

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF FINAL DECISION PUBLIC MEETING

Afternoon Session

December 22, 2021

12:17 p.m.

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I N D E X

	<u>AGENDA ITEM:</u>	<u>PAGE</u>
1		
2		
3		
4	ITEM NO. VI	4
5	MOTION TO APPROVE LEGISLATIVE MAP	11
6	VOTE	25
7	MOTION TO APPROVE LD 16.2	74
8	WITHDRAWAL OF MOTION	74
9	MOTION TO APPROVE LD 16.1	94
10	DISCUSSION	94
11	EXECUTIVE SESSION	96
12	VOTE	107
13	MOTION TO AMEND	125
14	VOTE	125
15	ITEM NO. VII	127
16	ITEM NO. VIII	127
17	ITEM NO. IX	128
18	MOTION TO ADJOURN	128
19	VOTE	128
20		
21		
22		
23		
24		
25		

1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 12:17 p.m. on
3 December 22, 2021, at the Kimpton Hotel Palomar, Phoenix
4 Cityscape, 2 East Jefferson Street, Phoenix, Arizona, and
5 via WebEx in the 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 is present.

P R O C E E D I N G

1
2
3 CHAIRPERSON NEUBERG: Okay. Welcome back,
4 everybody. I hope everybody enjoyed a nice lunch.

5 We are resuming on Agenda Item No. VI, draft map
6 decision discussion. We are returning to our deliberation
7 on legislative map 16.0. We have been deliberating on LD-6
8 and 7. Some of the compromises and decisions as it relates
9 to the Native American community in the northeast and in
10 particular balancing that with some of the interests in the
11 White Mountain communities.

12 So we will resume to where we were in conversation,
13 and I believe we're getting closer to entertaining a motion
14 for some kind of hopefully, you know, compromise solution or
15 at least get to the point where we can compare two
16 alternatives and make a decision.

17 VICE CHAIR WATCHMAN: Madam Chair?

18 CHAIRPERSON NEUBERG: Yes, please.

19 VICE CHAIR WATCHMAN: Before we went to break, I
20 indicated that I would speak to the Navajo officials; and
21 based on the numbers here and the -- and the Mehl
22 suggestion, they are in agreement and are comfortable with
23 what we see here on the board here.

24 So I think this is a good compromise and it does
25 continue to reflect maybe a little bit better than the

1 Navajo suggestion, so I think this is -- this is good.
2 Obviously, the compromise is -- is moving some of the White
3 Mountain communities into D7 and out of D6.

4 CHAIRPERSON NEUBERG: Okay.

5 VICE CHAIR WATCHMAN: So I'm comfortable with this
6 as -- as I see it here on the screen.

7 COMMISSIONER MEHL: Thank you, Vice Chair.

8 And I had one little tweak on this just to swap a
9 different piece just to make it a little cleaner map, if you
10 could just come out of the I-40 onto business 40 and just
11 take that first little piece there instead of the more
12 central flag piece that we had taken out.

13 COMMISSIONER LERNER: Can you identify,
14 Commissioner Mehl, exactly where you're talking about? That
15 little piece that's sticking out there?

16 COMMISSIONER MEHL: Well, I'll wait for them to do
17 this, whatever they're doing here.

18 MR. FLAHAN: So if we go down business 40 like
19 Parker is doing?

20 COMMISSIONER MEHL: Hm-mm.

21 MR. FLAHAN: How far are we going over?

22 COMMISSIONER MEHL: Oh, I thought you were just
23 putting back in what you were taking out before and taking
24 out the west instead of -- of in the more central flag.

25 Yeah, just right in there. Off of the I- -- the

1 business 40 right there over to whatever population
2 balances.

3 And we're only looking for a few hundred people, I
4 think.

5 MR. FLAHAN: We're -- we're just getting the
6 population.

7 COMMISSIONER YORK: Keep moving east.
8 How many is that?

9 MR. FLAHAN: That's only 16,054 -- or sorry 1,654.

10 COMMISSIONER LERNER: I thought we were just moving
11 a few hundred.

12 COMMISSIONER YORK: Well, we moved, what, 2,000 in.
13 So we didn't --

14 COMMISSIONER MEHL: I -- I --

15 MR. FLAHAN: 4,941.

16 COMMISSIONER YORK: I think that's one of the --

17 CHAIRPERSON NEUBERG: Please one at a time for the
18 transcriptionist if it's, you know, meaningful conversation
19 for -- for our records.

20 MR. FLAHAN: The numbers that I had on D6 before
21 you made the swap there was 225,563, and then when we added
22 that corner back into D6. That took D6 six up to 230,504,
23 which is a difference of 4,941.

24 COMMISSIONER LERNER: Would we be able to calculate
25 that -- oh, and it's within the deviation?

1 What would be the deviation at that point?

2 MR. FLAHAN: Give us one second.

3 COMMISSIONER LERNER: Sure.

4 COMMISSIONER MEHL: Do you need that much?

5 MR. FLAHAN: That is 4,383. So that's still short
6 at a 4,941.

7 COMMISSIONER LERNER: I mean, it seems like -- I'm
8 not sure what we're doing here with that.

9 COMMISSIONER YORK: Well, we're the putting the
10 Indian pocket --

11 COMMISSIONER LERNER: Well, I think we're fine with
12 that recommendation.

13 COMMISSIONER YORK: Right, but I mean you got to --

14 COMMISSIONER LERNER: That original one.

15 COMMISSIONER YORK: I mean, for all -- you know,
16 all we know this is a bunch of nonRepublican.

17 COMMISSIONER MEHL: I think it's cleaner coming off
18 the west, and I would appreciate us just doing it this way
19 and making this finished product for this area, and I'm glad
20 we were able to work through all of this.

21 CHAIRPERSON NEUBERG: I want to give kudos around
22 to everybody. I think this is such a beautiful example of
23 compromise and -- and what really the spirit of this
24 redistricting is about, which is trying to maximize the
25 voice and representation from as many individuals and people

1 as -- as possible; and I really commend my colleagues for
2 your openness and tenacity to not just lock out ideas, but
3 to continue to welcome some creative vision to how to do it,
4 so.

5 Please feel free to fine tune it, but in -- in the
6 larger picture, I'm highly supportive of this compromise
7 that -- that we've -- Commissioner Mehl, really, has
8 spearheaded and Vice Chair Watchman has endorsed and -- and
9 supported and helped fine tune.

10 MR. FLAHAN: So the change on the screen is 5,068.
11 Just a tiny bit over than what you took out on the other
12 side.

13 COMMISSIONER MEHL: Perfect.

14 MR. D. JOHNSON: And -- and with this swap, the
15 deviation of the plan overall is -- is 8.91, so you're still
16 below 9 percent. And actually this ends up with a slightly
17 higher Native American CVAP than the other version did.

18 COMMISSIONER MEHL: Success.

19 MR. D. JOHNSON: Yeah.

20 VICE CHAIR WATCHMAN: Well maybe Commissioner Mehl,
21 I have to run it by Navajo. But I'm assuming that they'll
22 agree, but...

23 COMMISSIONER MEHL: All right. Thank you.

24 VICE CHAIR WATCHMAN: Yes.

25 CHAIRPERSON NEUBERG: I would suggest you run it by

1 them sooner rather than later; and considering that this is
2 only an advancement, I can't anticipate there will be any
3 hesitation, but that's something that I think is very
4 timely.

5 VICE CHAIR WATCHMAN: Yeah, we'll...

6 CHAIRPERSON NEUBERG: Is there anything else in
7 this region that my colleagues would like to chime in on
8 before we can move?

9 I believe we've achieved consensus.

10 I will open it up to any other ideas of where else
11 to go. Just in terms of my own personal perspective, as
12 imperfect as the map may be, I'm very comfortable with where
13 our legislative map is, and I would be ready to vote for it
14 whenever my colleagues would be ready to vote for it.

15 COMMISSIONER LERNER: Madam Chair, I have some real
16 concerns about District 2 that was changed significantly at
17 our last iteration, and I would request the simplest change
18 would be to actually just return to what it was on Monday
19 that significantly changed that district.

20 And so from a very simple perspective -- I could
21 give you very specifics, but I would just request that it --
22 the changes took basically a very highly competitive
23 district with a very clean group of community of interests
24 and completely shifted the dynamics in that area. It -- I
25 simply just want to reverse that change that we had, and

1 that would be the easiest thing that we could -- we could do
2 from my perspective. Otherwise, I could give very specific
3 changes, but I think that would be the easiest thing for us
4 would be to go back to the original District 2 that we had
5 that we had been following.

6 So I make that request.

7 COMMISSIONER MEHL: Madam Chair, if we're going to
8 go back and revisit districts that we have taken a lot of
9 time and effort on and -- and we like this map also, if
10 we're going to revisit districts, then we were just told
11 yesterday that -- that we really ought to be trying in the
12 congressional map to get over 50 percent -- or a couple days
13 ago -- to get over 50 percent on these --

14 COMMISSIONER YORK: VRA.

15 COMMISSIONER MEHL: -- on the VRA districts. And
16 so if we want to revisit big time, then let's revisit. How
17 do we push some of these VRA districts closer to 50 percent?

18 We'd also like to revisit District 13, because
19 we've heard from mayors in -- in Gilbert and Chandler, we've
20 heard from Asian community members, we've heard from a
21 number of people that they strongly preferred the thir- --
22 the District 13 map that we had prior to the changes that
23 were made the other day.

24 So if we want to revisit things, we're ready to go
25 revisit a lot of things. On the other hand, I think this

1 map is in pretty good shape, and we have spent a lot of time
2 at it.

3 So I would actually like to make a motion that we
4 approve this map as-is as our final legislative map.

5 COMMISSIONER LERNER: Commissioner Mehl, before you
6 jump in and make a motion, we are ready to accept the rest
7 of the map, this is the one district we are not accepting;
8 and without this district changing, we will not accept the
9 map.

10 This district was significantly changed on Monday.
11 It significantly changed the makeup of the district, the way
12 it was configured, the people, groups that were placed in
13 that district, the communities of interest. Without this
14 district being modified -- and there may be some other ways
15 to modify it -- we can't accept this map.

16 Everything else on this -- I have great concerns
17 about other districts, too, as you know. District 17 was
18 manipulated and I don't agree with it, but am I willing to
19 accept it for the sake of compromise? Yes. But only if we
20 can move District 2.

21 We had changes for District 4 that we asked for
22 last -- on Monday. I'm willing to accept District 4 in the
23 way it is as well.

24 There are other districts we could go back to, but
25 District 2 we want to go back to the -- the district that

1 was there, or we can work a little bit in some detail on
2 some possible boundary changes.

3 All the other districts as much as I don't like all
4 of 'em, we are ready to compromise to reach consensus except
5 this district.

6 COMMISSIONER YORK: We heard from the mayor of
7 Chandler and the mayor of Gilbert individually, they also, I
8 believe, sent letters to the Commission, asking us to return
9 to the square LD-13 map; and currently 13 and 14 are out of
10 balance, we thought that the square LD-13 map treated the
11 Asian community better, it kept the Gilbert school district
12 more whole, it included more of just splitting the -- the
13 town of Gilbert into two; and we -- we feel that, you know,
14 that would be a map, a district we would like to reconsider.

15 And I believe what we've done in LD-2 creates, with
16 the lower portion of extending 27 across to Thunderbird past
17 the 19th Avenue past the 17 freeway includes the communities
18 of ASU Thunderbird graduate school, their student housing,
19 and does a nice job of making that inclusive as part of one
20 community of interest; and then if you look at the southern
21 boundary of LD-2, the southern boundary is the mountain
22 preserve up just south of Thunderbird and that entire area;
23 and then if you look to the northern boundary in LD-2, that
24 is the casa buttes (verbatim) area and so; and then to the
25 west you have the Adobe Dam area. It unites the entire

1 village except for one little portion of the population
2 north of the Adobe Dam of Deer Valley; it's all part of the
3 city of Phoenix, it venues to create a legislative district
4 that is competitive, the vote spread is 3.8.

5 It is a change from Monday, but I think it's the
6 right change in a way that puts that village together wholly
7 and allows for population growth in the north.

8 MR. B. JOHNSON: Commissioner York, excuse --

9 CHAIRPERSON NEUBERG: Okay, yeah. Excuse me, I'm
10 going to turn it over to counsel for a minute, please.

11 MR. B. JOHNSON: Point of order, there is a motion
12 on the table, it either has to be seconded or withdrawn
13 before further conversation.

14 COMMISSIONER YORK: So Commissioner York seconds
15 the motion.

16 CHAIRPERSON NEUBERG: What was the motion?

17 COMMISSIONER MEHL: To approve the map as-is as our
18 final LD map.

19 CHAIRPERSON NEUBERG: And Commissioner York second
20 that and we are in the midst of debate.

21 COMMISSIONER LERNER: Chairwoman, there are a
22 number of -- of requests. You want to talk about Gilbert
23 and Chandler, the Flagstaff mayor did not ask for Flagstaff
24 to be split. We -- we have a letter from the mayor in
25 Tucson about District 17 and District 18, I'm more than

1 happy to go back to District 17 and talk about why that was
2 done the way it was and have that discussion on how that
3 district changed from -- and -- and split up. You want to
4 talk about school districts, let's talk about the school
5 districts that were split up in 17.

6 The Glendale mayor was not accommodated in their
7 request in CD-3 for Northern.

8 I am asking for one change and then ready to accept
9 districts that we're not comfortable with. We have mayors
10 from all over the -- the state saying that they're not happy
11 with elements of the map. So if we want to be selective and
12 pick certain mayors over others, we've had a little bit of
13 that. But we have -- I can give a list as well of changes
14 that we could make around -- I am asking for one change in
15 District 2 to go back to something that there was no reason
16 to change. We know that that was a natural place for the
17 Deer Valley Village to be split, it is still not whole in
18 this district. It caused an imbalance in population that --
19 in District 2 by overpopulating it; it was not overpopulated
20 previous to that, but doing those changes overpopulated it.
21 It puts communities that are not naturally together in a
22 single district.

23 District 2 aligned communities that were there.

24 Another couple things you mentioned just about --
25 I'm sorry, did you -- before I continue, Chairwoman.

1 CHAIRPERSON NEUBERG: As we are arguing about LD-2
2 and LD-13, because that is really what I'm hearing from my
3 colleagues that's going to determine your final vote, I want
4 to point out that after 11 months, considerable study,
5 remarkable compromise, we are now focusing on LD-2 which is
6 under a -- highly, highly competitive with a vote spread in
7 6-3, so it -- in the slightest way leans Republican, but
8 based on the most important, in my mind, view of
9 competitiveness, the elections swing, so we know we have a
10 population that can go either -- either way.

11 The other district that we are sitting and fighting
12 about is LD-13 in which that is a 5-4 district where in
13 essence it could go either way with a swing of -- I'm sorry,
14 I with my glasses, I can't even read it.

15 So I just want for the public and the Commission --

16 COMMISSIONER YORK: 5-4.

17 CHAIRPERSON NEUBERG: Excuse me.

18 -- to realize that we are on the point of voting
19 for a legislative map and the difference that we're
20 considering is in essence of about a point either way of
21 either party: 6-3, 5-4, they're all toss-ups, it could go
22 either way, whichever one has the best candidate is going to
23 win.

24 And I'm going to indulge all of this argument, but
25 I can't help but say that, at the end of the day, I

1 certainly hope we come back to a logical decision in which
2 our differences are so infin- -- infinitely small that it's
3 smaller than the margin of error.

4 So let's go back fighting about 6-3, 5-4.

5 COMMISSIONER LERNER: Madam Chair, it's not
6 about -- it's about the arbitrary change to District 2. We
7 could have supported most of that map at the end of the day
8 without that change; and that change was done on a very
9 deliberate -- and it's real easy to track, a very deliberate
10 change. To change a district that was even more competitive
11 that was in our draft map -- at 9.2 it was a .4 competitive
12 district, it's been at 1.9, it's been at 0 in 12.01 and 13.1
13 at 0.6. Now it's at 3.8 Republican leaning, that's part of
14 the reason.

15 But the other part of the reason is we had a map,
16 we had a district that, at that time, did a really nice job
17 of looking at the Deer Valley Village, and splitting it up
18 in half and taking those communities that were to the south
19 and bringing them together in District 2 and taking those
20 communities that were in the north and bringing them
21 together. The sole purpose to make those changes was to
22 create a more Republican leaning district which it did very
23 effectively. It moved a district that was in map five --
24 15, 1.3 percent Democrat with a 5-4 split to a 3.8
25 Republican and a 3-6 split. That's a five-point swing --

1 more than a five-point swing in that district and the
2 justifications were -- there really weren't good
3 justification in that -- from my perspective -- in making
4 those changes.

5 When we talk about Thunderbird, let's remember that
6 the area that Commissioner York is talking about in terms of
7 the school, it's a commuter school with 5,000 people. There
8 are more people in the community colleges in the areas
9 around there. If we want to start putting students together
10 around their schools, we can redesign this whole map; we
11 don't want to go there.

12 But there are -- in every area you have a lot of
13 schools around the Valley we'll talk about because we have
14 all of the community colleges, that actually have even
15 higher enrollment than ASU West. It's a commuter campus
16 with only 5,400 students, and there is one on-campus dorm in
17 that area.

18 So if we're going to talk about commuters and
19 campuses and the schools and all those areas, we've got
20 Estrella Mountain Community College we could make
21 adjustments for, Paradise Valley, Scottsdale -- a whole
22 bunch of schools, Mesa.

23 So that -- that's not the issue. Students live all
24 over to go to that school. There's students that go to ASU
25 West who live in Tempe; we're not going to be able to make

1 that connection.

2 So I'm asking to go back to the map that we had or
3 I could make -- we can make some adjustments and compromises
4 on how to adjust District 2. At one point we had
5 District -- Commissioner York had added that northwest
6 corner of District 2, I don't recall his reasoning for it,
7 but then the next iteration was to add everything north.

8 The -- the map, if we go back to the map that we
9 had, it would be a very clean change. There is -- there's a
10 much weaker community of interest connection with
11 Deer Valley north of the Loop 101, the Deer Valley Village
12 than south of the 101. I know people don't like the
13 freeways as boundaries, but in this particular case, it
14 actually provides a good job in terms of compactness of that
15 district, it allows a good job in terms of taking true
16 communities of interest in that district, and it does harm
17 (verbatim) the competitiveness value in that.

