

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF FINAL DECISION PUBLIC MEETING

Morning Session

December 22, 2021

9:05 a.m.

Miller Certified Reporting, LLC
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Reported By:
Deborah L. Wilks, RPR
Certified Reporter (AZ 50849)

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 9:05 a.m. on
3 December 22, 2021, at the Kimpton Palomar Hotel
4 Phoenix, 2 East Jefferson, Phoenix, Arizona, in the
5 presence of the following Commissioners:

6 Ms. Erika Neuberg, Chairperson
7 Mr. Derrick Watchman, Vice Chairman
8 Mr. David Mehl
9 Ms. Shereen Lerner
10 Mr. Douglas York

11 OTHERS PRESENT:

12 Mr. Brian Schmitt, Executive Director
13 Ms. Lori Van Haren Deputy Director
14 Ms. Valerie Neumann, Executive Assistant
15 Ms. Michelle Crank, Public Information Officer
16 Mr. Alex Pena, Community Outreach Coordinator
17 Ms. Marie Chapple, Community Outreach Coordinator

18 Mr. Mark Flahan, Timmons Group
19 Mr. Parker Bradshaw, Timmons Group
20 Mr. Brody Helton, Timmons Group
21 Ms. Sarah Hajnos, Timmons Group
22 Ms. Anna Mika, Timmons Group
23 Mr. Doug Johnson, NDC
24 Ms. Ivy Beller Sakansky, NDC

25 Mr. Roy Herrera, Herrera Arellano
Mr. Daniel Arellano, Herrera Arellano
Mr. Eric Spencer, Snell & Wilmer
Mr. Brett Johnson, Snell & Wilmer
Mr. Shawn Summers, Ballard Spahr

* Spanish Interpreter

1 P R O C E E D I N G

2

3 CHAIRPERSON NEUBERG: Welcome, everybody. We
4 will dive right in with Agenda Item I, call to order
5 and roll call, I(A), call for quorum.

6 It is 9:05 on Wednesday, December 22nd, 2021.
7 I call this meeting of the Independent Redistricting
8 Commission to order.

9 For the record, the executive assistant,
10 Valerie Neumann, will take roll. When your name is
11 called please indicate you are present.

12 Val.

13 MS. NEUMANN: Thank you, Madam Chair.

14 Vice Chair Watchman.

15 VICE CHAIR WATCHMAN: Present.

16 MS. NEUMANN: Commissioner Lerner.

17 COMMISSIONER LERNER: Present.

18 MS. NEUMANN: Commissioner Mehl.

19 COMMISSIONER MEHL: Present.

20 MS. NEUMANN: Commissioner York.

21 COMMISSIONER YORK: Present.

22 MS. NEUMANN: Chairperson Neuberg.

23 CHAIRPERSON NEUBERG: Present.

24 MS. NEUMANN: And for the record we also have
25 in attendance Executive Director Brian Schmitt; Deputy

1 Director Lori Van Haren; Public Information Officer
2 Michelle Crank; Community Outreach Coordinators Alex
3 Pena and Marie Chapple; Brett Johnson and Eric Spencer
4 from Snell & Wilmer; Roy Herrera and Daniel Arellano
5 from Herrera Arellano; Shawn Summers from Ballard
6 Spahr; Mark Flahan, Parker Bradshaw from Timmons; and
7 Doug Johnson and Ivy Beller Sakanski from NDC Research.

8 Debbie Wilks and Angela Miller will be
9 transcriptionists.

10 And at this time I would like to introduce our
11 Spanish interpreter, Myriam Aispuro.

12 THE INTERPRETER: Good morning. My name is
13 Myriam Aispuro. I'm the Spanish interpreter for
14 today's hearing. If you guys know of anybody in need
15 I'll be in the back of the room.

16 (Interpreter speaking in foreign language.)

17 MS. NEUMANN: Thank you, Madam Chair. That's
18 everyone.

19 CHAIRPERSON NEUBERG: Thank you, Val.

20 Please note for the minutes that a quorum is
21 present.

22 Agenda Item I(B), call for notice.

23 Val, was the Notice and Agenda for the
24 Commission meeting properly posted 48 hours in advance
25 of today's meeting?

1 MS. NEUMANN: Yes, it was, Madam Chair.

2 CHAIRPERSON NEUBERG: Thank you very much.

3 Agenda Item II, approval of minutes from
4 December 21st, 2021. That was yesterday. We have one
5 general session and one executive session in which we
6 sought legal counsel regarding VRA compliance and
7 Constitutional requirements.

8 COMMISSIONER LERNER: I move to approve the
9 minutes from yesterday. Thank you.

10 COMMISSIONER YORK: Commissioner York seconds.

11 CHAIRPERSON NEUBERG: With no further
12 discussion, Vice Chair Watchman.

13 VICE CHAIR WATCHMAN: Aye.

14 CHAIRPERSON NEUBERG: Commissioner Mehl.

15 COMMISSIONER MEHL: Aye.

16 CHAIRPERSON NEUBERG: Commissioner Lerner.

17 COMMISSIONER LERNER: Aye.

18 CHAIRPERSON NEUBERG: Commissioner York.

19 COMMISSIONER YORK: Aye.

20 CHAIRPERSON NEUBERG: Commissioner Neuberg is
21 an aye.

22 With that we approve the general session and
23 executive session minutes from December 21st.

24 We move to Agenda Item III, opportunity for
25 public comment. Public comment will now open for a

1 minimum of 30 minutes and remain open until the
2 adjournment of the meeting. Comments will only be
3 accepted electronically in the -- in writing on the
4 link provided in the Notice and Agenda for this public
5 meeting and will be limited to 3,000 characters.
6 Please note members of the Commission may not
7 discuss items that are not specifically identified
8 on the Agenda. Therefore, pursuant to A.R.S.
9 38-431.01(H), action taken as a result of public
10 comment will be limited to directing staff to study the
11 matter, responding to any criticism, or scheduling the
12 matter for further consideration and decision at a
13 later date.

14 That brings us to Agenda Item IV, discussion
15 on public comments received prior to today's meeting.

16 COMMISSIONER YORK: I would like to make a
17 comment to the public. This is Commissioner York. If
18 you engaged yesterday at all with us and watched our
19 process, we spent the entire day finishing the
20 congressional maps, and I hope you saw democracy in
21 some fashion in work yesterday. It was very tedious.
22 We spent a lot of time, energy. We're somewhat
23 exhausted, but I want you to know that from our
24 standpoint we feel like we're volunteers working very
25 hard for the public, and we hope -- we feel we have

1 your best interests at heart.

2 COMMISSIONER LERNER: If I could actually make
3 a comment that I just want to say I completely concur
4 with Commissioner York.

5 CHAIRPERSON NEUBERG: Thank you. We are
6 working very hard, and we're working very well together
7 on very difficult issues.

8 With that we'll move to I'm presuming
9 potentially not a report, but Agenda Item V, potential
10 update, discussion, and action concerning polarization
11 data and report presentation from mapping consultants
12 regarding U.S. and Arizona Constitutional requirements.

13 Any updates, mapping team?

14 MR. D. JOHNSON: No additional information
15 today.

16 CHAIRPERSON NEUBERG: Okay. Thank you very
17 much.

18 VICE CHAIR WATCHMAN: Madam Chair --

19 CHAIRPERSON NEUBERG: Yes.

20 VICE CHAIR WATCHMAN: -- so with regard to
21 that are we going to have a report soon, the
22 polarization -- what kind of information are we getting
23 subsequent to what we're doing today? Because I would
24 like to have that available for the record. I know
25 we've been -- we've been producing these reports and

1 then our consultants have been coming up with
2 polarization data, and so when is that going to be
3 available for us, because shouldn't that be connected
4 with the vote that we're talking about today? I know
5 we have these -- you know, these -- these spreadsheets
6 here, but we've also been talking about making sure
7 that we're in compliance with the VRA and we have
8 polarization data, and so when are we going to get that
9 information, Madam Chair?

10 And I'll throw it to legal counsel and our
11 consultants, because I think it should be available for
12 the record, right, so --

13 MR. B. JOHNSON: Right. I mean, the way that
14 the plan right now has been -- that we worked out
15 several meetings ago is that the map obviously
16 equalized right now. Any time you want to talk about
17 legal stuff having to go into -- and we can give you
18 the legal analysis from -- from that perspective.

19 In regard to polarization report, after this
20 is done, voted on today, then that analysis will happen
21 again, especially in regard to some of the changes of
22 the counties, which we'll walk you through the map
23 again, or walk you through the process. Seven days
24 from whenever you do your final vote the counties then
25 have the ability to make administrative requests:

1 You've got an apartment building split. Those
2 counties -- then from there mapping will collect that
3 data -- and, Mark, keep me honest if I'm saying
4 anything wrong. Mapping will collect that data and
5 seven days thereafter have a draft map that is going to
6 be ready, okay, or another map.

7 Another analysis, VRA analysis, will be done
8 in regard to that map, and then we'll work our way
9 through with different reports that will be made public
10 to -- now to everyone, not just to the Commission, but
11 to everybody, about compliance issues.

12 And then the Commission will have to come back
13 in, and I don't remember the date. Basically 26 days
14 thereafter, after the vote today. I think it's
15 26 days -- Lori, correct me if I'm wrong. And the
16 26 days, all of that information will be advised. The
17 Commission would -- would ask mapping, Are the only
18 changes that were made were pursuant to minor changes
19 at the request and nothing changed?

20 And the Commission would take a final final
21 vote then on -- on the administratively changed map.
22 Of course, having any data analysis as part of that
23 process we'll be able to identify potential -- any
24 potential concerns.

25 MR. HERRERA: I'll just add, Vice Chair, that

1 we have polarization analysis ongoing after every
2 iteration of the map, and we -- as we have been
3 providing polarization analysis to the Commission in
4 executive session pursuant to your seeking of legal
5 advice, we can continue to do that. We can do that
6 today.

