

THE STATE OF ARIZONA
INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF FINAL DECISION PUBLIC MEETING

Morning Session

December 21, 2021

9:01 a.m.

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1 PUBLIC MEETING, BEFORE THE INDEPENDENT
2 REDISTRICTING COMMISSION, convened at 9:01 a.m. on
3 December 21, 2021, at the Kimpton Palomar Hotel,
4 2 East Jefferson Street, Phoenix, Arizona, in the
5 presence of the following Commissioners:

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

11 OTHERS PRESENT:

12 Mr. Brian Schmitt, Executive Director
13 Ms. Lori Van Haren, Deputy Director
14 Ms. Valerie Neumann, Executive Assistant
15 Ms. Michelle Crank, Public Information Officer

16 Mr. Mark Flahan, Timmons Group
17 Mr. Brian Kingery, Timmons Group
18 Mr. Parker Bradshaw, Timmons Group
19 Mr. Doug Johnson, NDC
20 Ms. Ivy Beller Sakansky, NDC

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

* Spanish interpreter present

P R O C E E D I N G

1
2
3 CHAIRPERSON NEUBERG: Okay. Welcome,
4 everybody. We're getting close to the end. Thank you
5 to my colleagues, staff, and broader public for your
6 stamina.

7 We'll dive right in. Agenda Item I, call to
8 order and roll call. I(A), call for quorum.

9 It is 9:01, Tuesday, December 21, 2021. I
10 call this meeting of the Independent Redistricting
11 Commission to order. For the record, the Executive
12 Assistant, Valerie Neumann, will be taking roll. When
13 your name is called please indicate you are present.

14 Val.

15 MS. NEUMANN: Thank you, Madam Chair.

16 Vice Chair Watchman.

17 VICE CHAIR WATCHMAN: Present.

18 MS. NEUMANN: Commissioner Lerner.

19 COMMISSIONER LERNER: Present.

20 MS. NEUMANN: Commissioner Mehl.

21 COMMISSIONER MEHL: Present.

22 MS. NEUMANN: Commissioner York.

23 COMMISSIONER YORK: Present.

24 MS. NEUMANN: Chairperson Neuberg.

25 CHAIRPERSON NEUBERG: Present.

1 MS. NEUMANN: And for the record we also have
2 in attendance Executive Director Brian Schmitt; Deputy
3 Director Lori Van Haren; Michelle Crank, our Public
4 Information Officer; Brett Johnson and Eric Spencer
5 from Snell & Wilmer; Roy Herrera and Daniel Arellano
6 from Herrera Arellano; Shawn Summers from Ballard
7 Spahr; and Mark Flahan, Parker Bradshaw and Brian
8 Kingery from Timmons; Doug Johnson and Ivy Beller
9 Sakansky from NDC Research.

10 Debbie Wilks will be our morning
11 transcriptionist, and Angela Miller will be our
12 afternoon transcriptionist.

13 And at this time I would like to introduce our
14 Spanish interpreter, Anyea Camacho.

15 THE INTERPRETER: Good morning. My name is
16 Anyea Camacho, Spanish interpreter.

17 (Interpreter speaking in foreign language.)

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

20 CHAIRPERSON NEUBERG: Thank you.

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

23 Agenda Item II(B), call for notice.

24 Val, was the Notice and Agenda for the
25 Commission meeting properly posted 48 hours in advance

1 of today's meeting?

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

3 CHAIRPERSON NEUBERG: Thank you.

4 We'll move to Agenda Item II, approval of
5 minutes from December 19th, 2021. We have (A), the
6 general session minutes, and we have (B), an executive
7 session minutes in which we discussed -- sought legal
8 advice regarding VRA compliance.

9 I'll entertain a motion to approve the
10 minutes, unless there is further discussion.

11 COMMISSIONER MEHL: Commissioner Mehl moves
12 that we approve the minutes.

13 VICE CHAIR WATCHMAN: Vice Chair Watchman
14 seconds.

15 CHAIRPERSON NEUBERG: With that we are
16 approving the general session and executive session
17 minutes from December 19th.

18 Vice Chair Watchman.

19 VICE CHAIR WATCHMAN: Aye.

20 CHAIRPERSON NEUBERG: Commissioner Mehl.

21 COMMISSIONER MEHL: Aye.

22 CHAIRPERSON NEUBERG: Commissioner Lerner.

23 COMMISSIONER LERNER: Aye.

24 CHAIRPERSON NEUBERG: Commissioner York.

25 COMMISSIONER YORK: Aye.

1 CHAIRPERSON NEUBERG: Commissioner Neuberg is
2 an aye.

3 With that the minutes are approved from
4 December 19th.

5 With that we will move to Agenda Item No. III,
6 opportunity for public comments. Public comment will
7 now open for a minimum of 30 minutes and remain open
8 until the adjournment of the meeting. Comments will
9 only be accepted electronically in writing on the link
10 provided in the Notice and Agenda for this public
11 meeting and will be limited to 3,000 characters.

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

19 With that we move to Agenda Item No. IV,
20 discussion on public comments received prior to today's
21 meeting.

22 With no comment we will move to Agenda Item
23 No. V, and once again just see if there is any update
24 from mapping on discussion, potential action concerning
25 polarization data, and report presentation regarding

1 U.S. and Arizona Constitutional requirements.

2 MR. D. JOHNSON: No additional information
3 today.

4 CHAIRPERSON NEUBERG: Okay. Thank you.

5 With that we will move to Agenda Item No. VI,
6 draft map decision discussion. We left off yesterday
7 where we adopted a new iteration for the congressional
8 map, and we're about to engage in deliberation. If
9 it's, you know, comfortable with my colleagues I think
10 that will be a wonderful place to start off.

11 And let me just clarify with counsel: I
12 believe that we have officially voted and approved a
13 consensus iteration point where we -- a common map to
14 deliberate from? Yes. I just want to clarify that we
15 need no further vote, that I believe we are
16 deliberating based on Congressional Map 12.1, but I
17 just want to make sure that there isn't any further
18 reaffirmation or anything we need to do.

19 Okay. As we open up debate and deliberation
20 on this map -- and I encourage mapping to pull up the
21 Congressional Map 12.1 -- I had recommended to my
22 colleagues to take the last shot at kind of filling out
23 your dreams, you know, within reason of what you felt
24 is possible and made sense from the Constitutional, you
25 know, perspective, integrating the six criteria, and we

1 took a vote. We supported 12.1. That did not preclude
2 making, you know, significant or appropriate change as
3 we balance it against the other Constitutional
4 criteria.

5 So that is exactly something that I was
6 welcoming to do today. As we study the congressional
7 map I think CD6 will be a top priority. As we discuss
8 it we will need to be thinking through all
9 Constitutional criteria: VRA compliance as it relates
10 to CD7 and the population surrounding the area, looking
11 at compactness, looking at competitiveness. And so I
12 welcome that I hope, you know, just good faith dialogue
13 about that.

14 But for my eyes that's the area that I feel
15 needs the greatest attention right now. I'm quite
16 pleased with so much else about the other districts.
17 Open to fine-tuning, but see so much good about what
18 we've created in balancing districts for the state.

19 COMMISSIONER MEHL: Madam Chair --

20 COMMISSIONER LERNER: Can I just ask what --
21 I'm looking for it to load it up, and I'm having
22 trouble finding it. What's the number that we're
23 looking at? Is it 12.1?

24 VICE CHAIR WATCHMAN: 12.1.

25 COMMISSIONER MEHL: Madam Chair, I do have

1 some adjustments I would like to suggest for the
2 boundaries of D6 and D7, and they indeed will be based
3 on trying to make this even better fit the
4 Constitutional criteria. And if everybody is ready
5 I'll have at it.

6 CHAIRPERSON NEUBERG: When you say that you
7 feel these recommendations will better balance the
8 Constitutional criteria, please articulate each and
9 every one, keeping your eyes on levels of
10 competitiveness.

11 COMMISSIONER LERNER: Can I make a statement
12 before you get going and then you can go ahead and make
13 your changes?

14 COMMISSIONER MEHL: Sure.

15 COMMISSIONER LERNER: Because I'm going to --
16 I'm going to say how concerned I am about where we are
17 in the process right now. I -- we've reached a
18 critical juncture because we're at the end, and I am
19 very disappointed and very frustrated. I was very
20 optimistic at the beginning of this process that we
21 began almost a year ago as part of this. I truly
22 believed we would come together for the good of the
23 state.

24 I feel we have worked in good faith, but we
25 have not gotten to that point. The vote yesterday is a

1 clear vote going further away from the draft map that
2 we approved. We voted to go back to that draft map
3 because we had gotten too far away, and this 12.1 has
4 gotten very far away. It is a clear six -- and I'm
5 going to say these things.

6 The choice of 12.1 is a clear six to three
7 Republican advantage map that does not reflect
8 compromise. The map that we proposed had five
9 districts that favored Republicans, four that favored
10 Democrats, including four competitive districts, two
11 safe Democratic districts, and three safe Republican
12 districts. The four competitive were split evenly. We
13 are in a state now that has five Democrats and four
14 Republicans that have been elected to Congress.

15 There is no excuse for drawing a six to three
16 map that favors either party as part of that, and this
17 map does that. It has -- it does not have really
18 strong competitive districts that we can actually
19 easily make adjustments. The map is going to be from
20 a -- from our perspective, from a Democrat perspective,
21 it's going to be incredibly difficult to make this map
22 competitive and to make this map fit what I think --
23 the Constitutional criteria that I don't think have
24 been properly considered.

25 Competitiveness was not considered as -- in

1 the way that it should have been in this map. In my
2 opinion I think there are geographic boundaries that
3 were not considered. I believe that we've been moving
4 away from some of the Constitutional requirements.

5 It's -- I will say that this map from our
6 perspective is going to be virtually impossible for us
7 to fix, which is what we said yesterday. 12.0 had a
8 lot of room. It was relatively balanced. It had a lot
9 of room to make adjustments. I don't see how we,
10 quote, fix this map without blowing it up, and there is
11 not time to do so, nor is there the will for the
12 Commission to blow that up. There are too many things
13 that are locked in already.

14 The 12.0 map followed the Constitutional
15 criteria; did not bias one party over another. This
16 one is such a significant departure from the draft map
17 that we all agreed was something we preferred. I don't
18 know how we move forward.

19 So I want to put that on the record that the
20 Democrats have some real issues, and I'm speaking --
21 Commissioner Watchman and I have come together on this.
22 We have some significant concerns about the selection
23 of this map and our inability to work with it as part
24 of it. There are -- too many of the areas of the map
25 are locked in and will make it very difficult for us to

1 adjust, so I want to make that statement sort of up
2 front.

3 And now I will let you go ahead and move
4 forward with any changes you suggest.

5 CHAIRPERSON NEUBERG: I would like to say
6 that, you know, I'm sorry you feel that way. I hope
7 you will remain active, engaged partners in fine-tuning
8 the map.

9 As the map -- I look at it, and I made very
10 clear when I supported this map that I did not endorse
11 the changes that Commissioner Mehl made in CD6 that
12 probably resulted in having it be highly competitive
13 from a vote spread but not a performance issue. From
14 my perspective, as I've said all along, I find a map
15 that provides either party the opportunity to have more
16 seats than not I find, you know, positive.

17 So my goal now in perfecting the
18 Constitutional criteria and the things that I look at
19 that I really like -- I really like CD1 and the highly
20 competitive balance we have. It's not only extremely
21 competitive from a vote spread; it's extremely
22 competitive from our tracking of races. I know some
23 people -- I feel we've minimized antagonism between
24 urban versus true rural, but we've united urban and
25 rural.

1 I know there are some in -- some areas in
2 Paradise Valley and Scottsdale that aren't too
3 thrilled. I'm not concerned that they're going to lose
4 their voice. I actually think it's a really
5 functioning, great district.