18 So it's -- it's the only request we're going to
19 make on this map is to return to a district that was a
20 compact, contiguous district with good geographic
21 boundaries, with communities of interest, and put it
22 together; and then it would also solve the overpopulation in
23 District 2 that was done, when that change occurred that
24 overpopulation occurred purely because of that change.

25 COMMISSIONER MEHL: Madam Chair, I've got

1 additional arguments I could make as to why we should
2 revisit District 13; I've got additional arguments to make
3 on revisiting the -- the districts that are Voter Rights Act
4 compliant, but I would prefer to have my motion voted on and
5 I think that this map is a map that we can be proud of for
6 the State of Arizona and would serve this state very, very
7 well for the next ten years.

8 CHAIRPERSON NEUBERG: I am really thinking about
9 the options and -- and, again, I -- I regret the fact that
10 we are at this moment and I am left with having to decide
11 such monumental decisions based on what, in my view, is a
12 half of a percentage of a point, which I'm sorry that my
13 mind even needs to go there.

14 And I do not want to revisit the entire map.

15 I want all of us to have as much comfort and
16 confidence in the maps as possible; and much like the
17 conversation that I did not enjoy yesterday, I can't help
18 but say to myself: If we shaved off half a point here, half
19 a point there, is it possible that we can come together?

20 You know, with regard to LD-13, I live there; I'm
21 deeply satisfied with that compromise. I had a remarkable
22 conversation with a woman by the name of Jennifer Chau who
23 is a leading Asian American who is working with the Asians
24 in that East Valley where she -- and I don't want to say
25 single handedly but, you know, with the support of her

1 organizations, is dramatically increasing the voter
2 registration, learning English, and -- and literally
3 empowering that entire region to be highly engaged in
4 democracy, and she said to me with regard to that district:
5 All I need is it for -- is it for to be competitive where
6 anybody could win so that we can continue to teach all of
7 our new immigrants and -- and, you know, the minority
8 communities that learn English it makes a difference because
9 your vote matters.

10 I am entirely comfortable and convinced that LD-13
11 does everything right. It serves that district. It also
12 serves the Latino and Asian communities that are asking for
13 a competitive district such that the work they're doing to
14 register people and teach people English and teach them the
15 democratic, you know, process, it will work.

16 I know it's going to work. I live there. I'm
17 going to help them make it work.

18 So let's move to District 2. So -- so now the
19 entire legislative map as I am left kind of incorporating
20 the culmination of 11 months of work is all or nothing.

21 This is a highly competitive district, could go
22 either way, but unfortunately with the random noise it goes
23 6-3 Republican ways in LD-2. So -- how can I get agreement?
24 Is there one road I can change?

25 Honestly, people, I'm not -- I'm not -- there's no

1 value to opening up the map. We have literally gone through
2 countless iterations of things, ripple effects all over. We
3 are so close, and we are fighting over a fraction of a
4 percentage.

5 I am asking my colleagues, can we please find
6 consensus over this one percentage of what in essence is
7 going to be a toss-up district?

8 And may I again tell the whole world, may the best
9 candidate win. If you are running as a new candidate in a
10 new district and you knew it was a toss-up, and you were in
11 control of whether or not you win, if you're the better
12 party, if you're the better candidate, you are going to win.
13 These maps are providing all talented people to come and
14 represent people.

15 So help me find consensus, because at the end of
16 the day, it's really not about .25 percent. And that's
17 on -- you know, we're not going to leave until this is a
18 consensus. I'm not worried about 13; I have 13 down. I
19 promise you I'm going to honor 13.

20 COMMISSIONER MEHL: But --

21 COMMISSIONER YORK: But that -- but that's our
22 concession.

23 COMMISSIONER MEHL: If you want to --

24 COMMISSIONER LERNER: That is not a concession.

25 COMMISSIONER YORK: That is our concession.

1 COMMISSIONER MEHL: In regard to District 13, Madam
2 Chair, one of the key things that was brought up to do the
3 change was -- was to increase the Asian CVAP, and it
4 actually went down. Under the map we want to go back to for
5 13, the Asian CVAP is slightly higher than it is under this
6 map.

7 COMMISSIONER YORK: So --

8 COMMISSIONER MEHL: The Hispanic CVAP is almost
9 identical; we didn't move people around for any good reason.
10 So, you know --

11 COMMISSIONER YORK: I would --

12 COMMISSIONER MEHL: -- again I have a motion. I
13 would recommend we just approve the map as-is; and if we
14 don't, then if we want to look at something trading
15 something in -- trading 13 and 2 for half a point or point
16 here, for a half a point or point there, we'd look at that.
17 But that's -- I think it's -- it's not productive time-wise
18 nor is it productive for our state.

19 COMMISSIONER LERNER: We are willing to compromise,
20 but we are not willing to go with this map the way it is
21 with District 2.

22 And I'm sorry, that -- that -- we -- these changes,
23 there were two significant changes made to District 2
24 without a whole lot of discussion. The first one when that
25 triangle is put in and then the other.

1 We will -- I am going to request a recess before we
2 go because I have some other issues that I would like to
3 discuss outside.

4 CHAIRPERSON NEUBERG: Right, but before we recess,
5 I want to make sure I'm understanding everything clearly.

6 So, Commissioner Lerner and -- and
7 Commissioner Watchman, it sounds like 13 is mostly
8 irrelevant, it's not something that -- that's of top
9 priority. It sounds --

10 COMMISSIONER LERNER: No, we just -- we're very
11 comfortable with 13 the way it is.

12 CHAIRPERSON NEUBERG: You're comfortable with the
13 way it is.

14 COMMISSIONER LERNER: Very comfortable with the way
15 it is.

16 CHAIRPERSON NEUBERG: Okay.

17 COMMISSIONER YORK: We're comfortable with
18 District 2.

19 COMMISSIONER LERNER: We don't feel any changes --
20 we don't feel any changes need to be made --

21 CHAIRPERSON NEUBERG: Okay.

22 COMMISSIONER LERNER: -- to actually anything else
23 on the map.

24 CHAIRPERSON NEUBERG: So -- so we are now left --
25 excuse me, Commissioner York, let me just finish.

1 So you are entirely comfortable with the map,
2 you're focused on LD-2.

3 What is the point spread right now?

4 COMMISSIONER YORK: 3.8.

5 CHAIRPERSON NEUBERG: 3.8. And it is split with
6 voting 6-3.

7 So what -- what are you saying here?

8 COMMISSIONER LERNER: What I'm saying is --

9 CHAIRPERSON NEUBERG: What is your bottom line?

10 COMMISSIONER LERNER: -- that on Monday it was a
11 1.3 and split 5-4. This was a five-and-a-half point swing
12 that happened, it's not a half point. This went from a
13 Democrat 1.3 percent, highly competitive, to a Republican
14 3.8 and there was no good justification for these changes,
15 and we didn't have a --

16 COMMISSIONER YORK: That's not true.

17 COMMISSIONER LERNER: -- these changes were
18 implemented and then we -- we said we would come back to
19 this. We actually said -- and I remember, Chairwoman, you
20 said, "I will come back and take a look at these changes."

21 CHAIRPERSON NEUBERG: Yeah.

22 So, so we are now going to have a constitutional
23 conversation about LD-2 understanding that given that
24 there's robust agreement and consensus on the decisions that
25 have happened around it. I'm willing to take a recess and

1 look at --

2 MR. HERRERA: Madam Chair?

3 CHAIRPERSON NEUBERG: Yes.

4 MR. HERRERA: Sorry to interpret you.

5 So there is a motion pending on -- on the table so
6 we should resolve that motion before going into recess,
7 either withdrawing --

8 CHAIRPERSON NEUBERG: Okay. And that motion is to
9 support this map.

10 MR. HERRERA: It could be withdrawn and then
11 remotioned when we return.

12 CHAIRPERSON NEUBERG: No, we -- we can vote on this
13 motion.

14 We'll vote.

15 Vice Chair Watchman.

16 VICE CHAIR WATCHMAN: No.

17 CHAIRPERSON NEUBERG: Commissioner Mehl.

18 COMMISSIONER MEHL: Yes.

19 CHAIRPERSON NEUBERG: Commissioner Lerner.

20 COMMISSIONER LERNER: No.

21 CHAIRPERSON NEUBERG: Commissioner York.

22 COMMISSIONER YORK: Yes.

23 CHAIRPERSON NEUBERG: Commissioner Neuberg
24 abstains, and the motion does not pass.

25 At this point we are debating the composition of

1 LD-2, and I suggest that unless there are further
2 instructive deliberative points that my colleagues would
3 want to make, we could take a recess and --

4 COMMISSIONER MEHL: Madam Chair, I'm fine taking a
5 recess, but if we're continuing to talk about LD-2, I really
6 insist we continue to talk about LD-13. I think we have a
7 better design for 13.

8 CHAIRPERSON NEUBERG: I -- I understand that what
9 we are debating is if we open up points of deliberation,
10 that my colleagues feel justifiably that it opens the gates
11 to further deliberation on other, you know, districts and we
12 will consider that.

13 Let's take a recess.

14 MR. B. JOHNSON: Chair?

15 CHAIRPERSON NEUBERG: Yes.

16 MR. B. JOHNSON: Apologize if Commissioner Lerner
17 did this, I think it would be helpful for the conversation
18 if we can see what she -- what Commissioner is Lerner is
19 talking about in regard to her -- her lines.

20 CHAIRPERSON NEUBERG: Okay.

21 COMMISSIONER LERNER: Well, I have a couple of
22 options. The first option would be to go back to what we
23 had in the previous map, which actually was more population
24 balanced and also had Deer Valley, the village split in
25 half, that was in map 15.

1 MR. FLAHAN: 15, okay.

2 COMMISSIONER LERNER: That was one option.

3 And then the second option is -- would be less...

4 MR. FLAHAN: On the screen now is 15.0.

5 COMMISSIONER LERNER: Okay. So that would be the
6 first option.

7 MR. FLAHAN: Yep.

8 COMMISSIONER LERNER: That would be my preference.

9 And -- I will say Commissioner York had added that
10 piece on the top above the 101 and that caused the
11 population imbalance on that area; and if that were put back
12 into 3 as it had been previous, that district -- both the
13 districts would be fairly balanced, and that's -- that would
14 have been our -- this -- this was what we ended up with, but
15 I can tell you just because I know the question of
16 population balancing will come up, if that corner goes back
17 into 3 where it was originally, 2 and 3 will be balanced.

18 That is one option. That is our preferred option,
19 which would be basically getting us back to where we were on
20 Monday with an extremely competitive but still split
21 district which would be a 1.3 percent 5-4, and brings these
22 communities of interests together in a very balanced way as
23 part of that.

24 And again we could remove that and as you can
25 see -- I think...

1 MR. FLAHAN: This is 14.0. I think this is the
2 second idea that you were mentioning --

3 COMMISSIONER LERNER: Yeah, that could be.

4 MR. FLAHAN: -- is that correct?

5 COMMISSIONER LERNER: These are both options. I
6 have flexibility in these options as part of it. What I
7 don't have is we're going to take that entire area.

8 The other option would be, which we don't have as a
9 map -- so -- so preference would be the one without anything
10 over 101 -- and I feel like we're being -- really trying to
11 compromise here by coming up with different options for
12 District 2.

13 The second one would be to continue to have the
14 piece that Commissioner York had added in that corner, which
15 was his original request, which did not -- which did not
16 significantly change the competitiveness but it did do some,
17 it made it even more competitive than it had been.

18 And then the last option would be basically to go
19 back to the map that we're at today and -- and I've -- I've
20 raised the fact that we're trying to be flexible and
21 compromise by provide (verbatim) a few different options in
22 here and I think that -- hope that's being recognized, that
23 we're not holding a line as I'm hearing from some of my
24 colleagues. That we're saying that we have some flexibility
25 with this, but we will not accept this district in the way

1 that it's currently done.

2 The other piece would be to take everything north
3 of Jomax and put it back into District 3, and then
4 everything east of 7th Street back into District 3 from
5 District 2.

6 Those would be -- I have three options that way.
7 And I think that's being incredibly flexible and open to
8 finding compromise so we can approve the rest of this map
9 by -- by providing these different options.

10 Do you want to draw that one out and have everybody
11 take a look at that and see what -- I don't know,
12 Madam Chair, would that be a good --

13 CHAIRPERSON NEUBERG: I at minimum want to make
14 sure that we're all clear on what the options are available
15 to us, including no change, and then we can take a recess to
16 review the options.

17 MR. FLAHAN: The population that's highlighted
18 there is 25,507.

19 COMMISSIONER LERNER: Yeah, it was a huge
20 population that was added to that district, that's -- I
21 mean, that's been my point is that that district
22 significantly changed the way it had been structured for
23 quite a long time. We had that district in one iteration
24 and then all of a sudden on Monday this district completely
25 was redesigned in this way.

1 And that's part of my point is that if we had went
2 back to what we had been looking at we, had 15 maps that did
3 not have that and then all of a sudden this was added at the
4 last minute, and that's why I believe this should not --
5 part of my --

6 COMMISSIONER YORK: I think what drove a lot of
7 these changes in North Phoenix was the adoption of the
8 Latino Coalition 4.0, which pushed the LD districts up to
9 Peoria, which then pushed the rest of the districts that we
10 had in the state north.

11 COMMISSIONER LERNER: That's not --

12 COMMISSIONER YORK: District 3 is only short 80 --
13 District 3 is short 1,400 people; District 2 is long 8,200.
14 What's the population north of Jomax?

15 COMMISSIONER LERNER: Just -- Just as a note, this
16 population -- I mean, there's 17,000 and 24,000, which
17 there's still an 8,000 imbalance in -- both in the district
18 in and of itself, so just...

19 COMMISSIONER YORK: What's the population north of
20 Jomax?

21 MR. FLAHAN: North of Jomax, 13,551.

22 MR. D. JOHNSON: And just on the numbers, taking
23 the whole proposed area from Commissioner Lerner, we -- we
24 could rotate that through with 3, 28, and 27 to balance
25 all -- that whole circle there.

1 It would leave District 2 with a 3- -- 3.02 percent
2 spread. Still in our highly competitive range.

3 COMMISSIONER YORK: We're at 3.8.

4 COMMISSIONER LERNER: 3.2.

5 COMMISSIONER YORK: The eastern boundary of Deer
6 Valley Village --

7 COMMISSIONER LERNER: We're at 3.5 now.

8 MR. D. JOHNSON: Right.

9 COMMISSIONER YORK: -- is 20th Street off of
10 I-10 -- off of the 101.

11 20th Street goes north along the eastern boundary.

12 COMMISSIONER LERNER: And I'm just -- I'm
13 suggesting 7th Street.

14 COMMISSIONER YORK: I know you're suggesting
15 7th Street but that cuts into the Deer Valley Village. The
16 eastern boundary of Deer Valley Village is 20th Street.

17 So if you take -- if you stay on the east side of
18 the mountain range and go north and take into that community
19 just west of Cave Creek Road --

20 MR. D. JOHNSON: Can you clarify? What are we
21 moving, from where to where?

22 COMMISSIONER YORK: Moving the population from 2 to
23 3 --

24 MR. D. JOHNSON: Okay.

25 COMMISSIONER YORK: -- to balance 3.

1 MR. D. JOHNSON: Okay.

2 COMMISSIONER YORK: If you go north, Parker, there,
3 that population there.

4 COMMISSIONER LERNER: And let me clarify a little
5 bit while they're drawing.

6 That those changes in those districts that you are
7 talking about did not cause this impact because we had this
8 map prior to that. So the change -- we had it with that one
9 little addition on this left.

10 So -- so the comment about the Latino Coalition
11 districts did not cause this change.

12 COMMISSIONER YORK: Our goal is to create
13 legislative districts that take into account geography,
14 compactness, and communities of interest. This basically
15 builds a district inside the mountain ranges from the south
16 and the north, and creates I believe a very compact district
17 around the Deer Valley Village.

18 What's the population of that, Parker?

19 MR. FLAHAN: 8,766.

20 COMMISSIONER LERNER: So just as a point -- we can
21 get to talking about --

22 COMMISSIONER YORK: So we can move that into --
23 that's a -- we can move that into D3. That would be our
24 compromise.

25 COMMISSIONER LERNER: And north of Jomax?

1 COMMISSIONER YORK: No.

2 COMMISSIONER LERNER: That would be our compromise.

3 COMMISSIONER YORK: Eight thousand people would be
4 too much.

5 COMMISSIONER MEHL: But that -- that would be our
6 compromise if we would get an adjustment at 13. So let's --

7 COMMISSIONER LERNER: No.

8 COMMISSIONER MEHL: -- let's also bring up old
9 District 13 and take a look at that.

10 CHAIRPERSON NEUBERG: I'm not interested in
11 relitigating 13. I think 13 is really a good district.

12 And, again, I just want to point out that I think
13 after 11 months of remarkable compromise and coming so close
14 to the end line, it doesn't surprise me that people are
15 going to dig deep and try to get every last bit of advantage
16 out, and sometimes those last decisions may even be the
17 hardest.

18 From my perspective we're so close and I'd like to
19 focus on LD-2, what makes sense. We don't need big changes;
20 we can't go relitigate the boundaries all over the place.

21 Commissioner Lerner, if there are very slight
22 modifications that can improve just your level of trust, I
23 think we'd be open to it, but with no significant
24 alterations around the map.

25 COMMISSIONER LERNER: Chairwoman?

1 COMMISSIONER YORK: So --

2 COMMISSIONER LERNER: This was a significant change
3 that came in the last two days. District 2 did not look
4 that different for months, and then all of a sudden this
5 change occurs and now we're going to accept it?

6 There is -- there is absolutely -- there are so
7 many things that I could talk about. I don't want to
8 relitigate the entire map, but this District 2 should go
9 back to the way we had it previous. There are a lot of
10 changes we would like in District 4 we could bring up,
11 District 17, just like Commissioner Mehl. I don't want to
12 go there. That is not my interest.