7 VICE CHAIR WATCHMAN: No. I haven't seen it
8 in the last couple days.

9 MR. HERRERA: So we can do that today upon
10 request of the Commission. And then, of course, at the
11 conclusion of the -- you know, the final map we will do
12 a final analysis.

13 CHAIRPERSON NEUBERG: And I agree some of this
14 is fluid, and I imagine that when we get to discussion
15 of particularly the LD map we may have some questions
16 on VRA compliance, and I think that would be an
17 appropriate time to seek legal advice and go into an
18 executive session to discuss these issues.

19 VICE CHAIR WATCHMAN: Okay. I was just trying
20 to get an understanding of the process, the timing, and
21 so I appreciate the feedback. Thank you.

22 MR. D. JOHNSON: Madam Chair, Commissioner
23 Watchman, too, I would just note these things are being
24 tracked live. You do have the effectiveness numbers,
25 the voting age population numbers, and decision voting

1 age population numbers, so in terms of the districts
2 being effective for the purposes of Voting Rights Act
3 based on the numbers established by Dr. Handley, that
4 is all live on the screen, and the only reason we don't
5 talk about it very much is that the districts have all
6 met that effectiveness standard. There hasn't been
7 any -- any maps looked at that have fallen short of
8 that, other than the Native American percentages of the
9 legislative district. You know, we have that issue,
10 but you can't hit the 60 percent unless you
11 underpopulate the district, but -- but those numbers
12 have been on the screen and available for every map as
13 we draw it.

14 VICE CHAIR WATCHMAN: Right. Good point.
15 I'll get into that when I get to the maps, so thank
16 you.

17 Thank you, Madam Chair.

18 MR. B. JOHNSON: Would it help, Vice Chair
19 Watchman, if Brian brought up that -- the grid on 13.9
20 right now so that you can -- you can see the effective
21 numbers and Doug can show you what he was just talking
22 about?

23 MR. FLAHAN: Sure. I'll have Parker bring it
24 up.

25 COMMISSIONER YORK: LB, little Brian.

1 VICE CHAIR WATCHMAN: Is that the 13.9? Okay.

2 MR. B. JOHNSON: And, Doug, why don't you just
3 go through these three -- three criteria you just
4 mentioned.

5 MR. D. JOHNSON: So this is 13.9. It's the
6 population-balanced congressional map. You can see the
7 deviations for every district are no more than one
8 person. The -- well, the two Latino districts that
9 we're tracking for Latino voting rights effectiveness
10 are 3 and 7. See, both of them are at 51 percent of
11 CVAP. And then over in the far right is our VRA
12 tracking columns for those seats, and you can see
13 the -- the -- what's listed as the Dem Gov '18 and the
14 Dem ATG '18, those are the two Latino candidates for
15 statewide elections, one for governor and the other for
16 attorney general. And in both of those districts they
17 do -- they're effective and they perform, so the Latino
18 Democratic candidate got 70 percent -- 75 percent in
19 District 4, and 62 percent and 68 percent -- I'm sorry,
20 in District 3, in District 3. And then 68 -- 61.8 and
21 68.3 in District 7.

22 And then on obviously congressional, the
23 Native American population is nowhere near a majority
24 of the seat, but we have been watching District 2, and
25 you can see it's 21 percent of citizen voting age

1 population, or 18 percent of single race voting age
2 population. It's either the highest or close to the
3 highest of any map we've looked at. They're all pretty
4 consistent.

5 So those are the numbers we've been tracking,
6 and had there been a problem of not -- a district not
7 being effective that would have been a much larger
8 discussion as you went through this process. Just
9 hasn't been that -- that much of a topic because there
10 hasn't -- it hasn't fallen short.

11 VICE CHAIR WATCHMAN: Thank you.

12 CHAIRPERSON NEUBERG: So at this point, to
13 continue from where we concluded yesterday we have a
14 map on the table that is not perfect, but yet I think
15 encompasses many of the compromises and does more good
16 than harm to our collective communities of interest.
17 It's CD Map 13.9. We were on the cusp of voting for
18 this map. People requested a little extra time just to
19 be able to come with a clear mind, and so I open it up
20 to my colleagues on if there is any discussion, but I
21 would certainly welcome a motion to approve
22 Congressional Map 13.9 as our congressional map.

23 COMMISSIONER LERNER: Madam Chair, can I just
24 ask I was expecting this a little bit later today
25 because you all had said you would take today to

1 review to make the population shifts. I do not want to
2 open this map up again. I don't want to make any
3 changes. I feel we reached a compromise, so I'm not
4 asking for that. But I will be completely honest: I
5 focused on the legislative. I didn't know -- not know
6 that you sent this in last night, and I would just like
7 to take a look in the areas that we focused on last
8 night. I would like to take maybe a 15-minute recess
9 before we vote just so I can look at the boundaries of
10 how those maybe shifted as you did your population
11 balancing. I want to be very clear: This is not to
12 reopen, not to re-discuss anything about the map. I
13 don't want to make any changes to it. But I feel to do
14 my due diligence I should at least look at those
15 boundaries because of the population balancing. That's
16 all I'm asking for.

17 CHAIRPERSON NEUBERG: Okay. I don't oppose a
18 15-minute recess to do a final due diligence before
19 final vote. This will be our final map.

20 MR. FLAHAN: And we'll be happy to walk
21 through and show you the changes after we come back on
22 the map.

23 COMMISSIONER LERNER: That would be perfect.
24 Thank you.

25 CHAIRPERSON NEUBERG: Okay. Fifteen-minute

1 recess.

2 (A brief recess was taken.)

3 CHAIRPERSON NEUBERG: Okay. Welcome,
4 everybody. Thank you for your patience.

5 We are resuming with Agenda Item VI, draft map
6 decision discussion. We are deliberating on
7 Congressional Map 13.9 as a proposed map for our
8 Congressional districts moving forward into the next
9 decade. I open it up to my colleagues to share their
10 remarks before we take a vote.

11 COMMISSIONER LERNER: So, Madam Chair,
12 yesterday was a difficult day for all of us. I want to
13 acknowledge that. I felt there was a lot that needed
14 to be said and out on the table. I appreciate the
15 patience in allowing me to express the concerns about
16 the congressional map and our starting point and where
17 we -- where we were going, despite I know it was -- it
18 was a tough deliberative day for us. I appreciate my
19 colleagues on your right and the discussions that we
20 had. I -- I also know that that was a difficult part
21 of that that we went through.

22 I am not -- this is not the map that I would
23 have liked. I think it's clear that I would have liked
24 a slightly different map. I feel we made some progress
25 yesterday. We improved the map from where we began the

1 beginning of the day, and so I do appreciate those
2 changes that were there. There are still some things
3 that I think fall short on the map from my perspective
4 that I -- as you know, I had felt that a different map
5 gave us some more balance within the state. I do look
6 at it from a decade perspective, from a ten-year
7 perspective as well, just as you do, and I am hopeful
8 that it will evolve.

9 I -- as I mentioned, I have concerns because
10 we are in a different place than we were ten years ago
11 in terms of the map and the way the districts are laid
12 out, but I feel we -- we are at a -- we could have had,
13 I think, a little bit more competitive with the two
14 districts I think that we keep going back to, 1 and 6,
15 being a little bit more -- more balanced.

16 I'm going to let my colleague, when it's --
17 when he desires to do so speak about a couple of other
18 things, but I will -- I will say that -- that we've
19 made a lot of progress over the course of these months
20 as we've moved forward as part of this. I -- I also
21 will say that I think there are some good in this map
22 as well. There are some very good things that were
23 placed in here, and then there are some things that I
24 think really could have done a better job in terms of
25 honoring the Constitutional criteria.

1 I am disappointed in a few places that we
2 could not make changes yesterday, such as the area in
3 Glendale that we had discussed and tried to honor some
4 of those communities by placing them in a different
5 district. I think that in some cases competitiveness
6 was put on the side rather than, as -- as from my
7 perspective where it could have been a little bit more
8 considered in some areas. To me this is -- this should
9 never be about just Democratic and Republican maps.
10 This should be about what's good for the state and the
11 best maps for the state, and that's what my goal has
12 been all along is to try to make the best maps.

13 So with that, that's my only comment, but this
14 is where we are today, and I am in support of this map.

15 CHAIRPERSON NEUBERG: Any other comments from
16 my colleagues before we put a motion for -- I entertain
17 comments. It's a significant decision.

18 COMMISSIONER YORK: I would like to make a
19 comment. You know, we've worked hard to go out to the
20 population. We had over 60 public meetings. We
21 listened to a lot of folks express their sentiments.
22 We tried hard to incorporate the Native Americans and
23 the Latino Coalition's requests. From our standpoint
24 we felt that the map we approved on Tuesday was a
25 better map for us, so the fact that either side of us

1 feel that the map that we currently are voting on is
2 not our favorite might speak to the Commissioner and
3 the Commission itself, so we've worked hard, and we're
4 ready to move forward.

5 CHAIRPERSON NEUBERG: Any other thoughts?
6 I -- I would like to share that much like our
7 deliberation during the draft maps, but I would have to
8 say from Day 1 I have only witnessed my colleagues
9 struggling and always putting the Commission first, and
10 I think your -- the level of effort and commitment to
11 the project, your hard work, your mastery of the
12 information, your open mindedness to understand your
13 vision of what's right, you know, needs to be debated
14 against other visions. It has been nothing but a
15 remarkable honor and true pleasure to work side by side
16 with all of you. I understand that each side is deeply
17 disappointed by aspects of this map, and sometimes it
18 feels a little lonely in the middle, but I know that I
19 think we hit some sweet spot with empowering all sides
20 to be well-positioned.

21 I think it's incredibly exciting for our state
22 that may the best candidates win and drive with the
23 best ideas. So, you know, I'm excited. It's not
24 perfect, but I think that based on months of testimony,
25 travel, collegial debate, this is the best product that

1 we were able to come up with, and I support it
2 100 percent.

3 If there is no other --

4 MR. FLAHAN: Madam Chair, before we went to
5 the break mapping did offer to walk through the map,
6 what we did with population balancing, if you would
7 like us to do that.