6 I think CD4 is such a great fit for that
7 Southeast Valley, building on the synergy between the
8 great work with Tempe and Mesa and Chandler. It's
9 going to be a natural ally with the city of Phoenix in
10 advancing so much of the infrastructure.

11 To be honest, the only thing that I see,
12 although you're saying that this map is so far from
13 anything you could possibly support, I see a District 6
14 that, you know, because of one iteration went from one
15 version of highly competitive to maybe a different
16 interpretation of highly competitive.

17 I ask that you please remain partners to fix
18 this, because in my mind not only do I love what I'm
19 seeing, I also do feel, if you have to count that, a
20 4-3-2 map in which either party has the opportunity to
21 have the majority numbers of -- members of Congress
22 represent them in D.C. is an excellent start.

23 So I reject that this is a biased, unfounded
24 map, and I am proud of the work that we've done, and I
25 look forward to further perfecting it. I said all

1 along I do not buy in to the changes Commissioner Mehl
2 made automatically to CD6, and probably our highest job
3 today may will be to go, you know, re-deliberate that
4 and think about it from a community of interest
5 perspective, a compactness perspective, a VRA
6 responsibility with CD6, and competitiveness, and I
7 believe that if we negotiate that in good faith we're
8 going to have a good outcome.

9 COMMISSIONER LERNER: Just as a follow-up, I'm
10 going to say that I -- I don't agree that this is a
11 fair and balanced map. There is not one, quote, and I
12 say quote, competitive district within the two points.
13 You look at District 1, that's Republican leaning.
14 District 2, Republican leaning. District 5,
15 Republican -- well, I'm sorry. I'll just go with the
16 Republican leaning. Tell me where there is a
17 Democratic leaning that's in that 48. That doesn't
18 exist on this map. That would be a truly competitive
19 map to have those. Democrats have been packed into as
20 few districts as possible in this map as well when you
21 look at the numbers.

22 We've talked before about the distribution
23 that exists on these -- in these maps, and whether or
24 not if you -- whether people live in such communities
25 on -- on -- on the piece of packing are they -- are

1 they going to be packed into areas. When we look at
2 those Districts 7 and 3, those numbers are incredibly
3 high.

4 This map packs Democrats in very few
5 districts, which is why the distribution is the way it
6 is. All of the swings are in Republican's favor, which
7 is why this is a truly 6-3 map, and I don't see how
8 this can be fixed.

9 This is -- we proposed a map that was a true
10 swing map. I disagree with the idea that some of these
11 districts can balance some of the needs, because
12 they've been made so large they're not compact. They
13 don't address communities of interest.

14 And to be quite honest, when I say locked in,
15 we got locked out of actually adjusting District 2 and
16 District 9 very early on, despite our belief and
17 hearing lots of testimony that District 9 -- folks in
18 District 9 did not want to be attached and be an urban
19 district, which is what they are now, and that people
20 in the White Mountains did not want to be with Prescott
21 and that people in Havasu City wanted to go back to the
22 same district they've been in. We've heard lots of
23 testimony how District 2 -- and we proposed that --
24 could be more competitive, but we were told that we
25 could not adjust that. That was locked in early on,

1 and that's the been the problem in developing these
2 maps.

3 And I want to be clear that we've been very
4 open to trying to compromise and very interested in
5 working together throughout this process. I feel we
6 have made lots of compromises. We've done everything
7 we can to try to work together with the rest of the
8 Commission, but I don't feel that we've reached a
9 point -- at this point I will be interested to hear,
10 Chairwoman, how you would like to make these changes,
11 because the suggestions that -- that we have would
12 cause great upheaval to this map. We don't have easy
13 suggestions because there were several things that
14 would need to happen to make things from our
15 perspective more competitive, more balanced, taking
16 communities of interest.

17 Even just looking at District 4 on how that's
18 moved further east, looking at how District 1 has been
19 developed -- there are just so many areas. Having Casa
20 Grande be split when it didn't have to be, when we
21 proposed putting it all into one -- into District 2.
22 There are so many areas that we proposed for very solid
23 community of interest, geographic, competitiveness, all
24 of the -- all of the criteria that we have, making
25 things more compact, that were -- that we were shut out

1 as part of it.

2 So in terms of our ability to participate,
3 we're going to have to probably listen a little bit and
4 see what changes you propose, because at this point
5 unless these districts balances, we won't accept a
6 District 1 the way it looks right now. We won't accept
7 a District 6 the way it looks right now. Neither of
8 those come close to what we feel are appropriate. And
9 we feel that District 7 and District 3 need some
10 adjustments as well that could be balanced in some of
11 these.

12 This -- I will stop there, but I want you to
13 realize that we have really -- these are -- this is a
14 big issue for us. This is not something that we're
15 going to find an easy compromise on, and I want that to
16 be stated up front that this is not something we can
17 easily participate in, so we'll see what you do.

18 COMMISSIONER YORK: Can I make a few comments?

19 CHAIRPERSON NEUBERG: I'll make a comment
20 first.

21 COMMISSIONER YORK: Okay.

22 CHAIRPERSON NEUBERG: That will be your choice
23 how much you want to engage in. You challenge
24 Congressional District 1. That is by any person's
25 definition a tossup, so, you know, I don't understand

1 why -- why that's such a deep issue. 4, I love that we
2 made it slightly more competitive, because as we've all
3 talked about increasing competitiveness does increase
4 the level of attentiveness of an elected leader. We're
5 struggling on CD6. You shouldn't prejudge what the
6 outcome is. We're starting a negotiation process.

7 But if you choose not to negotiate, that's --
8 that's fine, but I have been clear about my vision. I
9 think we're really close. I really like the maps. I
10 like -- I like that we have some true tossups. I like
11 that there is another competitive district in 4. I
12 like that we've moderated a little bit some of the
13 other districts.

14 I have issues with CD6. We need to -- to look
15 at some VRA issues as it relates to CD -- I'm sorry if
16 I'm getting the districts wrong. 7, 6. We need to
17 look at the VRA issue. We need to look at some of the
18 changes Commissioner Mehl made. I don't know what
19 those small changes are, but I can tell you that if we
20 can within the Constitutional criteria whittle that
21 down to highly competitive, where based on tracking
22 nine races it's relatively equally divided, if you all
23 think that that's an inappropriate map for our state, I
24 fundamentally disagree. And if you don't want to
25 participate in crafting it, I think you're just going

1 to lose out on some wins that you might have along the
2 way.

3 COMMISSIONER LERNER: Just as a quick note, I
4 would just like to ask you where we have made District
5 4 more competitive on the Democratic side. Can you
6 show me what's happened with the Republicans? Because
7 when you look at the Republican side, those districts
8 have been made less competitive. At one point we had a
9 District 8 that was competitive that is no longer even
10 in the range or in the ballpark.

11 CHAIRPERSON NEUBERG: Part of that -- excuse
12 me. Part of that was to satisfy Mayor Kate. She
13 wanted some of the more extreme rural areas like New
14 River to be removed because she felt that it was
15 creating incompatibilities, and so that created a more
16 extreme CD8.

17 COMMISSIONER LERNER: And then District 1 did
18 not come through -- we have not acknowledged Mayor
19 Kate's requests for what she was asking for for
20 District 3 and District 1.

21 CHAIRPERSON NEUBERG: I fundamentally
22 disagree. We shifted the border in CD1 to accommodate
23 a greater area of the urban area of Phoenix and also
24 gave great attention to the northern part of Phoenix,
25 which is also her responsibility, in CD9. So I believe

1 that, again, we hit a sweet spot with incorporating the
2 very important information from Mayor Kate without
3 doing significant detriment to the other communities of
4 interest. So I don't -- I don't accept that premise as
5 well.

6 COMMISSIONER LERNER: And I will say that
7 that's not exactly -- that's not exactly what she asked
8 for, what she was asking for in terms of removing some
9 of those areas, and we still have some of those in
10 District 1, which is not what she wanted. She wanted a
11 more urban district.

12 CHAIRPERSON NEUBERG: My goal wasn't --

13 COMMISSIONER LERNER: We could go back and
14 look, but --

15 CHAIRPERSON NEUBERG: My goal was not to
16 please Mayor Kate; my goal was to do right for the city
17 of Phoenix and the broader population of Arizona.

18 COMMISSIONER LERNER: And I only mentioned
19 Mayor Kate because -- in response to your comment.
20 That's all. And it's been interesting from my
21 perspective on which elected officials we listen to and
22 which ones we don't.

23 We will sit and listen. I mean, we -- I would
24 love to hear how you think these can be -- be fixed,
25 but I can tell you District 1 in its current iteration

1 is not going to be acceptable and neither is District
2 6, and I do not feel that Republican districts have
3 been made any more competitive, but Democrat districts
4 have been not only diminished in their numbers --
5 districts that were leaning D are now R, and districts
6 that -- District 4, which was a stronger Democratic
7 district, is now more competitive.

8 You know, I'm all about competitiveness. I
9 love that, but I would love to see it on both sides of
10 the aisle. And a District 1 and a District 6 that are
11 two to three points from a 50/50 district to me are not
12 competitive enough. District 1 and District 6 could be
13 more competitive and could be leaning Democrat, at
14 least, and should be, based on the way they were. If
15 we look at a tracking we can see how these districts
16 have been modified from going from D to R, but we don't
17 have any that are going from R to D. It's been very --
18 very clear.

19 And District 4, also -- I mean, I'm not going
20 to go litigating particular districts at this point.
21 That's my statement for this morning as we begin.
22 Thank you.

23 CHAIRPERSON NEUBERG: And I have to say,
24 Commissioner Lerner, this is an example of how maybe we
25 see our Constitutional responsibilities differently.

1 I'm not going to get lost in a little game of 5-4, 4-5,
2 point five here, point four there. That is not our
3 Constitutional responsibility to figure out what
4 percentage is right for the public with an R and a D
5 representative. I'm focused on balancing the six
6 Constitutional criteria as best as we can, and I
7 sincerely believe that when we do that the numbers are
8 going to make sense.

9 I feel like you're attacking it from a
10 partisan perspective of numbers, saying that we have to
11 pick a number and then find a way to get there. I'm
12 simply not comfortable doing that. I would like to
13 have the honest conversation about the Constitutional
14 criteria in all areas.

15 I don't think the numbers are that far away,
16 and it pains me to think as I'm listening to this that
17 with all of the work and effort understanding things if
18 at the end of the day agreement is going to be about
19 whether two districts are within 0.5 percent of a vote
20 spread and when the districts prove to go back and
21 forth over nine races if the decision for our state is
22 going to be made on one of those didn't go right. That
23 doesn't feel right to me. I think we're above that.
24 And I would like to have just honest conversation about
25 perfecting the lines to maximize the interests of our

1 population, and I just hope that it all works out well
2 so people can feel good about it.

3 So let's dive in into the content, and I think
4 one of the major deliberation points we're going to
5 have is on CD6.

6 And I hope you as partners will actively
7 debate and deliberate because you have important
8 information to share, and you're going to, you know,
9 have an impact on the conversation. And if you don't
10 then I'm going to have just one side, you know, in my
11 ear, which is not a healthy thing.

12 COMMISSIONER LERNER: From our perspective
13 that's -- that's where we're -- that's where we're at.
14 I would like to hear your -- your ideas. You selected
15 this map. I would like to hear your ideas on how we
16 can adjust that.

17 I can say we had a fair and balanced map. We
18 had one with our draft map. We had one with 12.0. Our
19 Constitutional criteria are that there should be
20 competitive districts. I -- this map -- and I look --
21 I look at the iterations on how this map has changed
22 and where we are from where we began from our draft map
23 that we approved, and it's amazing to me how this has
24 been chipped away.

25 So my point is that it's very difficult for us

1 to find a way to fix the map, so that's why I'm
2 particularly interested -- we have spent --
3 Commissioner Watchman and I spent quite a long night
4 trying to look -- looking at this map, trying to figure
5 out the ways that these could be adjusted to where we
6 think this is fair.

