voting
2 rights districts?

3 COMMISSIONER McNULTY: Did we have another change
4 in 6 that's open? There was just the one change that I had
5 requested to move, Camp Verde; is that right, that we
6 postponed for later today?

7 WILLIE DESMOND: There was that and --

8 COMMISSIONER McNULTY: What else is outstanding?

9 WILLIE DESMOND: I think that's it.

10 You also have your change report that deals with
11 the western counties.

12 COMMISSIONER McNULTY: I just mean 6.

13 WILLIE DESMOND: I think that does not touch 6 at
14 all.

15 I'm almost positive, but. . .

16 COMMISSIONER McNULTY: I'm almost positive of that
17 too, but let's just double check, if we could.

18 WILLIE DESMOND: Okay.

19 COMMISSIONER STERTZ: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Stertz.

21 COMMISSIONER STERTZ: Leading off on this, 7, as
22 it's crafted, is an untouchable district.

23 Eight is now an untouchable district.

24 Four, three, and two.

25 That leaves five, which is Mohave and La Paz.

1 We've taken a notch out to fix Colorado City, right? That's
2 been handled?

3 CHAIRPERSON MATHIS: Yes.

4 COMMISSIONER STERTZ: So we've got 5 and 13 on the
5 west border.

6 And now we're connecting the north side of the
7 city of Yuma with Avondale in 13, correct?

8 Are we -- is that where -- is that where -- is
9 that where we're all ending up on 13? In an attempt to
10 looking at particular districts, if we're going to be
11 looking at -- so if you're looking at the western districts
12 we have 14, 13 and 5, that we can actually do something
13 with.

14 And if we can get Yavapai, so that it doesn't poke
15 its head into Phoenix, I think that might be a success.

16 And if we can get Yuma so that Yuma isn't bulk
17 headed by one side north of the 8 going into -- going into
18 Avondale, none of these were population gains, or for
19 Buckeye.

20 So do we have any thoughts on where we are with
21 those districts?

22 CHAIRPERSON MATHIS: So did you have proposed
23 changes for the 13, 14 interface?

24 COMMISSIONER STERTZ: Trying to determine what the
25 -- what the solutions might be.

1 Commissioner Freeman, did you have a 14 change
2 that you wanted to propose?

3 VICE-CHAIR FREEMAN: No, I'm in favor of keeping
4 Yavapai County as whole as possible.

5 COMMISSIONER STERTZ: So that little notch in
6 north 22, that doesn't show up on this, that little piece of
7 the north side of 22. Mr. Desmond, is that just a --

8 WILLIE DESMOND: Right here?

9 COMMISSIONER STERTZ: That's a -- it's a zero
10 population.

11 WILLIE DESMOND: This right here has seven people,
12 and it is a portion of Peoria. So it keeps Peoria --

13 COMMISSIONER STERTZ: Keeps Peoria whole.

14 WILLIE DESMOND: It is just seven people, so it
15 isn't any split of Yavapai County. So it's six and one.

16 COMMISSIONER STERTZ: So we've got District 5.

17 I'm trying to work my way around here and see if
18 we've got anyplace where we can start clipping off
19 districts, as I suggested earlier, if 14 is good. 13 is
20 good, 5 is good. We'll start -- let's start working our
21 way around the map.

22 Because we know there's areas that we can't be
23 manipulating right now, based on a -- the concept that we've
24 got 11 districts that are under analysis.

25 Those districts, there's very few districts in the

1 rest of the state that don't stuff those districts.

2 So I'm not so sure how we're going to be able to
3 not just say, well, you can't touch, there's very few that
4 you don't affect all the rest of the districts.

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: You know, I agree with
8 Mr. Stertz that we should probably be tackling, as I said
9 before, districts that we want to lock in except for
10 majority-minority districts.

11 And, you know, if -- if -- eventually we're going
12 to do that. I don't think it's any surprise to anyone,
13 because we've been working on this for a while now. We knew
14 we were going to send the information for analysis. And we
15 probably have a strong idea that while they were being
16 analyzed, that we didn't want to be messing with those, with
17 the majority-minority ones, but what we can do now is look
18 at the changes we've made to, for example, 6.

19 I'm a big fan of the way 6 looks in the draft map,
20 and I would be -- that would be a district that I would lock
21 in.

22 There's other ones, but definitely that one.

23 As I said, I think we spent a lot of time on 6.
24 We heard a lot of public testimony.

25 And keeping 7 the way it is, the way the Navajo

1 Nation wanted and the way it is in the draft map, it would
2 kind of limit the way we can change 6.

3 But, again, I'm happy to lock in 6.

4 COMMISSIONER STERTZ: Or are we making --
5 Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Stertz.

7 COMMISSIONER STERTZ: Are we making adjustments to
8 7 after we got the submittal that affects 6?

9 VICE-CHAIR HERRERA: Madam Chair.

10 I think all the changes would be dependent on the
11 analysis coming back saying, you know, the districts are
12 good the way they are. So I think any -- any approval of
13 any of the districts outside of the majority-minority, those
14 are going to be dependent upon the analysis that comes back
15 on those majority-minority districts.

16 COMMISSIONER McNULTY: Madam Chair.

17 To answer, I think, what Mr. Stertz was asking,
18 the only change I proposed in 6 was a population balancing
19 change in 6 that we looked at earlier, but we postponed that
20 until we got to that part of the state, and it does not
21 affect 7 at all.

22 I'm not sure Mr. Stertz was here when we first
23 looked at the changes that Mr. Desmond put together in 13,
24 5, and 14.

25 Let's -- could we -- could he pull those up and

1 look at those?

2 (Brief pause.)

3 WILLIE DESMOND: Okay.

4 COMMISSIONER McNULTY: Mr. Desmond, if we could
5 just focus on 13, 14 and 5.

6 So what I had asked him to do was to look at the
7 arm that reached from Yuma into Maricopa County, to consider
8 Ms. Pancrazi's request, that we think about putting La Paz
9 County with Yuma and to use the more agricultural, rural
10 areas of western Maricopa County to supplement the
11 population to the extent possible, rather than the denser
12 urban portions of Maricopa County.

13 And so Mr. Desmond prepared this, and we'll
14 explain this, but one of the trade-offs that he explained to
15 me, was that we can either put La Paz County with northern
16 Yuma County, and, if we do that, then Yavapai County has to
17 shed some population into Mohave County.