8 CHAIRPERSON NEUBERG: Please do that before we
9 take our final vote. That would be very appreciated.

10 MR. D. JOHNSON: So you'll see this is an odd
11 little process dictated by the requirement that
12 congressional districts be within one person, or
13 perfect balance.

14 So we did two things. We eliminated the tiny
15 population deviations suggested in 13.8, and we also
16 cleaned up -- in a lot of places there were small
17 slivers where a city might be divided by one lane of a
18 road and things like that.

19 So starting down in District 6, actually, in
20 the 6, 7 border down in Douglas, not going to go
21 through all the little slivers, but there was a piece
22 of Douglas that had been missed. It was zero
23 population. It was a tiny little sliver. And then
24 next to it it was the Bisbee Douglas airport, and it
25 was in a weird shape lock that was creating some odd --

1 odd shapes in there. So we put the sliver of Douglas
2 and the airport into 7 to go with Bisbee and Douglas.
3 All of that was zero population change.

4 If we go up to Casa Grande, that was zero
5 population change. District 6 was over by 46 people,
6 so you can see where the Xs are -- the Xs on the yellow
7 part actually was unincorporated area that we added
8 into 2, and the -- well, the combination of those two
9 pieces. I'm sorry. That's what it was. So we took
10 the western arm off of 6 into 2. That was too many
11 people. So the area shown in yellow with the hatches
12 we had to add back into balance it all out and to bring
13 Eloy -- there was a piece of Eloy that had been cut off
14 as well. So, again, that whole area shown in hatches
15 was a net difference of forty -- 46 people.

16 If we go up to the northwest a little bit, you
17 can see the hatch marks there where District 2 picked
18 up population from District 7. The tradeoff there is a
19 little bit of hatch on the brown, a little bit of hatch
20 on the blue. Those two traded at a net difference of
21 151 people, and that brought District 7 into balance.

22 Going up into District 5, and over to the
23 right-hand side of District 5 you can see the -- on the
24 edge of Gold Canyon there is both this -- this is
25 unincorporated. It's not Apache Junction population.

1 We're -- we're just taking unincorporated territory, so
2 that small notch, and brought 2 into balance.

3 If we zoom in a little bit and go over to --
4 yeah, there you go. Then at this point 5 had needed
5 about 1,000 people, so being careful to avoid Leisure
6 World or any of the -- we actually checked a map of
7 retirement communities to make sure we weren't actually
8 moving retirement communities. We just moved those
9 three or four census blocks, you see the hatch there,
10 from 4 into 5, which brought 5 into balance. It is
11 about 1,000 people. And one thing -- the only thing
12 that shows up in the statistical sheets, as the -- as
13 the chair has talked about there is a lot of noise in
14 the data. That -- even in a district of 795,000 people
15 that thousand people did trip it by 1/10th of a
16 percent, so the district went from 6.9 to 7.0 in the
17 vote spread, but it was simply moving those people to
18 balance.

19 And we stayed away from all of the -- the
20 retirement communities, the city of Gilbert borders,
21 and the Alma School area are all exactly as they were
22 when you discussed them.

23 If we move over to District 4, yeah, so
24 District 4 we had the -- the challenge of balancing 4
25 with 1 was much of that border is dictated by or was

1 decided on by the Tempe city border and the Salt River
2 Reservation border, so we wanted to be sure not to move
3 any -- anything along those boundaries. So you can see
4 the hatching kind of along that boundary. Those are
5 the unincorporated territory that's not in the city of
6 Mesa but that is also not in the Salt River
7 Reservation. And, actually, there are -- this is
8 unusual in that there are pieces of Mesa, the city of
9 Mesa that are in the Salt River Reservation, and all of
10 those we made sure to keep with the Salt River, so
11 where they were in both we put them with the
12 reservation.

13 And so we picked up a few people along there,
14 and then over on the west -- this is just below Papago
15 Park -- we ended up balancing the purple that's hatched
16 there. We picked up a little bit of population from --
17 it's actually Phoenix population, so, and that's what
18 brought us to balance in there.

19 COMMISSIONER LERNER: Could you -- yeah.

20 MR. D. JOHNSON: It ended up 3 -- District 4
21 started 334 over, and then it gave up population to 5,
22 so I'm not sure of the exact number of people, but it
23 was a couple of hundred people.

24 COMMISSIONER LERNER: And could you clarify
25 that again? Did that go from -- from 1 to 4, 3 to 4?

1 Which way did that go?

2 MR. D. JOHNSON: It's a mix.

3 COMMISSIONER YORK: It went -- it went to 4.

4 COMMISSIONER LERNER: 1 to 4?

5 COMMISSIONER YORK: Yeah, the city of Phoenix
6 boundary.

7 MR. D. JOHNSON: Yeah, so the color underneath
8 it is the district where it ended up. So the
9 unincorporated areas that were between Mesa and the
10 reservation over on the right-hand side, those hatch
11 marks went into 1, and then the city of Phoenix
12 territory went into 4.

13 COMMISSIONER LERNER: Well, I don't think
14 you're on -- you're not on the reservation there I
15 don't think.

16 MR. D. JOHNSON: Correct. It was actually
17 unincorporated territory between the reservation and
18 the city lines that we -- so we put those with the
19 reservation just because we needed -- there is only
20 maybe 60 people or so over there.

21 COMMISSIONER LERNER: I don't think that's
22 reservation.

23 MR. D. JOHNSON: Correct. It's not.

24 COMMISSIONER LERNER: No, but I mean that
25 corner on the left. That's -- that's what I'm talking

1 about.

2 MR. D. JOHNSON: Oh, yeah, no. The corner
3 over there is Phoenix.

4 COMMISSIONER LERNER: And that came from 1
5 into 4?

6 MR. D. JOHNSON: Yes.

7 COMMISSIONER LERNER: Okay.

8 MR. D. JOHNSON: It's Phoenix --

9 COMMISSIONER LERNER: And that was just a
10 couple hundred people you said.

11 MR. D. JOHNSON: Correct. And we didn't --
12 and we stayed below Papago Park, so we didn't
13 actually move -- the Commission had discussed Papago
14 Park and so we were careful not to move the park itself
15 and the areas west of the park.

16 So then we can jump to 1 and -- 1 and 3 were
17 actually the trickiest. It took a long time to find
18 the combination of locks that would move to bring them
19 into balance. And you can see we ended up with 1
20 picking up the block where the two freeways come
21 together, where Parker's mouse is. We had north of Van
22 Buren, south of 202. We picked that territory up.
23 And -- and then we also picked up one census block up
24 on the north side of Oak Street that District 1 also
25 added, and those two combined into 1 together with the

1 one block shown there on McDowell brought us to perfect
2 balance. It was -- there was a lot of hunting to find
3 the combination of a couple of blocks that would bring
4 it to balance.

5 COMMISSIONER LERNER: About how many people
6 would that have been?

7 MR. D. JOHNSON: I think that's 200. The one
8 that District 3 picked up I think is about 200. And
9 District 1 started 48 short so the other two -- the
10 other sections add up to about 150. Oh, yeah, Parker's
11 brought up -- so the block that District 3 added was
12 296 people so the others would add up to about 250.

13 Then on the District -- if we can zoom out,
14 District 1 and District 8 boundary. Oh, yes. You
15 remember the -- on the side of the hill where we've
16 been picking block by block and had that kind of
17 Christmas tree look to it? We still get an odd shape,
18 but it actually looks more compact now than it did
19 before. So District 1 needed to pick some population
20 up from District 8, and so it just filled in the -- the
21 census block around the Christmas tree that it already
22 had. You can see one block hatch that's pink. That --
23 that was the tradeoff in there. So we're staying
24 within that neighborhood. The neighborhood was already
25 divided between the two districts. It's just a

1 different division in that neighborhood.

2 And, again, as you're seeing all these odd
3 shapes, obviously compactness and community integrity,
4 we would love to have a much more compact line, but
5 that -- that one person requirement is very, very
6 strict and requires some hunting and picking of blocks.

7 Then moving to 1 and -- I'm sorry to 8 and --
8 I believe we did down there. Oh, the middle just above
9 Sun City West. Yes. That little piece on the west
10 side of District 8 came out into District 9. District
11 9 had started 40 people short, so there was the 40
12 people that we moved in to balance that.

13 The one other thing to mention, if we go down
14 to the Yuma area, this wasn't population balancing, but
15 in cleaning up the slivers and zero population splits,
16 in the Fortuna Foothills there was this -- can you
17 highlight the Fortuna Foothills border? There was this
18 one census block sticking up from District 7 that's
19 zero population. There is nobody in there. And so
20 we -- we united Fortuna Foothills.

21 Similarly, just next to that in Wellton to the
22 right -- highlight the Wellton border. Wellton we also
23 had a sliver, but when we looked at it it's -- you can
24 see the zero population area in District 7. It's zero
25 population, but it's part of the Barry Goldwater range

1 and base, so we did not clean that up. We left the
2 base whole.

3 But that was what we ended up with after --
4 after getting this down. The biggest change we started
5 with was District 5 was 1,067 people short, and the
6 largest overage was District 8 was 639 people over, so
7 between cleaning up the slivers and balancing all those
8 numbers you have the resulting 13.9 map.

9 COMMISSIONER LERNER: Just to clarify, in this
10 area you're at Wellton. That stayed where it is,
11 right? Can you just clarify that line that you have
12 there? Does that mean that that's going out of 7 into
13 9?

14 MR. D. JOHNSON: No. You're right. We left
15 the line where it was. We do want to mention it
16 because it is -- it's the only zero population city or
17 census place division that we didn't clean up, and we
18 didn't clean it up because it -- it would have divided
19 the base.

20 COMMISSIONER LERNER: Okay.

21 MR. D. JOHNSON: And there is zero people in
22 there. Arizona has lots of odd historical land
23 assigned.

24 CHAIRPERSON NEUBERG: Any further
25 clarifications or questions from my colleagues about

1 this specific population rebalancing?