7 This map is very dominant on one side. It is
8 a very partisan map, and it's -- in some ways it's no
9 different than what happened when we had the previous
10 map that was rejected, which is why we went back to the
11 draft. This basically gets us right back into that
12 same place.

13 I'm sure my Republican colleagues are
14 particularly happy with this map because it gets them
15 exactly where they had hoped to be. And, yes, I do
16 look at those numbers because it is an impact on our
17 state. This is not a map that our state should have at
18 this point based on the way our state exists. So this
19 has been very dominated on -- by one side. It has been
20 all the way through, as you know. And to go back is
21 part of what my concern is. We are literally
22 regressing by using this map instead of some of the
23 other opportunities that we had.

24 CHAIRPERSON NEUBERG: So yesterday when both
25 sides presented a map that I thought I was going to,

1 you know, be allowed to use as a point of education to
2 see where your visions were, what you're saying is if I
3 didn't pick your map then negotiations would be over,
4 because it sounds like you were stuck on that one
5 vision as being the only way to get to where you needed
6 to be. What I'm hearing is there is no way you could
7 possibly get to where you need to be from this map that
8 I, you know, endorsed as a starting point to change.

9 And, again, that's -- it's okay. We can
10 start, and we're not going to close it, because this is
11 way too important. We're not going to allow emotions
12 to drive what's going to be the best map for the state.

13 So if you want we can begin deliberation on
14 this. I have concerns about the map. I have concerns
15 about the -- just maintaining, you know, a high enough
16 Latino CVAP in D8, so I want to be very thoughtful
17 about the changes that have been proposed by
18 Commissioner Mehl extending outside of Tucson. I have
19 concerns about compactness and really thinking through,
20 you know, why communities need to be where they are and
21 does it, you know, really merit the changes in
22 compactness, and I want to be able to compare some of
23 the changes that the Latino Coalition has desired in
24 the other areas around the Yuma Gold split area because
25 that will affect, again, the Latino CVAP of D7.

1 But my goal, whether or not I have cooperation
2 from anybody, my goal is I would like to see CD6 be
3 highly competitive as measured by a vote spread and as
4 measured by races that we follow. I think a
5 congressional map of 4-3-2 in which we have two truly
6 competitive seats and the best candidate can win in
7 some areas, that will, you know, allow for greater
8 accountability to their citizens -- I'm still excited
9 about the map, and I want to get there, and I hope my
10 colleagues will help me.

11 I would like to see CD6 become more
12 competitive. I'm uncomfortable with -- it went a
13 little bit -- you know, these small changes, I think it
14 went a little too far.

15 I'm concerned about the Hispanic CVAP in D7,
16 and I'm concerned about, you know, these, you know,
17 extensions with -- with making justifications.

18 So should we dive into it?

19 COMMISSIONER YORK: Yeah, just a few comments
20 from our perspective. You know, we were nominated by
21 the appellate panel and chosen by our representatives
22 to defend the Constitution. In the last part of the
23 Constitution when it states after you've satisfied the
24 six articles of the Constitution and not to be a
25 detriment, consider competitiveness as the further lens

1 to look at your maps and your -- and your districts and
2 your seats. And so from our standpoint, I mean, we
3 tried hard to listen to the Commissioner. We tried
4 hard to incorporate the VRA requirements. The VRA
5 requirements automatically assign two districts that
6 favor our counterparts. And we can continue to work
7 around those constituents to try to make a map that I
8 believe represents Arizona in a way that we can be
9 proud of.

10 And so from our standpoint, including all of
11 the Native American population in the northern part of
12 the state, including those in Pinal County with the
13 Salt -- I mean the Gila and the river community makes a
14 map that speaks to all areas of the state. We continue
15 to try to work on the Tucson VRA district divide and
16 make that a more competitive, balanced area.

17 But overall I believe portions of our state
18 are communities that are what they are, and we can't
19 change Kingman, and we can't change Globe, and we can't
20 change East Mesa. Those people have chosen to live
21 together in an area that they have families, friends,
22 and garner as their areas and neighborhoods, and just
23 that's how our state is. And so I would argue that
24 we've done a nice job of trying to accommodate all
25 parties, and from that standpoint I would like to get

1 started.

2 But I wanted to remind the public that the
3 last thing in our defined responsibility is to make
4 sure that we don't take into the other six articles of
5 the Constitution before we consider competitiveness,
6 that competitiveness will not have a detriment to those
7 other six criteria.

8 The number one criteria we have to consider is
9 the Voter Rights Act. We have done that in both maps,
10 and we continue to work around that requirement.

11 COMMISSIONER LERNER: I would just like to say
12 that those criteria are not numbered. They are
13 lettered on purpose, and the letters do not give
14 them -- there is a difference in the language about
15 creating no significant detriment to the other goals.
16 However, competitive districts are to be favored as
17 well. It's one of the equal criteria, and it has that
18 additional statement that we all acknowledge, and
19 that's why we don't always look at the competitiveness
20 piece first, but do include it, and it should be
21 included.

22 And the point is that we did everything we can
23 throughout this process to compromise. At this point
24 we're not at a starting point. This is a time that we
25 want to just be doing some minor edits, population

1 balancing, with this -- the cumulative effect of
2 picking this particular map versus any of the others
3 that we had or going back to our draft map is -- is
4 what the problem is.

5 We could have negotiated on District 1 with
6 others and on the Tucson line. We've made that clear
7 that there is room. We had room for that. We don't
8 know -- we don't think this map has room for those
9 negotiations as part of it.

10 It's -- the -- the competitive districts are a
11 co-equal part. It just says no significant detriment.
12 The VRA is a legal requirement. So these are not
13 things when you say, oh, well, we've done -- you know,
14 we've given the two districts. Well, it's a legal
15 requirement to do that. That's not something -- and so
16 basically you could say, well, we gave you one extra.
17 We gave you CD4. There is a legal requirement. That's
18 not what's happening here. You don't give us anything.
19 We try to work together. We've been trying this whole
20 time to work together.

21 COMMISSIONER MEHL: Commissioner Lerner, I
22 would like to speak on the competitiveness, because --

23 COMMISSIONER LERNER: I -- I'm not done. I'm
24 sorry. I've been interrupted a lot.

25 COMMISSIONER MEHL: You've had the floor.

1 COMMISSIONER LERNER: I would like to make
2 sure -- I mean, the competitiveness on the extent
3 practicable, we have talked about this. It is a legal
4 requirement. How we interpret it may be slightly
5 different between us. Obviously that's what's coming
6 out today is some of that difference in interpretation.
7 But as long as it doesn't cut detriment -- cause a
8 detriment.

9 Now, I will agree with Commissioner York:
10 People live where they live, and so we can't manipulate
11 some of that. We know that, and we have not tried to
12 manipulate that. But there are areas where we have
13 people who do live together, and those have been
14 manipulated. And we can see that when we get to the
15 legislative map, but we see that with -- even with
16 District 4 on how that's been modified. We've made it
17 more competitive. Great. Well, let's see what we can
18 do with some of these other districts that could be
19 more competitive.

20 When we look at the rate of what has happened
21 throughout our time, the Republican districts have
22 gotten less competitive, the Democratic have gotten
23 more in -- well, CD4 I will bring up. And then the
24 ones that were tossup districts have moved from
25 competitive within two points to being Republican

1 leaning, and -- and extended that competitiveness.

2 So I just want to make clear that that
3 competitive piece can't be thrown out and say, Well, we
4 don't consider it. We have to consider it as an equal
5 part, as long as it doesn't cause significant
6 detriment, and we have never really -- it has not been
7 clearly defined what that means, but certainly we would
8 not want to -- all of us would agree -- to try to
9 manipulate something to such an extent to make that
10 happen, and I feel at this point some of those things
11 are occurring with this map.

12 And so it's not just do I not want to start
13 because our map did not get picked. That's not it. I
14 would have -- we could go back to another map that
15 provides some fairness and provides some opportunity
16 for change. 12.1 provides very little room because so
17 much is locked in, so that's the concern. It's not
18 saying that, oh, I'm upset because our map didn't get
19 selected. Our map didn't get selected. I feel it was
20 a balanced map. But I feel this one is particularly
21 difficult, and that's the concern. And there are other
22 maps -- if we don't want to go to 12.0, go to another
23 one where there is room for movement.

24 CHAIRPERSON NEUBERG: Where on this map would
25 you like to help?

1 VICE CHAIR WATCHMAN: Madam Chair, if I could,
2 I would like to offer some of my thoughts. I know we
3 referenced the tribal communities, and so I would like
4 to offer some insight. And so I do agree with
5 Commissioner Lerner on the points that she's making,
6 but I want to add some thoughts to the tribal or Native
7 American communities. And I have come to this table in
8 good faith with the thought of trying to do what's
9 right, I believe, for our tribal nations. And tribal
10 nations have -- there is a unique history here and so,
11 you know, trying to compare tribal nations with, you
12 know, gardeners, golfers, or shopping centers, I think
13 we got to get past that.

14 And so what I'm looking for is how do we put
15 together congressionally and legislative districts
16 which allows for tribal neighbors who are very close to
17 a lot of rural communities, how do we give them
18 opportunities, especially now, to get past COVID-19?
19 There is a lot, a lot of challenges in Indian country.
20 And it's not -- it's not because of us here, but it's
21 because of history that -- that Native Americans have
22 endured, not only in this country, but in the state.

23 And so, you know, I think we can't diminish
24 the sovereignty and the -- and the right of tribal
25 nations, and so I think too many people forget that.

1 You know, we've been put on reservations, but we're
2 also here in the state, so we have to -- I heard, you
3 know, years ago that we're dual citizens and we have to
4 coexist. And so we as Commissioners here have the
5 ultimate responsibility of not only recognizing members
6 of the state, but the tribal nations and the citizens.

7 So, you know, we've heard, you know, experts
8 say that, you know, well, you know, tribes are in their
9 own separate area. But I think we need to really look
10 at how do we include tribal nations in -- in the
11 discussion here, so I've been trying to do that. We
12 have to be partners.

13 And I don't think I've been ignored
14 completely, but I really want to look -- especially for
15 this map here. I put on the table -- the Navajo Nation
16 in CD2 put on the table basically the Yavapai split,
17 and there is reasons for that. And I think it was
18 rejected almost, you know, without any question at the
19 get-go. And so that's -- that's an area that the
20 Navajo Nation and many of the other tribes really want
21 to see. By carving out Yavapai and putting that --
22 putting them in with D9, it improves the ability for
23 our tribal nations, and there is many of them in the
24 proposed D2, to have a fair shot of electing and
25 selecting who they want to be in Congress. And that's

1 really important, especially, especially for tribes as
2 they, as we get past COVID-19.

3 You know, and so there is -- there is, again,
4 unique, unique challenges, unique historical issues
5 with our Native American tribes here, so I think we
6 really, really need to, you know, to think about that,
7 and so I just want to put that on record here, you
8 know. The basis for these decisions will have
9 long-term impacts, you know, and so for many of us who
10 are Native, you know, we're thinking seven generations.
11 It's not just for the next ten years, but things that
12 we do now will have lifetime impacts to our children,
13 our grandchildren, so that's how I think. That's how I
14 grew up.

15 You know, yes -- yes, it's about, you know,
16 economic development, and, yes, it's about, you know,
17 growing our assets and, yes, it's about improving our
18 landscape. But to me the bottom line is how do we
19 create paths for our children and their children, you
20 know, to live not in prosperity, but to live
21 comfortably, you know, to live in decent homes, to live
22 in areas where you have broadband, you know, to live in
23 areas where instead of, you know, driving on an unpaved
24 road you have paved roads. And so what we -- what we
25 decide here today can or cannot provide our Natives and

1 the folks who are in rural Arizona the ability to have
2 all the things that I see here in Phoenix, in
3 Flagstaff, in Tucson.