13 This change was done at a last minute on Monday.

14 COMMISSIONER YORK: No.

15 COMMISSIONER LERNER: All I'm asking is to say --
16 is to go back to what we have had for every -- let's go back
17 and look at the iterations of District 2, it was not like
18 this.

19 CHAIRPERSON NEUBERG: Commissioner Lerner, we make
20 changes all the time and then they are, you know, adopted,
21 and -- and to go back and relitigate all of those changes, I
22 think is a rabbit hole because I can honestly tell you if we
23 relitigate that, I have no doubt we're going to be asked to
24 relitigate something on the other side.

25 We are remarkably close. In my estimation, we are

1 focusing on LD-2.

2 COMMISSIONER LERNER: Correct.

3 CHAIRPERSON NEUBERG: Just -- we had such a rough
4 conversation yesterday about CD-6, can we just solve LD-2
5 and take a vote?

6 COMMISSIONER LERNER: I would ask --

7 COMMISSIONER YORK: This is --

8 COMMISSIONER MEHL: Chairwoman?

9 COMMISSIONER LERNER: Can we take a recess right
10 now, please?

11 COMMISSIONER MEHL: Well, Chair, before we take a
12 recess, I have a compromise on LD-13. I know you don't want
13 to revisit it, but if we want to revisit this, I really want
14 to revisit that; and I actually think we have a compromise
15 that you may like that I would like to present.

16 CHAIRPERSON NEUBERG: Okay. I'm open to a
17 compromise on 13 only if it's going to open up a compromise
18 on 2. And so that's the --

19 COMMISSIONER LERNER: I would like to take a recess
20 before we do that.

21 CHAIRPERSON NEUBERG: I agree, let's take a recess.
22 Here's my view, we will come back, we will
23 entertain a compromise on LD-2 and LD-13, then after that we
24 will take a vote. Okay?

25 COMMISSIONER MEHL: Thank you.

1 CHAIRPERSON NEUBERG: 15-minute recess?

2 A 20-minute re- --

3 COMMISSIONER YORK: It's 1 o'clock, let's go 1:20.

4 CHAIRPERSON NEUBERG: Let's take a 20-minute
5 recess.

6 Thank you.

7 (Recess taken from 1:06 p.m. to 1:36 p.m.)

8

9 CHAIRPERSON NEUBERG: Okay. Welcome back,
10 everybody. I hope everybody enjoyed a nice lunch. We are
11 returning to Agenda Item No. VI, draft map decision
12 discussion.

13 We are deliberating on the legislative map of I
14 believe it is 16.1 if I can read it correctly. Thank you.

15 We have been focusing on LD-2, LD-13. There's
16 general consensus around the general borders; there is not
17 an openness to relitigating broad changes across the map. I
18 do know that there is a, you know, motion or an idea to
19 support the maps as they are.

20 I would like to give one last opportunity to make
21 some fine tune recommendations as it relates to why you feel
22 small modifications may enhance our observance of the six
23 criteria as it relates to the districts we are looking at,
24 and I will open it up to my colleagues with the goal that we
25 will be narrowing our decisions soon.

1 COMMISSIONER LERNER: Well, I'm going to go back to
2 District 2, and I don't want to necessarily repeat
3 everything so I'm going to say that we have one last
4 compromise. I thought we had some compromises earlier.

5 My op- -- the options from our perspective, this
6 last-minute, massive change is not just a two point or
7 two-tenths of a point change, it was over five-and-a-half
8 point change from the way that district shifted from
9 competitiveness. So this is an option that I am proposing
10 as another alternative to an attempt to reach a compromise
11 to bring us together.

12 My first option, of course, is the one that I have
13 mentioned to bring it back to the way it was; the second
14 option is to include that one corner that Commissioner York
15 had requested; the third option is -- I'm going to give you
16 a new option that's the following, because the other one was
17 on the fly, I have no idea how it was going to end up, so
18 this one hopefully be a little tighter and make it more
19 compact in a more understandable manner.

20 So basically moving the northern boundary south to
21 Pinnacle Peak Road west of 7th Street and those folks go
22 into 3; the Central Arizona Project Aqueduct would be in the
23 area east of 7th Street.

24 And I see this as a true compromise.

25 And I have one more change when you're ready.

1 Let me know when you're ready for the last piece.

2 MR. FLAHAN: So on the screen there is I-17 on the
3 western border down Pinnacle Peak, and then it comes up to
4 the canal and it takes the canal down on a diagonal to the
5 east down to D3 border; and then everything that's above
6 that in that population is 25,347.

7 COMMISSIONER MEHL: Remember, this was a huge
8 population shift when this was added.

9 COMMISSIONER YORK: District --

10 COMMISSIONER LERNER: And then -- can I finish the
11 change, though, please, Commissioner York?

12 COMMISSIONER YORK: Yeah.

13 COMMISSIONER LERNER: The last one and you can see
14 the whole thing.

15 MR. FLAHAN: Give us one second to record that.

16 COMMISSIONER LERNER: Yep.

17 MR. FLAHAN: All right. Go ahead.

18 COMMISSIONER LERNER: So the last piece of this is
19 to move west -- the western boundary of District 2 in the
20 southwestern corner of that district to 35th Avenue and
21 picking up that area from District 27.

22 MR. D. JOHNSON: Can you give us those streets
23 again?

24 COMMISSIONER LERNER: It would be the western
25 border of District 2 in -- in that southwestern corner to

1 35th Avenue.

2 MR. FLAHAN: So you're talking about from the
3 entire north-south of that district?

4 COMMISSIONER LERNER: Yeah, sorry, you have to
5 bring the area down south. Using 35th Avenue as the western
6 boundary.

7 MR. D. JOHNSON: So Commissioner Lerner, you're
8 talking about District 2 actually moves south into
9 District 27, correct? Because I believe the western border
10 of District 2 is already --

11 COMMISSIONER YORK: It's 43rd Avenue.

12 MR. D. JOHNSON: It's 43. Okay.

13 So, yeah, so the -- it's actually the southern
14 border of District 2 would be moving south along 35th.

15 COMMISSIONER LERNER: Yeah, what we're basically
16 doing is taking 35th to 19th Avenue, Thunderbird to Peoria.
17 Just that piece.

18 Or we can use the other alternatives. I feel like
19 we're really trying here to find a compromise.

20 MR. FLAHAN: So the -- so there you have
21 Thunderbird to the north, 35th to the west, Peoria Ave. to
22 the south, and 19th Avenue to the east. Is that the square?

23 COMMISSIONER LERNER: Yeah, 19th to 35th.

24 MR. FLAHAN: Right. 35th is on the -- is on the
25 west.

1 COMMISSIONER LERNER: Right.

2 MR. FLAHAN: That is 26,666.

3 COMMISSIONER LERNER: And we're moving that. I
4 mean, this is -- this is a lot more than if you took one of
5 my other compromises.

6 And that -- that's my point is that the other ones
7 were very simple adjustments to acknowledge that District 3
8 was -- that District 2 had been overpopulated.

9 So, yep, that's -- that's the compromise.

10 COMMISSIONER MEHL: And Madam Chair --

11 COMMISSIONER LERNER: And, again, it's a
12 compromise.

13 COMMISSIONER MEHL: -- we have an alternate
14 compromise on District 2 that does simply balance the
15 population and do it a very easy-to-understand way.

16 All of these changes -- we've said we don't want to
17 make major significant changes, each thing that has been
18 proposed here are really major significant changes moving a
19 lot of people.

20 We do have a compromise for 13, we would rather
21 present our compromise for 2, if it's acceptable and we can
22 have a map approved, we would be thankful. If it's not,
23 we'd like to present our alternative for District 3.

24 COMMISSIONER LERNER: And then I will just mention,
25 Commissioner Mehl, the -- the change that Commissioner York

1 proposed was a massive movement of people on Monday.

2 So this is not the first time.

3 COMMISSIONER MEHL: On Monday we moved many
4 people --

5 COMMISSIONER LERNER: Commissioner Mehl, I just
6 want to --

7 COMMISSIONER MEHL: -- all around this map. And
8 13 --

9 COMMISSIONER LERNER: Commissioner Mehl.

10 COMMISSIONER MEHL: Excuse me.

11 On District 13 you moved a lot of people around, we
12 moved a lot of people around; Monday was a big movement day.
13 It was a major change day and the maps changed significantly
14 in a lot of different places.

15 CHAIRPERSON NEUBERG: Commissioners, we have moved
16 quite a bit of populations and I want to remind all of us,
17 we are uniquely together in these maps; this is our
18 collective maps. We are really focusing on two very small
19 areas not open to substantive ripple effect changes as it
20 relates to LD-2 and LD-13.

21 I'm open to ideas, but here are where my boundaries
22 are: 2 is highly, highly competitive. It is, in fact,
23 divided in the election races. If there's a way to shave
24 off a small little fraction that narrows the competitiveness
25 even more and it does not cause detriment to any communities

1 of interest, that would be a net positive. Let's focus on
2 that.

3 I think LD-4 is just in the sweet spot, there's a
4 great vote spread. It is extremely competitive on all
5 sides.

6 13 as well, I'm very comfortable. It's extremely
7 competitive, I know the area intimately and feel that all
8 communities of interest will be honored there, that the
9 candidate would be held accountable to attend to all; and
10 the minority communities there will know that it is such a
11 close, you know, race that their vote matters, and it will
12 lead to additional synergy with civil rights activists in
13 the area.

14 So we'll really looking at I think LD-2 and -- and
15 these borders.

16 So let's fight away about the one-percentage
17 margin, recognizing that we are on the cusp of approving
18 maps for the next ten years. And I love the fact that we
19 have such -- done such substantial deliberation that we have
20 the luxury of debating, you know, a point on a
21 competitiveness edge. So I will allow that ongoing debate
22 such that we can honor all criteria as best as we can.

23 But we will not be disrupting the consensus and so
24 much of the work that we've already done.

25 COMMISSIONER YORK: So Madam, just -- Commissioner,

1 LD-4 and LD-2 are balanced -- I'm sorry, LD-2 is balanced,
2 off by 80 -- 842 people; LD-3 has 6,700 people more than it
3 needs; LD-4 is off by 717 folks.

4 The -- the compactness and geographical argument
5 for the current LD-2 the -- is the fact that the
6 neighborhoods that adjoin the ASU West and Thunderbird
7 campuses are adjoined with the lower portion of LD-27;
8 the -- then the Thunderbird, which will be the southern
9 boundary of LD-2, is the natural geography along the
10 southern mountain range there.

11 We're, in our constitutional requirements, told to
12 follow communities of interest as well as geographies to
13 create boundaries. If you go along 43rd Avenue, the
14 boundary of the city of Phoenix I believe is 51st Avenue --
15 I'm not a hundred percent sure -- and so that boundary more
16 coincides with the city of Phoenix, which helps incorporate
17 the city of Phoenix Deer Valley Village.

18 The Adobe Dam portion of the northwest corner is a
19 natural boundary for neighborhoods to the south of that to
20 be coupled with the intersection of the 17 freeway and the
21 101 loop. That community does most of its business and
22 commercial work to the east there in the Deer Valley
23 neighborhood, Deer Valley airpark community, so we've drawn
24 this district to incorporate the northern mountain range.

25 Deer Valley Village goes as far west as

1 20th Street. So there's a little neighborhood we've
2 incorporated that we could add to D3 along 20th Street north
3 on the eastern side of those mountains to incorporate that
4 into D3, but we need to population balance between D2, D3,
5 and D4.

6 In that corner you have the national cemetery which
7 comes down in D3, separates D4 and D2. I would suggest to
8 put that in D4.

9 And, you know, our change is to keep the district
10 compact, keep it within its natural boundaries. You know,
11 my focus has been to try to unite the housing community with
12 ASU West to the east and then also create a district that
13 incorporates most of the Deer Valley neighborhoods. There
14 is a community north in District 28, the dam area that's
15 part of the Deer Valley Village, but we did not include that
16 because 28 is part of the Sun City West/Sun City Grand
17 district.

18 So it's compact. It doesn't go -- it doesn't reach
19 down next to District 1, it abuts it on the south end. And
20 so we would talk about 8,000 to 9,000 people around in that
21 corner of D4, D3, and D2.

22 I'm not sure how it changes the competitiveness,
23 but that would make that part of the LD maps more continuous
24 and conjunct, and we feel that that will fit the state in a
25 more fair way going forward.

1 COMMISSIONER MEHL: I think it would be worthwhile
2 to outline that just as we've seen the others outlined.

3 MR. D. JOHNSON: Can you give us details on what
4 areas you want moved, please?

5 COMMISSIONER YORK: Well, the national cemetery
6 block runs to Pinnacle Peak. So I would probably put the
7 area south of Deer Valley Road into D4, and I would put the
8 area to the north of -- of Deer Valley Road, including the
9 neighborhood to the west at D2, into D3.

10 MR. FLAHAN: The portion that's under Deer Valley
11 Road is 1,108.

12 COMMISSIONER YORK: Right. That doesn't change
13 anything with D4.

14 The -- the village of Deer Valley starts at
15 20th Street off of I- -- off the 101 there. There's no
16 on-ramp that side of the mountains.

17 You have to go...

18 You'd have to go north, Parker, to pick up the
19 neighborhood north.

20 There you go.

21 MR. FLAHAN: So -- so the area there that Parker
22 has on the screen is 8,758 people.

23 COMMISSIONER YORK: So...

24 MR. D. JOHNSON: Commissioner York, you are
25 correct, that would be few enough people that District 2

1 would actually be almost perfectly balanced. And you're
2 .2 percent from balanced; and that would leave District 2 at
3 a 3.8 percent partisan voter swing.

4 COMMISSIONER LERNER: Which is what it is now.
5 That didn't make any change.

6 COMMISSIONER MEHL: Well, it balanced it on
7 population, which -- and --

8 COMMISSIONER LERNER: Which is --

9 COMMISSIONER MEHL: -- and it's already a highly
10 competitive district.

11 COMMISSIONER LERNER: Commissioner Mehl, I
12 understand that. But it is -- it is a district that because
13 of the change on Monday swung almost five-and-a-half, almost
14 six points from being a highly competitive at a 1.1 spread
15 to 3.8 spread.

16 So we had it to Republican plus one, now it is
17 Republican plus four. That change did not need to occur.

18 And I can tell you we did not -- we did not assess
19 the change I proposed or any of -- I don't know if we've
20 assessed any of the changes I proposed.

21 I have now four alternatives. We know what the
22 first two are because they take us back to the original, but
23 the third alternative that I gave you and then the fourth
24 alternative we never did an assessment on that.

25 When we talk about some of the justification that

1 you mentioned, I just want to be sure that if we want to be
2 consistent and we're talking about mountain ranges and
3 respecting that, we all know that we have a district that --
4 17 that does not. So in terms of consistency, you-all were
5 bringing that up with me yesterday a lot, I just want to be
6 clear, that if we want to be consistent, then let's do it
7 all across the board. Otherwise, let's -- let's not use it
8 here and then not somewhere in else in that case.

9 So I would appreciate if we could take a look at
10 the options that I presented and see what they do, because
11 we didn't do that.

12 Because this option doesn't actually make any
13 change in -- from where we were.

14 And...

15 COMMISSIONER YORK: And we believe that this option
16 fits the area, best includes the communities around the
17 airport, the city of Phoenix Deer Valley Village, best
18 incorporates the likeness of the workforce and the
19 population; excludes the neighborhoods west of -- I mean,
20 east of ASU West, it fits that community of interest, and --

21 COMMISSIONER LERNER: And --

22 COMMISSIONER YORK: You know, Commissioner Lerner,
23 we have both used different arguments and justifications for
24 our rationale on different areas. You know, you have been
25 equally contradictory to yourself in either the CD maps or

1 the LD maps; and so from our standpoint, this is a city of
2 Phoenix northern LD, we -- it fits with the village there,
3 it fits within the mountain ranges from the south and the
4 north, it includes the airport.

5 The suggestion you made with Jomax and Pinnacle
6 Peak takes the village -- takes the community way south of
7 the mountain range, moves 18,000 people out of LD-2, and
8 then puts the population to the east of ASU West back into
9 LD-2, which I don't think fits with that community. I
10 believe the community fits better with the Latino
11 Coalition's boundaries to the south.

12 And so from our standpoint, the changes I tried to
13 make were just to consolidate and move some of the
14 population along Cave Creek Road out of the Deer Valley
15 Village, and that was to the east of the mountain range.

16 And so I would argue that, yes, this map did change
17 on Monday as did LD districts change on Monday and
18 congressional districts. This map represents the population
19 in this area better and also represents kind of what our
20 constitutional goals were.

21 And the fact that competitiveness is the last thing
22 we're supposed to do as a detriment to the rest of our
23 goals, I -- I think this District 2 is super competitive, we
24 have a couple of swing votes, and from my standpoint, you
25 know, I'd like to accept it how we propose and get on with

1 this.

2 I don't -- would not like to have to go argue about
3 LD-13 and try to make some balancing changes down there that
4 would probably be in our interest. So I guess,
5 Commissioner Neuberg, we need some direction.

6 COMMISSIONER LERNER: Can I respond to you or,
7 Commissioner Neuberg, if you would like to say something
8 I'll wait -- Chairwoman.

9 CHAIRPERSON NEUBERG: No. Please go ahead and
10 respond.

11 MR. D. JOHNSON: We have your numbers, by the way.

12 COMMISSIONER LERNER: Okay.

13 MR. FLAHAN: So what Parker just drew here is we
14 did the same top Pinnacle Peak Road over to the canal and
15 gave the north portion of D2 to D3, and then we came down on
16 35th Avenue, Peoria, Thunderbird to 19th Avenue, those two
17 changes.

18 Those were the two changes you would like drawn,
19 right, Commissioner?

20 COMMISSIONER LERNER: Yes.

21 MR. D. JOHNSON: So the result is -- let's see.

22 2 we end up with 49.11 to 50.89, so a 1.78 percent
23 spread on the -- on a vote spread.