2 MR. D. JOHNSON: For those that want to see
3 the -- the much more detailed everything we went
4 through on each one, there is an audit log being
5 published. It will have the -- folks can walk through
6 and view each of these in even more detail.

7 CHAIRPERSON NEUBERG: Okay. So we will return
8 to entertaining a motion to approve Congressional Map
9 13.9 as the congressional map moving into the next
10 decade. I'll entertain a motion.

11 I move to put forth Map 13.9 as the map for
12 our state moving forward in the next ten years as our
13 final draft. I will entertain a second.

14 MR. B. JOHNSON: Final draft subject to
15 administrative changes by the counties.

16 CHAIRPERSON NEUBERG: Correct. We do a
17 subject to review of counties to be giving us that
18 final adjudication on precincts and lines and minor
19 corrections that should have no bearing on the ultimate
20 integrity of the map.

21 COMMISSIONER LERNER: Well, Madam Chair, I see
22 that my Republican colleagues here are not going to
23 provide a second. I will do that. I'm going to
24 provide a second to your motion. As you know of my
25 concerns about the map -- I think I've expressed those.

1 But to move us forward and in good faith I'm going to
2 second your motion.

3 CHAIRPERSON NEUBERG: Thank you.

4 Is there any further deliberation?

5 With that, we will take a vote.

6 Vice Chair Watchman.

7 VICE CHAIR WATCHMAN: I pass.

8 CHAIRPERSON NEUBERG: Commissioner Mehl.

9 COMMISSIONER MEHL: I pass.

10 CHAIRPERSON NEUBERG: Commissioner Lerner.

11 COMMISSIONER LERNER: Yes.

12 CHAIRPERSON NEUBERG: Commissioner York.

13 COMMISSIONER YORK: Yes.

14 CHAIRPERSON NEUBERG: Commissioner Neuberg is
15 a yes, and with that the motion passes with a --

16 COMMISSIONER MEHL: I think we get an
17 opportunity having passed --

18 MR. B. JOHNSON: The passes -- you go back and
19 ask the passes. All they did was pass. They haven't
20 voted.

21 CHAIRPERSON NEUBERG: Oh, okay. I apologize.
22 Okay. So I will return to Vice Chair
23 Watchman.

24 VICE CHAIR WATCHMAN: Thank you, Madam Chair.
25 I'm going to speak a little bit to my vote before I

1 vote, if that's okay with Madam Chair or my colleagues.

2 CHAIRPERSON NEUBERG: Yes.

3 VICE CHAIR WATCHMAN: First of all, I want to
4 express, you know, my appreciation to everybody here
5 for supporting the Commission, all the great work from
6 the staff and our lawyers and our mapping consultants.
7 Then, of course, the public for listening in for the
8 last year to this work, this important work that we
9 have to do. I also want to thank Commissioner Neuberg
10 for her leadership as our chair. My colleagues on the
11 right there, Commissioner York and Commissioner Mehl,
12 thank you. And, of course, now good friend
13 Commissioner Lerner. And, you know, she's really taken
14 the bull by the horns and really, you know, has done a
15 great outstanding job for both of us, representing me.
16 And, you know, and so this has been a tough one.

17 When I was appointed to the board and looking
18 at, you know, what is transpiring around the country
19 and what's happening here, I obviously was concerned,
20 nervous, hesitant, because being a Native American and
21 being Navajo and being a part of, you know, a
22 commission, I think I'm only one of a few Natives that
23 are -- that are actually involved in redistricting, you
24 know. And so I know that we do have some elected
25 officials in our state legislators who are Native, but

1 I think the independent commissions that are out there
2 I'm the only Native, and so I hold this
3 responsibility -- and it is a responsibility because
4 I'm not only representing myself and -- and folks from
5 Northern Arizona, but Indian country in Arizona and
6 around the country, you know, for many reasons, many
7 reasons that I've talked about, you know, from Day 1.

8 And so -- but when I was appointed to the
9 board the first thing that came to my mind is that, you
10 know, I -- yes, I was appointed as a Democrat, but, you
11 know, I believe in fairness. And so what does that
12 mean? You know, maybe I was naive, but, you know, we
13 have 30 legislative districts, so let's split it down
14 the middle, you know, 30 Republicans and -- I mean 15
15 Republicans and 15 Democrats. To me that's fair.

16 Now with the congressional districts here, you
17 know, we have, you know, whether we like it or not
18 we're stuck with nine districts, and so how do you --
19 how do you look at it from a fairness standpoint? So,
20 you know, four Democrats, four Republicans, and one
21 that's competitive, you know, leaning in either
22 direction. So that was my thought.

23 And so but as -- as to what Commissioner
24 Lerner spoke to, you know, it's not to my satisfaction,
25 but, you know, I do have some concerns about how we

1 consider the Navajo proposal at the get-go, and the
2 Navajo proposal I thought would bring this district
3 into a better competitive situation so it leans in
4 either way, and the numbers don't reflect that right
5 now. And when I look at the districts now, it looks
6 like we only have one rural district. The rest I guess
7 you can say are suburban, urban. And so -- so District
8 2 -- and I think District 2 is probably the largest
9 congressional district now in the country, if I'm not
10 mistaken, so, you know, that's -- that's, you know,
11 something of note, interesting fact that -- that we're
12 going to be dealing with here.

13 And so I think it's -- it was important for me
14 to consider seriously the Navajo proposal, but it
15 didn't go that way. You know, we went to other
16 proposals very quickly in support of that, and
17 basically my proposal through the Nation was almost
18 immediately ignored. And, you know, I understand that.
19 I understand that, you know, because that's how in many
20 cases Natives have been treated, you know, but I'm
21 not -- I'll just stop there.

22 The Voter Rights Act that I mentioned earlier
23 is very, very important to me. You know, there is a
24 reason for that. The Voter Rights Act is very, very
25 important because it allows Native Americans and other

1 minorities the ability to vote. And when you look at
2 the history of Native Americans in this country, it
3 wasn't -- it was only a few years ago that Natives were
4 allowed to vote in this state. And so even though my
5 reservation, the Navajo reservation was created in
6 1868, the state of Arizona was created in 1912, but
7 Native Americans were, I think, only allowed to vote,
8 as pointed out by our legal counsel, in 1964.

9 And so maybe I'm coming to this with a lot of
10 baggage, you know, and I know folks have, you know,
11 been critical of me in not being vociferous in
12 supporting the Native American community, but I do
13 support it. I do support the 22 tribes here. I do
14 support the 22 land bases and then some.

15 And so I think it's very, very important for
16 the public to really understand, you know, that, you
17 know, we're still here. And we're not just gaming.
18 We're not just the casinos. And so, you know, and we
19 do pay taxes, you know. And so -- and I'm going to use
20 this forum to talk a little bit, as I am, you know,
21 about the Native American cause. We do pay taxes. I
22 think a lot of folks are critical about, you know, our
23 position.

24 When I talk about development, we've talked
25 about -- my colleagues have talked about a lot of

1 development opportunities. When you go to the
2 reservation boundaries, at that boundary development
3 stalls, for whatever reason. And so the only way to
4 get our Indian communities, Native American
5 communities, off that center is with support,
6 partnership, collaboration, and working side by side
7 with the state government, the federal government.

8 And so how do you get there? Obviously, you
9 get there with good, solid, elected officials who have
10 in mind in their heart and their passion supporting --
11 saying I'm going to support the Native Americans
12 because we're all part of this state here. And so I
13 think it's critical, and I'm using this time just to
14 talk a little bit about Native American history in --
15 in this state. And, you know, there has been a lot of
16 wrongs, and, you know, and I know a lot of us know
17 about that.

18 But my vote was predicated on whether or not,
19 you know, I was able to be effective in getting a
20 better competitive District 2, making sure that we have
21 two rural instead of one district, and so but at the
22 end of the day it comes down to a final vote, at least
23 for today, the congressional vote.

24 So, Madam Chair, I'm hoping with my vote that
25 we will, that I will, the Native Americans in the state

1 here, will be afforded some opportunity on the
2 legislative maps, you know, where, you know, we still
3 have some work to do there. And I've expressed my
4 concern, and I support the Navajo proposal on the
5 legislative side. Yes, we're talking congressional,
6 you know, but I would like support for the Native
7 American issues on the legislative side.

8 And I know it's not guaranteed. I understand
9 that. You know, a vote is a vote, and we have
10 responsibilities. But for me, I'm looking for
11 fairness. I'm looking for the ability for either party
12 to come to the table and work hand in hand. Many of
13 the tribal issues are bipartisan. It takes both
14 parties to get Native American issues advanced.

15 So having said all of that, Madam Chair, I
16 again appreciate everybody here, and I vote yes.

17 CHAIRPERSON NEUBERG: Thank you, Vice Chair
18 Watchman.

19 I believe it's just Commissioner Mehl.

20 COMMISSIONER MEHL: Thank you, Chairwoman.

21 Democracy is difficult, and we've proven that
22 over the last number of months, but it's also the
23 greatest place in the world to live, and this is the
24 greatest state to live in. I do appreciate my
25 colleagues, and I especially appreciate your

1 leadership, Chairwoman. And I'm very pleased to
2 provide a fifth and unanimous vote for this map.

3 CHAIRPERSON NEUBERG: Thank you.

4 With that the Independent Redistricting
5 Commission unanimously votes 5-0 to approve
6 Congressional Map 13.9.

7 I have nothing but the deepest level of
8 respect and appreciation to all of my colleagues and
9 our staff and our consultants who have been on a
10 mission for the last 11 months to do right by the
11 state. It's not easy, but we have done it in a civil,
12 collegial way that I believe is a model to the nation
13 of how redistricting can happen.

14 With that I'm going to ask if we could take a
15 ten-minute recess just to reconvene and come back and
16 tackle what is ahead of us.

17 COMMISSIONER YORK: Guys, 10:30 would be more
18 desirable, I believe.

19 CHAIRPERSON NEUBERG: I'm good with that. We
20 will reconvene at 10:30. Thank you, everyone.

21 (Brief recess taken.)