4 And so, you know, we do have responsibilities,
5 and I'm not taking, you know, my responsibility for
6 representing -- I think my -- my letter said,
7 Mr. Watchman, you're here. You're appointed to
8 represent and improve the situation for the indigenous
9 citizens of the state. And, of course, you know, the
10 other members of the state. But, you know, I'm taking
11 my assignment to heart here.

12 And so with this map here, my big
13 disagreement, in addition to what Commissioner Lerner
14 says, was really looking at D2, and I'll just call it
15 the Yavapai split. So that's my concern. I know we
16 already said it's off the table, but I'm raising it
17 again just for, you know, point of clarification and
18 point for the record.

19 So, thank you, Madam Chair.

20 CHAIRPERSON NEUBERG: I think at this point
21 we're ready to try to make some improvements. The
22 areas that I would like to see improved, I'm, you know,
23 not entirely sold on the exact borders of CD3. Some of
24 the changes that we made for communities of interest
25 perspective with the historic neighborhoods also has an

1 impact just on the Latino community, and I would like
2 to give it a little more thought about balancing, you
3 know, different communities of interest within that
4 area. I don't think it's going to be a huge
5 implication with ripple effects, but I would like to
6 give a little more thought to what those specific
7 boundaries ought to look like.

8 With regard to CD4, I love so much about it.
9 I mean, it is within the competitive range. If people
10 want to mess with it, is it going to get one degree
11 here or there? I mean, I believe the general makeup of
12 that district is going to be one that is really
13 representing kind of urban interests and -- and
14 multi-city, you know, flow and, you know, I'm surprised
15 that my Democratic colleagues would have any concern
16 whatsoever about the district. I think it serves the
17 area and our state so well.

18 And, yeah, we're going to have to fight about
19 CD6, and whether my Democratic colleagues help me on
20 it -- I'm not comfortable with where it has gone, and
21 we need further, you know, thought about what that
22 balance is, again, as it relates to ensuring VRA
23 compliance with CD6, communities of interest, and
24 compactness.

25 So I know there is -- emotions are high and

1 there is anger, and, you know, I hope everybody would
2 like to just make the maps better regardless.

3 So I open it up to my colleagues for thoughts
4 and suggestions along the lines with I think what the
5 shared visions are of how to make things better.

6 COMMISSIONER MEHL: Thank you, Chairwoman.

7 And I would want to start just by reminding us
8 that we have succeeded on competitiveness, amazingly
9 strongly. The 2011 Commission, and I'll bring it up
10 again, was praised for how well they prioritized
11 competitiveness. They created three competitive
12 congressional districts. We have three highly
13 congressional districts by a very strong highly
14 competitive measure of the four-point spread or less.

15 District 6, which I will try to make some
16 changes to, is a highly competitive district right now.
17 The vote spread from 2011 for the next closest
18 competitive one after they did the three competitive
19 was 18 or 19 percent. Most of them were way over
20 20 percent. We have a fourth district that's just
21 outside our competitive range at about an eight-point
22 spread. We have succeeded at competitiveness more than
23 the 2011 Commission, which was praised for how well
24 they did this. So I -- I think for being criticized
25 there it's -- it's not correct criticism.

1 So for District 6 and District 7, I would like
2 us to take a look at a few adjustments and see what
3 results -- and I don't know which way this moves the
4 needle. I have no idea. I think -- well, let's just
5 see. But we have had some questions on -- to even
6 better achieve the VRA compliance, you know, can we
7 increase the Hispanic voting percentage in that
8 district.

9 So I would suggest on the southern boundary of
10 D7 that we extend over and pick up Bisbee and Douglas
11 and give up the eastern -- the northeastern portion of
12 Santa Cruz, and that brings in additional Hispanic
13 voters that I think will take that CVAP to over
14 50 percent.

15 To balance that out, I would go into Tucson --
16 and I've been criticized for the line being too far
17 east, but when you look at communities of interest in
18 Tucson, Craycroft Road, Swan Road, anything in there is
19 very reasonable on how it divides the city into very --
20 and keeps a very competitive district in D6 and does it
21 in a way that I think is very positive. But in order
22 to attempt to be more compromising, I would move it
23 back to Alvernon Way, north of Broadway, and then
24 balance by extending south of Broadway, whatever it
25 takes, that arm north of DM, to do -- to do the

1 balance. And I offer this trying to be compromising,
2 trying to listen to criticism that has been made, and
3 trying to do the right thing to create a district
4 that -- both for 6 and 7 that are solid districts.

5 Most of the configuration of 7 has been driven
6 by the original Latino map, and obviously we've
7 adjusted it some, but this would be a really solid
8 District 7 and solid District 6 both for
9 competitiveness on 6, for communities of interest, for
10 meeting the VRA on District 7, and I think this would
11 be an excellent adjustment to finalize District 6.

12 CHAIRPERSON NEUBERG: And, Commissioner Mehl,
13 can you just explain, you know, when we jump to a
14 compromise I want to understand why are you comfortable
15 with a split of communities of interest? Do you feel
16 the relevant parties are still going to be relatively
17 cared for? Do you feel like there is just a higher
18 gain with increasing competitiveness or VRA? If you
19 could just flesh out a little bit the rationale behind
20 this particular compromise.

21 COMMISSIONER MEHL: It keeps the downtown
22 community and the broader University of Arizona
23 community, including the neighborhoods that are so much
24 a part of the university, it keeps them into one
25 district, which we've had people from both parties say

1 would be a good thing.

2 The dividing line in the middle of Tucson,
3 frankly, there is a lot of commonality through that
4 whole area, and I don't think there is a magic line
5 that is right or wrong for communities of interest
6 anywhere from Alvernon to Craycroft. As long as you go
7 to Alvernon you've taken in -- you've kept all the
8 university communities together. You keep -- you keep
9 a lot of the historic neighborhoods in Tucson together.
10 You keep the more Hispanic portions of Tucson that want
11 to be in D7 in D7. It just does many, many good things
12 for communities of interest.

13 CHAIRPERSON NEUBERG: And, Commissioner
14 Lerner, do you feel that this presentation goes too
15 far? Do you feel that communities of interest are
16 harmed, or is it primarily competitiveness? What is
17 your primary, you know, disagreement with this?

18 COMMISSIONER LERNER: First of all, Alvernon
19 is not a compromise. That's exactly what Commissioner
20 Mehl asked for in the first place, which we disagreed.
21 So saying -- calling a compromise what you -- when you
22 went further east and then going back to your
23 original -- we have said all along that we feel that
24 there are different boundaries. And our compromise was
25 quite different. It was a true compromise.

1 And I was actually -- I had problems when
2 Commissioner Mehl said the president lives outside of
3 the university district and goes all the way to
4 Alvernon so we should include where he lives. Well,
5 you know, President Crow of ASU doesn't live anywhere
6 near ASU. We're not going to make a whole district
7 around ASU. Where the president lives is not a
8 community of interest.

9 COMMISSIONER MEHL: But the president in this
10 case lives in a really major university neighborhood
11 that has ties to the university and as a community of
12 interest with the university.

13 COMMISSIONER LERNER: Alvernon is several
14 blocks away from the university or downtown. It is too
15 far from the communities that you're talking about. It
16 is -- yes, there is a competitive piece.

17 And I will just say we completely object to
18 the idea of the arm going around to Douglas. That
19 would not be contiguous, compact. There are a lot of
20 issues with that that it would cut across in that area.
21 Even the legislative one doesn't go that far.
22 That's -- that's a pure attempt to not have to do this
23 with -- with Tucson, to not have to scale back.

24 And scaling back is to -- to the -- and I know
25 we're very selective on which mayors we listen to, but

1 I have in front of me the comments from Mayor Romero
2 where she basically provides a compromise boundary, and
3 it's the boundary that we have requested, which was a
4 compromise to try to accept parts of what Commissioner
5 Mehl suggested with his Alvernon, but not go all the
6 way. And that's -- that's the compromise that I would
7 recommend is going back to that one which really, truly
8 connects those communities in the downtown area that
9 are really bound, the university community, the
10 historic communities, and then separates out those
11 others that are different further east.

12 CHAIRPERSON NEUBERG: But before you -- you
13 endorse a compromise line, can you give me what your
14 ideal line based on community of interest would be?

15 COMMISSIONER LERNER: If you could give me a
16 moment I'll have what I said before.

17 COMMISSIONER YORK: Is there a question
18 regarding the VRA or anything?

19 COMMISSIONER MEHL: Could we at least,
20 while -- while we're looking and talking can we be just
21 seeing what happens if you make that change?

22 CHAIRPERSON NEUBERG: In terms of are you
23 looking at Hispanic CVAP in CD7?

24 COMMISSIONER MEHL: Yeah. And I don't know if
25 the competitiveness moves at all. I have no idea.

1 CHAIRPERSON NEUBERG: I actually -- I mean, if
2 we could have realtime feedback on Hispanic CVAP on
3 competitiveness, I mean, you know, I think that would
4 be helpful.

5 MR. B. JOHNSON: If it is a voting rights
6 issue that you all are trying to discuss right now, and
7 based on at least some of the conversation it appears
8 it is, then our -- if you want guidance from counsel
9 then the appropriate thing is to go into executive
10 session.

11 CHAIRPERSON NEUBERG: Right. I suggest that
12 we collect the data and then from the data seek legal
13 advice to interpret the data.

14 MR. D. JOHNSON: It will take us some time to
15 do, mainly because of the Bisbee-Douglas arm. We got
16 to go find the maps to show the area to take
17 appropriately for that and bring that in.

18 COMMISSIONER YORK: Just on that there is a
19 mountain range in Santa Cruz that kind of cuts
20 diagonally, but you're not following the legislative
21 map.

22 COMMISSIONER MEHL: You can follow the
23 legislative map across to Bisbee, and then it's just
24 extending that out to Douglas and picking up all of
25 Douglas.

1 COMMISSIONER LERNER: I will say that's
2 something we will never agree to.

3 COMMISSIONER YORK: Well, that was the request
4 of the Latino community, if I remember correctly.

5 COMMISSIONER LERNER: The one -- I'm talking
6 about the -- and it's interesting to be able to talk
7 about these mountain ranges in this case but not in
8 all. Having the boundary on the bottom of the state
9 like you're talking about is something I'm saying we
10 won't. We will agree -- we certainly are happy to look
11 at the boundaries within Tucson, as we've been doing
12 all along. We've just been looking at the boundaries.
13 But to -- to -- this is not something, for example, the
14 Latino Coalition has ever even suggested to go there as
15 part of that, and to take that all the way to the end
16 of the state, basically --

17 CHAIRPERSON NEUBERG: In the legislative map
18 the Latino Coalition requested a finger that goes all
19 the way to Bisbee and I believe even Douglas.

20 COMMISSIONER LERNER: Yes, it does.

21 CHAIRPERSON NEUBERG: And so are you saying
22 that you support that in one map but not the other?

23 COMMISSIONER LERNER: There are differences.
24 One is a legislative and one is a -- and, actually, we
25 had alternatives to that as well and then we went back

1 to that. And even the Latino Coalition said they could
2 either have that or not have that. They did have that
3 as one of their recommendations, but, yes --

4 CHAIRPERSON NEUBERG: But you had a strong
5 reaction to say no.

6 COMMISSIONER LERNER: Right. I did.

7 CHAIRPERSON NEUBERG: I'm just curious why
8 when we were all so enthusiastic about accommodating
9 them in one way all of a sudden it's such a -- like a
10 strong no. I'm just curious.

11 COMMISSIONER LERNER: Well, my strong no is
12 this is not a Latino Coalition request. That's part of
13 it. The first -- in the legislative it was a request.
14 They had a very specific reason, so that's one reason.

15 The second reason is that the issues between
16 District 6 and District 7 do not come from the fact
17 that there is an arm that could be brought over to
18 District 6. What this will do is -- the issue between
19 these two districts comes as a result of Commissioner
20 Mehl's request for where he wants the boundary in
21 Tucson. It does not address the communities of
22 interest in that area. That's why I have a strong no,
23 because I would like to go back to our original
24 discussion.