24 COMMISSIONER LERNER: Leaning Republican, correct?

25 MR. D. JOHNSON: Yes.

1 COMMISSIONER LERNER: Are -- I would be able to
2 accept that as a change. That brings it right in -- it's
3 not -- it's not where it was. Because, keep in mind --

4 COMMISSIONER YORK: It was very competitive.

5 COMMISSIONER LERNER: Keep in mind we were at a 1.3
6 Democrat on Monday. So, I'm --

7 COMMISSIONER YORK: But, Shereen, our archeologist
8 argued --

9 COMMISSIONER LERNER: Can I --

10 COMMISSIONER MEHL: Other maps that we're focusing
11 but then there was --

12 COMMISSIONER LERNER: Excuse me. I --

13 COMMISSIONER MEHL: -- there's been so many
14 different maps that that's -- you keep saying that but
15 that's not -- there's been a lot of maps that that wasn't
16 the case at all.

17 COMMISSIONER LERNER: There were -- the majority of
18 the maps were actually lean Democrat, in this case it would
19 be lean Republican. I am -- but this also deals with the
20 fact that some of the explanations for this, when you talk
21 about things like the Deer Valley Airport, you moved the
22 airport into District 2, then you used the airport to
23 justify adding more into District 2.

24 CHAIRPERSON NEUBERG: Colleagues, I'm going to have
25 a request.

1 I'm really focused on LD-2, LD-6 -- LD-2, LD-4,
2 potentially others. Relitigating all of these decisions is
3 not helping me really think through how to best
4 problem-solve where we are now. We have these maps now that
5 are collective representation of many votes all across the
6 board.

7 So -- so what are our fundamental differences?

8 Does it return to LD-2? And is it that we need to
9 get the vote spread out of a nine race, you know, election
10 where it's 6-3 and we have to get it to 5-4?

11 I mean, is -- is that -- because from my eyes, the
12 other districts we have toss-up districts, there's a lot of
13 unknowns, either party could potentially actually win
14 control; and it boils down to in my mind, again and again,
15 LD-2.

16 So can we just decide the boundaries of LD-2?

17 COMMISSIONER LERNER: The boundaries we just gave
18 we'd be comfortable with. It creates an incredibly
19 competitive district that leans Republican. It was -- and I
20 understand what you're saying about the past, but I say that
21 just to show how much we're compromising. That we had a
22 Democrat district, we're now saying this would be a
23 Republican-leaning district.

24 I feel the boundaries are logical, they work with
25 the community really well. They -- if we think about some

1 of the comments that we've had, the ASU West campus doesn't
2 go past 43rd Avenue, so nothing associated with the
3 university that goes east in that way.

4 There are a number of good reasons I think to
5 accept this; this would be a good compromise for us, and
6 then we could move on without opening up a lot of other
7 districts which is what we would like to do. We would like
8 to be complete here and we thought that if we could get to
9 this point we could move on.

10 It's much more compact in terms of constitutional
11 requirements, it keeps people together with common
12 interests.

13 So, Chairwoman, from my perspective if -- if we can
14 accept District 2, we would be ready to move ahead with the
15 map as it is. The entire map.

16 COMMISSIONER YORK: Chairwoman, can I make a
17 suggestion?

18 CHAIRPERSON NEUBERG: Hm-mm.

19 COMMISSIONER YORK: What is the population from
20 Thunderbird to 19th Avenue to 35th Avenue?

21 MR. D. JOHNSON: That was 26,666.

22 COMMISSIONER YORK: What's the population between
23 Pinnacle Peak and Jomax?

24 MR. FLAHAN: How far to the east?

25 COMMISSIONER YORK: Over to Carefree Road.

1 MR. FLAHAN: That what you were envisioning?

2 COMMISSIONER YORK: Yeah.

3 MR. FLAHAN: That is 11,779.

4 COMMISSIONER MEHL: Chairwoman, I think it would be
5 good for us to take a few minute break and think about this.

6 And -- and I don't want us to forget about the
7 District 13 compromise that I would like to propose.

8 CHAIRPERSON NEUBERG: I agree, I think we should be
9 thinking about both of these issues in tandem and thank you
10 for bringing that up.

11 10, 15-minute recess?

12 COMMISSIONER MEHL: 10 would be good.

13 CHAIRPERSON NEUBERG: Okay. 10-minute recess.

14 (Recess taken from 2:09 p.m. to 2:23 p.m.)

15

16 CHAIRPERSON NEUBERG: Okay. Welcome back,
17 everybody. Thank you for your patience during recess.

18 We are reconvening; we are on Agenda Item No. VI,
19 draft map decision discussion. We are discussing the
20 legislative map 16.2, I will turn it over to my colleagues.

21 Just to reiterate, we are focusing on a very narrow
22 group of districts, particularly LD-2, 4, 13 and fine tuning
23 such that we can reach compromise; and I believe that will
24 be coming shortly.

25 I don't recall exactly where we are in the debate,

1 if either side was making the case.

2 COMMISSIONER MEHL: We have competing communities
3 of interest view and we have -- both are focused on the
4 competitiveness of D2 and D13; they're both very key
5 districts for the state. If there was a small
6 competitiveness way to make a couple of small changes in 13
7 and 2 that would be good community of interest changes that
8 would move the competitiveness in an equal way between 2 and
9 13, we'd be will -- willing to entertain that, but it
10 wouldn't be moving in nearly as large a chunk of what
11 Commissioner Lerner's proposal have been.

12 In District 13 we would propose leaving the
13 district as is but moving population from 14 to 13 to --

14 COMMISSIONER YORK: South of the 202.

15 COMMISSIONER MEHL: South of the 202, in order to
16 increase the vote spread there in exchange for decreasing
17 it --

18 COMMISSIONER YORK: Also balance the population.

19 COMMISSIONER MEHL: And -- and to balance the
20 population. Right now 13 is short. It would be
21 partially -- it would take more out of 14 than what is short
22 in 13, and it would -- in order to get to where we could
23 have a compromise, it would need to take 7- to 10,000 people
24 out of 14 and slightly overpopulate 13, do it all below the
25 202; and whatever vote spread difference that was, we would

1 be willing to trade that for a vote spread decrease in D2.

2 But other than that, we're very happy with the map
3 as-is and would approve the maps as-is with none of these
4 changes.

5 COMMISSIONER LERNER: So Commissioner Mehl, just to
6 get this clear, right now District 13 is under by 517
7 people, District 14 is over by 3,300; and the vote spread in
8 District 13 is 1.6 lean Republican, and so your move would
9 actually -- would be significantly more than what is needed
10 and would actually create a greater vote difference, not
11 decrease it, but make it less competitive in District 13.

12 The change I'm proposing in District 2 does the
13 opposite, it actually increases competitiveness in
14 District 2 from the 3.8 percent to a 1.1 percent, which
15 would be the equivalent in District 13. Both of those
16 districts would be Republican-leaning districts.

17 To be clear, in neither case would these districts
18 become Democratic-leaning districts. And so the change
19 in -- between 13 and 14 would only increase the vote spread
20 and decrease the competitiveness.

21 COMMISSIONER MEHL: Which is what I said. We -- we
22 acknowledge that.

23 COMMISSIONER LERNER: And so I don't understand
24 from a constitutional perspective why that's a good thing.

25 COMMISSIONER MEHL: We still would have -- these

1 are toss-up districts and we're looking at the margins of
2 toss-up districts. We would still be well -- well within
3 the constitutional guidelines to keep both these districts
4 competitive; and -- and if you think it's more important to
5 move D2 into more competitive, then we want to move this
6 slightly the other direction, and -- and that would be a
7 good community of interest fit.

8 When you look at they're all within Gilbert, the
9 population that would be shifted in; it's -- it's compatible
10 population that would be excellent fits for communities of
11 interest. I think we would be very well suited to -- but
12 what we're trying to do, what I think the Chairwoman is
13 asking is, is there a compromise? Compromise means one
14 party gives a little; the other party gives a little. So
15 we're proposing a compromise; and if that's not acceptable,
16 then we're happy to stay with the maps as is.

17 CHAIRPERSON NEUBERG: And I have two minimum
18 boundaries. So as it relates to District 13 and the people
19 that I know intimately well and the Asian and Latino groups
20 that are working very hard to transcend the language
21 barriers and register people to vote and, you know, a great
22 high school that's engaging, a lot of majority-minority
23 kids, I really believe in LD-13.

24 As long as that stays in highly competitive as
25 defined by within, you know, a few points, and as I see it's

1 a 5-4 split, I am extremely happy with LD-13, and I feel
2 that it serves that community extremely well.

3 If we need to go back to LD-2 -- and, again, if the
4 entire vote is going be based on the decisions on LD-2, just
5 like yesterday when we went through the exercise of shaving
6 off some percentages here and there so we can reach a mark
7 in which people could feel comfortable, that's where we need
8 to go.

9 We are within the margin. We have a map that I
10 believe works. Not ideally, but well. But if there's a way
11 to somehow take LD-2 in the most minor ways, I think that
12 might solve our problem.

13 COMMISSIONER LERNER: Well and, Madam Chair, I
14 think the proposal that I had puts it right in the same
15 ballpark. Again keeps it in the competitive range, keeps
16 communities of interest together, all of those groups in
17 that area. And if we could get that district aligned that
18 where it does do the communities of interest -- and I can
19 always go through those arguments again in District 2.

20 We also are comfortable with District 13. I know
21 that there is a pocket of Asian Americans that are in
22 District 14, a small precinct, if we wanted to we can move
23 those over from 14 to 13 to align them better in 13, and
24 we'd be happy to recommend that change. But, otherwise,
25 we're happy with the way 13 and 14 look.

1 The competitiveness that -- and so if you would
2 like, I can -- I can define that for you. I don't know what
3 it would do, I have no idea if that would change anything in
4 that area, but there is one small pocket of folks that are
5 still in District 14 that could be moved over to 13.

6 But otherwise, from my perspective we're just at
7 District 2 at this point. And I would like to -- I have
8 proposed now four compromises and none of them have been
9 accepted by my Republican colleagues.

10 So I think I'm really trying here to find that
11 balance, and -- and I feel it would be -- the compromises
12 that the Republicans have proposed have not modified the
13 competitiveness, and that 3 point -- sorry, 3.8 percent
14 shift that we went is just not going to -- we can't go with
15 that.

16 We are trying to lower the competitiveness per the
17 constitution not to the detriment of any other factors. The
18 district that we have proposed, the one that's on the board
19 right now, would keep those communities of interest
20 together, would make a more compact district, would improve
21 competitiveness not to the detriment of any other
22 communities.

23 It actually if you look at things like you talked
24 about, the community survey before with population, you
25 know, economic issues and those, we could look at those as

1 well.

2 It has high -- if you go actually in the north part
3 of that district, there's a big difference in terms of
4 income and housing than in the south part of the district,
5 which is why we actually had that district divided the way
6 it was.

7 So there were a number of other factors in terms of
8 the south-of-the-101 districts for example. 37 percent of
9 the households have incomes of 75,000, if we go north we
10 have an almost 60 percent of the households with incomes, so
11 there's a big income difference; there's a difference in
12 education south of the 101, 30 percent of the households in
13 the south part have a bachelor's or graduate degree, where
14 more than 50 percent in the north part; in the -- so there's
15 a number of these factors as part of it.

16 Home values are quite different as well between the
17 two areas. There are much higher home values in the north
18 part of the district than in the south. So that's also part
19 of the -- the change that we were recommending is
20 recognizing those distinct differences between the
21 districts.

22 The Deer Valley Unified School District is a very
23 large district and has a strong presence in both District 2
24 or 3, so that move really doesn't do anything in terms of
25 changing how -- whether it is whole or not. So the school

1 district is going to be already in two different districts.

2 So just a number of factors from a constitutional
3 perspective that I feel make this new compromise district
4 that we've drawn in addition to improving competitiveness,
5 all those other constitution factors, so I wanted to mention
6 those as part of our discussion.

7 Thank you.

8 COMMISSIONER YORK: Commissioner Lerner, our
9 discussion is about competitiveness.

10 I've outlined the communities of interest numerous
11 times in the current LD-2 that we feel super- -- superserves
12 (verbatim) the competitive argument.

13 LD-2 is overpopulated. I can move population out
14 of the top portion of LD-2 to LD-3 to make it more
15 populated, but I would use the north boundaries of the Cave
16 Buttes recreational area to make it more balanced. I don't
17 see how that changes a lot of our spread, it's a super
18 competitive district as it's drawn, it's compact, it's North
19 Phoenix around the Deer Valley Airport north up to where the
20 growth area is going to be.

21 If you add the population you're talking about
22 adding to LD-3, it's almost 20,000 people we have to put
23 some place --

24 COMMISSIONER LERNER: I do have a recommendation
25 for that, we never completed that entire move, so...

1 COMMISSIONER YORK: Yeah, well.

2 COMMISSIONER LERNER: Just to let you know.

3 COMMISSIONER YORK: Currently right now this is
4 pretty balanced.

5 So if Commissioner Neuberg would like to see me --
6 see my little change across the top, see what that looked
7 like, I can do that again.

8 COMMISSIONER LERNER: And if that would be okay,
9 Commissioner York, since I know you mentioned that
10 population, we never completed the entire shift, so -- we
11 don't have to look at it right this time, but I just want
12 you to be aware that that population imbalance would not be
13 the case if the entire recommendation that I had was
14 implemented, we just didn't get to all of that.

15 CHAIRPERSON NEUBERG: I'm not open to entertaining
16 an entirely new strategy outside of these fine tuning.

17 I -- Commissioner York, I'm very interested in
18 seeing, you know, where you're going with this.

19 Something happened yesterday that was very
20 effective, and that is I set a boundary with what I felt was
21 comfortable with, you know, our community. And -- and at
22 essence what I'm really hearing is this incredible fight
23 over this legislative map on a minute number and trust over,
24 you know, LD-2.

25 You know, right now if you look at the most

1 objective measurements of how people perform, it's 6-3; and
2 that tells me there's remarkable crossover in an electorate
3 that is very open to, you know, voting for the best
4 candidate. That's a great district. Highly competitive
5 and -- and people vote all ways. There's a lot right about
6 that district.

7 If it will give our state more trust and comfort,
8 and it is a constitutional criteria to try to achieve the
9 highest level of competitiveness when there is no detriment,
10 if there was a way to shave off a half of percentage or
11 maybe make that, you know, vote spread a little closer, I
12 think that that would collectively bring us to more trust,
13 and -- and just actually even enhance our observation of the
14 constitutional criteria, given that any time we bring
15 competitiveness, you, know closer to no detriment, we are
16 doing right by the constitution.

17 So I'm curious, gentlemen, you -- you did a
18 remarkable job of that yesterday, is there a way you could
19 do that today?

20 In small ways.

21 COMMISSIONER MEHL: And Madam Chair, are you open
22 to the idea of moving some people from 14 to 13 to move some
23 population there within Gilbert?

24 CHAIRPERSON NEUBERG: Yeah. Well -- well, look,
25 I'll -- I'll bring that up as a question to all of our

1 colleagues.

2 I am at the point where I can vote for this map. I
3 know it's imperfect, we have struggled, I believe there's a
4 lot right. We went at it from I believe, you know, focusing
5 on prioritizing communities of interest, we tried to
6 maximize competitiveness when we could. There's been a lot
7 of hard work to finding common ground.

8 You know, if there's value to diving deeper into
9 some of these minor compromises as it relates to 2, 4 or 13,
10 I'm open to it. On the other hand, if that is going down a
11 path where people don't think there's any likelihood of
12 success, I'll entertain a motion to approve the map as-is.

13 But what I won't do is after 11 months of
14 remarkable, you know, comprehensive, substantive debate and
15 dialogue that's been transparent that we all have such pride
16 on, I'm not going to shortchange it just because we're
17 tired.

18 COMMISSIONER MEHL: Madam Chair, I -- I don't --

19 COMMISSIONER LERNER: Can I -- Go ahead. Go ahead.

20 So we made -- we made a recommendation on a change
21 that would be a very simple change that would make the
22 district more competitive without causing significant
23 detriment. What I hear is that you would like to hear
24 Commissioner York's but you haven't -- but the change that
25 we presented, which can be balanced with population, we did

1 one part of the change, there was a second half and then it
2 would be balanced for the whole population, it would create
3 a 1.1 percent, as competitive as it could be, in that
4 district without causing significant detriment.

5 And I don't see why we don't move forward with
6 that. That's still Republican leaning.

7 CHAIRPERSON NEUBERG: Okay.

8 COMMISSIONER LERNER: Moving the point from 3.8 to
9 3.5 is not going to change our perspective on that district
10 when we -- when it has been -- that's one of the highest
11 points that it's been this entire time.

12 CHAIRPERSON NEUBERG: Commissioner Lerner, if
13 you -- if you are saying that you have a succinct proposal
14 that maximizes competitiveness, does no detriment to
15 communities of interest, increases all other constitutional
16 observances, why would we not want to look at it and it does
17 not have a ripple effect such that causes problems.

18 So can we look at that? You know, you can give
19 direction maybe in five minutes. That will be weighed
20 against the alternative that my colleagues on my right might
21 want to propose, and then we'll make a final determination
22 whether the initial vision as we have the latest iteration
23 of these districts are better or this one, and that will
24 lead us to a final vote on the legislative map.

25 And this will be the last time to have discretion

1 to explore in areas that go beyond a few, you know,
2 communities.

3 COMMISSIONER LERNER: Thank you, Madam Chair.

4 So Doug Johnson you -- sorry, I always say it that
5 way.

6 MR. D. JOHNSON: Of course.

7 COMMISSIONER LERNER: You had gotten -- I think we
8 had done most of this already, and I think that's the map
9 that we have there; is that correct?

10 MR. D. JOHNSON: Yes.

11 COMMISSIONER LERNER: Where we had that change of
12 moving northern boundary south to Pinnacle Peak Road in the
13 area west of 7th Street, using the Central Arizona Project
14 Aqueduct in the area east of 7th -- 7th Street. Sorry.

15 MR. D. JOHNSON: Yes.

16 COMMISSIONER LERNER: And then we were going to
17 just move -- and those were going to -- those areas were
18 going into District 3. We were going to move south the
19 southern border of D2 in the southwestern corner of
20 District 2 to Peoria Avenue. It -- it's the same thing that
21 we talked about before using 35th Avenue as a boundary, and
22 that picked up an area of D27.

23 And you had I think said that D3, D27 and D20
24 balanced with each other.

25 MR. D. JOHNSON: There would need to be some

1 changes to 27 and -- and 28 to rotate through the change;
2 they're -- they're really just reversing that. As you said,
3 we're really largely undoing the shift that was done Monday
4 or Tuesday, whenever that was, it's all blurred together.
5 It would just be the same rotation back as we did last time.