18 Or, we can leave La Paz County with Mohave County
19 and back out that additional split of Yavapai County.

20 I'll let Mr. Desmond add anymore.

21 WILLIE DESMOND: So what we've done here is,
22 District 5 is all of Mohave County except for the
23 reservation lands.

24 That, by itself, is not quite enough population,
25 so it did need to grow.

1 The working map, it has La Paz County.

2 And District 13 has the northern portion of Yuma,
3 and that kind of fit an arm that comes in and grabs through
4 Buckeye and through Goodyear.

5 Or what we're able to do here is, is 5 goes into
6 northern Yavapai County.

7 I can remove the shading, so you can see exactly
8 what it takes from Yavapai County.

9 It comes in and takes Paulden and Chino Valley.

10 And some unincorporated legs.

11 The north western portion of Yavapai.

12 District 13 then, takes all of La Paz, the
13 northern portion of Yuma County, and comes in and takes the
14 entire northern half of Buckeye, instead of kind of an arm
15 that comes across Buckeye with a portion. If I turn on the
16 working map, you'll see what I'm talking about.

17 Briefly, northern Buckeye was all in District 14.

18 The rest of Yavapai County.

19 Thirteen came in, then across Buckeye, came in and
20 took Citrus Park, parts of Glendale, parts of Surprise.

21 What this does is it takes all this portion of
22 western Maricopa County and that goes into District 13 with
23 La Paz and Yuma.

24 There is still a portion of northern Goodyear that
25 goes in, but it does remove a split from Surprise, it does

1 remove a split from Buckeye.

2 As a result, District 14 has lost both in the
3 north and in this portion of western Maricopa.

4 So we did this. This is how the changes are all
5 interrelated. It does come down. It takes Wickenburg and
6 some of the unincorporated lands north of Surprise and
7 Peoria.

8 It also comes in and takes New River, Anthem, Cave
9 Creek, and Carefree in their entirety, and puts that with
10 the rest of Yavapai County.

11 So there are other effects in Maricopa County, but
12 as far as District 13, 14 and 5, that's what happens.

13 COMMISSIONER STERTZ: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Stertz.

15 COMMISSIONER STERTZ: Mr. Desmond, the splits
16 report that you just handed to me, is that reflective of
17 this latest iteration of 6?

18 WILLIE DESMOND: Well, in this one, District 6
19 should be unchanged from the working map.

20 What numbers does it give you?

21 COMMISSIONER STERTZ: Other than the changes that
22 Commissioner McNulty --

23 WILLIE DESMOND: I think that's just an
24 unincorporated block, because there's no population shifts.

25 COMMISSIONER STERTZ: Okay.

1 WILLIE DESMOND: This, too, should say all zeros
2 when you look at population changes.

3 COMMISSIONER STERTZ: And the modifications that
4 Commissioner McNulty was going to -- deferred from this
5 morning to this afternoon?

6 WILLIE DESMOND: That is not included in this
7 change report.

8 That's one thing that we should look at.

9 COMMISSIONER STERTZ: Can we look at those real
10 quick?

11 WILLIE DESMOND: If we were to do that, District
12 14 would go from an overpopulation -- assuming you did this
13 change and that other change, District 14 would be under-
14 populated by about 5,000 people.

15 It starts out in the working map overpopulated by
16 7,382.

17 When it sheds some population to District 5 here,
18 it drops to overpopulated by 5,453.

19 It gives up Camp Verde and removes another 10,000
20 people. Which does bring District 6 closer to its ideal
21 population. But District 5 goes to positive deviation of
22 2.6 percent to 3.5 percent. If we don't do this change, to
23 a roughly negative deviation of, I think, like one,
24 two-and-a-half percent, depending.

25 You could still do the population balance and

1 adopt this change.

2 COMMISSIONER STERTZ: Just as a clarification,
3 Madam Chair, maybe Commissioner McNulty, the splits report
4 right now does not reflect the Camp Verde exchange; is that
5 correct?

6 COMMISSIONER McNULTY: That's correct.

7 COMMISSIONER STERTZ: Which would give us 5,000
8 negative population in --

9 WILLIE DESMOND: In 14.

10 COMMISSIONER STERTZ: -- in District 14.

11 And it would balance, essentially balance
12 population in District 6; is that correct?

13 WILLIE DESMOND: District 6 would be, I think,
14 roughly 1100 people over.

15 COMMISSIONER STERTZ: So well within the --

16 WILLIE DESMOND: Well within.

17 District 6 is currently about 9900 people under-
18 populated.

19 I think it would add something like 1300 people.

20 Excuse me. I think it would add something like
21 11,000 people.

22 COMMISSIONER STERTZ: Do you remember if we
23 increase the competitiveness of District 6 or 14 by that
24 change?

25 WILLIE DESMOND: Give me one second to tell you.

1 COMMISSIONER McNULTY: I think it was about the
2 same. I think it was population balance.

3 WILLIE DESMOND: District 6 becomes slightly less
4 competitive. It starts again just looking at Index 2, as
5 54.1 percent Republican, 45.9 percent Democrat.

6 It would drop to 54.7 percent Republican, 45.3
7 percent Democrat.

8 So it's a change of about six-tenths of a percent
9 more Republican, 6/10ths of a percent less Democrat.

10 COMMISSIONER STERTZ: And that's in 6?

11 WILLIE DESMOND: Yeah, that would be with the
12 population balance.

13 District 14 would shed Camp Verde. Doesn't really
14 see much of a change. Camp Verde is pretty much right at
15 the district average. So removing it doesn't affect it too
16 much.

17 The only thing it does is it makes -- it makes the
18 District 2/10ths of a percent higher in registration
19 Republican.

20 But doesn't affect neither indexes, that are based
21 solely off of election results.

22 COMMISSIONER STERTZ: Curious on how you can in
23 crease in both district when they're being exchanged.

24 WILLIE DESMOND: Because one of them started out
25 out here, so it's shedding some of its lower part.

1 It's still higher than the other district, so it's
2 a net gain for both.

3 COMMISSIONER STERTZ: All right.

4 VICE-CHAIR FREEMAN: Madam Chair.

5 CHAIRPERSON MATHIS: Mr. Freeman.

6 VICE-CHAIR FREEMAN: Mr. Desmond, can you zoom
7 that out a little bit?

8 Okay. If Gila County was what's for lunch in the
9 service of LD 6, unfortunately, I think Yavapai County is
10 what's for dinner now, with this proposed change.