22 CHAIRPERSON NEUBERG: Okay. Welcome back,
23 everybody. Thank you for your patience. We are
24 returning to Agenda Item Number VI, draft map decision
25 discussion. We have recently approved our

1 congressional map, and we will now turn to our
2 legislative map. If mapping team can please bring up
3 our latest iteration. If I'm correct it may be 16.0,
4 but they change quite frequently, so if I'm incorrect
5 please correct me.

6 MR. FLAHAN: No, you are correct. For
7 legislative we are on 16.0. On the screen there is the
8 flow of all the different maps, and the last thing you
9 approved was 15.0, and now we have for you LD draft map
10 version 16.0.

11 COMMISSIONER YORK: What is are -- what did we
12 agree to on the population variance? Commissioner
13 York. What's the Constitutional requirement on the
14 LDs?

15 COMMISSIONER LERNER: What do you mean? I'm
16 sorry.

17 COMMISSIONER YORK: Well, we had to get to one
18 person on the CDs, so we focused a lot of energy on
19 trying to balance.

20 MR. B. JOHNSON: Right. So the stand --
21 basically the courts allow a deviation on legislative
22 maps. It's not the one person, one vote of the U.S.
23 Constitution. The standard is is that it cannot be
24 more than a 10 percent deviation, and what that means
25 is that the highest and the lowest cannot -- have to

1 equal out to ten.

2 So, Mark, can you pull up the graph, the 96.0
3 chart. So if you look down on the deviation, I think
4 it's the fourth column, it's 8.44. So you're basically
5 in a good spot from a population deviation issue. If
6 you -- if you are flirting around -- if you're flirting
7 around 5 percent, quite honestly, you're going to have
8 a concern to -- to shift, but 8.44 is good.

9 Roy -- wait, hold on.

10 Roy, do you want to say anything?

11 MR. HERRERA: No.

12 MR. B. JOHNSON: Okay. Good.

13 CHAIRPERSON NEUBERG: And if as we deliberate
14 on lines and we have concerns about how those
15 population deviation numbers may shift, we can of
16 course go into executive session to discuss that.

17 COMMISSIONER MEHL: So just to be clear, to
18 make sure I understand, if we approve this map just as
19 it is with these deviations we would be okay on
20 deviations?

21 MR. B. JOHNSON: On deviation, correct.

22 CHAIRPERSON NEUBERG: My sense is that one of
23 the biggest decisions that we have from a conceptual
24 point of view has to do with how we're addressing LD6
25 and 7, and I think that's driving the questions on the

1 population deviance, so maybe we bring that forth as
2 the top issue that we talk about.

3 We have a Navajo Nation proposal that has been
4 put forth before us yesterday. We achieved some
5 compromise, with Commissioner Mehl's guidance, with
6 trying to empower better the Native American community
7 to have the opportunity to elect a leader -- leaders of
8 their choice, while at the same time trying to empower
9 a segment of the White Mountain community.

10 But I believe that we have a real conceptual
11 conversation to have here. And, of course, we will
12 debate it based on the Constitutional grounds of how we
13 approach our responsibilities with the Native American
14 community in LD6 and our responsibility to the other
15 communities of interest that are surrounding the area.

16 COMMISSIONER MEHL: Madam Chair, I would just
17 remind all of us that we all know that this has been
18 worked through numerous times, and on this proposal
19 that I think we had at least some buy-in from our
20 colleagues, we worked really, really hard to achieve
21 what the Native Americans have been -- have been asking
22 for, although obviously did it with a twist in order to
23 give some representation to the White Mountains, so,
24 but we have kept much of Flagstaff out of the Native
25 American community, out of the district that would have

1 the Native American minority voting -- voting rights
2 district. We have tried to do things in a way where at
3 least the core of the White Mountains are together so
4 that hopefully all of the White Mountains will gain
5 representation from that core.

6 I would like to propose one small tweak in
7 Flagstaff because I -- I went on the demographics that
8 Shereen has shown me how to use, basically, and there
9 is -- there is a small group of Native Americans on the
10 east side of Flagstaff, just barely outside of the
11 boundary of 6, and it would be really easy to move them
12 in there, so if we could do the Native American
13 demographic. And you can see the -- the several yellow
14 spots there that are just outside the district that
15 would be very easy to bring in.

16 COMMISSIONER LERNER: But is this -- can I
17 just double check? This is the boundary that the
18 Navajo Nation requested. Correct?

19 VICE CHAIR WATCHMAN: No. They --

20 COMMISSIONER MEHL: No. This was -- this was
21 the compromised boundary. It's not far off the last
22 proposal, but it is -- it is adjusted.

23 COMMISSIONER LERNER: Could we -- could we see
24 what their boundary was in Flagstaff and compare that?
25 Maybe they captured it already so we don't have to --

1 COMMISSIONER MEHL: They would have had much
2 less -- they would have had less of -- it wouldn't be
3 comparable.

4 COMMISSIONER YORK: The issues, Commissioner
5 Lerner, is the reason why the boundary changed was to
6 sort of accommodate --

7 COMMISSIONER MEHL: We tried to --

8 COMMISSIONER YORK: -- the citizens of the
9 White Mountain area and make a compromise in Flagstaff
10 to help the Native American community, and so we're
11 trying to balance those two populations. And so I
12 think the eastern side of the districts did a nice job
13 of accommodating a portion of the White Mountain and
14 also trying to accommodate the Navajo suggestion in
15 Flag. There is a few Indians on the south side of that
16 boundary that not -- that we could add into the
17 District 7 that might help the area.

18 COMMISSIONER LERNER: So I just would like to
19 see where the boundary was in Flagstaff. And I just
20 want to make another point about this. I do feel that
21 you found good compromise on the east side in the White
22 Mountains area by moving things around, making a
23 cleaner line.

24 So this is -- this is the Navajo line?

25 COMMISSIONER YORK: No.

1 MR. D. JOHNSON: They're working to bring that
2 up.

3 COMMISSIONER LERNER: So I just want to make a
4 little point, though. We've been focused, as we should
5 be, on the district -- District 6, which would be the
6 district that the Navajo Nation and other tribes in
7 that area would have a majority minority district. I
8 have real concerns about how this all breaks out when
9 we talk about representation. I just want to make a
10 point about that.

11 Everybody is represented in our state. People
12 may not like the representation they have, but we -- we
13 heard that a lot on our listening tour, and we still
14 hear that, that whether they will be represented. And
15 everybody is represented. I lived for years in a -- in
16 a -- in Tempe where I, quote -- I could have said I
17 wasn't represented. I was; it was just not my choice
18 of who was there.

19 What my concern is is that as we've been doing
20 these divides District 7 at one point we -- we proposed
21 a map that showed a District 7 that would be
22 competitive, Republican leaning; District 5, strong
23 Republican; District 6, Democrat, but it was really the
24 majority minority district. Again, as we have not
25 adjusted Yavapai County in any way, we're going to end

1 up with people in the north having one district if they
2 are Democrats, where they will, quote, feel
3 represented, to use that same terminology.

4 We just passed a CD map where people in the
5 north, if they're a Democrat, will not feel, quote,
6 represented. I would really like us -- I'm very happy
7 to look at these adjustments that Commissioner Mehl is
8 looking at, but I really would like us to look at how
9 we could make District 7 -- and I know how we can do
10 it -- more competitive, because otherwise we have
11 essentially ceded the majority of the north both
12 congressionally and legislatively to one party, and
13 there are thousands of people in that area who will not
14 feel, quote, represented, who will not feel that their
15 voices are being heard, because District 7 is a very
16 noncompetitive district, as is District 5, as is
17 District 9, and there will be one district, District 6,
18 that will have that.

19 And I want to raise that point because we
20 don't have to have a map that way. We just passed the
21 CD map that gave that, but we could make District 7
22 more balanced, and I would like us to consider that.

23 COMMISSIONER MEHL: The change I'm talking of
24 is a very minor clean-up change, and I had promised
25 Vice Chair Watchman that I would do my best on a

1 compromise to accommodate the Native Americans the best
2 I could, so, and we didn't come up with this division
3 in Flag, the map makers did, and they had told us in
4 advance it would need our review, so I did a review.

5 So I'm just trying to move a very small piece
6 of population that has significant Native Americans
7 into District 6, and then I would move a small piece on
8 the west side, and instead of going on the I-40 right
9 out of Flag I would go to the Business 40 to balance.
10 Yeah, that Route 66. So whatever it takes to move the
11 Native Americans into 6, I would then come in there to
12 balance. And it's a really small change, and it
13 doesn't change how many Flagstaff people are in or out.

14 MR. FLAHAN: Commissioner Lerner, to answer
15 your question, here on the screen right now is the
16 current boundaries between 6 and 7 as the green and the
17 blue line going through there. The red line is the
18 city of Flagstaff boundaries. If Parker turns on the
19 latest Navajo data that we got, which I believe was on
20 the 19th, that is what their District 7 would look
21 like, which was in the green, the filled-in polygon,
22 and the purple is District 6. You can see where our
23 boundary lines are a little different. So you can
24 see -- you can see where our lines sort of differ than
25 what the exact --

1 VICE CHAIR WATCHMAN: So basically it's the
2 railroad versus Route 66?

3 MR. FLAHAN: Zoom in.

4 VICE CHAIR WATCHMAN: I think the Navajo
5 proposal includes -- or considers the railroad and --

6 MR. FLAHAN: Right. If we go down -- Parker,
7 go down towards --

8 MR. D. JOHNSON: Correct. So -- so what
9 Commissioner Mehl was just saying is correct, that we
10 had the direction last time to take population to get
11 to the deviation number and then come back to you with
12 which neighborhoods make sense so we can trade. So you
13 can see both maps follow the railroad on the east edge
14 of Flagstaff until we get to the center there with
15 Highway 160 -- or 180, rather.