25 CHAIRPERSON NEUBERG: I hear -- I hear what

1 you're saying. I just, then, want to be consistent
2 that I'm not going to be comfortable when an
3 organization says it's in our best interest to include
4 this, you know, community because they're so important
5 to us and intrinsic to, you know, our efforts to elect
6 leaders, but don't do it here because it hurts us. So
7 I just think that we have to be consistent with logic.
8 That's all I wanted to point out.

9 COMMISSIONER LERNER: And I don't disagree we
10 want to be consistent with logic, but there is a
11 difference between a congressional map and a
12 legislative district, and that's my point. And so
13 what -- that -- that's why I'm saying that that is not
14 effective, because of that difference. We're not
15 talking about the same numbers of people. We're
16 talking about differences in terms of how that goes.
17 That's my concern.

18 And I do have the recommendations. It's
19 basically what we gave before. And in a sense,
20 actually, if you would just look at the lines that we
21 had in 12.0 for Tucson, just that piece, that's the
22 recommendation we have. I could give those to you
23 again, but you have those in 12.0. And the difference
24 there does completely go with communities of interest.
25 It will help balance the VRA district and bring it back

1 to what I think will be VRA compliant.

2 COMMISSIONER MEHL: It's VRA compliant today,
3 by everything that we have heard.

4 COMMISSIONER LERNER: I would probably like to
5 get that information from our attorneys.

6 COMMISSIONER MEHL: We have had that
7 information from our attorneys.

8 COMMISSIONER LERNER: As -- as a result of
9 this map?

10 COMMISSIONER MEHL: As a result of many
11 iterations that were in this -- pretty similar to this
12 map.

13 COMMISSIONER LERNER: But not this
14 particular --

15 COMMISSIONER MEHL: No, we got advice
16 yesterday.

17 COMMISSIONER LERNER: For this map?

18 COMMISSIONER MEHL: Yes.

19 CHAIRPERSON NEUBERG: I would like to keep
20 us -- go ahead.

21 MR. B. JOHNSON: I would respectfully request
22 that the Commissioners not discuss items that happened
23 in executive session in public session. Thank you.

24 COMMISSIONER LERNER: So my only -- you asked,
25 Chairwoman, about our recommendation in terms of

1 boundaries, so my --

2 CHAIRPERSON NEUBERG: Yeah.

3 COMMISSIONER LERNER: My -- my suggestion is
4 to go back to the boundary which did include part of
5 Alvernon as a compromise. Again, we were trying to
6 compromise with Commissioner Mehl. But it had a range
7 of -- it had Campbell and Alvernon in it. Alvernon
8 south of Grant and 1st Avenue north of Grant. So we
9 really were trying to have a compromise in that area
10 because it had gone so far east.

11 The other thing that I will mention for
12 District 6 which is part of our concern is that the
13 other piece of our proposal had Casa Grande whole and
14 Casa Grande moving into District 2. That's the other
15 part that worked for this district to make it a truly
16 competitive district. And, remember, our competitive
17 piece was still Republican leaning, but was much more
18 competitive. And so without being able to move Casa
19 Grande and make it whole into District 2, I'm not sure
20 how we would be able to do this.

21 CHAIRPERSON NEUBERG: Your concern is that you
22 cannot provide enough tweaks to make CD6 within the
23 highly competitive range.

24 COMMISSIONER MEHL: It's in the highly
25 competitive range.

1 CHAIRPERSON NEUBERG: Commissioner Mehl, we're
2 looking at two measurements of highly competitive. It
3 is within the range of highly competitive on one. It
4 is not in the -- it's not performing in terms of highly
5 competitive as people vote, and so people are entitled
6 to look at the two different measurements of
7 competitiveness.

8 COMMISSIONER LERNER: Thank you.

9 CHAIRPERSON NEUBERG: And if you're -- you
10 know, look, I am very open to this. You know, I don't
11 want to go searching for things that we don't have to.
12 I would like to narrow us more. If there is a way that
13 we could potentially accomplish a sweet spot for
14 everybody with this without having to, you know, blow
15 up Casa Grande, I think that's preferable. Could we
16 explore this without that? I mean, if not, you know,
17 I'm not going to rule -- look, this is an incredibly
18 sensitive day because by the end of the day we're
19 really going to have a vision, and -- and, you know, I
20 want to -- I think this is it. My sense -- I mean,
21 there is anxiety all across the board. We have a lot
22 with LD6, 7 to decide. But on the congressional map I
23 think my sense is the greatest anxiety and source of
24 conflict is around CD6 and 7. We're not going to have
25 different maps, but I don't want to constrain you too

1 much to prove to me that your model best captures the
2 six Constitutional criteria. Less is more from my
3 perspective. Blowing it up less but getting
4 incremental returns is a good thing.

5 COMMISSIONER LERNER: And that's the other
6 piece, right, so the suggestion by Commissioner Mehl I
7 think blows it up a bit, too. So Alvernon was not a
8 compromise since that's what Commissioner Mehl has said
9 all along. The compromise that I proposed for this
10 district probably won't work without Casa Grande. We'd
11 probably have to go further west in Tucson, which was
12 not our intent. Our intent was to try to compromise
13 with what Commissioner Mehl wanted as that boundary,
14 and so we were trying to be sensitive to that.

15 I understand what you're saying, Chairwoman.
16 Putting Commission -- putting Casa Grande -- making
17 Casa Grande whole and putting it in District 2 was a
18 key piece of that. I don't know -- you know, Casa
19 Grande, I think, should be complete.

20 The map could be -- you know, the lines in
21 Tucson can be adjusted to meet communities of interest.
22 Right now they are so far to the east that that doesn't
23 work. But if you -- if you -- if we combined Casa
24 Grande in 2 that might work, and then we could have a
25 compromise on where the line is in Tucson. I don't

1 know where we go. Otherwise, that's part of the
2 problem that I mentioned at the very beginning. I have
3 struggles with that.

4 CHAIRPERSON NEUBERG: You know, listen, so as
5 I'm listening to this I have been abundantly clear
6 about what I'm looking for, and we have a couple of
7 options. We are going to be working on one map. We
8 are not going to be voting, you know. But if either
9 side wants to have a slight amount of time to play out
10 your, you know, Casa Grande solution and why you think
11 it answers our challenges with the VRA and
12 competitiveness and communities of interest around
13 Tucson and it's not something that's hard or time
14 consuming for mapping to do and my Republican
15 colleagues would like to try to do a better job than
16 what they did yesterday to make that district something
17 that is, in fact, more highly competitive as measured
18 by elections, not just a point spread, that would be
19 very meaningful to me, understanding that I'm going to
20 want to honor our VRA, you know, responsibilities, our
21 compliance as much as possible with the CD7. I think
22 we all have heard a lot from the Latino Coalition and
23 want to consider their requests in our decision. I
24 mean, you know, that will make an impact on me.

25 But that's what I'm looking for, and I'm

1 wondering how we can best get there and keep
2 Commissioners open-minded to potentially having a
3 consensus solution here, because I know you feel it's
4 so far apart. From my perspective it just doesn't feel
5 that way. But we need -- but we're going to have a
6 congressional map at the end of the day in order for
7 our mapping team to be able to make sure that they are
8 perfectly balanced with population tomorrow.

9 And if each side wants to take one last
10 chance, the truth is we're not going to vote on them.
11 We're going to learn from them, and we're going to say
12 what we like about them and maybe incorporate different
13 ideas. I want the five of us to, you know, find a
14 solution for CD6. That's what I want.

15 COMMISSIONER LERNER: Did you have any
16 suggestions?

17 CHAIRPERSON NEUBERG: I don't know. I don't
18 know what side can get me where I need to be, to be
19 perfectly honest.

20 COMMISSIONER LERNER: Well, I mean --

21 COMMISSIONER YORK: Commissioner Neuberg, on
22 this current map, this is for the common knowledge, CD7
23 and CD6 are balanced, just so you know.

24 CHAIRPERSON NEUBERG: If you can take your map
25 and increase the competitiveness such that it performs

1 with races and does, you know, due diligence and that
2 maybe a further, you know, executive session
3 conversation about VRA compliance on CD7, then that's a
4 win.

5 Would each side like an opportunity briefly to
6 give a little guidance, then mapping can do their work,
7 we'll take a break, and then we'll come back and, you
8 know, focus on LDs?

9 COMMISSIONER MEHL: Are we -- are we close
10 on -- if they have this done where we can look at it I
11 think it would be worth us looking at it.

12 MR. D. JOHNSON: They're ready to show you.

13 Bringing up just an issue that was talked
14 about early on in the process, just so it's on your
15 mind, is this does put all the border communities in a
16 single congressional district. Not saying it's good or
17 bad, just for the record, back -- that was a
18 conversation that hasn't come back in a long time.

19 So the changes made in this are it goes all
20 the way to Douglas, comes up -- where the word "vista"
21 is on the map, that's actually Bisbee. That's getting
22 Douglas, Bisbee, taking the mountain range through to
23 put northeastern Santa Cruz County in District 6, and
24 then in Tucson using Alvernon as a boundary, and then
25 just comes east a little bit in the Broadway golf

1 course -- Golf Links corridor, the balance.

2 COMMISSIONER MEHL: And what happened on
3 competitiveness and on the CVAP?

4 MR. D. JOHNSON: District 6 ends up 51.67 to
5 48.33, 3.34 spread. And if we go across -- oh, there
6 is only two of the elections.

7 COMMISSIONER YORK: What's the CVAP?

8 COMMISSIONER MEHL: 50.77.

9 MR. D. JOHNSON: The CVAP of District 7 is
10 50.77, the Latino CVAP.

11 COMMISSIONER MEHL: I didn't know how far it
12 would go out Broadway. Could you adjust the Alvernon
13 boundary to Country Club, which I believe was
14 Commissioner Lerner's last request, and then go out
15 farther on Broadway to balance?

16 MR. D. JOHNSON: Sure.

17 COMMISSIONER MEHL: I'm trying to compromise.

18 COMMISSIONER LERNER: If you can get it down
19 to, you know, less than a point.

20 COMMISSIONER MEHL: It's not going to get down
21 to less than a point.

22 COMMISSIONER LERNER: Well, then that's not --
23 that would be the compromise. I'm sorry, because --

24 COMMISSIONER MEHL: I thought this was a
25 community of interest issue between --

1 COMMISSIONER LERNER: It is a community of
2 interest, and competitiveness is --

3 COMMISSIONER MEHL: There is no difference --

4 COMMISSIONER LERNER: -- one of the factors.

5 COMMISSIONER MEHL: Frankly, there is no
6 difference in those communities in that area, either
7 east or west of Alvernon or east or west of Country --
8 well, west of Country Club is all the university stuff,
9 in fact, and bleeds out to Alvernon. But there is --
10 you are not really making a community of interest
11 argument; you're making a purely partisan argument.

12 COMMISSIONER LERNER: That is not true.
13 That's exactly what you have done by creating this
14 district in the way you have done it. We had a
15 district that was -- a CD6 which has a history of going
16 back and forth between Republicans and Democrats and
17 was a truly competitive district and met the
18 communities of interest in Tucson, and you changed it
19 by wanting to move it further east to take in different
20 groups, grouping -- grouping folks in ways that were
21 not part of communities of interest, and you did that
22 for purely partisan reasons, and all we have to do is
23 look at the data to see that.

24 CHAIRPERSON NEUBERG: Commissioner Lerner,
25 we're responsible to change districts. Population

1 changes. What may have worked ten years ago, we are --
2 we are required to ignore those previous boundaries, so
3 let's focus on the job at hand.