6 COMMISSIONER LERNER: Right, but it's not going as
7 far south as the original proposal. So this still keeps
8 some of that north area that Commissioner York had added,
9 again trying to compromise as part of that.

10 So it's the D3, 27, 28 balancing that you had
11 mentioned. So we would have complete -- give you complete
12 discretion to do that balancing.

13 So it's a fairly simple change. Is that correct?

14 MR. D. JOHNSON: Yes. And -- and we can either
15 show it or draw it fairly quickly if that's the Commission's
16 preference.

17 COMMISSIONER LERNER: And those changes if I recall
18 for District 2, it doesn't -- it should not change or impact
19 District 27 or 28 in any significant way. Those are already
20 strong Republican districts, none of this will affect that
21 in any -- any way.

22 District 3 is also a strong Republican district, it
23 won't affect that in any way; and it will make District 2
24 more competitive; and it align those communities of interest
25 much tighter because the further north you get as I've just

1 mentioned in my discussion, the northern most -- further
2 north in that what was or -- well, now -- now in this map,
3 District 3, there is a different population in those areas
4 as I mentioned in terms of education, economics, a number
5 of -- a number of different factors that I talked about.

6 So Madam Chair, this would be our proposal. It
7 would make a 1.1 percent competitive district, it would --
8 the population could be balanced, I think it would be a good
9 compromise since it goes north of the 101 and you know my
10 love for that 101 boundary. So it compromises by allow --
11 by having it go north. It keeps Commissioner York's
12 proposal of that northwest corner that he had added before
13 he added the rest, and it does include part of that northern
14 101 area.

15 And I believe this is in the spirit of compromise
16 improving competitiveness and keeping a district compact and
17 together in terms of all the other factors that I mentioned.

18 So there's my -- my solution, Madam Chair.

19 COMMISSIONER MEHL: And --

20 COMMISSIONER LERNER: Would you provide maybe your
21 thoughts on that, Madam Chair?

22 CHAIRPERSON NEUBERG: I'd like to listen to
23 Commissioner Mehl's response.

24 COMMISSIONER MEHL: I think this is moving the --
25 the district significantly into the wrong direction and

1 it -- and the amount of change is way more than what we're
2 willing to look at.

3 And I'm not sure what the amount is right now.
4 It's showing 50.89 on the screen now but some of the changes
5 haven't been made yet. So I'd actually like to see the rest
6 of the change not rippling through the others, but just what
7 does D2 end up, what are the numbers when the rest of the D2
8 changes?

9 MR. D. JOHNSON: So this -- I believe
10 Commissioner Lerner, correct me if I'm wrong, I believe we
11 have all the District 2 changes in here. The only thing
12 that --

13 COMMISSIONER LERNER: Correct.

14 MR. D. JOHNSON: If you scroll down you'll see
15 District 27 is short right now and District 3 is over, so we
16 have to balance that.

17 But District 2 as shown is --

18 COMMISSIONER LERNER: So it becomes 1.8, which is
19 incredibly competitive in this area and still leans
20 Republican. So we're not -- we're not changing a district
21 in this way, but why wouldn't we want to become more
22 competitive in this area as part of it?

23 Why wouldn't we want -- that's a constitutional
24 requirement and here we've done that by making a more
25 compact district and aligns very nicely --

1 COMMISSIONER YORK: What --

2 COMMISSIONER LERNER: -- in terms of the
3 communities of interest that are in there.

4 COMMISSIONER YORK: What was the competitiveness of
5 27 prior to that change?

6 COMMISSIONER LERNER: 8.9 is what I have on the
7 chart.

8 COMMISSIONER YORK: So when we make the change, it
9 becomes less competitive here.

10 COMMISSIONER LERNER: Well, it's outside the range
11 of competitiveness now, completely.

12 COMMISSIONER MEHL: But it still becomes less
13 competitive.

14 The 1 point --

15 COMMISSIONER LERNER: Yes, but it's outside of our
16 range.

17 COMMISSIONER MEHL: -- is also very important to
18 you, and -- and for the same reason it's very important to
19 us.

20 So, you know, we are happy with the current maps;
21 we are not willing to accept this -- this change.

22 And, Madam Chair, I'd look for direction. If you
23 would like to have a motion to approve the map as-is, I
24 would be happy to do so, but I would ask what you would like
25 us to do.

1 CHAIRPERSON NEUBERG: And with this there is no
2 change to D3. So -- so the only applicable change here --

3 COMMISSIONER YORK: D3 is --

4 CHAIRPERSON NEUBERG: -- is it narrows D2 slightly
5 and makes little more competitive.

6 COMMISSIONER YORK: No. Less competitive.

7 CHAIRPERSON NEUBERG: I mean, excuse me, less
8 competitive.

9 COMMISSIONER YORK: But you have to move population
10 up into 28 and population into D20 -- into D3 to handle this
11 change. It's a four -- four LD swing.

12 COMMISSIONER LERNER: No. It's -- it's -- it
13 doesn't. It's D3 -- oh. Yes, it is. You're correct.

14 COMMISSIONER YORK: D3 is overpopulated as it is.

15 COMMISSIONER LERNER: Correct.

16 But it -- but it balances. The population is
17 balance -- does get balanced.

18 COMMISSIONER YORK: Oh, yeah, you can rotate them
19 around.

20 COMMISSIONER LERNER: But doesn't affect anything
21 in terms of competitiveness or even population or
22 communities of interest in those areas.

23 COMMISSIONER YORK: It does affect competitiveness
24 because it --

25 COMMISSIONER LERNER: Because they're so

1 noncompetitive now.

2 COMMISSIONER YORK: Well, it reduces the
3 competitiveness of D2. And it --

4 COMMISSIONER LERNER: Yes -- no, it increases the
5 competitiveness of D2. It increases it --

6 COMMISSIONER YORK: From our standpoint --

7 COMMISSIONER LERNER: -- which is actually part of
8 our constitutional requirement. We can't really balance if
9 you look at the other -- other numbers 27 -- 28 is already
10 at a 25 percent spread for Republicans, 27 is at 8.9. Both
11 of those are already out of our range to make more
12 competitive; and same thing with District 3 is at 25.6.

13 So these are not within the range. A point here
14 and a point there for those districts isn't going to have a
15 major impact, whereas a point here or point there for
16 something in our competitive range will.

17 CHAIRPERSON NEUBERG: Is there something in the
18 constitution, Commissioner Lerner, that drives us to say
19 which districts need to be the most competitive?

20 I'm actually curious because I've never been able
21 to really receive great answers on my understanding of, you
22 know, what it is to make each district as competitive as
23 possible.

24 COMMISSIONER LERNER: Well, we as a Commission came
25 up with our definition of competitiveness and so that's what

1 I'm referring to.

2 CHAIRPERSON NEUBERG: That's right, and making
3 one -- one district more competitive comes at the risk of
4 making others less. And there is a point of diminishing
5 return.

6 Once a district becomes highly competitive within
7 an extremely narrow range that we determine is highly
8 competitive and the data support that voting patterns show
9 that it's unpredictable in its shifts, how much more should
10 we be perfecting imperfect data to get within a margin of .5
11 and stop thinking about the ramifications that it has on
12 competitiveness and communities of interest elsewhere?

13 I mean that is where I'm struggling. To be
14 perfectly honest, all day what I've been asked to be
15 thinking about with after an 11-month process that's been so
16 focused on constitutional substance, is drawing the line on
17 .5 on -- on a spread that I have no statistical confidence
18 in it in the first place.

19 So with that, I don't want to have to answer. I
20 would like to take a recess and think about what my
21 colleagues are asking me to really vote here on.

22 That after all of this work we're -- we're here now
23 on LD-2, and whether a 6-3 or a 5-4 voting spread determines
24 how we vote on the legislative map in one district.

25 I'd like to have a conversation when we come back

1 that maybe rises above that and -- and just -- is there
2 somebody in the back talking?

3 COMMISSIONER YORK: It was Howie.

4 CHAIRPERSON NEUBERG: Okay. So with that, can we
5 take a 10-minute recess?

6 COMMISSIONER MEHL: Sure.

7 CHAIRPERSON NEUBERG: Okay. Thank you.

8 (Recess taken from 2:51 p.m. to 3:06 p.m.)

9

10 CHAIRPERSON NEUBERG: Okay welcome back, everybody,
11 from our recess.

12 We've returned to Agenda Item No. VI, draft map
13 decision discussion. We are in the midst of deliberating on
14 our legislative map. The version is, I believe, 16.2.

15 The center of our focus seems to be around LD-2 in
16 particular, which I think is holding us back from moving
17 forward with an ultimate vote and consensus.

18 A district that I would add is highly competitive
19 and in nine races goes 6 and 3, so it's unpredictable which
20 way they'll go in terms of voting behavior.

21 COMMISSIONER MEHL: Madam Chair, I think you've
22 done an incredible job leading us, and I know that you'd
23 like to get total consensus, and I'm not sure that we're --
24 if it's possible for us to get there.

25 Twice you've mentioned you're willing to vote yes

1 on this map as-is and you've made the correct remarks on how
2 competitive these districts are, all the things we've
3 achieved with this map, the 11 months of work that's come to
4 fruition with this map.

5 So I would like to make a motion that we adopt the
6 LD map 16.2 as it stands.

7 MR. D. JOHNSON: Commissioner Mehl, just to
8 clarify, right now as it stands we have
9 Commissioner Lerner's pieces in it.

10 COMMISSIONER MEHL: Excuse me, not -- yeah,
11 definitely not as it stands.

12 COMMISSIONER LERNER: I would --

13 COMMISSIONER MEHL: I would like to adopt the map
14 that we had this morning with the minor changes in the White
15 Mountains -- or in the Flagstaff area. So what number would
16 that be?

17 COMMISSIONER LERNER: I would like to ask that we
18 hold off on a motion if possible be- -- and have a little
19 more discussion, that's what we -- our Chairwoman had
20 suggested we were going to do when we returned.

21 CHAIRPERSON NEUBERG: And I assure you that any
22 discussion we have will not lead to, you know, a vote until
23 all options are fully vetted.

24 COMMISSIONER MEHL: Then I will withdraw the motion
25 and have whatever you -- discussion you would like,

1 Madam Chair.

2 COMMISSIONER YORK: Can I make a few comments?

3 This is Commissioner York.

4 You know earlier in the week we had been instructed
5 to improve our compliance with the VRA in -- in
6 congressional districts and, you know, we have made numerous
7 adjustments to the maps to accommodate those requirements;
8 and now when I look at the current LD maps we have lessened
9 those requirements, and so from my standpoint I believe
10 we've made some concessions there, but if we would like to
11 take LD-26, LD-11 and LD-20 up to 50 percent like the other
12 Latino Coalition suggestions, that would radically change
13 the map.

14 And so from our standpoint we were ready to vote
15 this morning on 16.0, we made adjustment on -- earlier in
16 the week to accommodate the -- Commissioner Lerner and
17 Commissioner Neuberg's request for LD-13 and LD-14. We feel
18 that the district LD-2 as it's drawn in 16.0 meets all the
19 constitutional criterias. It is only -- and so we -- we've
20 helped Commissioner Watchman develop a more robust community
21 for the Navajo in Northern Arizona and the difference
22 between LD-6 and LD-7.

23 So I feel that all our compromises are on the table
24 and we've already conceded what we intend to concede today.

25 And so Commissioner Lerner, if you have further

1 comments, please.

2 COMMISSIONER LERNER: Thank you, Commissioner York.

3 First of all, these are very -- VRA requirements
4 that are legally required. So these are not concessions or
5 compromises, we have legal requirements that we must
6 complete.

7 So the other, quote, concessions we've all been
8 doing. There are a number of districts that we have had
9 concerns about and we still have concerns about on this map.
10 I could give you a long list, just as I'm sure you could as
11 well.

12 We have focused on District 2 because of the
13 massive changes that occurred on Monday that changed the
14 makeup of the district and the competitiveness of the
15 district, but it changed in terms of the community of
16 interest aspects as well. It was not done because of the
17 Latino Coalition districts. Those districts had already
18 been in this map, that district did not need to be modified
19 to accommodate them as you had mentioned.

20 So the changes that were -- occurred on Monday were
21 targeted to decrease the competitiveness of this district
22 and add -- basically remove Democrats and add Republicans
23 into this district. It was a very targeted move to do that
24 and changed the dynamics of that district, which is why I
25 keep going back to the fact that it wasn't just a half a

1 percentage point that this moved.

2 This district shifted dramatically to over 5 to
3 6 percent. So the VRA and the changes that occurred today
4 for District 6 and District 7, we actually could have been
5 okay with what was there, we didn't need to make those
6 changes; the district was performing and it -- and was
7 basically the Navajo already accepted that district. The
8 changes were a good option so we accepted them, but they
9 weren't necessary for that district to happen. And, in
10 fact, we have concerns about some of those changes that
11 we'll bring up if need be because there was a change to the
12 District 6 and 7 border that is a bit concerning to us.

13 But right now we're focused on District 2, and so
14 our change makes that district -- it fits the constitutional
15 requirements. It makes the district more compact, it meets
16 all the community of interest I've given -- you --
17 Commissioner York, you and I have both gone back and forth
18 on a litany of all the reasons that these districts work,
19 and in this case I've given a long reasoning for why that
20 change to District 2 would work effectively, and it meets
21 the constitutional requirements by making it more
22 competitive.

23 And just as a note, we've talked a little bit
24 about, you know, making some changes in the percentages, you
25 mentioned making some changes in the percentages of the VRA

1 districts, opening those up again. Again, those are not
2 really -- those are constitutionally required as part of it,
3 legally required.

4 If you look at the districts, they are -- many of
5 the districts that have Democrats have been to some extent
6 just moved into -- a lot of Democrats have been moved into
7 fewer and fewer districts.

8 I actually did a -- did a little bit of my own math
9 here. Right now this is by the way a 17-13 Republican map
10 the way it stands. If we were to pass it today it's a 17-13
11 map, and I'm bringing that right now because we are right
12 now at a 16-14 in our state; and to go back to 17-13 when we
13 know that the state is changing would be inappropriate in my
14 mind.

15 But the other piece is that I looked at the
16 percentage of how many -- just based on the data that we're
17 given when we run these, the numbers that are at the bottom
18 of our maps, and it says Democratic voters and Republican
19 voters, 10 of the 12 districts that are deemed Democrat, the
20 percentage of Democrats is above 60 percent. This is not
21 because we have wanted to draw them all this way, because we
22 believe that they are distributed out and that is a good
23 example of District 2.

24 The remaining two are at 57 and 58 percent. So
25 83 percent of the districts that are drawn Democrats were

1 made -- were packed into. 8 of the 17 Republican districts
2 are above that point, and we know people live -- that's
3 47 percent. That's a huge difference.

4 We know people live with likeminded, so we know
5 that that's some of the reason, but that's not all of the
6 reason that this has occurred.

7 So there is a pattern here and I wanted to raise
8 that.

9 But most importantly for District 2, from our
10 perspective, is we feel this is actually a really good
11 compromise that we've made, taking into account the
12 Republican concerns, making a district more competitive,
13 balancing it out with its community of interest. I feel
14 that this provides a balance between what we had proposed
15 initially and what Commissioner York had proposed, and we
16 basically have split the difference.

17 We went from a district that was leaning Democrat
18 at a -- to one that is leaning Republican and I don't know
19 how more fair we can get than to do something like that.

20 CHAIRPERSON NEUBERG: I ask Commissioner Lerner,
21 that you focus on the constitutional requirements that we
22 are tasked with, you know, struggling with. And in the map
23 that you're concerned about, I think it's important to note
24 that there are three toss-ups or, you know, enough races
25 that are, you know, sufficiently unknown that we would be

1 positioning our state where either party really could have
2 control in either federally or -- or legislatively, and --
3 and we're positioning our constituents to demand a
4 considerable amount of attention from their elected leaders
5 as best as we can.

6 So from my perspective, you know, I hear that on
7 your side you feel the map is more flawed and you're asking
8 for more substantive changes. There is no consensus for
9 that at this point, I think the general consensus is -- is
10 the map is close and we're looking for fine tuning.

11 From my perspective, the one area that remains to
12 be really at an impasse that seems honestly to be the
13 obstacle between whether a vote is going to be yes or no, is
14 LD-2. And -- and much like I put my Republican colleagues
15 on the line yesterday and when they were extremely
16 frustrated with me, I said: I have a boundary, but can you
17 get to -- to where I need to be to feel that there's enough
18 trust that this is truly a toss-up district, they really
19 worked with us.

20 And I wonder if you would work with us to make some
21 very small modifications on LD-2 that would not affect the
22 overall integrity of the map, but -- but might give you some
23 small amount of trust or comfort that doesn't interfere with
24 the other constitutional criteria and doing right by
25 communities of interest where we can collectively have a

1 sense of trust in it.

2 And if it's really not possible, then just tell us
3 now.

4 COMMISSIONER LERNER: I think that I have made a
5 lot -- the change that I am recommending here I do not feel
6 is a major change. A major change would be to go back to
7 15.0 to be clear, to that map. You've indicated we don't
8 want to do that; I feel I made a great compromise.

9 I just want to mention when you talk -- I just say,
10 I have been concentrating on constitutional requirements
11 throughout. I have not -- and you know well that
12 competitiveness is always important to me, but that has not
13 been always the number one piece. I always am talking about
14 the other factors.

15 And I want to mention that when you mention that
16 there are five toss-up districts, four of those five
17 toss-ups lean towards Republicans and one of them is a 9-0
18 Republican, so it is not truly a toss-up. The percentage
19 may be, but not based on the comparisons in terms of the
20 maps. And as we discovered yesterday, it was very
21 important.

22 And the compromise that we made yesterday we had
23 what we thought was a 4-5 or 5-4, whichever way we want to
24 put it, map with District 6; then the Republicans were given
25 an opportunity to make a few more changes and became a 3-6,

1 so from our perspective it became less competitive and yet
2 we voted for it even though we felt it became less
3 competitive.

4 We compromised, we said we wanted the 5-4; it
5 became the 3-6, we would do it any way. Because in the
6 spirit of doing what we think is the right thing to do.