16 MR. FLAHAN: Should be Milton.

17 MR. D. JOHNSON: And then where the Navajo
18 proposal continued on the railroad, in order to get the
19 population needed to balance it would come down I think
20 diagonal and then vertically to I-40. There is --
21 certainly this was not based on looking at
22 neighborhoods within Flagstaff. We certainly welcome
23 your guidance on trading population. As long as it's
24 an even trade the rest of the map will stay balanced to
25 the degree that this map was aimed to be balanced.

1 COMMISSIONER LERNER: Could you remind us
2 again -- I know you've told us this before, but I don't
3 remember: With the current divide the way it is right
4 now in our map what's the split for Flagstaff
5 population-wise?

6 MR. D. JOHNSON: I think it's a little over
7 half is in D6 and a little under half is in D7. We
8 would have to get the numbers here. Oh, that's right.

9 COMMISSIONER LERNER: And what would then
10 Commissioner Mehl's suggestion -- would that change
11 that significantly, or what change would that be?
12 We're about half and half right now for Flagstaff is
13 what you're saying.

14 MR. D. JOHNSON: He's getting the exact
15 numbers.

16 COMMISSIONER MEHL: But it wouldn't change it
17 at all. I'm just moving a little piece of Flag to
18 another little piece of Flag, so it wouldn't change how
19 much is in Flagstaff.

20 VICE CHAIR WATCHMAN: Weren't we going to pull
21 up the demographic and see where the Native population
22 is in the area?

23 MR. FLAHAN: We can do that.

24 To answer the first question about population
25 split in Flagstaff, it is -- it is pretty close. LD6

1 has 36,870 in Flagstaff, and LD7 has 39,961 in
2 Flagstaff, so roughly a little over 3,000 population
3 difference between the two districts with the city of
4 Flagstaff.

5 CHAIRPERSON NEUBERG: You know, just to cut to
6 a chase to a very fundamental question as we're
7 evaluating this, I'm thinking about it through a lens
8 of does splitting Flagstaff warrant, you know, helping
9 empower the White Mountain community? I mean, you
10 know, when we're thinking about our underlying
11 objectives here on the interests that we're weighing,
12 we're weighing the Native American desire to protect
13 their -- you know, their CVAP, their citizen voting age
14 population, to, you know, have the opportunity to elect
15 the candidate of their choice across all elections, and
16 we're trying to mitigate that with other communities of
17 interest in the White Mountains who have very different
18 views of what they're wanting from an elected leader,
19 and a coherent city of Flagstaff that does have the
20 full city boundary. And so these are a lot of
21 populations and differing interests that we're
22 navigating, and let's just as we're making,
23 recommendations keep our eyes on deliberating on, you
24 know, the pros and cons of those changes.

25 MR. FLAHAN: To Commissioner Watchman, to

1 answer your questions about the demographics, in
2 Legislative District 6 the CVAP for non-Hispanic Native
3 Americans is at 62 percent, and the single race
4 non-Hispanic Native Americans, that number is
5 57 percent, as shown on the screen highlighted.

6 COMMISSIONER MEHL: And that's in our current
7 map?

8 MR. FLAHAN: That is in the current map as is.

9 COMMISSIONER MEHL: Could you find those
10 little pieces I was talking about? I don't want to
11 take much time on this. Let's look at it really
12 quickly and see if -- this was just a little cleanup
13 thing. There is no --

14 MR. FLAHAN: So you can see on there are some
15 spots of yellow there and green.

16 COMMISSIONER MEHL: And yellow. Yellow is 40
17 to 50 percent, so I would take in the yellow and green
18 and just see what that is, and then see if going out
19 that I -- the Business 40 -- and this isn't a -- this
20 has nothing do with partisanship. This is just
21 flipping people to try to consolidate the Native
22 Americans in a way that -- in a way I promised Vice
23 Chair Watchman I would take a look at.

24 MR. FLAHAN: So is the direction to come down
25 and grab the two yellow --

1 COMMISSIONER MEHL: Yeah, just grab around
2 that as you can. We're not trying to --

3 COMMISSIONER LERNER: But this is just for --
4 to take a look.

5 VICE CHAIR WATCHMAN: Right.

6 COMMISSIONER LERNER: To see what --

7 COMMISSIONER MEHL: Yeah.

8 COMMISSIONER LERNER: Yeah, that's fine. I
9 mean, we can't grab everybody. We've got, you know
10 pockets everywhere.

11 COMMISSIONER MEHL: No, I just --

12 COMMISSIONER LERNER: But if we have --

13 COMMISSIONER MEHL: This looked like a couple
14 of big pockets, and I --

15 COMMISSIONER LERNER: Right.

16 COMMISSIONER MEHL: -- you know, I'm just
17 trying to do the right thing on this whole compromise
18 and split.

19 COMMISSIONER LERNER: Right. Well, I think
20 the proposal from 15.0 that -- that was there was the
21 Navajo line.

22 COMMISSIONER MEHL: And it had the White
23 Mountains.

24 COMMISSIONER LERNER: No. I think the east
25 were -- the changes you made on the east completely --

1 I'm not referring to that. I'm just talking about the
2 Flagstaff piece.

3 CHAIRPERSON NEUBERG: And if it at any point
4 my colleagues would feel that it would be helpful to
5 draw, you know, the Navajo map versus this compromise
6 map, just as education --

7 VICE CHAIR WATCHMAN: I would like to do that.

8 CHAIRPERSON NEUBERG: -- please do so we can
9 fine-tune the lines.

10 COMMISSIONER LERNER: I think that's a great
11 idea.

12 So Doug Johnson -- oh, when you're done.
13 Sorry. Could we do that? Could we look at the lines
14 from -- from just Flagstaff? That's the only piece
15 we're looking at. We're not going to make adjustments
16 to the Commissioner Mehl compromise, as we'll call it.
17 The 15.0 and 16.0 lines, because 15.0 I think was based
18 on the Navajo, and compare those just for the Flagstaff
19 area.

20 MR. D. JOHNSON: Yes. Yeah, he's got those
21 up, but let's get the numbers on this first, if we
22 could. So --

23 COMMISSIONER YORK: The yellow there, too.

24 COMMISSIONER MEHL: Yeah, go around that
25 yellow block.

1 MR. D. JOHNSON: Yeah. So -- so the thought
2 is there is -- there is this whole strip between the
3 railroad and the freeway --

4 COMMISSIONER MEHL: That's fine.

5 MR. D. JOHNSON: -- over to the east, which is
6 all relatively more Native American than other parts of
7 the city.

8 MR. FLAHAN: So what's selected on there is
9 the current D6-D7 boundary down to the I-10 freeway all
10 the way across. That will add 747 people into District
11 6 from District 7.

12 COMMISSIONER MEHL: And then go over on the
13 I-40 coming out of town on the west, and if you go up
14 to the -- to the Business 40, I don't know, you might
15 end up with just a little notch in there or something.
16 I'm not sure.

17 MR. FLAHAN: So where exactly are you talking
18 about?

19 COMMISSIONER LERNER: You could also just
20 take -- just move the line right in Flagstaff over.
21 That would be an easy thing, right, just if you're
22 talking about balancing that, just split --

23 COMMISSIONER YORK: Well, don't you want to
24 stay south of town? I mean --

25 COMMISSIONER LERNER: Well, you know, right

1 now Flagstaff is split. It's where is it a logical
2 split for that. Is this an arbitrary line that we've
3 drawn and then you've got Flagstaff split there, or is
4 there -- within the city is it a better split in some
5 other way is what I'm -- I guess I'm suggesting or
6 asking.

7 COMMISSIONER YORK: When you come up 17,
8 Milton -- it turns into Milton.

9 COMMISSIONER LERNER: Right.

10 COMMISSIONER YORK: You basically split off
11 the Business. Why don't you go up --

12 COMMISSIONER MEHL: Start up --

13 COMMISSIONER LERNER: See, I would go to the
14 north part, because you're really splitting a
15 neighborhood right in half here, and you're -- you've
16 got -- we've talked about college communities, these
17 folks that live up in that area.

18 COMMISSIONER YORK: Maybe follow Woodland --
19 Woodland Boulevard on the eastern boundary north up
20 to --

21 MR. D. JOHNSON: Let me ask one question, too.
22 Over on the east side where we added the territory to
23 6, because of that very weird-shaped block we have this
24 kind of neck sticking into the middle of the southern
25 part of the city now. Should we square -- should we

1 take the area north of that?

2 COMMISSIONER MEHL: I'm okay doing that.

3 We're going to balance it, so take it --

4 COMMISSIONER YORK: I think we intentionally
5 underpopulated.

6 COMMISSIONER MEHL: No, but we're going to --
7 we're going to take as many out.

8 MR. D. JOHNSON: Right. The population trade
9 will be even, whatever we end up doing, but that will
10 make it a much more --

11 COMMISSIONER MEHL: Yeah, make it a more
12 coherent boundary over there, take some more. Can we
13 actually increase this deviation a little more? It
14 would help the CVAP just slightly. Or do we have
15 any --

16 COMMISSIONER LERNER: We got to be careful
17 where the -- you know, in terms of those communities
18 we're just kind of looking at -- that's a lot of --
19 well, let's see what you can pull out, but I know a lot
20 of those areas that may be a logical way.

21 MR. D. JOHNSON: Yeah, so now our goal -- so
22 that -- squaring that off added another 965 to the 747,
23 so we're looking to take 1,600 and some out on the
24 other side, or wherever you think makes sense, to add
25 to District 7.

1 VICE CHAIR WATCHMAN: It's not --

2 MR. D. JOHNSON: If you think it makes sense
3 to go up the railroad, we can do that, or we can go
4 past the 66.

5 COMMISSIONER LERNER: I don't know.

6 COMMISSIONER MEHL: Scroll a little bit so we
7 can see a little left of where you are.

8 VICE CHAIR WATCHMAN: I think the Navajo had a
9 big reason for choosing the railroad.

10 MR. D. JOHNSON: Okay.

11 VICE CHAIR WATCHMAN: These numbers here now
12 are increasing the deviation, and we want to have
13 roughly a 5 percent deviation and a 57 percent CVAP for
14 Native, and we're not -- we're getting past that.