4 COMMISSIONER LERNER: I was just replying to
5 Commissioner Mehl. That's all.

6 COMMISSIONER YORK: There is one thing that
7 this does that actually might help the state is it puts
8 the congressional representative solely responsible for
9 the border communities and so there is no longer a
10 conflict of voice. One of the things that's happening,
11 the current infrastructure legislation that has been
12 passed by the federal government, there is huge
13 investments in Douglas and in Bisbee and in Nogales on
14 the border crossing, so that might be in our best
15 interest.

16 COMMISSIONER LERNER: And just as a point,
17 since I am somebody who does a lot with history, I
18 understand that we have to start over. I'm not saying
19 that we should be using the same lines from the past.
20 I'm using those -- Commissioner Mehl brought up with
21 what the 2011 Commission did so I am reacting to some
22 of that. We -- we do have to have new lines, but that
23 doesn't mean we ignore history. The fact that we have
24 this particular area and this particular district has
25 served Tucson and the southern part of Arizona

1 extremely well because it is has had varied
2 representation, because both Republicans and Democrats
3 have been elected there, and that way they are able to
4 actually address the needs of Southern Arizona by
5 having the potential to have representatives from both
6 sides of the aisle. And the fact that it can swing
7 back and forth has been an important piece of that area
8 in accommodating those folks, and that's what I'm
9 talking about is the fact that it should be a district
10 that can swing back, and a 3.5 district will not.

11 CHAIRPERSON NEUBERG: Okay. If I'm looking at
12 the changes is it now within like a one-point swing,
13 48.33 with 51.67?

14 COMMISSIONER YORK: Yes.

15 CHAIRPERSON NEUBERG: Okay. Isn't that what
16 we're achieving, an incredibly competitive district?

17 COMMISSIONER LERNER: That is not -- not as
18 far as I'm concerned. We had it closer. That's not
19 close enough as far as I'm concerned, and I think it's
20 not -- it's because we're not really making the
21 compromises that we've requested as part of it. We
22 are -- the compromises are basically going back in most
23 ways to what was asked for before. And I would
24 probably like to find out if this is -- I'm not going
25 to go ahead and make -- I don't feel comfortable, I

1 should say, going ahead and having a massive change to
2 LD7 from what the Latino Coalition requested. And I
3 know that you have said we don't take anybody
4 completely with everything, and we certainly have made
5 adjustments, but I would like to get their perspective
6 on the change that has been requested by Commissioner
7 Mehl.

8 CHAIRPERSON NEUBERG: Okay. I just want to
9 say, I mean, we literally just got it to like within a
10 two-point highly competitive spread. We're working in
11 good faith. And I guess I really hope partisanship
12 isn't dominating this, because as a chair that is
13 really trying to bring sides together I'm not sure I
14 can do much more than a 1.5 spread while also honoring
15 all Constitutional criteria. And if at the end of the
16 day our division is about a point, I think sides are
17 losing track of -- of what we're really focused on.
18 But let's keep working on it, because if there is a way
19 to do it I want to do it.

20 COMMISSIONER LERNER: Alvernon is not the
21 compromise, though. Remember, that was the original
22 idea from Commissioner Mehl. And I would like to see
23 the -- not just -- we're looking just right here at
24 what it looks like in terms of Democrats and
25 Republicans. I would like to actually see the vote

1 spread and the votes as part of that, because that's
2 part of our competitiveness criteria, and see where
3 that goes. And I would like to actually, you know,
4 have the boundaries for Tucson that we suggested input
5 and then maybe see what we could do with -- with Casa
6 Grande. I don't know why Casa -- we think it's okay
7 for a community like Casa Grande to be split anyway. I
8 don't -- I don't think that that's -- it's a smaller
9 community that shouldn't have to be split.

10 CHAIRPERSON NEUBERG: Just out of
11 clarification, if we can meet your needs this way but
12 we don't change Casa Grande, is that enough, or do we
13 have to do all of it to get your vote?

14 COMMISSIONER LERNER: I would have to look. I
15 mean, I'm willing to take a shot at it. I just don't
16 know if we can do it.

17 CHAIRPERSON NEUBERG: Okay. You know, at this
18 point maybe it makes sense to have a brief recess,
19 unless there is just a few suggestions on the changes
20 of CD6, and see where we can get with just wrestling
21 with some Constitutional adjustments.

22 COMMISSIONER LERNER: So we can take a break
23 and see if we can come up with an alternative Tucson
24 divide. That would be -- but this -- this particular
25 one is including the border piece. Correct?

1 COMMISSIONER MEHL: Yes.

2 COMMISSIONER LERNER: And to me that's part of
3 the blowing up -- we can take a break.

4 MR. D. JOHNSON: We -- we have it drawn.
5 We're just pulling up the -- the nine races to see
6 which -- if it swings or not.

7 So District 6 as drawn uses Country Club as
8 the north/south border north of Broadway, and then it
9 comes out to -- what are those -- Kolb. So between
10 Broadway and Golf Links it comes out to Kolb and then
11 extends -- just for balancing, north of 22nd, north of
12 Broadway, it extends a little past Kolb to -- to get
13 them both balanced within about 200 people.

14 And the resulting numbers, as you can see at
15 the bottom, the spread is 51.42 to 48.59, so that's a
16 little less than three percent. The -- and looking
17 across you can see it's right on the line, the
18 presidential race -- the 2020 presidential race was
19 50.19 to 49.1 -- 49.81, so it did not -- it went to
20 Republicans by less than, what is it, 4/10ths of a
21 percent. The Senate race in 2020 was won by the
22 Democratic candidate, so we do have one swing race
23 there. And then you can see across the -- oh, and the
24 superintendent of education was won by the Democratic
25 candidate as well.

1 So we have two swings of the nine we're
2 looking at, and the others are -- many of the others
3 are right on the edge.

4 COMMISSIONER LERNER: So it's a 2-7.

5 CHAIRPERSON NEUBERG: But extremely tight,
6 where, you know, many of them could have gone either
7 way.

8 COMMISSIONER LERNER: But they didn't, and
9 that's not -- a 5-4 or a 4-5 would be a truly
10 competitive, not a 2-7, just for the record. And if
11 they're below -- several of them were 45, 46, 48, 46.

12 COMMISSIONER MEHL: If we can't satisfy then I
13 would love to go back to Alvernon. If we can't -- if
14 this doesn't -- if this doesn't make --

15 COMMISSIONER LERNER: This is a 2-7. This is
16 not a competitive district. A 5-4 or 4-5 is
17 competitive.

18 COMMISSIONER MEHL: That is absurd. You are
19 redefining competitive districts.

20 COMMISSIONER LERNER: That is not --

21 CHAIRPERSON NEUBERG: Colleagues --

22 COMMISSIONER MEHL: Each step we take you have
23 changed the goalposts.

24 COMMISSIONER LERNER: You have done that --
25 you have made -- the changes you made were purely

1 partisan in nature. We had a map that was going to
2 both meet communities of interest, meet geographic
3 boundaries, do all of the things that we are supposed
4 to constitutionally do. When you made those changes in
5 Tucson it was specifically packing District 7 with
6 White liberal voters and taking them out of District 6,
7 and it resulted in this map, so I don't think you can
8 be -- we were looking at a compromise that would still
9 lean Republican. Our compromise was not to get a
10 district that was a pure blue district. It was going
11 to still lean, but it was going to be truly competitive
12 and meet the communities of interest in that area.

13 CHAIRPERSON NEUBERG: Commissioner Lerner, I
14 would like to reiterate again my commitment to get to
15 the same place you would like to be. I would like us
16 to all please remain focused on our goal. And, again,
17 I really hope that at the end it's -- you know, this,
18 as a statistician, scientist, this data is noisy. For
19 us to be having, you know, vitriol and angst and
20 mistrust and having an ultimate vote be based on data
21 that probably has an error of a point or two on each
22 side anyway, just think about what we would be doing.

23 And with that let's take a recess for
24 15 minutes. Thank you.

25 (Brief recess taken.)

1 CHAIRPERSON NEUBERG: Welcome, back,
2 everybody. Thank you for your patience during our
3 recess.

4 We will resume with Agenda Item No. VI, draft
5 map decision discussion. We are in the midst of
6 deliberating the CD Map 12.1. I open it up first if my
7 colleagues would like to reiterate or share any
8 perspectives on the current debate as it relates to
9 particularly CD6.

10 COMMISSIONER MEHL: I would like to point out
11 that within the Tucson urban area we now have gone
12 totally to -- well, almost identical to the split that
13 was in the 12.0 map that Commissioner Lerner was
14 advocating, so we have gone within the urban area of
15 Tucson to that split. And this map achieves really
16 strong competitiveness. I mean, we're down to a very
17 small vote spread, and we're down to -- to elections
18 that have flipped. In the past all the discussion has
19 been if they flip at all then that's considered a very
20 significant thing.

21 So, Doug, is there anything you can tell us on
22 how we should be looking at is this a competitive
23 district?

24 COMMISSIONER LERNER: I don't know that -- I
25 mean, I'm just going to say that's -- I don't know if

1 that's his judgment to make.

2 COMMISSIONER MEHL: I'm asking if he would --
3 in the industry, I mean, this looks very competitive to
4 me.

5 COMMISSIONER YORK: The voter spread is 1.59.

6 COMMISSIONER LERNER: 2-7. That's all I'm
7 going to say. And we had -- we've had this district at
8 4-5 or 5-4 throughout, and now it's 2-7. It was 0-9.
9 Now it's 2-7.

10 So I don't know -- I'm sorry, Doug. I'll let
11 you go ahead and respond. Sorry.

12 MR. D. JOHNSON: No, yeah. I mean, you're all
13 exercising your judgment on these measures. I would
14 just go back to the discussion we had with the academic
15 panel. They talked about the two measures being your
16 swing percentages between the two composite
17 elections -- or, I'm sorry, the vote spread, and then
18 the swing analysis of the other elections, looking at
19 how close is the composite performance. We've got a
20 couple of percent vote spread.

21 And then does this district have a history of
22 swinging, and as currently drawn it swings in two of
23 the nine elections we looked at. In terms of the
24 degree of competitiveness and how that weighs into the
25 factors, I would defer to the Commissioners' judgment

1 on those.

2 CHAIRPERSON NEUBERG: So we're moving in the
3 right direction.

4 COMMISSIONER LERNER: So I -- Commissioner
5 Mehl, I would be more than happy to have the swing go
6 2-7 if it's Democrat, if that would be acceptable to
7 you as a swing.

8 But otherwise I do have a suggestion that I
9 think might improve it, and I will -- I would like to
10 see what happens if we implement this with the mappers.

11 MR. KINGERY: And to clarify, we did live
12 mapping on essentially 13.0. The suggestions that
13 you're about to say, is that going to be a new map from
14 12.1, the last approved 12.1?

15 COMMISSIONER LERNER: It would go off of 12.1.

16 MR. D. JOHNSON: As we started the day or the
17 changes we made a few -- earlier?

18 COMMISSIONER LERNER: We could go either way.
19 What do you prefer, Madam Chair?

20 CHAIRPERSON NEUBERG: Well, we can't get off
21 one consolidated, you know, agreed-upon map.

22 COMMISSIONER LERNER: Okay.

23 CHAIRPERSON NEUBERG: So --

24 COMMISSIONER LERNER: That's fine.

25 MR. KINGERY: So then all these changes will

1 be to the map that's shown on the right side of the
2 screen, which is essentially the one that I've done
3 live during today's session.

4 COMMISSIONER LERNER: Okay. So I want to make
5 a point first, and that is, first of all, we're trying
6 very hard to find compromise, and as I mentioned at the
7 outset this is an incredibly difficult one for us to
8 find compromise, this whole map.

9 The other point is that our preference would
10 be to make Casa Grande whole because I think that's
11 better in terms of Constitutional requirements. Moving
12 it to District 2, just as a note, also aligns it with
13 their communities of interest in their area with other
14 communities that they are aligned with. There are a
15 lot of good reasons for Casa Grande to be whole and not
16 to be in District 6 and to be in District 2, by placing
17 them -- all the things that I've made before -- all the
18 comments I've made before.