11 It's got some significant -- I mean, the
12 population is just sliced and diced.

13 And, unfortunately, while there's one sort of
14 repair that occurs in drawing the line somewhat in western
15 valley area, western Maricopa County area, I mean, it's
16 that, quote, unquote, fix or change that perhaps was
17 helpful, is just countered completely by putting New River,
18 Anthem, and Cave Creek, and Carefree into a district with
19 part of Yavapai County.

20 Probably, I don't know, what percentage. Probably
21 a major part.

22 It's just so you've got two parts now of Maricopa
23 County being linked in with a substantial part of Yavapai
24 County, with other parts of Yavapai County being sliced off
25 to go into LD 6 and LD 5.

1 I'll grant you that on the draft map LD 13 is a
2 problematic district. And perhaps needs some attention.
3 But to try to salvage that district by doing what I regard
4 is all this damage to other parts of the map, I think is
5 something I would support.

6 WILLIE DESMOND: One thing in this change,
7 District 5 is overpopulated by about 5,000, or about 6,674
8 people.

9 If you made the population balance with 14, that
10 would then leave 14 under-populated by about 5,000 people,
11 so you could also balance 14 and 5, then remove a little bit
12 more population from Yavapai into District 14. But only
13 about 5,000, 6,000 people.

14 COMMISSIONER STERTZ: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Stertz.

16 COMMISSIONER STERTZ: Mr. Desmond, could you zoom
17 in on New River, Cave Creek, and District 26.

18 This is the dip you're talking about.

19 This is on the latest drawing that's been voted,
20 correct? This has not been available yet?

21 WILLIE DESMOND: This change is available. It was
22 discussed last Friday, I believe.

23 COMMISSIONER STERTZ: I just downloaded it or
24 uploaded it.

25 I don't have it.

1 WILLIE DESMOND: You just --

2 COMMISSIONER STERTZ: I must have grabbed the
3 wrong one.

4 WILLIE DESMOND: This change is -- I think it's
5 called -- it's called change report leg McNulty changes
6 12/15/11.

7 I believe it was -- it was prepared last Thursday,
8 but not presented until Friday, because the meeting got cut
9 short on Thursday.

10 It should be online from the 15th.

11 COMMISSIONER McNULTY: Mr. Desmond, do I correctly
12 understand that we could do this one of two ways? We could
13 alternatively back out the population from Yavapai County
14 back into Yavapai County from Mohave County to Yavapai
15 County from 5 and 14, and then put La Paz County with Mohave
16 County?

17 WILLIE DESMOND: Correct.

18 And then 13 would need to go in and grab more
19 population in Maricopa.

20 COMMISSIONER McNULTY: How much more?

21 WILLIE DESMOND: Roughly 20,000 people. That's
22 what's in La Paz County.

23 COMMISSIONER McNULTY: They couldn't take that
24 from 14? I thought we were moving 20,000 people from 14 to
25 5 in Yavapai County. No?

1 WILLIE DESMOND: I can show you.

2 If we were to take District 14, that would move
3 21,191 people back into Yavapai County.

4 So that District 5 would be under, you know, would
5 lose 21,000 people.

6 District 5 could then go grab La Paz County.

7 That would move 20,489 back in.

8 So at that point, 5 would be balanced.

9 Fourteen would be overpopulated by 21,000 people,
10 and 13 would be under-populated by 21,000 people.

11 So 14 would need to give 13 the 21,000 people.

12 It's possible that we could do that as a direct
13 swap. However, then you're introducing probably another
14 split of Yavapai.

15 What's more likely is that 14 would retract itself
16 somewhere from Maricopa County and that population would be
17 shifted over to 20, 21, or 22.

18 Does that make sense?

19 COMMISSIONER McNULTY: Yes.

20 WILLIE DESMOND: I mean, that's how the working
21 map is right now.

22 COMMISSIONER McNULTY: Is there, on the working
23 map now, is there a place where you would suggest that we
24 take those 20,000 people from?

25 I know what I said just makes no sense, but based

1 on the working map now, can you identify for us what you
2 think would be a logical alternative to --

3 WILLIE DESMOND: Let me bring up the working map.
4 There's no -- having looked at this quite a bit,
5 there's no real answer.

6 You'll have to split something.

7 We can go ahead and look at that, though.

8 COMMISSIONER STERTZ: Madam Chair.

9 CHAIRPERSON MATHIS: Mr. Stertz.

10 WILLIE DESMOND: I can go back.

11 COMMISSIONER STERTZ: No, go ahead and execute
12 whatever Commissioner McNulty was asking you to look at.

13 But I'm just going through this and there's a
14 ripple effect about to take place. I think there might have
15 been some logical moves that you got to where you got to
16 here, and that's why I wanted to look at what was going on
17 in central Maricopa County.

18 WILLIE DESMOND: So essentially, in the working
19 map, District 14 does not come down into the New River, Cave
20 Creek, Anthem areas whatsoever.

21 It comes down and takes parts of Buckeye, parts of
22 Surprise.

23 And that's what creates this arm from District 13.

24 If District 13 was to -- was to take more of this
25 area in western Maricopa County, District 14 needs to make

1 that up somewhere. That's why I came down and took New
2 River, Cave Creek and Anthem, was to allow this, you know,
3 the west valley to be cleaned up.

4 The other option would be District 14 coming down
5 and taking Surprise or Peoria. Does that makes more sense?
6 But District 14 does need to get some population from
7 Maricopa County.

8 If District 5 comes in and takes 25,000 people, it
9 needs to take 20,000 more people from Maricopa County,
10 essentially.

11 Is there -- maybe a good way to start, is there an
12 area of Maricopa County that makes sense to go with Yavapai
13 County? What would be the ideal?

14 CHAIRPERSON MATHIS: Does anyone have an answer,
15 or even just a thought?

16 COMMISSIONER McNULTY: I don't think there's an
17 ideal solution to this problem.

18 So that's the draft map, right?

19 WILLIE DESMOND: This is the working map.

20 COMMISSIONER McNULTY: Right, the working draft.

21 WILLIE DESMOND: Yes. The difference between
22 District 5 here and the draft map that you guys approved, is
23 that the portion of Mohave that's Colorado City and stuff,
24 has been added into District 5.

25 COMMISSIONER McNULTY: Okay. All right. I

1 understand.