7 But these -- these competitive districts that we're
8 talking about, those toss-ups, if we can split a couple of
9 them and say, sure, two or three go Democrat, two or three
10 go Republican, that's a whole different thing than four of
11 the five going towards Republicans. And that -- that is a
12 concern and that is a constitutional -- I -- so are you
13 asking, if we don't get this, what will we do? Do you want
14 our vote in advance, is that what you're requesting?

15 Because I can say I feel -- I feel frustrated, I
16 will be honest.

17 Because I feel like we have been -- this is not the
18 map we would like for District 2, and yet we are willing to
19 compromise on this, which I think is a big compromise where
20 it still leans Republican as part of it, instead of having
21 the district that we had literally three or four days ago.
22 On Sunday we had a district that was 5-4 Democrat, and now
23 you're asking us to say it's okay to have a 3-8 -- a
24 district that's 3-6 Republican. That's a big swing, a
25 1.3 percent to 3.8 percent is a big swing; and that was just

1 from Sunday.

2 So big changes were being made that significantly
3 affected it and, from a constitutional criteria those were
4 made to change the competitiveness.

5 CHAIRPERSON NEUBERG: Okay. So just to -- to
6 reiterate where we are. We're focused on the extremely
7 competitive races; we do have one race that is within our
8 range but it doesn't perform in terms of competitiveness, it
9 does lean R in performance; but we have one, two, three,
10 four legislative races that are truly highly competitive and
11 you cannot predict who wins based on, you know, the nine
12 races, and that includes this LD-2.

13 So from my perspective, the entire deliberation
14 comes down because we are not willing to relitigate some of
15 the other areas that have already been determined, it comes
16 down to where we feel we are on LD-2 as a vote spread of I
17 believe 3.8. It is a 3-6 spread with performance, six of
18 the nine go to Republicans.

19 Like I challenged my Rs but as a team, if we could
20 collectively try to find a way where it could be 5-4 and
21 people could just, in their hearts, have more confidence
22 that it's a true toss-up district, I think that would be a
23 worthy goal.

24 If that's not possible, then we'll -- we'll just do
25 a vote.

1 COMMISSIONER LERNER: Could I ask, we never heard
2 from -- when we -- with the shift that we had asked, the
3 change, we didn't get that number. Could you tell us what
4 that would have been with the adjustment to that map? I
5 don't -- we never had that part.

6 MR. D. JOHNSON: Right, we did check that during
7 the following break and -- go up to 2 -- District 2.

8 And just confirm we have...

9 Yes, it is, it is a 5-4 district as proposed by
10 Commissioner Lerner.

11 CHAIRPERSON NEUBERG: Oh, great. Good change.
12 The vote spread.

13 MR. D. JOHNSON: Is 1.78 percent.

14 CHAIRPERSON NEUBERG: And does anybody feel that
15 that causes significant detriment to communities of interest
16 there?

17 COMMISSIONER MEHL: Yes, we do.

18 CHAIRPERSON NEUBERG: And -- and what communities
19 are -- are significantly harmed?

20 COMMISSIONER MEHL: It takes it -- it takes off
21 from the north and moves it south. It's a better fit for --
22 for the entire metro area to have D2 going more north,
23 there's a lot of growth that will occur north, it splits the
24 growth areas between 2 and 3 better; it's -- it is a better
25 community of interest map, and we are not willing to support

1 the proposal that Commissioner Lerner made.

2 COMMISSIONER LERNER: Commissioner Mehl, could you
3 be specific on that? Because just to say growth and better
4 area, to be quite honest that area that you're talking about
5 looks very similar to the other areas in District 3.
6 There's a lot that goes on in that District 3 that aligns
7 very nicely with the north part of District 2 in terms of
8 the housing, the economic. I mentioned the fact that they
9 have the housing -- houses are more expensive in that north
10 area, education differences that are in that area,
11 recreational opportunities that are in that area, all are
12 aligned extremely nicely with District 3.

13 So I would be interested to know what specifically,
14 from a constitutional perspective, the differences are that
15 would make that a harm to those areas to be with communities
16 that are very similar to them all around for a number of
17 those factors.

18 COMMISSIONER MEHL: You know, we've had so much to
19 say on this district for four days that I think we're talked
20 out. So I think we've said everything that -- that we needs
21 to be said, we think that District 2 that we've drawn is
22 a -- is a better map, a better district, and we stand by it.

23 COMMISSIONER YORK: If you remember yesterday, in
24 the congressional district maps, we were asked to increase
25 the CVAP for CD-7, so we made the concession to include

1 Bisbee and Douglas along the border which was never included
2 in the original maps, to make it more compliant with the
3 VRA; and so if you were to include that discussion with
4 the -- the LD maps, LD-26 is underperforming, it's at
5 47 percent, you -- you would move that north into LD-2 to
6 make that more compliant with the VRA and that's -- that's
7 where this argument is, it's in the lower portion of the
8 district.

9 There's a lot of people in there and they're more
10 Latino and Hispanic along that Thunderbird south between
11 19th Avenue and 43rd Avenue than they match with the
12 population to the north.

13 And so for me to move that population into LD-27
14 and then push the rest of the district north to match the
15 Deer Valley Village corridor was the -- was the goal, 'cause
16 we felt that the communities north of Thunderbird, north of
17 the mountain preserve, east of the Cave Creek buttes
18 mountain preserve along the I-17 corridor, around -- excuse
19 me, around Deer Valley Airport were like-minded, like
20 demographics, likely educated than the folks that were at
21 Thunderbird south of -- in the southern part of D2.

22 That's the -- that's where the rub is in this
23 argument, our discussion.

24 And, you know, Commissioner Lerner's suggestions
25 will move 35,000 people around in those particular LDs,

1 those LDs, most of them are in pretty good shape. 3 is way
2 overpopulated now and so we'd have to do some considering --
3 considerable amount of population moving to make them
4 balance and get closer. And, you know, so that's our
5 argument to why we feel that if -- if the VRA districts are
6 underpopulated, to make them less competitive in a sense
7 than they are already are, we would like to take that
8 population bloc and move into D27 to help D1 be more
9 likeminded moving north, north of the Deer Valley Airport to
10 where we currently have it.

11 And that's the two discussion points and that's the
12 two things that we need -- we need to vote on. Because from
13 our standpoint, the map drawn as-is, 16.1, I guess, with the
14 LD-6 and 7 changes, we're eager to support and start and get
15 on with presenting this to the public.

16 If the one-and-a-half percent competitiveness
17 change is going to make all the difference in the world, I'm
18 not sure that my colleague, Commissioner Mehl, and myself
19 can vote for that.

20 COMMISSIONER LERNER: Well, it's not a
21 one-and-a-half percent; and a lot of the arguments that you
22 made just don't actually fit what we're talking about in
23 terms of VRA and all of that.

24 And I'll be honest --

25 COMMISSIONER YORK: Commissioner Lerner --

1 COMMISSIONER LERNER: -- we could -- we could open
2 up a lot more in terms of VRA if I could finish that piece.
3 Because there's -- there are districts that are not -- the
4 district in the south are not drawn exactly as -- you know,
5 you mentioned when we drew the CD District 7 that it was
6 going to align with the legislative district. Well, it
7 actually doesn't, but we're willing to forego that opening
8 for the sake of completing today, otherwise we will open up
9 District 17 and all the issues that go with it, we will open
10 up the district at the border that wasn't drawn exactly the
11 same as our CD. There are other -- we will go back to 6 and
12 7 with the concerns that we have.

13 I can say there's a litany of things that all
14 relate.

15 But I think I've said why District 2 -- what I
16 don't understand -- what I really don't understand is, we --
17 we basically had a district that was compact, contiguous,
18 met communities of interest, met the competitiveness
19 factors, met geography boundaries, all of those together,
20 and over the course of three or four days it shifted
21 completely; and what we're trying to do is find a compromise
22 to bring it back to something in between what the
23 Republicans wanted and what we wanted.

24 This district iteration right now is not perfect
25 for us. There's a lot across the map that we all have

1 issues with, but we're all trying to compromise and come
2 together.

3 And the fact that you don't want to move from a
4 3.8 district to a 1.1 district or 1.8 when both lean
5 Republican, tells me that you're not willing to compromise
6 on almost anything.

7 And -- and I think that's -- I think that's where
8 we're at, Madam Chair.

9 You know, you removed -- there were things that
10 were done to District 2 and District 4 that significantly
11 shifted things. Taking Sunnyslope out, for example, was
12 something that shifted.

13 So I don't know where we go from here, Madam Chair.

14 CHAIRPERSON NEUBERG: That's right. I think you're
15 raising a very smart point, where do we go from here?

16 I think my colleagues are being pulled into
17 relitigated other decisions that have ripple effects.

18 And so we are going to come back to the main issue
19 here which is really LD-2 and our perspective.

20 I am comfortable with this legislative map, and I'm
21 ready to vote on it.

22 I would like to ask my Democratic colleagues one
23 last time: Are there any small modifications as it relates
24 to either LD-2 or LD-4 that would lessen the spread, that
25 would help give you a little more confidence that does not

1 have major ripple effects that require us to rethink
2 conceptually the framework of the map?

3 COMMISSIONER LERNER: The change I made in
4 District 2 I feel does not require us to change the
5 framework of the map. A change in District 4 would be doing
6 what we had requested before, which was adding Arcadia and
7 making whole.

8 CHAIRPERSON NEUBERG: Okay. District 2, the
9 District 2 changes, what were they? Are they incorporated
10 in this?

11 COMMISSIONER LERNER: They're the ones that are
12 showing right here.

13 COMMISSIONER MEHL: And could you show the other
14 District 2, please?

15 COMMISSIONER LERNER: And the other change would
16 be -- well, I'll...

17 CHAIRPERSON NEUBERG: Yes, so -- so here we have
18 the maps. Would you like to point us to the points that are
19 of most concern?

20 COMMISSIONER LERNER: It's basically the one on the
21 left is the one that we would support; we will not support
22 the one on the right, that district.

23 And I could give you the change for District 4 if
24 you'd like to hear it.

25 CHAIRPERSON NEUBERG: Okay. So -- so you do not

1 have additional modifications for LD-2 --

2 COMMISSIONER LERNER: I --

3 CHAIRPERSON NEUBERG: -- to improve it, you're
4 proposing an alternative map that reconfigures the other
5 LDs, that is your -- your alternative?

6 COMMISSIONER LERNER: I have given four
7 alternatives --

8 CHAIRPERSON NEUBERG: Okay.

9 COMMISSIONER LERNER: -- for District 2.

10 I don't -- I -- the Republicans have given very
11 little.

12 CHAIRPERSON NEUBERG: Okay.

13 COMMISSIONER LERNER: I feel we have made every
14 attempt to compromise, and I think the record will show that
15 we have --

16 CHAIRPERSON NEUBERG: Okay.

17 COMMISSIONER LERNER: -- by virtue of the fact we
18 have given these four.

19 I'm not sure what exactly you would be asking me on
20 this. I have a suggestion for District 4 I could give as
21 you mentioned, but I'm not sure what else. If you'd like to
22 hear that, I can give you that. If not, it's up to you,
23 Madam Chair.

24 CHAIRPERSON NEUBERG: Yes. My sense was the
25 concern LD-4 is highly competitive, it has 5-4 performance

1 swing over nine races; I don't believe people have concerns
2 about that.

3 It was, from what I heard, LD2 is because it was
4 6-3 split in terms of highly competitive, but I have not
5 seen a compelling reason to shake up what is already highly
6 competitive and in my mind, you know, fits communities of
7 interest, to redo a map in, you know, multiple districts.

8 I haven't heard a coherent reason outside of going
9 back and having to re, you know, deliberate things that I
10 don't think we're prepared to do.

11 So I'm comfortable with this map. I'm ready to put
12 it forward.

13 Again, if there's other, you know, ways to fine
14 tune and improve some of the competitiveness measures or
15 small boundaries that honor communities of interest, I think
16 that's always worthy to consider; but, if not, I'll
17 entertain a motion to approve legislative map 16.1.

18 COMMISSIONER MEHL: And let's be careful here.

19 COMMISSIONER YORK: 16.1.

20 COMMISSIONER MEHL: Does this 16.1 have the White
21 Mountain change in it?

22 CHAIRPERSON NEUBERG: Yes, let's figure out, what
23 iteration.

24 COMMISSIONER LERNER: We're going to object to the
25 District 6 and 7 change that was made.

1 COMMISSIONER MEHL: Yeah.

2 COMMISSIONER LERNER: Just as a note.

3 COMMISSIONER MEHL: You're going to object to it?

4 COMMISSIONER LERNER: Yeah, the last change that
5 you made.

6 COMMISSIONER MEHL: Okay.

7 COMMISSIONER LERNER: Because that was not for --

8 COMMISSIONER MEHL: Okay.

9 COMMISSIONER LERNER: -- that -- so we -- I'm just
10 going to put that on the record, we can do it once we have
11 the motions if you want, whatever you would like,
12 Chairwoman.

13 COMMISSIONER MEHL: It further increased the CVAP
14 by a little tenth, so it was a good change.

15 COMMISSIONER LERNER: Happy to discuss it now.

16 The change that was done was done conceptually.
17 The concern that we have was done for -- to place a -- for
18 the last change I'm talking about, I'm not talking about the
19 initial change that you made, that was a good change, that
20 we supported. But the change that you are talking about
21 that you -- we had an adjustment in Flagstaff and then you
22 came back and said, I would like to make a different
23 adjustment, and that was done to -- our concern was that was
24 done to take a sitting legislator and place them in that
25 district.

1 And I -- I'm expressing that concern at this point
2 prior to just as a -- as a -- for the record, I guess.

3 COMMISSIONER MEHL: So I would like to make a
4 motion that we approve map version 16.1 as the final map for
5 our legislative map.

6 COMMISSIONER YORK: I'll second the motion.

7 CHAIRPERSON NEUBERG: I'll entertain discussion.

8 COMMISSIONER LERNER: So as a follow-up, that
9 violates the constitution that we are not supposed to -- we
10 have kept a firewall and we do not know where legislators
11 live, but in this case that change was done for that which I
12 think is a constitutional issue and that is why I'm raising
13 this.

14 I can give a number of other comments prior to our
15 vote, but I think at this point you probably know where
16 we're going with this.

17 There are a number of issues that we have as part
18 of this -- this map.

19 District 17 -- and, Chairwoman, is this an
20 appropriate time to discuss these prior to our vote? This
21 discussion now?

22 CHAIRPERSON NEUBERG: Yes. But -- but I would
23 like, if you're going to levy specific accusations, I'd like
24 you to please, you know, provide detail or evidence of -- of
25 what you're saying.

1 COMMISSIONER LERNER: We might need to go -- we
2 might need to go to executive session because I could give
3 evidence, but I'm not sure if it's the appropriate -- I
4 don't know if it's appropriate. I guess, I would probably
5 want to ask our attorneys on -- on -- on what -- there's
6 other things that I can talk about that I'm very open to be
7 able to talk about at this time, but there's a couple things
8 I probably would need to know if that's appropriate.

9 MR. B. JOHNSON: If you want to go into executive
10 session to get legal advice, we're happy to do it.
11 Obviously, there cannot be any deliberations and we've been
12 very good about that.

13 But so -- so long as everybody is clear that we're
14 not talking about specific evidence or allegations, but if
15 you're looking for legal advice, happy to do it in executive
16 session.

17 CHAIRPERSON NEUBERG: I'm happy to entertain a
18 motion to go into executive session which will not open to
19 the public for the purpose of obtaining -- or obtaining
20 legal advice to further implement and/or advance our legal
21 issues in relating the VRA and constitutional requirements.

22 A.R.S. 38-431.03(A)(3).

23 With no further deliberation, I'll take a vote.

24 Vice Chair Watchman.

25 VICE CHAIR WATCHMAN: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Mehl.

2 COMMISSIONER MEHL: Aye.

3 CHAIRPERSON NEUBERG: Commissioner Lerner.

4 COMMISSIONER LERNER: Aye.

5 CHAIRPERSON NEUBERG: Commissioner York.

6 COMMISSIONER YORK: Aye.

7 CHAIRPERSON NEUBERG: Commissioner Neuberger is an
8 aye.

9 And with that, we will go into executive session.

10 (Whereupon the proceeding is in executive session
11 from 3:40 p.m. until 4:19 p.m.)

12

13 * * * * *

14

15 (Whereupon all members of the public are present
16 and the proceeding resumes in general session.)

17 CHAIRPERSON NEUBERG: Welcome back, everybody, from
18 recess. We will dive right back in. We were on Agenda
19 Item VI, draft map decision discussion.

20 We are in the midst of deliberating our legislative
21 map. It is -- a 16.1 is the latest iteration, did I read it
22 correctly? I don't have my glasses on.

23 MR. D. JOHNSON: Yes, that's correct.

24 CHAIRPERSON NEUBERG: Yes, and it is on our screen.

25 We are focusing on a very narrow few groups of

1 districts, we are on the homestretch of making final small
2 tweaks that will better allow us to perfect the balancing of
3 the five constitutional criteria.

4 So I don't know if any of my colleagues want to add
5 any more comments to what they have already shared.

6 COMMISSIONER YORK: We have a motion and a second.

7 COMMISSIONER MEHL: And I think we have a motion on
8 the floor; is that correct, that's been seconded? Did we --
9 yeah.

10 CHAIRPERSON NEUBERG: And that was to accept the
11 map as-is for our final draft.

12 MR. B. JOHNSON: I -- actually I think there's a
13 variation with 16.1.

14 COMMISSIONER MEHL: No. 16.1 has everything in it.

15 COMMISSIONER YORK: Can we see 16.1 real quick?

16 MR. FLAHAN: Which part would you like to go?

17 COMMISSIONER YORK: Just go up around Maricopa
18 County.

19 Okay. Thank you.

20 CHAIRPERSON NEUBERG: So 16.1 actually is the
21 newest iteration, it includes some subtle changes from today
22 that have not yet been officially voted on; am I correct?