19 The other piece that it did do besides align
20 it with Coolidge, Florence, Sacaton, the areas that
21 they live near and not have an arm going all the way up
22 into Pinal to that extent, is it actually made District
23 6 -- District 2, sorry, slightly more competitive and
24 put it actually within our competitive range, the big
25 competitive range, not the one I prefer. And that

1 was -- but mostly by -- by splitting Casa Grande and
2 not moving it with its communities of interest it
3 actually makes -- I'm sorry. It actually makes --
4 there is a strong community of interest argument. Our
5 preference would be to go back and do that, but my
6 impression is unless the Chairwoman would let us do
7 that that we can't.

8 CHAIRPERSON NEUBERG: But my interest is the
9 motivation behind that has to do with CD6, and so what
10 is your envision of how that will impact CD6 explicitly
11 and as succinct of a way without necessarily mapping it
12 all. You know, why you think that collectively is
13 advantageous for the entire state.

14 COMMISSIONER LERNER: Well, it actually allows
15 us to make some of those changes in District 6 with
16 communities of interest and have a population balance
17 and align the communities of interest in 6 and 7 by
18 being able to actually better connect the communities
19 of interest and the geographic boundaries in District
20 6. It also would allow us to do it without that arm
21 that now is going out that also now is not making as
22 compact a district. It allows us to make a District 6
23 more compact and -- and then will allow the population
24 balancing. And it helps District 2 because it aligns
25 communities that have common interests.

1 I will mention that if we did that it does
2 affect other districts, which I know is the issue,
3 because of population balancing issues, but there
4 are -- right now we have this arm that I thought at one
5 point we all were in agreement as a Commission that
6 having an arm going into Pinal County was not the ideal
7 thing to do. We agreed with Commissioner Mehl's line
8 that he had on the east side. We thought that that was
9 a good line that he had drawn and respected the
10 communities in those areas. But this -- this really
11 doesn't do that.

12 And so I'm mentioning that because the
13 Republicans made a, you know, major shift in moving the
14 boundaries over to the east to include other
15 communities. I'm just mentioning that we had a
16 solution that actually benefitted communities in Pinal
17 by combining them. I mean, Casa Grande is right next
18 door to Florence and Coolidge and those areas, and to
19 be in a separate district and having that arm going in
20 from District 6 has always been a concern.

21 And so that's the argument from a community of
22 interest and geographic perspective, Chairwoman.

23 CHAIRPERSON NEUBERG: So please continue that
24 line of reasoning, and I'm most focused on its
25 implication in CD6 as it relates to the Constitutional

1 criteria there. Communities of interest were obviously
2 struggling with that piece that goes east of U of A.
3 We're looking at compactness, contiguity, and
4 competitiveness. And so you know that there is not an
5 appetite amongst the Commission to do any kind of
6 serious, you know, re-carving or re-deliberation, so in
7 a very succinct way share with us why you think this
8 solves all of our problems and can get us to a
9 consensus vote.

10 COMMISSIONER LERNER: Well, I will tell you
11 that Casa Grande alone does not solve all of our
12 problems. I'm just mentioning that because I'm saying
13 that that is a better fit. I have another option that
14 is a big compromise that I can propose, but I wanted to
15 put on the record about Casa Grande because I think
16 that is a Constitutional issue, the fact that we are
17 dividing it and not putting it with like communities of
18 interest and having the District 6 reach that far into
19 Pinal County when it didn't need to, so I just wanted
20 that for the record.

21 But I can give you the compromise for Tucson,
22 and the compromise is keeping that arm that I'm not --
23 I do not feel should be -- should be there, but, again,
24 trying to find common ground. If we accept that, then
25 if we go into Tucson I will give you the boundaries

1 when you're ready.

2 MR. FLAHAN: One second.

3 COMMISSIONER LERNER: So we're not moving Casa
4 Grande right now. Correct?

5 CHAIRPERSON NEUBERG: I think it makes sense
6 to start here. I think this is --

7 COMMISSIONER LERNER: In Tucson?

8 CHAIRPERSON NEUBERG: With what you're doing,
9 yes. I mean, starting to move Casa Grande would --
10 would be a big shift, and I'm interested in seeing
11 where you're going here with some smaller shifts that
12 may incrementally get us where we need to be.

13 COMMISSIONER LERNER: So I'm actually
14 confused. Are you going to move that?

15 CHAIRPERSON NEUBERG: I'm confused. Are you
16 trying to portray a vision of moving Casa Grande and
17 having that play a role in our vision of, you know, CD6
18 and 7, or are you proposing something that's more
19 moderate? I'm a little confused with what you're
20 proposing here.

21 COMMISSIONER LERNER: Okay. I wanted to -- my
22 statement was to make a point about why I feel Casa
23 Grande -- the move of Casa Grande is from a
24 Constitutional perspective the right thing to do.
25 However, it was my understanding that because there are

1 ripple effects that it would not be something we could
2 do at this time, but I wanted it on the record, that's
3 all, of why I feel that it was appropriate and that it
4 actually meets our Constitutional requirements, and
5 that I thought we had had an agreement to try to not
6 have District 6 move so far into Pinal County, but we
7 are not following what I thought was an agreement from
8 earlier, so I wanted that in the record. That's all.
9 But I did not think we were moving it because if we
10 move it there is a lot of ripple.

11 CHAIRPERSON NEUBERG: Right. Okay. Please
12 continue.

13 COMMISSIONER LERNER: So we're not moving Casa
14 Grande. And, again, just to be real clear, this is
15 a -- everything we're doing right now, those moves, are
16 to try to make this district both more competitive and
17 also to place people, I feel, more communities of
18 interest in together in more like-minded ways.

19 Whenever they're ready. Tell us when you're
20 ready.

21 MR. D. JOHNSON: Yes. There is a very
22 annoying and time-consuming bug in Esri that they know
23 about and they're trying to fix, but we hit it, and so
24 we're figuring out a way around it, and I think we got
25 it.

1 COMMISSIONER LERNER: Well, I don't know how
2 many times I've had to reset my computers during these
3 meetings, so I totally understand.

4 MR. KINGERY: All right. So the -- the map
5 that we're going to be showing on the screen and any
6 changes, recommendations presented by you are not going
7 to include the Tucson, Douglas, Bisbee changes
8 currently as we do -- as we draw them live.

9 COMMISSIONER LERNER: No. They should include
10 that. That is not something -- as I said, right, I'm
11 not -- I don't want that.

12 MR. D. JOHNSON: Correct.

13 COMMISSIONER LERNER: But if I can't do the
14 Casa Grande, we can't make this work. The Casa Grande
15 for me has a lot of benefits because it puts the
16 community together. It aligns them with communities of
17 interest. It does not allow District 6 to extend with
18 that arm that I thought we were going to try to do away
19 with, and it makes District 2 more competitive. And if
20 that's -- but if that's not going to be -- I mean, I
21 would love to have a vote from the Commission on can we
22 do that, but I --

23 MR. D. JOHNSON: What Brian is saying is
24 purely for technical reasons. You let us know what you
25 want to see in the map and we're going to draw it in.

1 COMMISSIONER LERNER: Okay. So --

2 MR. D. JOHNSON: We'll make it work.

3 COMMISSIONER LERNER: -- everything we're
4 doing is going to have to have that arm at this point.

5 MR. D. JOHNSON: Yes.

6 COMMISSIONER LERNER: So if you want to redraw
7 that. I thought we were working off of the last one
8 that they had done.

9 MR. D. JOHNSON: That -- that was our
10 intention.

11 COMMISSIONER LERNER: Oh, that's just our
12 glitch? Got it. Got it.

13 MR. D. JOHNSON: It's a technical issue. If
14 you want -- actually, if we take a five-minute break we
15 can --

16 COMMISSIONER LERNER: You've got the arm right
17 there. Right? Okay.

18 MR. KINGERY: So the map I'm showing right now
19 does include the arm, but we would need maybe about
20 five minutes just to get the lines right in Tucson. So
21 where we were showing the 13.0 version before, so from
22 there that's when you can start giving your
23 recommendation.

24 COMMISSIONER LERNER: But I can just give you
25 some -- oh, I'm not sure if my lines will make sense

1 because they're not coming off of anything. I have
2 them based on the current lines. I mean, I could try.
3 I could -- I could see what you think if I give you
4 something. Do you want me to -- do you want five
5 minutes, or do you want me to just -- I can redo the
6 first one and you can see if that can be done based on
7 the lines you currently have. It's up to you, however
8 is best for you.

9 MR. D. JOHNSON: If we can, why don't we take
10 a five-minute recess and we'll sort out the technical
11 piece to this.

12 COMMISSIONER LERNER: I mean, I could just
13 redo the lines if you want, unless -- I mean, I don't
14 know that we have to start with the other one. It's up
15 to you on what's best, but if we started with this one
16 would that work or -- instead of recreating, or do you
17 want to have that so you can compare?

18 And maybe, Madam Chair, we can just have them
19 duplicate it just for this piece, still knowing we're
20 working off of 13.0, but just to expedite the --

21 MR. KINGERY: Well, we do have the auto log
22 for the steps that we took to produce 13.0, which was
23 the map that was on screen prior to recess, and that's
24 what I'm attempting to recreate right now, so in about
25 five minutes we can have that map.

1 CHAIRPERSON NEUBERG: So why don't we take a
2 five-minute recess and we'll reconvene and look at the
3 map. Does that make sense? It sounds like they need a
4 few minutes to reorient. Let's take a five-minute
5 recess, and we'll reconvene five to seven minutes.

6 (A brief recess was taken.)

7 CHAIRPERSON NEUBERG: Are we live? Okay.
8 Excellent.

9 Welcome back, everybody. We are resuming to
10 Agenda Item No. VI, draft map decision discussion. We
11 are in the midst of discussing our latest iteration of
12 the congressional map drawing. We have been focusing
13 most intensely on the boundaries between CD6 and 7, and
14 I open it up to resuming some debate and deliberation
15 from my colleagues about these lines.

16 Just as a reminder, I'm very focused on
17 thinking about these lines through the lens of our
18 Constitutional criteria: competitiveness, communities
19 of interest, contiguity, and, of course, honoring VRA
20 compliance with CD7.

21 And so with that I turn it over to my
22 colleagues to resume their line of reasoning and
23 arguments for where they would like to see the lines
24 moved.

25 COMMISSIONER LERNER: So I'm going to go ahead

1 and give you the lines in Tucson and the reasoning for
2 those as part of it. For right now this is including,
3 as I mentioned, that Bisbee-Douglas arm that's there,
4 that you have on there. I just want to make a note on
5 that, that Santa Cruz County had requested to be whole.
6 We have heard that from other counties, and we've --
7 like Yavapai, and we've been saying okay to Yavapai,
8 and Santa Cruz was very clear in their congressional
9 that they wanted to be whole. This does not do that,
10 but for now I'm going to give you just the Tucson
11 changes.

12 So if we go into Tucson north of Grant Road on
13 the line that you have, I want to have you move this
14 west. Please move this west to 1st Avenue, north of
15 Grant. There are communities in that neighborhood that
16 would fit better in District 6 and then District 7.
17 These are suburban, a little wealthier neighborhoods in
18 that area. And then south of Grant and north of
19 Broadway we're going to keep the line at Alvernon,
20 which is a compromise that addresses Commissioner
21 Mehl's community of interest argument.

22 And let me know when you've got those two and
23 I'll give you the next one.

24 MR. FLAHAN: If you give us one sec.

25 COMMISSIONER LERNER: Yep. And just for the

1 record, university areas tend to be more in the south
2 part of that as well.

3 MR. KINGERY: Okay.

4 MR. FLAHAN: Okay. We got the first step back
5 to --

6 COMMISSIONER LERNER: Moving the line west of
7 1st Avenue.

8 MR. FLAHAN: Yep. Can you give us the second
9 step when you mentioned Alvernon?

10 COMMISSIONER LERNER: Sure. The second step
11 is going south of Grant and north of Broadway, keeping
12 the line at Alvernon.