2 WILLIE DESMOND: So District 5 has grown since the
3 draft map.

4 COMMISSIONER McNULTY: And it's -- does it need to
5 lose population?

6 WILLIE DESMOND: It wouldn't hurt for District 5
7 to lose population.

8 It's currently 3.1 percent overpopulated at 6,000.
9 It's currently overpopulated by 2.8 percent.

10 MARY O'GRADY: Madam Chair, Commissioners.

11 In terms of our state, our population deviation,
12 although it's certainly in the range, that's certainly
13 something that would need to be justified, or reduced. So
14 if could be reduced, that would be a good thing.

15 So 5 is in the working map were 590,072
16 overpopulated, and then going down the Colorado River area,
17 13 was also -- well, that's 6,000 overpopulated in the draft
18 map.

19 Excuse me, in the working map.

20 COMMISSIONER STERTZ: Madam Chair.

21 CHAIRPERSON MATHIS: Mr. Stertz.

22 COMMISSIONER STERTZ: Mr. Desmond, would you be so
23 kind as to bring up the map that you had just before you
24 brought this one up, that showed the inclusion of Anthem,
25 Cave Creek in 14?

1 WILLIE DESMOND: Sure.

2 COMMISSIONER STERTZ: And is that map available?

3 WILLIE DESMOND: Yes, that's the draft map, or the
4 change that Commissioner McNulty had asked for.

5 I believe it's on the website as of 15 -- on the
6 15th.

7 Here it is.

8 It's there as LD McNulty.

9 It's the last of the maps listed, the lowest from
10 changes from 12/15/2011.

11 COMMISSIONER STERTZ: Not the LD 8 McNulty block
12 equivalency, but the 12/15 map. Okay.

13 WILLIE DESMOND: This map does do more than just
14 5, 13, and 14. There are changes in Maricopa County, too,
15 but in the earlier areas those are the changes.

16 Does not change anything with 6.

17 COMMISSIONER STERTZ: Could you look at 21, 22, 23
18 and 28, please.

19 WILLIE DESMOND: Sure.

20 Twenty-three is unchanged.

21 So here's the working map.

22 You can see that 22 has changed.

23 COMMISSIONER STERTZ: Could you turn the working
24 map off for now so I can acclimate.

25 WILLIE DESMOND: Yes. Sorry.

1 So 15 is more in northern Phoenix.

2 There is a split removed from Glendale, so it's
3 gone from 6 to 5.

4 District 28 has been changed, but not quite so
5 much as Commissioner Herrera's changes.

6 COMMISSIONER STERTZ: Sign it.

7 CHAIRPERSON MATHIS: What was that?

8 COMMISSIONER STERTZ: I said sign it.

9 CHAIRPERSON MATHIS: Sign it?

10 COMMISSIONER STERTZ: Madam Chair, there's got to
11 be -- there's going to have to be some compromise in regards
12 to population centers. We've broken down Yavapai County by
13 the inclusion of north Phoenix by population.

14 It's reducing splits and increased some potential
15 conflict of where population centers are going to be
16 located.

17 I think that would be improvements to District 23
18 that were made earlier today.

19 Twenty-eight organizationally makes sense to me in
20 that configuration, rather than the configuration which goes
21 vertical and picks up New River and Cave Creek.

22 There's -- even though there's a lot of compromise
23 in this map, some things that may not make total sense,
24 there's a lot here that makes sense.

25 COMMISSIONER McNULTY: Mr. Desmond.

1 WILLIE DESMOND: Yes?

2 COMMISSIONER McNULTY: I wonder, what can you do
3 -- looking at this view or iteration, do we still have
4 population balancing issues? Large ones? And if so, could
5 you tell me what they are -- tell us what they are?

6 WILLIE DESMOND: Well, District 1 is overpopulated
7 here but that's because this is based off of working maps.

8 You do have that population balance earlier today.
9 So that's rectified there.

10 You also have District 9, which is here, under-
11 populated.

12 District 18 is overpopulated, and that's something
13 that none of these really address.

14 That's down in the east.

15 That's because it's absorbed a lot of population
16 from District 26. That's something else to consider.

17 District 6 is still very under-populated here.
18 9,908 people.

19 You do have the option in the north to move Camp
20 Verde into District 6. That will make District 6 almost
21 ideal population.

22 Fourteen will be under-populated. Might not be a
23 bad thing because it could balance with 5 to bring those two
24 to exact population in this map.

25 District 5 here is overpopulated by 6700 people.

1 2, 3, and 4 are all under populated.

2 Those are voting rights districts.

3 Six again is under-populated.

4 Seven is under-populated, but it's a voting rights
5 district.

6 Nine, that's been corrected.

7 In this map as it is currently drawn, District 13
8 is too large, 6800 people.

9 So that's something that would have to be looked
10 at.

11 One possible solution would be for District 22 to
12 maybe take some population or District 21, they're both
13 overpopulated but not to the same extent.

14 District 23, which does not include those changes
15 that we did today to south Scottsdale, is about populated at
16 the right level.

17 And I think it remains so, even with that change.

18 Continuing on.

19 Twenty-four is again a voting rights district.

20 Twenty-five within 2 percent.

21 Twenty-six a voting rights district. There's
22 several different iterations of that.

23 So that goes all over.

24 District 27, another voting rights district.

25 Twenty-eight is overpopulated by 5,486.

1 It's possible that 28 could shed some population
2 to District 15 and bring those a little closer.

3 It could also -- 15 could also maybe absorb some
4 from 20.

5 And then 29 and 30 are voting rights districts.
6 And those are populated fine.

7 COMMISSIONER McNULTY: So it would still -- we
8 would -- it would still make sense to do the Camp Verde
9 change, and that would resolve the population imbalance in
10 6.

11 COMMISSIONER STERTZ: Fourteen.

12 WILLIE DESMOND: Should I just show you how that
13 looks right now, so we can see?

14 COMMISSIONER McNULTY: Okay.

15 WILLIE DESMOND: Okay.

16 So moving into District 6, just Camp Verde, moves
17 10,873 people. That would put District 6 at a positive
18 deviation of 9,065 people, just under a half percent.

19 District 14 would be under-populated by 5,419
20 people.

21 I would recommend since district 14 would be
22 under-populated by 5400 people, District 5 is overpopulated
23 by 6700 people, to kind of meet in the middle there. They
24 would both be within 1,000 people deviation.

25 I don't have anything prepared to where that makes

1 sense, but we can look at ways of doing that.

2 COMMISSIONER McNULTY: Then we would need to
3 balance in 13, did you say?

4 WILLIE DESMOND: Thirteen is high.

5 Mary or Joe, did you have a number you're
6 comfortable with? It's currently 3.2 percent overpopulated.
7 So it would probably want to lose some.