15 COMMISSIONER YORK: We added how many people?

16 MR. D. JOHNSON: So we've put in 17 -- 1,712,
17 so we're looking to take out about 1,712.

18 COMMISSIONER YORK: So if you go to -- if you
19 follow University Avenue on the west side.

20 COMMISSIONER MEHL: Let's not start there.
21 Let's go out to the west more.

22 COMMISSIONER LERNER: So I'll just make a
23 point, too, that all these changes we're doing is
24 actually -- I mentioned District 7. They're having a
25 big impact on District 7. District 7 is incredibly

1 noncompetitive, and this is making it even more
2 noncompetitive.

3 COMMISSIONER MEHL: This isn't -- what we're
4 doing here isn't going to do anything.

5 COMMISSIONER LERNER: The changes that were
6 just made just made that -- I mean, maybe it will go
7 back with adding some folks back, but I can see -- I'm
8 looking at the numbers down on the bottom there.

9 MR. D. JOHNSON: Agree. The goal is a net
10 zero impact on that, because as we put in Flagstaff
11 voters we're also going to take out Flagstaff voters.
12 We just haven't taken them out.

13 COMMISSIONER YORK: Parker, if you follow
14 Woodland Parkway on the southeast corner down. Move
15 the map up.

16 COMMISSIONER LERNER: I just want to be
17 logical on where Flagstaff is split because we need to
18 be considerate of them.

19 CHAIRPERSON NEUBERG: Yes, but I also want to
20 be clear that the number one motivation in this
21 deliberation is we're honoring the VRA.

22 COMMISSIONER YORK: Can you move down the
23 southeast corner right there, Woodland Parkway off of
24 the 40. There. You go up to University and over to
25 University, and at the top there to the west.

1 MR. D. JOHNSON: I can start with that piece.

2 COMMISSIONER YORK: No. The other way. The
3 west. That's your east. The other way.

4 COMMISSIONER MEHL: Get out where it's lower
5 density so you don't have to take all that much area
6 but still get the people you need.

7 MR. D. JOHNSON: Would it be -- right now
8 we're kind of going through a neighborhood there. Can
9 we first take the area south of Route 66 and east?
10 It's not going to be enough people, but that would be a
11 good place to start.

12 COMMISSIONER YORK: Up to Woodland Parkway, up
13 to 66? How many people are there?

14 MR. D. JOHNSON: That's 2,708.

15 COMMISSIONER MEHL: That's too many.

16 MR. D. JOHNSON: That's 1,000 too many.

17 COMMISSIONER MEHL: Or is it 1,000 too many?
18 Can we take another 1,000 out? Because what's the
19 highest deviation and lowest? Can we have a little
20 more than 5 percent deviation, because -- or does that
21 put us over because of other --

22 COMMISSIONER LERNER: I think that the Navajo
23 had made -- I would like to honor their request as
24 well, and they were okay with the deviation they had.
25 I respect the fact that we want to try to include those

1 people in there. I appreciate that, Commissioner Mehl,
2 you identifying them, but I think we need to be a
3 little cautious about where we're pulling from and
4 moving people around, and that's why I was curious
5 about where the Navajo line fit and seeing if we could
6 just balance what Commissioner Mehl's notice of
7 population in that area and what their suggestion had
8 been.

9 MR. D. JOHNSON: So -- so this would increase
10 the deviation. Our largest district is District 2 at
11 3.48 percent over, so 3.48 and 5.38 is 8.86, so we
12 would be just under 9 percent if this changed, which
13 would be a larger deviation than was in 16.0, so it
14 would be in line with the Navajo's request in that
15 respect.

16 COMMISSIONER YORK: My sense is that
17 Commissioner Lerner and myself are going to have an
18 argument over the balancing of 2, so that will not be
19 your route.

20 CHAIRPERSON NEUBERG: I want to center the
21 argument around what we're really trying to balance
22 here. You know, we are not trying to change
23 fundamentally these districts. We are trying to
24 accommodate the concerns amongst the Native Americans
25 about their opportunity to elect a candidate of their

1 choice in primaries. And so, you know, this isn't
2 about which community gets to advocate for the broader
3 map. This is about solving a specific problem with
4 protecting Native American rights to elect a candidate
5 of their choice with mitigating, you know, the
6 inability of communities like the White Mountains, who
7 have lacked a voice for a while. So let's just keep
8 our eyes on what the goal is, which is finding a way to
9 maximize the representation of all groups here.

10 COMMISSIONER LERNER: So --

11 MR. D. JOHNSON: So that change, as it's shown
12 by -- by adding that -- those neighborhoods into
13 District 6 that we added in, it did fractionally
14 increase the Native American percentage of District 6.
15 We're -- we're well within statistical noise, but it
16 took us from 62.2 to 62.5.

17 COMMISSIONER LERNER: That's fine.

18 MR. D. JOHNSON: So I think whatever area we
19 use to balance it is going to have -- we're going to
20 end up at that same point, so it's a -- adding that
21 territory into 6 helps the Native American
22 representation, and then you can debate how you want to
23 balance it.

24 COMMISSIONER LERNER: Yeah. What I was
25 wondering is you said it was a couple thousand people

1 that got added, and does it matter whether we even
2 balance it or just leave every -- Flagstaff alone at
3 that point and just add those folks in?

4 MR. D. JOHNSON: Actually, you do want to
5 balance it because we're taking -- when we put those
6 folks in it reduced the deviation in 6. It brought a
7 closer balance. So now we're taking people out to get
8 the deviation back up.

9 COMMISSIONER LERNER: All right.

10 MR. D. JOHNSON: So why don't we commit this,
11 and then we'll show you where the Navajo line was that
12 Commissioner Lerner was asking about.

13 COMMISSIONER MEHL: And I know we have a lot
14 of other districts to talk about, and I -- and I would
15 speak strongly for this general compromise that we've
16 reached to where we accept it and move on.

17 MR. D. JOHNSON: So what you're seeing here,
18 so the purple District 6 was the Navajo Nation map
19 District 6, where it's following the railroad. And
20 then you can see on the east side of town the area we
21 just picked up is actually fairly -- relatively heavily
22 Native American. On the west side it's not as much,
23 but that's where there is flexibility to adjust as you
24 wish. As you're looking at it now it shows the change
25 that was just discussed, but open to your direction.

1 COMMISSIONER LERNER: So the green line that
2 we're looking at is the change we've been discussing?

3 MR. D. JOHNSON: Yes.

4 COMMISSIONER LERNER: And so the biggest
5 difference between what the Navajo line is and -- is
6 really just that west side.

7 VICE CHAIR WATCHMAN: West side below the
8 railroad.

9 COMMISSIONER LERNER: Right.

10 VICE CHAIR WATCHMAN: So with this version
11 here the deviation goes to minus -- basically under
12 5.38, and then the CVAP -- what's the CVAP of this
13 versus the Navajo CVAP?

14 MR. D. JOHNSON: 62.5. And the -- and the
15 single race voting age population has gone up to 57.67.

16 VICE CHAIR WATCHMAN: This looks like it's
17 better than the Navajo proposal.

18 COMMISSIONER YORK: That's how we are.

19 CHAIRPERSON NEUBERG: I believe --

20 COMMISSIONER MEHL: I'm trying.

21 CHAIRPERSON NEUBERG: I believe -- right. I
22 believe that it's a great compromise map that is
23 maximizing CVAP for the Native Americans while also
24 trying to ensure other communities have a voice.

25 Vice Chair Watchman, if you're supportive of

1 this compromise, we'd, you know, love to hear your
2 feedback on that. If you're wanting to make a
3 compelling case for why the Navajo proposal is better,
4 I mean, I don't want to cut off debate, but my sense is
5 we've hit some degree of compromise that answers the
6 deepest concerns of the Native American community while
7 also allowing a voice from communities who have felt
8 marginalized for a decade.

9 VICE CHAIR WATCHMAN: Madam Chair, I think --
10 well, marginalizing, I think the Natives have been
11 marginalized for many, many decades, and so this could
12 improve it. The Mehl proposal here looks like it
13 improves the -- you know, the Navajo statistic that
14 you're looking for, but I would like to when we have
15 our break reach out to the Navajo leadership to see if
16 this is something that they would be okay with. It
17 does from a numerical standpoint improve the Navajo
18 position, which obviously speaks to the VR -- the Voter
19 Rights Act. You know, that's something that, you know,
20 we're -- obviously I'm focused on. I think all of
21 the -- with improved numbers, again, like we've been
22 talking about it allows for not just Navajo but the
23 Natives in this district to consider their candidate of
24 choice, and so at this point I'm okay with it. I would
25 like to communicate with the Navajo leadership and the

1 other tribes to get some feedback.

2 CHAIRPERSON NEUBERG: Okay.

3 VICE CHAIR WATCHMAN: Okay.

4 CHAIRPERSON NEUBERG: We can certainly take a
5 recess and give you the time to reflect on it. And as
6 always my colleagues have the option to asking to go
7 into executive session to seek legal advice if there is
8 any question about VRA compliance here as well.

9 COMMISSIONER LERNER: I don't know if we need
10 a recess at this time, as long as we -- we just hold
11 this knowing it's an option, and then when we take
12 another break -- we don't need to do it at this moment,
13 but at some point.

14 VICE CHAIR WATCHMAN: I agree, yeah.

15 CHAIRPERSON NEUBERG: Okay. Are there other
16 areas of the map, then, that you want to dive in on?

17 COMMISSIONER LERNER: Well, I just would like
18 to reiterate my concern about these other legislative
19 districts in the north again. I'm very glad that we're
20 able to find a good compromise for District 6 as part
21 of that.

22 But I really have concerns. I've had concerns
23 all along about -- as I've mentioned about the CDs in
24 the north. And -- and now I have the same concerns
25 about the legislative districts. I don't think we are

1 serving our -- the north well by providing two-thirds
2 of -- well, more than two-thirds of the districts that
3 lean one way versus another. I don't think we are
4 going to -- we have very, very partisan districts in
5 the north in our legislative districts, and we've
6 talked a lot, as we said, about representation and
7 about doing harm.