23 COMMISSIONER MEHL: Correct, and this would vote
24 them in.

25 CHAIRPERSON NEUBERG: Correct.

1 COMMISSIONER MEHL: Yeah.

2 CHAIRPERSON NEUBERG: So -- so we are deliberating
3 from this map --

4 COMMISSIONER MEHL: Hm-mm.

5 CHAIRPERSON NEUBERG: -- moving forward.

6 COMMISSIONER YORK: Need a vote.

7 COMMISSIONER MEHL: If -- is it appropriate to call
8 for the vote, Madam Chair?

9 CHAIRPERSON NEUBERG: I would like to ask my
10 colleagues on my left, you know, one last question as part
11 of the deliberative process.

12 Is there anything that you want to add or provide
13 as a counterproposal to help make any changes in that
14 specific area in D2 that you feel would -- would help
15 meet -- meet your constituents' needs better?

16 COMMISSIONER LERNER: Madam Chair, I've given four
17 proposals to make adjustments for District 2. All of those
18 have been rejected as far as I can tell, all of those have
19 been compromises, all of those would have done, I think, a
20 better job of meeting the constitutional criteria and
21 competitiveness factors.

22 When you ask if there's anything else, I think four
23 proposals for that one district, the fact that my Republican
24 colleagues would not even consider any of those as a
25 compromise, tells me that no matter what I say in that area,

1 it won't matter.

2 I have adjustments I could make in District 4, in
3 District 17, there's a number of places that I would like to
4 make changes -- to District 7 and District 6. We've been
5 focused on District 2, and I feel I have done everything in
6 my power to try to make adjustments and compromises from a
7 district that was -- that had shifted over five-and-a-half
8 points from just a few days ago from being a
9 Democratic-leaning district to a Republican-leaning district
10 with a difference in competitive factors.

11 So I don't know what else I can offer, Madam Chair,
12 based on the fact I have -- I've offered a lot more options
13 than my Republican colleagues to try to find that
14 compromise.

15 CHAIRPERSON NEUBERG: I've seen the options. It
16 seems that the options have broader implications for greater
17 movements around other districts. I think we're at the
18 point of fine tuning, so I just wanted to give you one last
19 chance to see if there was a way to modify a few lines here
20 or there that could bring that fine tuning to the
21 competitive edge, you know, slightly closer.

22 COMMISSIONER LERNER: I guess I just would like to
23 know specifically what's wrong with any of those proposals,
24 because they are -- 40,000 people were moved to create this
25 district in this way, the proposals that I made all can

1 align very neatly and very easily in terms of the
2 boundaries.

3 So I would like to know specifically what the
4 problem is with those proposals, any of those proposals,
5 when Doug Johnson has said they are easily balanced and they
6 have been balanced.

7 I don't think any of those do -- cause a negative
8 impact in any way and they all meet -- all of those
9 proposals meet the constitutional requirements, all of those
10 can be population balanced, all of those lines can be easily
11 drawn as was shown by our mapping team.

12 So I would like to know specifically what problems
13 any of those caused or each of those caused in terms of
14 lines.

15 CHAIRPERSON NEUBERG: Well, I know that we've
16 deliberated those proposals as a Commission and I don't have
17 an appetite to go back and reopen each and every
18 deliberative process that we've done on each side.

19 I stand by the process.

20 I think we -- after deliberations that we had the
21 first time around and now seven days of deliberation, we've
22 arrived at this unified map, and I am asking my colleagues
23 to stay focused on this unified map that we're going to be
24 focused on.

25 We're not entertaining substantive changes for

1 which we have had considerable debate and -- and simply were
2 outvoted.

3 So it sounds like the answer is no.

4 COMMISSIONER LERNER: Madam Chair, I don't know
5 what -- I don't know what I can say because I don't know the
6 specific problems you are referring to.

7 I was responding when you said provide some
8 changes, I don't know the specifics. I can't make an offer
9 when I've made four offers, and they've all been turned
10 down. I understand you don't want to redeliber- -- you
11 know, discuss this any more, so asking for a few small
12 changes which will probably again be turned down. It seems
13 like we are at an end when I have -- I haven't been given a
14 specific reason for -- for some of those -- for any of those
15 changes.

16 So I -- I understand you don't want to rehash; I'm
17 just responding when you said can you give some specifics,
18 and I'm asking which ones of those might work. That's why I
19 asked that.

20 CHAIRPERSON NEUBERG: I was just giving you the
21 chance that I gave Commissioner Mehl yesterday when it was,
22 I guess, CD-7 that I was having some concerns about or
23 actually was it CD-6 -- no, CD-7, and I said that it wasn't
24 meeting some certain competitive thresholds and did he have
25 some ideas to shave off some points where it could reach a

1 competitive threshold where I felt like didn't cause a
2 significant detriment to other causes.

3 So I was merely asking the same question and -- and
4 it's okay if it would require, you know, opening up bigger
5 issues. And -- and so --

6 COMMISSIONER LERNER: But --

7 CHAIRPERSON NEUBERG: -- we can move on.

8 COMMISSIONER LERNER: Madam Chair, I have answered
9 that question before.

10 CHAIRPERSON NEUBERG: Hm-mm.

11 COMMISSIONER LERNER: You've asked that question; I
12 gave four responses to that question, four options.
13 Commissioner Mehl gave different options yesterday as well;
14 and in the -- for the sake of compromise, it wasn't the
15 answer we wanted, it wasn't the compromise we wanted, but we
16 did that.

17 But the change here I have -- I don't want to have
18 it be on record that I'm not responding to you because I
19 did. Four times I've been -- I've done this to change this
20 district in response, and each time a little bit less in
21 response to my Republican colleagues' concerns. So I think
22 I have addressed those concerns in the same way that
23 Commissioner Mehl did.

24 And so this -- so I think I've addressed it I guess
25 is my point in the same way. I've -- you've given me the

1 opportunity; I did it four times.

2 CHAIRPERSON NEUBERG: Well, I'm left at an impasse
3 where I could go one of two ways: I could have one last
4 chance, Commissioner Lerner, to the look at your one best
5 proposal and compare it to what we have and just, you know,
6 call it and then subsequently just call a vote on, you know,
7 what we have -- well, we do have a motion on the table.

8 You know, I want to give you your right
9 opportunity. So far nothing has been compelling. If
10 there's something new and different here that you feel we're
11 not seeing, I want to give you one last chance. Otherwise,
12 I think we'll move forward with a vote.

13 COMMISSIONER LERNER: I don't have a new option for
14 District 2 but I have one for District 4 and District 17 and
15 District 6 and 7 that could all be adjusted, and
16 District 16. I have several options on the table that I
17 would -- that I would put on the table.

18 I thought we were just trying to focus on a single
19 district, and I feel that giving four different options each
20 of which had different results, I don't have a fifth. I'll
21 be honest, but I don't think that -- I think having four is
22 a pretty good number in trying to find a compromise. And
23 the fact that a compromise couldn't be reached tells me that
24 there was never going to be -- there wouldn't be a
25 compromise if I moved one tiny line.

1 So I'm not sure of -- of why I should even make the
2 effort at this point, because my Republican colleagues are
3 clearly not going to change that district line one inch.

4 I'd be happy to go over any of the others that you
5 would like.

6 CHAIRPERSON NEUBERG: I'm ready to look in LD-2,
7 LD-4, LD-9, LD-13. I believe there may have been one other
8 issue, Commissioner Lerner, you wanted to bring up.

9 We could take a vote on these.

10 COMMISSIONER MEHL: I -- I thought we had a motion
11 on the floor to adopt the map in whole. I'm not sure where
12 we're going now.

13 CHAIRPERSON NEUBERG: I would -- I would rather --
14 we could fulfill that -- that motion; I'm not sure it's
15 going to pass.

16 I think, you know, if there are one or two other,
17 you know, districts that you want to bring up some minor
18 points to fine tune, your colleagues are going to care and
19 want to consider that if -- I need to hear from, you know...

20 COMMISSIONER LERNER: Well, I guess I would want to
21 know from my Republican colleagues if they're willing to
22 consider any changes before I propose them.

23 I'm more than happy to give you specific on those,
24 but if it's going to go the same way as District 2 where no
25 matter how hard I tried, no matter how many suggestions I

1 made, they just said "Absolutely not, we will never agree on
2 a change," I'm not sure if it's worth our time and effort.
3 And I can just make it -- say it for the record on that,
4 because I feel like I did a very good faith effort on
5 District 2, and the fact is they just said we will not
6 change that district.

7 And my impression is, based on the fact they have
8 made this motion, they will not change any district at this
9 point despite the fact that I have excellent constitutional
10 arguments for every one of them. And the District 2 in
11 particular should never have been this kind of debate,
12 should never have reached where I had to put out four
13 different options.

14 So do I have others? Yes, 16 and 17 would be
15 great. I would love to go back to 17 and talk about that.
16 That is not compact, it - it violates so many constitutional
17 provisions in that district. I would love to do that.

18 But I can -- I'm not sure if it's worth the -- the
19 effort, I will be honest, Chairwoman.

20 CHAIRPERSON NEUBERG: No, I don't. I think this is
21 uncovering again a fundamental difference we have in terms
22 of interpreting our -- our constitutional mandate.

23 I think LD-17 was that perfect example in which we
24 went on record with -- with how we saw what our fundamental
25 responsibilities were as it relates to advocating for

1 communities of interest and -- and ensuring that
2 arbitrarily, you know, creating, you know, competitive
3 districts does not come at the detriment of -- of the needs
4 of -- of natural constituents.

5 So I think the conversation is not productive in
6 that I think there isn't an appetite to open up and
7 relitigate these things that we already have. I haven't yet
8 heard additional dialogue about the districts that would
9 alter, you know, any further understanding, nor have I heard
10 any, you know, kind of language towards compromise from my
11 colleagues.

12 So genuinely if there's not going to be compromise
13 and there isn't going to be additional deliberative
14 information, we might as well call a vote.

15 COMMISSIONER LERNER: I feel I have done everything
16 I can to compromise, I brought up a number of different
17 issues constitutionally. I do not think LD-17 meets the
18 constitutional requirements, you might as well call for the
19 vote because clearly my two Republican colleagues and you,
20 you Chairwoman, do not want to open up these issues.

21 So it's -- it's incredibly frustrating because we
22 could have reached a compromise and had a great vote, but
23 because -- and I will say my Republican colleagues would not
24 budge on a compromise plan, four compromised plans, we will
25 not have that, and we will have disagreement and we will not

1 have the map that I think will best serve the state.

2 This is not a fair and balanced map.

3 But when we are calling for a vote, and it's time
4 for a vote, I'll make my comments at that time.

5 CHAIRPERSON NEUBERG: My recollection is that the
6 greatest disappointment is that the points -- the vote
7 spread threshold wasn't lower, and that 6-3 spread in the
8 voting performance wasn't a little tighter. But you are
9 genuine -- you are generally highly supportive that LD-2 and
10 LD-4 are both extreme, you know, highly competitive races.

11 COMMISSIONER LERNER: No.

12 CHAIRPERSON NEUBERG: Okay, So where are we at now?
13 We have a motion on the table to approve LD-16.1.

14 COMMISSIONER YORK: And it's been seconded.

15 CHAIRPERSON NEUBERG: Any further discussion?

16 COMMISSIONER LERNER: We will make our comments
17 when we vote.

18 CHAIRPERSON NEUBERG: Okay. Vice Chair Watchman.

19 VICE CHAIR WATCHMAN: Thank you, Madam Chair.

20 I appreciate my colleagues on the right here for
21 addressing and -- and supporting the Navajo proposal, but
22 I -- I agree with my colleague Commissioner Lerner regarding
23 D2. As I said earlier today, one of the things -- one of my
24 objectives is to have -- I'll use the word "fair." So I
25 categorize what Commissioner Lerner was advancing was a fair

1 approach. And so -- and -- and I think there is room for
2 some compromise on D2, it could have some impacts. But
3 improving the performance is -- is one of my goals and so.

4 But having said that, I vote no.

5 CHAIRPERSON NEUBERG: Okay.

6 VICE CHAIR WATCHMAN: Thank you.

7 CHAIRPERSON NEUBERG: Commissioner Mehl.

8 COMMISSIONER MEHL: Thank you, Chairwoman, and
9 again thank you for your leadership.

10 I think this map is a terrific map for the state of
11 Arizona and it is 11 months of hard work and a lot of
12 debate/discussion and incredible amount of very valuable
13 public input, and this map really represents what we heard
14 from the public and what we see in the constitution.

15 I'm very, very pleased that we were able to end up
16 with a win-win to the -- to the best extent possible, in
17 fact, better than I thought possible up in the D6, D7 area
18 for satisfying the desires and needs of the American Indian
19 community and, yet, at least reasonably satisfying a number
20 of other communities in the north, the White Mountains
21 and -- and others.

22 In Southern Arizona I think it's -- we respected
23 the VRA re- -- districts or the Latino Coalition made
24 requests on how some of those were configured, and I think
25 we came incredibly close and fully performed for what they

1 were looking for.

2 The D17-D18 districts and D20 districts that will
3 represent the core of Tucson I think are terrific, balanced
4 representations that -- that combine many communities of
5 interest and much testimony that we heard from the Yuma
6 area. Again, we had major input and we listened well and --
7 and had bipartisan support for changes that we then made in
8 Yuma.

9 So for -- for these and many other reasons, I vote
10 yes.

11 CHAIRPERSON NEUBERG: Commissioner Lerner.

12 COMMISSIONER LERNER: I'll pass until after
13 Commissioner York, please.

14 CHAIRPERSON NEUBERG: Commissioner York.

15 COMMISSIONER YORK: So Commissioner York, I would
16 like to review why this map is good for Arizona as it
17 relates to the central part of the state.

18 LD-22 is a VRA district, it has a 50 percent CVAP.
19 It's compact, contiguous, unites the Hispanic communities of
20 interest in the West Valley. These communities of interest
21 share agricultural, economic drivers. The cities and
22 boundaries of Avondale and western boundary and the
23 geography of the Gila River on the southern boundary and the
24 competitive -- noncompetitive, excuse me.

25 The District 23, the VRA district as well,

1 50 percent of the CVAP performs to the elected candidate of
2 choice. Compact and contiguous. Lack of -- reflects the
3 communities of interest. The community of interest is
4 San Luis-Somerton share interests with the Hispanic farming
5 communities of Avondale and Glendale as in the congressional
6 map. This includes the southern tribes of Arizona as best
7 as we could.

8 The LD-24 VRA is over 50 percent as well. This is
9 another VRA district in the central valley of Maricopa
10 County. It performs to elect candidates of its choice. The
11 community of interest, Hispanic neighborhoods align with
12 school districts and the Latino Coalition suggestions.

13 LD-25 is continuous, lacks compactness reflecting
14 in the community interest Yuma split. The community of
15 interest and economic driver is agriculture and the Buckeye
16 boundaries. Competitiveness of this district is something
17 we were happy with.

18 LD-27 and ASU West, Thunderbird business school,
19 keeps the Arrowhead Ranch community together. The western
20 boundary is the city of Glendale. The geography of the Agua
21 Fria River goes north and we feel this represents that
22 district adjoining LD-2.

23 LD-28 includes the Sun City communities of
24 Sun City West, Sun City, Westbrook Village, Trilogy,
25 Vistancia, the city boundaries of Sun City and Sun City West

1 with the geographies of the Agua Fria River on the eastern
2 boundaries.

3 LD-1 is downtown. It is compact, it includes
4 Sunnyslope to the north and the Shaw Butte -- Shaw Butte
5 northern mountain range, and to the south down towards the
6 high school down towards greater Phoenix.

7 LD-2 community incorporates Deer Valley and keeps
8 Moon Valley neighborhood together. The geographic features
9 of the Adobe Dam, the natural boundary to the west, the Cave
10 Creek buttes to the north and east, and then the Indian
11 Hills boundary to the northeast as well. It is competitive,
12 it is compact, and it includes the Deer Valley Airport and
13 areas just south of the 101.

14 LD-3 is the northern section of Maricopa County.
15 It goes from Cave Creek and -- and Carefree, Fountain Hills,
16 and Scottsdale. It excludes the Deer Valley-Desert Ridge
17 communities by request of those residents; it does include
18 the horse properties in Anthem and New River. This is a
19 northern territory that reflects demographics of equal
20 housing and communities of interest along the Cave --
21 Carefree Highway.

22 LD-4, equally competitive but does keep together
23 McCormick Ranch, Desert Ridge, and Paradise Valley and
24 portions of Scottsdale going as far south into Arcadia just
25 north of the canal.

1 LD-8 is a shopping area which includes
2 South Scottsdale, Tempe, Papago Buttes, and the greater ASU
3 campus. This creates above urban environment that allows
4 those communities to flourish and the representative to help
5 them get what they want in the state capitol.

6 And so for all that -- in the East Valley I forgot
7 to mention that LD-9 includes Tempe and west Mesa, and also
8 includes Dobson Ranch. So we've been able to put that
9 community together.

10 And the west -- the farther East Valley north of
11 the 60 we've included in District 10 Lehi, which is an older
12 neighborhood with the old neighborhood, and Mesa, as well as
13 the -- the other portions of the corridor north of 60 in the
14 East Valley.

15 And LD-13 which includes Sun Lakes, Hamilton High
16 School goes up and picks up the Asian communities in
17 Chandler up in towards the northern boundary.

18 LD-14 incorporates mostly Gilbert. It's Latino
19 communities and runs up into Mesa, against Mesa and the
20 western -- eastern boundary of the interior loop, the 202,
21 and south into the Gilbert community.

22 15 incorporates the Gateway Airport, Queen Creek,
23 San Tan Valley, other parts along that corridor as well as
24 Apache Junction.

25 So with that, I feel really proud of what we've

1 accomplished, it's been a hard slog, we've made some
2 friends, we've made some associates. I'm proud of what we
3 did throughout the entire state. We spent a lot of time
4 with education on the rights and wrongs of how to be a
5 redistricting commissioner; and so for this, I vote yes on
6 legislative map 16.1.

7 CHAIRPERSON NEUBERG: I'd like to also add that
8 there are four genuine toss-ups that truly throw the balance
9 of power in our legislature totally up in the air, and with
10 all the change I feel so excited to see a new crop that I
11 hope follow in our model of understanding that their job is
12 to understand and represent their constituents.