8 It doesn't have the ability to shed population to
9 Districts 19 or 29, really, because those are both voting
10 rights districts.

11 So it probably would have to go somewhere to 21,
12 22.

13 Maybe you can split some with 14.

14 There's options.

15 MARY O'GRADY: In terms of the population, it's
16 over-populated now, and so an effort should be made to
17 reduce that or at least adjust to just why -- why it's kept
18 at that level.

19 One or the other.

20 And the other, just in 23, I think, as Mr. Desmond
21 mentioned, it's right at the right number now, which means
22 it could probably take some.

23 Because we are -- we do have some that are low, so
24 we're going to need to have -- obviously, we're going to
25 have some others that are over.

1 VICE-CHAIR HERRERA: But that's something that we
2 could probably work on subsequently.

3 COMMISSIONER STERTZ: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Stertz.

5 COMMISSIONER STERTZ: Mr. Desmond, you're making
6 that exchange right now?

7 WILLIE DESMOND: I didn't do that.

8 I can, we can look for 5000 people, this
9 District 14 to move to District 5.

10 COMMISSIONER STERTZ: Or are we just assuming that
11 5,000 under-populated in that district would be acceptable?

12 WILLIE DESMOND: Again, I have to defer to the
13 lawyers.

14 MARY O'GRADY: It's within the range if you wanted
15 to make a record that, you know, you've tried, and you've
16 looked, and you decided this is a necessary deviation. That
17 for whatever reason, you made that decision. Just make the
18 record.

19 COMMISSIONER STERTZ: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Stertz.

21 COMMISSIONER STERTZ: Mr. Desmond, have you done a
22 complete 30 district competitive analysis on this design as
23 currently contemplated?

24 WILLIE DESMOND: I don't believe so.

25 I don't think I've done the full packages for any

1 of the legislative changes, just for some of the
2 congressional.

3 That's something I could run. It would take a
4 little longer.

5 I can probably have competitiveness ready in 20
6 minutes.

7 It could be running mostly in the background.
8 There would have to be time to do some formatting and stuff.

9 COMMISSIONER STERTZ: Would that analysis also
10 include the modifications that were forwarded today for
11 District 8, 11, and for the adjustments that were made in
12 one, ten, two?

13 WILLIE DESMOND: No. It would not. That would
14 all have to be -- I'd have to create the new working map,
15 and then run it on that. Something that I would try to have
16 for you tomorrow morning. Or I could do it tonight.

17 That would take, probably, perhaps an hour, hour
18 and a half.

19 COMMISSIONER STERTZ: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Stertz.

21 COMMISSIONER STERTZ: Due to the lateness of the
22 hour, may I suggest that these conclusions be made and that
23 a full splits and competitive analysis be made based on this
24 latest iteration, so that we can do a -- put this first on
25 the agenda tomorrow. See if we can get our legislative map

1 put to bed?

2 CHAIRPERSON MATHIS: How do other Commissioners
3 feel about that?

4 COMMISSIONER McNULTY: Repeat that for
5 Mr. Freeman.

6 COMMISSIONER STERTZ: Mr. Freeman, I suggested
7 that because of the lateness of the hour, the modifications
8 that occurred earlier today to District 23, 24, 1, 2, 10,
9 the -- I hate to include this as something I'm saying, but
10 the inclusion of the 8-11 split, and also the adjustments of
11 Camp Verde.

12 COMMISSIONER McNULTY: The movement of Camp Verde
13 to 6.

14 COMMISSIONER STERTZ: Camp Verde to 6, be done,
15 and a full splits report be prepared, including a
16 competitive analysis, and make this as part of the first
17 agenda item, first discussion point for tomorrow, so we can
18 put the legislative map to bed.

19 VICE-CHAIR FREEMAN: Okay. We're having reports
20 run on what was just done now over the last couple hours and
21 have that first thing tomorrow morning?

22 COMMISSIONER STERTZ: Yeah.

23 VICE-CHAIR FREEMAN: Okay.

24 COMMISSIONER McNULTY: That would include what
25 we've been looking at here?

1 COMMISSIONER STERTZ: That's correct.

2 VICE-CHAIR FREEMAN: And we start at -- was it
3 1:00 tomorrow or 1:30?

4 COMMISSIONER STERTZ: Yes, 1:00.

5 WILLIE DESMOND: Just two quick questions.

6 The change to 23 and 24 in south Scottsdale, is
7 that to be part of the working map? It was my understanding
8 that was going to be a separate thing, once the lawyers have
9 had a chance to look at it.

10 Would you like that included in the reports
11 or. . .

12 COMMISSIONER STERTZ: I think that we heard
13 testimony from our counsel that it was a lateral move, okay?
14 That, and that they didn't see anything that would be --
15 anything negative that would come out of it, and it would be
16 something that would be assisting the Scottsdale School
17 District.

18 WILLIE DESMOND: Okay. Just so I'm clear, what I
19 will have tomorrow, then, would be a change -- a change
20 report for the new working map.

21 A full set of reports for the new working map, and
22 then additionally, another full set of reports that
23 encompasses these changes to 5, 13, and 14, based off of the
24 new working map, correct? These changes are not to be
25 considered the new working map, that's what we're going to

1 analyze tomorrow?

2 COMMISSIONER McNULTY: I think we're going to put
3 them in the working map.

4 COMMISSIONER STERTZ: 5, 13 and 14.

5 Fourteen is the inclusion as I'm looking at it on
6 the screen.

7 Six would be the inclusion of the Camp Verde
8 extension into 4.

9 Fourteen -- what changes there in 5?

10 WILLIE DESMOND: Five comes into Yavapai County
11 now and loses La Paz.

12 COMMISSIONER STERTZ: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Stertz.

14 COMMISSIONER STERTZ: Just to allow myself to get
15 caught up, that was not in the -- was that modification in
16 the splits report that came on Friday that you just handed
17 to me?

18 WILLIE DESMOND: That splits report did include
19 that.

20 COMMISSIONER STERTZ: Five, 13?

21 WILLIE DESMOND: Yes.

22 COMMISSIONER STERTZ: So if that would be correct,
23 5 became slightly overpopulated by this move?

24 WILLIE DESMOND: Slightly overpopulate. Thirteen
25 will be slightly under-populated.

1 Ideally, we want to move 5,000 people from 5 to
2 13.

3 In this particular block group right here, doesn't
4 move any. It wouldn't have to split the census place at all
5 and it would move about 2100 people.