8 People have said they're harmed by not having
9 representation, and I think we need to really take a
10 look at -- there was a proposal by the Coconino County
11 that was played out that we -- we have supported but
12 was not supported by the Commission as a whole, and I
13 think we need to be really cognizant that what we're
14 doing is saying that it's okay for two-thirds of the
15 districts in that area to be represented in an extreme
16 way, because they're not balanced. They're not
17 competitive districts. If we could make the districts
18 more competitive that would be great, and I'm thinking
19 of District 5 and District 7, and there is a way to do
20 that, if we -- if we chose to.

21 And so I bring that to our attention because
22 we've talked competitiveness would not -- having
23 competitiveness in my mind would not be a significant
24 detriment to making a District 7 Republican leaning but
25 competitive.

1 CHAIRPERSON NEUBERG: You know, Commissioner
2 Lerner, this reminds me of the very beginning of a
3 response I gave to public comments about when people
4 were questioning, you know, how often I vote with one
5 side or another, and I really re-characterized the
6 question around more what is our fundamental
7 understanding of the Constitution, and I think I have
8 not yet received a full explanation about a question
9 that I have asked, and that is that when you honor the
10 VRA and you take out what is a huge proportion of the
11 Democratic population because it happens to align with
12 those minority interests, we are left with a state that
13 is so disproportionately R leaning. I did the analysis
14 on my own based on the Latino Coalition data on their
15 congressional districts that they submitted. I didn't
16 trust other people's numbers. And I discovered that
17 once you redistrict the congressional districts per
18 their desires, if you were to merely look at your
19 Constitutional mandate to make all other competitive --
20 all other districts as competitive as possible, they
21 would all be R plus 6.4. On the legislative side it
22 would even be more than that.

23 So when we're asked to fundamentally say make
24 the rest of the state as competitive as possible, I
25 believe personally the Constitution is saying make each

1 and every district as competitive as possible. But
2 that so fundamentally pits what our natural
3 distribution of population is then with the other
4 people, and so there are inherent conflicts where in my
5 mind I've yet to hear do people actually prefer us,
6 once we take care of the VRA, to make all districts as
7 competitive as possible, or do we make as many
8 competitive districts as possible at the expense of
9 communities of interest and then worry about this
10 disparate group of people that have nothing in common
11 that will be remarkably extreme in their political
12 views?

13 So we come back to a real fundamental
14 Constitutional difficult decision about how we
15 interpret our responsibility to -- to adhere to this,
16 to the extent practicable competitive districts should
17 be favored when to do so would create no significant
18 detriment to the other goals. Well, my interpretation
19 is that -- is that after we honor the VRA I have to
20 look at communities of interest and all the criteria
21 and then come back and make them as competitive as
22 possible, and it's really hard to do it.

23 COMMISSIONER LERNER: Chairwoman, I don't
24 disagree that -- the difficulty. I don't disagree in
25 honoring communities of interest. My point was that

1 there was a way to balance that in that area, and there
2 has been -- there is a way to balance it in a number of
3 districts as well. I do understand that what we have
4 are our responsibilities in terms of VRA, but there are
5 also ways to look at each of these districts, and I
6 agree we need to look at each district as part of it.
7 But there was a proposal that showed a way to honor the
8 VRA in that area and provide competitiveness in
9 District 7, and that's what I'm drawing to your
10 attention.

11 CHAIRPERSON NEUBERG: Yes, and I felt that it
12 compromised other communities, and it came at the
13 expense, significant detriment to other communities of
14 interest that would be left lying in the other
15 outskirts of the state, and it was not as coherent of a
16 map from my perspective.

17 COMMISSIONER LERNER: Okay. And that's --
18 that's just the difference that we have, right, is that
19 in my mind that actually did meet a number of
20 communities of interest who had requested to be in
21 those areas. So -- so I believe that, you know, we're
22 not pitting the VRA against other districts. I know
23 that that's not what you were implying at all. But
24 that's not what we're doing, but we are -- District 7 I
25 feel we could have put communities of interest together

1 that had expressed a desire to be together that would
2 have changed that district that would have -- that
3 would have allowed for more competitiveness, and from
4 my perspective it would have not impacted the
5 communities of interest in that area.

6 We have made a big effort to accommodate the
7 White Mountains in the -- as much as we can in this
8 map, which is -- but we're splitting Flagstaff. So,
9 you know, we just have -- I just want to put that out
10 on the table, that I feel we have essentially taken the
11 north of our state, and we are saying that both
12 congressionally and legislatively we have one district
13 that will be a Democrat district, and then everything
14 else will be Republican, and none of them will be
15 competitive.

16 COMMISSIONER YORK: Commissioner Lerner, I
17 appreciate your observation. I think in both cases
18 with the legislative map and with the CD map our
19 primary interest was trying to figure out how to
20 accommodate the Native American population, and so in
21 doing so we've segregated out other population to
22 create, which ends up giving us this imbalance. We've
23 approved the congressional map. We included an
24 uncompact little finger in that we also matched in the
25 legislative map to accommodate another -- an additional

1 Native American tribe along the Colorado River
2 boundary. And so, you know, we have ourselves a
3 conundrum. And from my standpoint in accommodating the
4 Native American population as largely as we did now we
5 have to continue to move forward and create legislative
6 districts that match population, communities of
7 interest, geography, and compactness.

8 I would argue that LD5, which is primarily
9 Yavapai County, handles the corridor of the Verde
10 Valley and the Chino aquifer and all those people that
11 rely on that agriculture, farming and waterway resource
12 in a way that best fits them to govern in the future,
13 and so to pull population out of LD5 to put it into 7
14 to make it more competitive, I don't -- I don't see how
15 that fits our Constitutional directive.

16 And so from my standpoint I would like to move
17 forward. I know you and I have a few discussions on
18 Maricopa County to accomplish. This is our final day
19 of deliberation before Christmas, and so if we could --

20 COMMISSIONER LERNER: Yeah, I -- I know
21 that -- I'm doing this for the record. I just want to
22 be -- acknowledge this. I'm not going -- I know we're
23 not going to reopen the district, but I think it's an
24 important point to raise, and then we can move forward,
25 as you said, to Maricopa County, where I know we do

1 have something to talk about. But I just --

2 COMMISSIONER YORK: I don't --

3 COMMISSIONER LERNER: The Verde Valley area
4 was -- you know, you mentioned there are communities of
5 interest that requested to be there. I wanted us to
6 go -- to note that in this case in my opinion that I
7 feel that we did not adequately consider
8 competitiveness in all of these areas in the north.
9 I'm talking about with these. And there are things
10 that we could have done that would have honored the
11 communities of interest in that area to be able to do
12 that. But with that, that would be my concluding.

13 CHAIRPERSON NEUBERG: I reject the premise
14 that we did not consider competitiveness. I considered
15 competitiveness all across the way. I believe that
16 when you get into these more rural areas where
17 population is more sparse, the more and more you work
18 to get competitiveness the more it requires you to
19 compromise communities of interest because there isn't
20 the density of population, so in my decision-making it
21 was driven primarily by communities of interest and
22 then coming at it from the perspective of trying to
23 make it as competitive as possible.

24 So we have an issue on the table with
25 resolving LD6 and 7 really with our desire to do as

1 right by the Native -- Native American community as
2 possible. I think, you know, our current map that has
3 already been approved, we're all comfortable, is VRA
4 compliant. I give great credit to our Commission for
5 taking it a step above and beyond to be really thinking
6 about the ethical issues of just what is right for our
7 state.

8 So we have a couple of options to do, you
9 know, as much what's right for our Native American
10 community. I believe Commissioner Mehl's compromise
11 does an excellent job of answering their concerns while
12 also keeping in mind the White Mountain communities.
13 If there is a better option on the table, you know,
14 let's debate it in a very succinct way so we can make a
15 decision and move on.

16 COMMISSIONER LERNER: I think that
17 Commissioner Watchman was -- when he -- when we have
18 our break we're just going and double check with -- on
19 District 6.

20 CHAIRPERSON NEUBERG: Okay. So maybe this
21 would be the natural break time so that we can confer,
22 think through, come back, make a decision on this, and
23 then move into Maricopa County with the goal of
24 making -- you know, fine-tuning decisions.

25 Does anybody have an opposition to this plan?

1 COMMISSIONER YORK: Now, is lunch in? It's
2 11:30. Maybe a half hour.

3 CHAIRPERSON NEUBERG: So why don't we take --
4 is 30 minutes sufficient, Colleagues? We'll take a
5 30-minute break, and we will resume at 12 noon. Thank
6 you. Recess.

7 (The morning session concluded at 11:26 a.m.)
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18 This transcript represents an unofficial
19 record. Please consult the accompanying video for the
20 official record of IRC proceedings.
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25

C E R T I F I C A T E

1
2 STATE OF ARIZONA)
3) ss.
4 COUNTY OF MARICOPA)

5 BE IT KNOWN that the foregoing proceedings
6 were taken before me, Deborah L. Wilks, Certified
7 Reporter No. 50849, all done to the best of my skill
8 and ability; that the proceedings were taken down by me
9 in shorthand and thereafter reduced to print under my
10 direction.

11 I CERTIFY that I am in no way related to any
12 of the parties hereto nor am I in any way interested in
13 the outcome thereof.

14 I FURTHER CERTIFY that I have complied with
15 the requirements set forth in ACJA 7-206.

16 Dated at Phoenix, Arizona, this 26th day of
17 December, 2021.

18 *Deborah L. Wilks*

19 _____
20 Deborah L. Wilks, RPR, CR
21 CERTIFIED REPORTER (AZ50849)

22 * * *

23 I CERTIFY that Miller Certified Reporting,
24 LLC, has complied with the requirements set forth in
25 ACJA 7-201 and 7-206.

Dated at Phoenix, Arizona, this 26th day of
December, 2021.

Miller Certified Reporting, LLC
Arizona RRF No. 1058