13 So I truly believe that these maps will further
14 encourage elected leaders to pay attention to their
15 constituents, it empowers them in better districts to
16 advocate for their needs overall; it's not perfect, it
17 leaves enough unknowns such that there's accountability;
18 regions are relatively balanced and taken care of. I think
19 the overall good so far outweighs the bad.

20 And I just have the deepest appreciation and
21 respect for my colleagues who have continuously debated and
22 deliberated in good faith and -- and mastered the academic
23 material to -- to really help each other make the best
24 decisions that we could. And I know in my heart we worked
25 together to make the best decisions that we could. We

1 didn't always agree, but I'm confident in the process.

2 And I vote yes.

3 COMMISSIONER YORK: Commissioner Lerner.

4 COMMISSIONER LERNER: This could have been a great
5 map. This could have been a map that truly showed
6 compromise, that truly showed that we were here for the good
7 of the state. I do not feel we ended up with that map. And
8 it -- it distresses me because I came into this as all my
9 colleagues did, I think, wanting to do the best for the
10 state.

11 I feel that there's always going to be
12 partisanship, but in this case I feel the partisanship
13 exceeded -- actually, it exceeded my expectations. I
14 thought that there would be some, but I'm going to just kind
15 of go through some of the constitutional criteria and why I
16 feel this map does not meet the constitutional criteria, one
17 of which is the partisan bias.

18 Throughout this process we have had many, many
19 votes on maps. We are at 16.1; is that correct?

20 Which -- and how -- what is our congressional
21 number? Do you remember? 14, 13?

22 MR. FLAHAN: 13.9.

23 COMMISSIONER LERNER: 13.9. That's a lot of votes.

24 In all of that time as part of the partisanship
25 that I am going to speak to, there have been three votes

1 that have gone for the Democrat maps that we have proposed.
2 And I will say I do not think we proposed bad maps; I think
3 we do a very good job on the maps that we -- we present that
4 we work on that takes into account the constitutional
5 criteria.

6 Throughout this process we have been working an
7 uphill battle. It's like going to a starting line on a race
8 and having to start ten yards back every time.

9 So we are always working to try to make adjustments
10 where we feel the constitutional criteria can be better met,
11 where we feel that communities of interest can be better
12 addressed, where geographic boundaries are taken into effect
13 and into account; all the criteria that we're supposed to
14 use is in addition to competitiveness. And in case we're
15 working that uphill battle or that ten yards back as it may
16 go, which makes it incredibly difficult for us to ever feel
17 like we're going to reach any of those achievements.

18 This map I feel has significant problems and it has
19 problems in areas that it has problems has had throughout.

20 Just as with the congressional, there were certain
21 places where we were are told "We are not making
22 adjustments; we are not going to make changes in this,"
23 despite the fact we had clear constitutional concerns.

24 We were unable -- and this will go up, if we go up
25 as Commissioner York was going through some of the

1 districts.

2 Yavapai County became sacred in our deliberations.
3 We were unable to -- despite the fact that in the
4 congressional it was requested to have Yavapai County with
5 Mohave County so that that would be a true rural -- much
6 more of a rural district, despite the fact that people
7 requested that, constituents, we were not able to split
8 that. Despite the fact that there were a number of areas
9 where we could have made truly competitive districts.

10 District 7 could be truly competitive if we didn't
11 want to say that Yavapai County, as one of the few counties
12 in the state, there are a few that are kept whole in this
13 legislative map, but we were told from the very beginning
14 that's a sacred line, we cannot change that line. In which
15 case competitiveness could not be factored into District 7.
16 That's a constitutional requirement.

17 And there are geographic boundaries that could have
18 been used between District 5. Mingus Mountain is a true
19 geographic boundary that -- that we comp- -- that was part
20 of our proposal to make District 7 more competitive, meet
21 communities of interest that requested to be together, and
22 use a natural boundary. All of those are geographic -- or
23 are constitutional reasons. That's one example of where I
24 feel we do not have constit- -- that we did not meet the
25 constitution.

1 We've had throughout this process -- and I'll just
2 go back to saying I'm frustrated. Because I had really
3 hoped that we'd have, just like we had a congressional 5-0,
4 I had really hoped for that for this. But the fact that we
5 could not give compromises leaves us in this situation.

6 We've had additional concerns. There's been a very
7 selective use of natural boundaries. Just even today when
8 we were talking about District 2 and Commissioner York
9 talked about the mountains in that area, we talked about the
10 mountains a lot in District 17 but somehow they weren't as
11 important as the mountains in District 2. There are
12 significant barriers, geographic barriers, in District 17.
13 That district does not meet communities of interest; it
14 splits school districts; it crosses geographic boundaries,
15 and I have constitutional concerns because it also was
16 created in part because of a request by a legislator which
17 was reported in the news which is how I learned about it.

18 Competitiveness in that district, District 17, when
19 we started looking at that district was an extremely
20 competitive district leaning Republican, but almost 50/50.
21 That district now is outside of our competitive range. It
22 encompasses a huge area which includes people -- and we
23 heard testimony that basically talked about people who said
24 "I want our school districts together. I go from one
25 community to another in District 17 but I don't go to

1 Tanque Verde." A few people said they do, but it takes them
2 40-45 minutes to get there and they have to either go around
3 a mountain range and cross through three or four other
4 districts.

5 What they didn't do -- this district was created at
6 the request of putting Marana -- that was the initial
7 request, to put Marana with Oro Valley and Casas Adobes.
8 Well, what happened? It became a very big district that
9 winds around Tucson, and then it became a district that was
10 going to include a majority of unincorporated areas; and the
11 reality is, it actually doesn't. It includes 50,000 people
12 from Tucson, it includes a large number -- and, in fact, the
13 unincorporated -- the unincorporated areas is a small
14 percentage of that entire district.

15 The majority of that district are incorporated
16 areas. That is not what we were talking about in the
17 creation of that district. That is not the explanation that
18 we were given for that district. The fact that more than
19 50 percent of it are incorporated areas and that that many
20 people actually are in Tucson, which means that Tucson was
21 split in a way that didn't have to be.

22 So that is another constitutional concern that I
23 have.

24 I also find it interesting on which communities of
25 interest we tend to favor over others. And I'll go back up

1 into the north area where we find that Sedona, the
2 Verde Valley communities, wanted to be in Flagstaff time and
3 again in their testimony that we heard; and we heard from
4 elected officials in those areas as well.

5 They did not get the same preference as people in
6 the White Mountains. The people in the White Mountains got
7 preferential treatment to have their district created over
8 others.

9 I find the same thing with some of the way we are
10 listening to certain mayors and county supervisors. Yavapai
11 County supervisors got preferential treatment over Coconino
12 County supervisors. We heard from the mayors of the largest
13 communities/cities in our state with requests; we did not
14 address them to the extent that they requested, but we did
15 address every time we heard from some of the other -- some
16 other mayors, it was well this mayor asked for this so let's
17 do that change.

18 Why -- I don't understand why, but I think there
19 was a bias in that and I don't think -- again, not a -- from
20 a constitutional perspective I, have that concern.

21 I also have concerns about how communities of
22 interest were defined.

23 As you know because I have said it a few times, I
24 do believe freeways are somewhat of a barrier. Not always
25 and there are times we certainly cross over, but they are --

1 the way that they were used in this case, the -- the issues
2 that I would raise about the freeways were very real, valid
3 issues about why I felt those were a barrier. And not
4 always -- not always a barrier, if we think about the 101
5 loop that was created around Maricopa County when it was
6 created, it basically was to avoid going through the city,
7 to go around. Because at the time that it was being built,
8 places on the north were not yet in -- as developed as they
9 are today, they're different communities than they are
10 today.

11 In most of the urban and suburban parts of Maricopa
12 County you can hop on a freeway and shop anywhere and, yet,
13 somehow shopping centers became a community of interest. I
14 go up from Tempe all the way up to the north. That's not my
15 community of interest, though, just because I have a
16 shopping center that I might go to if I go to Kierland
17 Commons or to Desert Ridge. That's not my community of
18 interest, that's not where I live, that's not where I vote.
19 And, yet, malls/shopping centers/golf courses became
20 communities of interest.

21 Are they places that people go to? Absolutely.
22 But people will go with the freeway system anywhere. People
23 don't just -- well some people may just go to the golf
24 course next door, but for many people they'll go wherever
25 they want to go golf. They'll go wherever they find that

1 there's something they want to do and they'll go shop.

2 A community of interest, there are lot of different
3 meanings to the community of interest, but I have a concern
4 about how this was defined. While many communities may have
5 similar hobbies, this doesn't constitute a community of
6 interest.

7 We heard from a number of people including those in
8 the White Mountain, that there are specific state or federal
9 policy issues that unite them. That's part of a community
10 of interest. We heard about water issues, water rights,
11 those are things that we want to have bind as well as
12 schools and school districts. Kyrene School District got
13 lucky, we kept them together; but we didn't do that with a
14 lot of others, we split those apart, we were inconsistent in
15 that. And, of course, we can't keep every school district
16 together.

17 But in our arguments when we made our
18 constitutional arguments that we proposed we used school
19 districts quite often as an example of why people lived in
20 those areas.

21 I think we as a Commission have broadened that
22 definition of community of interest far too -- far too wide
23 in many ways. There are recreational habits, there are
24 shared social interests, there are specific federal and
25 state policy issues that all impact this.

1 Our maps should consider populations that have
2 shared public policy concerns. Some communities share bonds
3 that extend deeper and further than a hobby or a pastime,
4 and those are some of the concerns I have about the
5 communities of interest.

6 As far as employment, we heard a lot about
7 employment areas.

8 Sorry Commissioner Mehl, if I'm talking too much
9 but I have a statement to make because this is it.

10 We talk about employment. We talk -- we heard
11 Commissioner York yesterday bring up why a Latino community
12 should be in a district -- in a CD district because they
13 provide employment for that CD district, but their homes
14 were not in the CD district and that's what's really
15 important. People commute outside of their immediate
16 communities to work very often, many work from home as well.
17 Where you live and where you vote, that's a community.

18 Where you live is the community where you make your
19 biggest investment as a consumer, it's your home. Whether
20 you rent or own, where your home is, your neighborhood.
21 That's the community you contribute to.

22 It's also where you often spend your most money in
23 those areas, which is why we were trying to find compact and
24 contiguous districts as much as possible, which is why my
25 colleague and I were always looking at those factors when we

1 were trying to create the boundaries. That is why we looked
2 at District 13 and 14 in the way we did, to try to bring
3 those boundaries of Chandler and Gilbert as much closely
4 together as possible as an example of that.

5 That 101 line -- well, I've already mentioned that.

6 I mentioned the 101, the freeway, because I do
7 think it's important, and I think it's important because we
8 adjusted districts to go over that line when it didn't need
9 to and it wasn't relevant, but District 27 cuts across at
10 District 2, District 4, all cut across it, even parts of
11 District 8 cut across that freeway; District 28,
12 District 29.

13 That is a meaningful dividing line, the areas north
14 of the 101 more recent expansion and growth, and the areas
15 south with older more established communities.

16 What I find interesting is that we -- we had a
17 different perspective in Tucson than we did in Phoenix.

18 North of the 101 is not an urban district and yet
19 we did the -- we combined it in District 4 with this new
20 addition in District 2, we did this with District 27. So
21 somehow in Tucson we will make a district that goes around
22 Tucson, but in Phoenix we will combine urban and exurban and
23 suburban areas as part of it.

24 I am concerned about this district -- about this
25 map because of partisanship, because I feel that there have

1 been factors that may be unconstitutional that were taken
2 into consideration, because of the border adjustments that
3 were made very often radically that may have included
4 incumbents and may have protected them, and that is a
5 constitutional concern for me as well.

6 So for these reasons, Madam Chair, I unfortunately
7 and sadly vote no.

8 CHAIRPERSON NEUBERG: Thank you for your comments.

9 You know, I am aware that you were outvoted many
10 times, I apologize that the votes happened that way. As
11 I've said before, I think it actually stem from fundamental
12 differences in understanding our constitutional
13 responsibilities as it relates to redistricting, as it
14 relates to prioritizing communities of interest versus
15 competitiveness, and different levels of responsiveness from
16 my colleagues in understanding my vision and my needs, and
17 so sometimes I was left with no choice but to pick models or
18 visions that were much more consistent with my view of what
19 our job was, which I've been consistent from day one during
20 my interview.

21 You know, I -- I hear accusations. You know, it's
22 a sensitive, sensitive time. I stand by the integrity of
23 this process. I can tell you I know where no incumbent
24 lives and I don't care where they live. I think my
25 colleagues really addressed this based on the merit of the

1 case, and I'm proud of the collective, honest, hard work and
2 how little sitting members of Congress have been involved.
3 It's stunning the extent to which sitting members of
4 Congress have not been involved. And, in fact, the
5 districts would look better I think for them if they were.

6 So with that, we have a vote that is 3-2 to approve
7 the LD map of 16.1 as the new legislative version for
8 Arizona.

9 Anything else, Legal, we need to cover?

10 MR. B. JOHNSON: Just administratively if we can
11 confirm it's okay to switch -- was it 5 and 1, on the
12 numbering to comply with Arizona law that Yavapai/Prescott
13 is inside is LD-1.

14 COMMISSIONER MEHL: Thank you for reminding of
15 that.

16 CHAIRPERSON NEUBERG: Right.

17 COMMISSIONER MEHL: I would make a motion to amend
18 the approval of the final map to switch LD-5 and LD-1
19 numbers so that Prescott is LD-1.

20 COMMISSIONER YORK: I'll second.

21 I'll second.

22 I'll second the motion.

23 CHAIRPERSON NEUBERG: Any further discussion?

24 Vice Chair Watchman.

25 VICE CHAIR WATCHMAN: No.

1 CHAIRPERSON NEUBERG: Commissioner Mehl.

2 COMMISSIONER MEHL: Aye.

3 CHAIRPERSON NEUBERG: Commissioner Lerner.

4 COMMISSIONER LERNER: No.

5 CHAIRPERSON NEUBERG: Commissioner York.

6 COMMISSIONER YORK: Aye.

7 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
8 aye.

9 And with that, the Prescott district will be
10 renamed 1.

11 MR. D. JOHNSON: The other point, just to clarify
12 that this is pending the administrative review by elections
13 officers and -- and the little clean -- nonsubstantive
14 cleanup issues.

15 CHAIRPERSON NEUBERG: Correct.

16 Any other questions from Mapping?

17 MR. D. JOHNSON: Just we're talking -- when we
18 publish 16.1, do you want it as it's on the screen or make
19 the numbering change and publish with that numbering change?

20 CHAIRPERSON NEUBERG: I think you should make the
21 number change and publish it so people get accustomed to
22 seeing Prescott as number 1.

23 MR. D. JOHNSON: Perfect. That works.

24 Thank you.

25 CHAIRPERSON NEUBERG: That will make some people up

1 there very happy.

2 Okay. With that, if there's no further discussion,
3 we will move to Agenda Item No. VII next meeting date.

4 We are looking at January 4th, a Tuesday, for our
5 typical business meeting. We will have some business items
6 to connect on. We had been doing 8:00, we could do 9:00,
7 I'm open to thoughts about that.

8 COMMISSIONER LERNER: Madam Chair, I will not be in
9 town on that day, I'll be returning that day. So if we do
10 it virtually that will be fine; if not, I will not be able
11 to attend.

12 CHAIRPERSON NEUBERG: Yeah, I expect it will be a
13 virtual meeting.

14 Is that -- can you make a virtual meeting?

15 COMMISSIONER LERNER: Yes, if it's earlier. The
16 8 o'clock will be better.

17 CHAIRPERSON NEUBERG: Okay. How does that sound
18 for virtual meeting 8:00 a.m. on January 4th?

19 COMMISSIONER MEHL: I'm good with a virtual meeting
20 and happy to accommodate Commissioner Lerner on the time.

21 CHAIRPERSON NEUBERG: Okay.

22 COMMISSIONER YORK: Likewise.

23 VICE CHAIR WATCHMAN: I'm open, Madam Chair.

24 CHAIRPERSON NEUBERG: Okay. Wonderful.

25 With that, we'll move to Agenda Item No. VIII,

1 closing of public comments.

2 Please note members of the Commission may not
3 discuss items that are not specifically identified on the
4 agenda. Therefore, pursuant to A.R.S. 38-431.01(H), action
5 taken as a result of public comment will be limited to
6 directing staff to study the matter, responding to any
7 criticism, or scheduling the matter for further
8 consideration and decision at a later date.

9 With that we will move to adjournment, Agenda Item
10 No. IX.

11 VICE CHAIR WATCHMAN: Vice Chair Watchman motions
12 to adjourn.

13 COMMISSIONER MEHL: Commissioner Mehl seconds.

14 CHAIRPERSON NEUBERG: With no further discussion,
15 Vice Chair Watchman.

16 VICE CHAIR WATCHMAN: Aye.

17 CHAIRPERSON NEUBERG: Commissioner Mehl.

18 COMMISSIONER MEHL: Aye.

19 CHAIRPERSON NEUBERG: Commissioner Lerner.

20 COMMISSIONER LERNER: Aye.

21 CHAIRPERSON NEUBERG: Commissioner York.

22 COMMISSIONER YORK: Aye.

23 CHAIRPERSON NEUBERG: Commissioner Neuberg is an
24 aye.

25 With that, adjourn.

1 I wish everybody a wonderful holiday break. Very
2 well-earned. Thank you, everybody, for your incredibly hard
3 work, our state is better off because of it.

4 And we will see you January 4th in the new year.

5 (Whereupon the meeting concludes at 5:09 p.m.).
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22 "This transcript represents an unofficial record.
23 Please consult the accompanying video for the official
24 record of IRC proceedings."
25

C E R T I F I C A T E

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing proceedings were taken before me, Angela Furniss Miller, Certified Reporter No. 50127, all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

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

I FURTHER CERTIFY that I have complied with the requirements set forth in ACJA 7-206. Dated at Litchfield Park, Arizona, this 27th of December, 2021.



Angela Furniss Miller, RPR, CR
CERTIFIED REPORTER (AZ50127)

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I CERTIFY that Miller Certified Reporting, LLC, has complied with the requirements set forth in ACJA 7-201 and 7-206. Dated at LITCHFIELD PARK, Arizona, this 27th of December, 2021.



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