6 That would put 5 still overpopulated, but by less
7 than two-and-a-half percent.

8 It would also make 14 still under-populated, but
9 by only a couple thousand people, so I would recommend some
10 other small population balance between 5 and 14 that doesn't
11 split a census place.

12 For instance, if we did take 5,000 people from up
13 here, we would have to split the Chino Valley.

14 So I think it makes more sense to deal with a
15 narrower population deviation, but not any more splits to
16 census places. Does that make sense?

17 COMMISSIONER STERTZ: It does.

18 Madam Chair.

19 CHAIRPERSON MATHIS: Mr. Stertz.

20 COMMISSIONER STERTZ: Could you zoom in on 5, the
21 La Paz-western Maricopa County connection?

22 So this keeps La Paz County whole with the
23 northern half of Yuma County, southern half of Yuma county
24 is the majority-minority district, and this keeps La Paz the
25 less population attachment to the urban components of

1 western Maricopa County; is that correct?

2 WILLIE DESMOND: Correct.

3 In the current working map that district goes into
4 Surprise, so it's able to remove itself from Surprise.

5 It does have more of Buckeye and the kind of
6 unincorporated area of western Maricopa County.

7 COMMISSIONER STERTZ: Okay.

8 CHAIRPERSON MATHIS: Okay. Is everyone in
9 agreement that that's all we're looking for on the leg map?
10 Mr. Stertz?

11 COMMISSIONER STERTZ: Madam Chair, the adjustments
12 that were made to the Town of Guadalupe today, I would
13 expect that those would also be, that Guadalupe would be
14 included now in the adjustment district that we had
15 discussed earlier today.

16 CHAIRPERSON MATHIS: Can you specify what that is
17 on the map, Mr. Desmond?

18 COMMISSIONER STERTZ: I think he pulled Guadalupe
19 into 27.

20 WILLIE DESMOND: I do want to point out one more
21 small thing out on this map that came to my attention.

22 CHAIRPERSON MATHIS: Sure. Go ahead.

23 WILLIE DESMOND: Mr. Mills pointed out there is
24 this unin -- non-contiguous area of District 15 to clean up.
25 It is zero population.

1 So it's not a big deal.

2 Okay. Going into Guadalupe.

3 It's my understanding that that change has already
4 been sent to Dr. King to start analysis.

5 COMMISSIONER STERTZ: And that change was that
6 Guadalupe is now moved from 20 --

7 WILLIE DESMOND: From 26 back to 27.

8 COMMISSIONER STERTZ: Twenty-seven.

9 WILLIE DESMOND: And a series of other changes
10 that involves 26 taking some area from Phoenix here, also
11 incorporates part of the Salt, takes the Salt River
12 reservation into 26.

13 District 24, as a result, takes some area here,
14 north of Van Buren.

15 And then there's a slight population balance
16 between 27 and 19 right here.

17 And it's my understanding that Guadalupe -- with
18 Guadalupe in 26 and without Guadalupe in 26 are both going
19 to be analyzed in parallel, to see if both are acceptable.
20 And it's a judgment call which to go with. If one of them
21 works or one of them doesn't, or still the possibility,
22 until the analysis is done, that something more dramatic
23 needs to be undertaken.

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: Lastly, I'm assuming that
2 because this is a broader brush of analysis, that the small
3 specific adjustments that we talked about regarding lines
4 and arterials and collectors and cleaning up areas, would be
5 done subsequent to any analysis that would take place for
6 delivery tomorrow; is that correct?

7 WILLIE DESMOND: Correct. If I notice anything
8 easy, I'll incorporate that for you and note it so that
9 you're made aware.

10 However, I would like to spend some time with any
11 sort of closers to done maps, and also send that off to the
12 different counties so that they can look at it in relation
13 to their districts, and come back to us with any major
14 headaches that it creates.

15 COMMISSIONER STERTZ: Thank you.

16 Madam Chair.

17 CHAIRPERSON MATHIS: Mr. Stertz.

18 COMMISSIONER STERTZ: I just got buzzed telling me
19 I need to be in Tucson at 8:30 tonight, so, if there's
20 anything that we need to conclude in the next few minutes,
21 we need to conclude.

22 CHAIRPERSON MATHIS: All right. Do Commissioners
23 have anything else that they wanted to tell Mr. Desmond for
24 tomorrow with regard to the leg map?

25 (No oral response.)

1 CHAIRPERSON MATHIS: Okay. Hearing none. So do
2 we want to talk about the congressional map?

3 VICE-CHAIR HERRERA: Madam Chair, yeah, I'd love
4 to talk about the congressional map.

5 CHAIRPERSON MATHIS: I don't know what -- we kind
6 of operated under the premise that we would have five
7 bipartisan representation. I don't know what Mr. Freeman's
8 availability is, but if people are up for it, and we can
9 talk a little longer, we can continue.

10 The time is -- we can take a short break, if we
11 need it, 6:32.

12 VICE-CHAIR FREEMAN: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Freeman.

14 VICE-CHAIR FREEMAN: I'm not particularly up for
15 it. I do not want to -- I would like to get home with my
16 wife, put everyone to bed, and I'm kind of worn out being
17 here since 9:15 this morning.

18 I don't think there's that much left to do.

19 Well, let me strike that.

20 There's still an enormous amount to do, but in
21 terms of what we're going to be fiddling with, we have
22 tomorrow afternoon to wrap up the leg and perhaps even the
23 CD maps. It's possible, I guess, that we can do it
24 tomorrow.

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

2 COMMISSIONER STERTZ: My desire would be to be in
3 that discussion, so if the rest of the Commission is
4 acceptable, I would hope that we could hold off anymore
5 discussion on CDs tonight, so we can talk about it freshly
6 tomorrow.

7 I think we've done some yeoman's work today.

8 CHAIRPERSON MATHIS: Any thoughts from other
9 Commissioners? Is there anything anybody needed to just tee
10 up on it for tomorrow, in order to discuss it, or not?

11 COMMISSIONER STERTZ: If everybody is okay not
12 talking about it tonight, then I won't have a new map to
13 talk about tomorrow.

14 That was a joke.

15 CHAIRPERSON MATHIS: Okay. I think Mr. Bladine
16 does have a couple of items, just about meeting next week.
17 He heard back from all of us and has some options.

18 And then I have one request to speak form, and I
19 thought we'd also just cover that really briefly, if
20 possible.

21 So that's Judy Dworkin, speaking for Craig Boates
22 of Anthem. And then we'll have Mr. Bladine maybe.

23 Mrs. Dworkin, do you want to come up now and
24 address the Anthem.

25 JUDITH DWORGIN: My name is Judith Dworkin,

1 spelled D-W-O-R-K-I-N.

2 And I'm here tonight simply to read a statement
3 from Craig Boates, who's from the Anthem area.

4 And he asked me to read this because he couldn't
5 be here.

6 Madam Chairperson and Commissioners. My name is
7 Craig Boates. I have been an Anthem resident and business
8 owner since 2002.

9 During that time I've been very involved in the
10 community and serving as a Board member of the Chamber of
11 Commerce of Anthem and Gateway, and the past president of
12 the Rotary Club of Anthem. Additionally, I currently serve
13 as the president of the Board of Directors of the Anthem
14 Community Council.

15 My comments are my personal opinions, but are
16 based on my active involvement in the Anthem community. As
17 you may recall, three representatives from Anthem provided
18 public comment on December 8th, 2011.

19 With those statements the representatives asked
20 the Commission to give further consideration to two
21 important realities about our community of approximately
22 26,000 people.

23 One, our geography. Anthem has always been and
24 continues to be a single unified community.

25 This is despite the fact that our population and

1 government is divided by Interstate 17.

2 The portion that we call the east side of Anthem,
3 east of I-17, is located in the unincorporated Maricopa
4 County, while the west side is located in the City of
5 Phoenix.

6 While exact census figures are not known, we
7 believe our population is split roughly 25 percent on the
8 west side and 75 percent on the east side.

9 This is my editorial comment.

10 I believe that on the west side it's approximately
11 2900 population.

12 Our alignment -- Point two. Our alignment: The
13 entire community of Anthem is economically, socially,
14 culturally and geographically an integral part of the north
15 valley, which encompasses the communities of Tramonto,
16 Desert Hills, Carefree, Cave Creek, north Scottsdale, and
17 the northeast portion of Phoenix.

18 We are not connected to nor do we have any
19 commonality with Kingman, Prescott, Payson or the west
20 valley.

21 On December 8th we were concerned that at least
22 one of the redistricting proposals split our community into
23 two separate congressional districts.

24 The west side included with the northwest
25 metropolitan areas of Phoenix, and the east side included

1 with Congressional District 4.

2 These proposals were in direct conflict with both
3 of the realities that are mentioned above.

4 Looking at the recent changes contained in this
5 last week's proposal by Commissioner Stertz, and also
6 reflected in the combo maps submitted by Chairperson Mathis,
7 Anthem was reunited into the proposed Congressional District
8 4.

9 This certainly addresses our geography, but
10 included us with the west valley, which is in conflict with
11 our alignment.

12 Looking at the legislative district population
13 balance map, December 16th, we note that the community of
14 Anthem has been divided along Interstate 17, with the east
15 side in LD 15 and the west side in LD 22.

16 While both of these districts include portions of
17 the Phoenix metropolitan area, in recognition of our
18 alignment we are still concerned that this divides our
19 community in conflict with our geography.

20 Therefore, we ask the Commission to consider how
21 our community can be reunited in a single legislative
22 district which would contain all of Anthem, consistent with
23 our alignment.

24 We understand the process of drawing the new
25 congressional and legislative districts is a daunting task

1 with many factors to consider. However, we strongly believe
2 that it is in the best interest of all of the Anthem
3 residents to have common representation, aligned with our
4 neighboring communities in the north valley, in both federal
5 and state legislative-wise.

6 Thank you for your consideration.

7 CHAIRPERSON MATHIS: Thank you.

8 Can you indulge me, Mr. Desmond, and pull that up,
9 because I'd like to see this on the map, just Anthem, since
10 census place on the, yeah, LD.

11 That white piece, what is that? Is that part of
12 Anthem at all, or no?

13 JUDY DWORKIN: That is a portion of it.

14 I'm going to give Mr. Desmond a map that will help
15 him.

16 CHAIRPERSON MATHIS: Oh, great. Thank you.

17 VICE-CHAIR FREEMAN: Dennis, I think if you put
18 the block layer up, I think it perhaps becomes apparent
19 what's being spoken of.

20 JUDY DWORKIN: Yeah.

21 WILLIE DESMOND: So it looks like it's this area
22 right around here.

23 A good portion of that is in the Phoenix census
24 place. That's probably part of the reason this has been
25 happening.

1 CHAIRPERSON MATHIS: Do Commissioners have any
2 thoughts on that in terms of trying to unite Anthem into a
3 single legislative district?

4 It's clear that we're using 17 as a dividing line.

5 COMMISSIONER STERTZ: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Stertz.

7 COMMISSIONER STERTZ: As contemplated under
8 Commissioner McNulty's submittal, Anthem is united in
9 Legislative District 14.

10 CHAIRPERSON MATHIS: Oh, it is?

11 COMMISSIONER McNULTY: I believe so, yes.

12 CHAIRPERSON MATHIS: Is that true?

13 WILLIE DESMOND: Yes, it is.

14 COMMISSIONER STERTZ: And as contemplated under
15 the congressional district map that I submitted last
16 Thursday, Anthem was united as well.

17 It had been bifurcated by 17 in both legislative
18 and in congressional maps until the McNulty adjustment in 14
19 and the Stertz adjustment on last week, Thursday.

20 CHAIRPERSON MATHIS: Great.

21 Problem solved.

22 Okay.

23 Anything else that anyone wants to raise with
24 regard to mapping?

25 Then I'll let Mr. Bladine come up.

1 COMMISSIONER McNULTY: No.

2 CHAIRPERSON MATHIS: Okay.

3 Mr. Bladine just passed out availability sheets
4 for next week in terms of meetings.

5 Thank you for gathering all this from us.

6 RAY BLADINE: Chairman Mathis, I'd like to ask
7 everybody to please look at it and make sure that I did
8 properly reflect what you said.

9 If you're wondering on Mr. Freeman's what that all
10 means, on Friday it means not available, maybe a half day,
11 last resort only.

12 So he is showing his flexibility, but it's not
13 really what he'd like to do.

14 CHAIRPERSON MATHIS: Okay.

15 RAY BLADINE: I think the rest is probably pretty
16 clear.

17 CHAIRPERSON MATHIS: My situation Tuesday
18 afternoon is just that I have a meeting that I can't get out
19 of from 1:30 to 2:30.

20 And it's in Tucson. So I could start chairing at
21 3:00, if people wanted to do that from Tucson, or if you all
22 wanted to meet, start earlier in the afternoon, and I join.
23 However you'd like to do that.

24 COMMISSIONER STERTZ: Madam Chair.

25 CHAIRPERSON MATHIS: Mr. Stertz.

1 COMMISSIONER STERTZ: This is a question for legal
2 and for Strategic. When are the reports from Dr. King
3 anticipated to be returned?

4 MARY O'GRADY: We anticipate, if not a written
5 report, a verbal report, as we said today. So far all the
6 maps have checked out that we've submitted, and the only one
7 that we're really digging deeper on is 26, and we'll have an
8 update call Wednesday. And things are moving. Things move
9 much quicker, you know, when we submit new things to them.

10 COMMISSIONER STERTZ: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Stertz.

12 COMMISSIONER STERTZ: So you're saying by the
13 morning of Tuesday, the 27th, we'll have a complete
14 analysis, if not written, but verbal, back from Dr. King?

15 MARY O'GRADY: I'll have a better sense for that
16 Wednesday, but that's what I expect.

17 COMMISSIONER STERTZ: Okay. Perfect.

18 Madam Chair, I trust we can maybe fix the schedule
19 tomorrow, after we get better counsel from Ms. O'Grady and
20 the outcome of tomorrow's hearing?

21 CHAIRPERSON MATHIS: Any other thoughts from
22 anyone on next week?

23 COMMISSIONER McNULTY: I agree with Mr. Stertz.

24 I think maybe once we have a better sense of what
25 we can receive from Dr. King, and when, hopefully tomorrow,

1 it might make sense to -- I think we need -- we would need
2 to have some significant feedback from him in order for it
3 to make sense to try to meet that week.

4 MARY O'GRADY: And we'll have that -- we'll have
5 more information Wednesday. But the information we have now
6 is that everything checks out except for 26, is the only one
7 we're getting more information on.

8 CHAIRPERSON MATHIS: Any other questions on
9 schedule meeting for next week?

10 I have a question for tomorrow, actually. We're
11 starting at 1:00 p.m., and I believe Mr. Kanefield won't be
12 available.

13 Mr. Kanefield, will you have anybody tomorrow,
14 since I know we're starting at 1:00 and I don't think you'll
15 be here.

16 JOSEPH KANEFIELD: Madam Chair, no, I won't be
17 here.

18 I can find out if Bruce can come in and be
19 available in case there's any questions.

20 I will talk to him later on.

21 Mary will be here, of course, though.

22 CHAIRPERSON MATHIS: Okay.

23 Okay.

24 Anything else Mr. Bladine?

25 RAY BLADINE: I could wait until tomorrow.

1 All I was going to do is summarize some things we
2 talked about a couple days ago. I can do it tomorrow,
3 unless you want me to do it now.

4 CHAIRPERSON MATHIS: Go ahead, if it's not too
5 long.

6 RAY BLADINE: Just a couple quick things. We all
7 agreed that once we get all the statistics together we'd
8 release a press release, and we're working to get all those
9 statistics together on all of the various outreach
10 activities, so we're working on that.

11 We're putting emphasis on getting the transcripts
12 coded for Catalyst and assigning most of the staff to do
13 that.

14 Several weeks ago, I guess it was actually
15 December 8th, I sent you a draft expenditure estimate.

16 I haven't come back to visit that with you because
17 the big unknown is legal costs.

18 And while in doing that analysis I indicated that
19 there could be the possibility of a deficit by the end of
20 June.

21 I really wasn't comfortable with it, because I
22 haven't -- I haven't had a lot of information in terms of
23 the actual cost coming in.

24 And as you will recall, I also pulled together a
25 separate spreadsheet on legal costs to get a picture of

1 that.

2 So my thought was, through December we should have
3 a better idea again on legal costs, and then I'd come back
4 and sit down and talk to you about what it looks like.

5 Lastly, I also have not forgotten to bring back
6 the item that Commissioner Stertz brought up about what was
7 our plan for meeting Minutes and action items. I was going
8 back to try to find the memo, but my recollection was, that
9 we had agreed for public hearings and mapping meetings, we
10 would do transcripts.

11 For business meetings we would do action items.

12 But I have -- that's my memory.

13 I haven't gone back to see what -- what was really
14 said, and I'll bring that back for discussion. And that's
15 probably what I would recommend doing.

16 And mostly I call this a mapping meeting, because
17 there's a lot to log in terms of actions other than what's
18 going on with the change reports and documents that are
19 created. But I'll bring that back as an item to discuss, if
20 not tomorrow, then early next week.

21 And that's all I have. I'm certainly available
22 for questions.

23 CHAIRPERSON MATHIS: Any questions?

24 (No oral response.)

25 RAY BLADINE: Okay. Thank you very much.

1 CHAIRPERSON MATHIS: Thank you very much.

2 Any -- just to go through the agenda really
3 quickly.

4 Number five: Review and discussion of possible
5 future agenda items.

6 Anything anybody needed to raise?

7 (No oral response.)

8 CHAIRPERSON MATHIS: Okay.

9 Number Six: Legal advice, direction of counsel,
10 discussion, possible action and update regarding litigation
11 on open meeting law.

12 Is there anything, legal counsel, that you wanted
13 to address?

14 JOSEPH KANEFIELD: Madam Chair, very briefly, the
15 County Attorney today filed his Notice of Appeal on the open
16 meeting law, open meeting case.

17 CHAIRPERSON MATHIS: Any questions on that?

18 (No oral response.)

19 CHAIRPERSON MATHIS: Okay.

20 We've done public comment.

21 Was there anyone else who wanted to address us?

22 (No oral response.)

23 CHAIRPERSON MATHIS: Okay. That leaves
24 adjournment. So the time is 6:50 p.m.

25 Thank you Commissioners for your hard work today,

1 and staff, and the public for providing input. We greatly
2 appreciate it.

3 This meeting is adjourned.

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6 (Whereupon, the meeting adjourned.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA) ss.
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4 BE IT KNOWN that the foregoing proceeding was
5 taken before me, Marty Herder, a Certified Court Reporter,
6 CCR No. 50162, State of Arizona; that the foregoing
7 259 pages constitute a true and accurate transcript of all
8 proceedings had upon the taking of said meeting, all done to
9 the best of my skill and ability.

10 DATED at Chandler, Arizona, this 22nd day of
11 December, 2011.

12

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

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