13 MR. FLAHAN: Okay. We've moved D7 out to
14 Alvernon, north of --

15 COMMISSIONER LERNER: North of Broadway.

16 MR. FLAHAN: Yep.

17 COMMISSIONER LERNER: Correct. Okay. Thank
18 you.

19 And then south of Broadway, north of Golf
20 Links move the line east to Camino Seco. These are
21 working class neighborhoods that are south of Broadway,
22 and they fit better in District 17 -- 7. Sorry. Thank
23 you. There is also more Latinos in that area.

24 MR. FLAHAN: Okay. We have D7 on the eastern
25 edge now following Camino Seco, and that road does

1 curve south of 22nd Street down to Golf Links. That's
2 why you see the bend in it. It comes over to the west
3 and then curves down.

4 COMMISSIONER LERNER: How are we on
5 population?

6 MR. FLAHAN: Right now District 6 is 2,787
7 under, and District 7 is 3,081 over.

8 COMMISSIONER LERNER: Okay. So this has the
9 line west when we're north of Grant Road and east when
10 we're south. Right? That's the -- that's the general
11 discussion. Just want to make sure because, you know,
12 we're only seeing pieces of it.

13 MR. FLAHAN: So -- turn it back on. So on the
14 north end from the river down it comes down 1st Avenue
15 to Grant. From Grant it goes out east to Alvernon, and
16 then Alvernon goes down south to Broadway. And then
17 Broadway goes east to Camino Seco, which then proceeds
18 down to Golf Links. When it hits Golf Links it goes
19 back west.

20 COMMISSIONER LERNER: Okay. So if we go to
21 the part that's north, that's where we could -- the
22 north of Grant Road, we could move of it a little bit
23 further west.

24 MR. FLAHAN: Do you have a specific trunk that
25 you would like us to --

1 COMMISSIONER LERNER: I'm trying to balance,
2 so I'm just saying north of Grant let's move it a
3 little further west for the balancing piece, to try to
4 get that over a little bit more. We could do it at --
5 I wonder -- I don't know if we could do it all the way
6 to Oracle or Stone.

7 COMMISSIONER YORK: You have to go east. 6 is
8 under and 7 is over.

9 MR. D. JOHNSON: She's right. 16 is a pickup
10 territory from 7. So do you have a preference of -- we
11 can start from the north over to Oracle or start from
12 the east and come just down. I guess the question is
13 if you want the Tucson Mall to stay in 7 or to move
14 into 6 as we add population.

15 COMMISSIONER LERNER: So 6 is low.

16 MR. D. JOHNSON: Right.

17 COMMISSIONER LERNER: So -- so you could put
18 the mall in 6.

19 MR. FLAHAN: In the corner? If we took the
20 mall only -- that's only 18 people.

21 COMMISSIONER LERNER: That didn't do much. So
22 if you -- yeah, try that. That looks pretty close.

23 MR. FLAHAN: So the blue lines that are on the
24 screen right now take District 7 to one person for
25 deviation and 6 to 293 over, and it would take out that

1 northeast section by the Tucson Mall Brian just showed.

2 COMMISSIONER LERNER: Okay. Can we take a
3 look now at competitiveness as part of this?

4 MR. FLAHAN: Sure.

5 COMMISSIONER LERNER: And give us the
6 actual -- it's hard to see. And the count for the
7 competitiveness in terms of the elections, please.

8 MR. FLAHAN: And if you want to take a
9 different corner we can undo it and try to take a
10 different corner.

11 COMMISSIONER LERNER: Okay. We can take a
12 look at it. If it helps to take a corner since that's
13 what we're looking at for population balancing we might
14 do that, but I would like to see -- I don't know where
15 we are because I didn't have a way to check that.

16 MR. D. JOHNSON: Brian is bringing up the --
17 the nine elections that we check for swing, but in the
18 spread, District 6 you can see there is 51.01 to 48.98,
19 so a 2.02, 2.03 percent spread.

20 COMMISSIONER LERNER: 2.02 you said?

21 MR. D. JOHNSON: Yes. And for 2020 the -- you
22 got -- we get both of the 2020 elections that you see
23 on the screen are 50.22 and 50.66 for Democratic
24 candidate, so by the numbers just slightly Democratic.
25 And then the Secretary of State race and the

1 Superintendent of Education race are also Dem wins, so
2 this would be a 5-4.

3 COMMISSIONER LERNER: 5-4 or 4-5? I mean, 5-4
4 Republican, right?

5 MR. D. JOHNSON: Yes.

6 COMMISSIONER LERNER: Okay. To me that's much
7 more of a competitive district than a 2-7.

8 So I think that's my recommendation,
9 Chairwoman, for -- for that, for the Tucson area.

10 COMMISSIONER MEHL: Could you zoom out so we
11 can see the whole thing again? And what's it look like
12 down south?

13 COMMISSIONER LERNER: Well, actually, it's
14 good to see the whole thing because I think it's got
15 some odd shapes.

16 CHAIRPERSON NEUBERG: And as we're looking at
17 these small modifications, I, of course, am curious
18 about the relative additive benefits and in how it
19 advances certainly Constitutional criteria and how it
20 may harm other interests and why we feel this is the
21 superior choice. Very open-minded, but I just want to
22 make sure that we're deliberating on the criteria that
23 unite us.

24 COMMISSIONER LERNER: From my perspective,
25 this is not the optimum choice. This is a complete

1 compromise that I -- I'm -- for us in terms of that. I
2 don't -- I think it -- I think it does a better job in
3 Tucson as part of that, but I still have concerns about
4 District 6 extending so far into some -- cutting
5 counties and extend -- extending into other counties.

6 District 7 now -- if you could zoom out a
7 little bit more we could take a whole look at District
8 7. It's -- I don't feel it's a great compact district,
9 but I do feel that Tucson is better represented in that
10 as a positive. But when you look at the district both
11 for 6 and 7, I would say we have some geographic
12 challenges in that. But I feel this is a compromise.

13 COMMISSIONER MEHL: And I look at this and I
14 think that the split in Tucson is -- is less
15 advantageous for the communities there. That area that
16 was divided off north of Grant is an identical
17 community to what's west of it. It's not correct to
18 say that those are different types of communities or
19 that they're a higher income community. That would be
20 factually incorrect. Those are very, very similar
21 areas.

22 I think that the division that we have
23 proposed, we took the 12.0 map division in Tucson from
24 the Democratic map, and that has been our proposal as a
25 compromise. Going further like this to gain really

1 nothing -- the competitive difference is so small it's
2 rounding error differences, but it is a map that is
3 less reasonable for the people of Tucson.

4 I think at this point, Chairwoman, I would
5 recommend we -- we stall with these two issues in
6 Tucson and look at the rest of the congressional map
7 and see if there is other differences, or are we close
8 to this being the only -- well, we have a little
9 balancing to do, I know, between the two districts.
10 Maybe we should do that, and get an opinion as to are
11 we ready to adopt the map just making this decision
12 between 6 and 7 and doing the balancing, or do we have
13 other big -- big issues?

14 CHAIRPERSON NEUBERG: I'm happy to move around
15 the map. I do feel that my sense is this is the core
16 disagreement, and I don't want to move around the map
17 in the spirit of discord, because I think we've
18 achieved remarkable agreement. And if my colleagues
19 feel that the deliberation process will be more
20 productive moving on I'm happy to do that. We are
21 going to have to return to this very difficult
22 decision, so I'm hoping to do either one of them.

23 And I just want to reiterate what I am hoping
24 to get out of CD6 and CD7. I would like a competitive,
25 an extremely highly competitive district in CD6 where

1 either side could win. We have viable, vibrant
2 communities of interest that I believe will be best
3 served by a candidate in the competitive district.
4 There aren't great inherent incompatibilities. I think
5 it could be a unified group. So I'm really optimistic
6 and excited about the possibility there. But where it
7 goes in terms of efficiency of further deliberation,
8 what particular area, I'm open to thought about how to
9 best nail in and, you know, lock in the areas and then
10 secure the further lock-ins.

11 COMMISSIONER MEHL: Chairwoman, did you have
12 any suggestion on balancing 2 and 9 or --

13 CHAIRPERSON NEUBERG: No. 2 and 9 is not my
14 concern. I would like to balance 2 and 9 subsequent to
15 our decisions on 6 and 7, to be perfectly honest.

16 COMMISSIONER YORK: Can we --

17 COMMISSIONER LERNER: I have a change for a
18 recommendation on 4 and 5 as well, which is just a
19 community of interest retirement community piece that's
20 an even swap between the two that at some point we need
21 to do, and then my concern is still District 1 and
22 District 3 as part of that. I don't know where we are
23 with 2 and 9 in terms -- is that population that you're
24 talking about, Commissioner Mehl?

25 COMMISSIONER MEHL: Yeah, just it's a little

1 balance. Everything else is pretty -- pretty darn
2 close on population balancing, you know, under -- under
3 1,000 people. Those are both two -- 2,600 and 3,100.

4 COMMISSIONER LERNER: Would you be willing to
5 have us look at the others and then come back to that
6 if those are --

7 COMMISSIONER MEHL: Yeah, I would be fine with
8 that.

9 COMMISSIONER LERNER: I would like to -- to
10 hold on this, like Commissioner Mehl, saying that we'll
11 just look at it, come back and look at it. Since we've
12 been working on it so much maybe when we come back we
13 can take another look, if that's okay, and then take a
14 look at a couple of other things.

15 CHAIRPERSON NEUBERG: Where -- where would you
16 like to take a look?

17 COMMISSIONER LERNER: Well, I would like to
18 talk about District 4 and District 5. It doesn't have
19 any other ripple effects, but it does -- Leisure World
20 was not included in 5, even though we had said we were
21 going to do that. And it was included in that in the
22 previous -- in -- in 12, so if we could just go through
23 that I can give the direct -- and I think we had all
24 agreed that that would be a place for it to be united
25 with other retirement communities in District 5, so I

1 don't think that should have -- I think it's an easy
2 swap. So would that be okay?

3 COMMISSIONER YORK: It's a considerable
4 population change. Leisure World is currently with --
5 with Sun -- Sun Village and Sun Village East, Fountain
6 of the Sun retirement community. I think I included
7 all the retirement communities with Leisure World, and
8 they're inside the 202 loop.

9 COMMISSIONER LERNER: We had talked about
10 having the fact that they preferred to be in District
11 5, and that's where we had been putting them all along,
12 and then this shift that you did puts them into
13 District 4. And so it's basically moving a couple
14 of -- moving some boundaries, but it's between the two
15 districts so it doesn't affect any other districts at
16 all.

17 CHAIRPERSON NEUBERG: So please play it out
18 and, you know, and be sensitive to, you know, it's not
19 an issue of moving --

20 COMMISSIONER YORK: The competitiveness of 4
21 is -- and 5, 5 is not going to change any by moving
22 Leisure World into it, but 4 is going to change
23 significantly.

24 COMMISSIONER LERNER: It will become more
25 competitive. It will -- it will -- it -- it will

1 change it, but it also aligns these communities that
2 have -- have actually stated that that's their
3 preference. I'm trying to give them something that
4 they prefer.

5 CHAIRPERSON NEUBERG: I just want to be clear,
6 Commissioner Lerner, earlier when you spoke about CD4
7 shifting to the right you were deeply uncomfortable
8 about that.

9 COMMISSIONER LERNER: That's right.

10 CHAIRPERSON NEUBERG: Now you're saying that
11 that's something that you're entertaining as a
12 positive?

13 COMMISSIONER LERNER: No, no. This would
14 shift it -- this would not shift it right, District 4.
15 Maybe I misspoke.

16 CHAIRPERSON NEUBERG: Okay.

17 COMMISSIONER LERNER: This -- this -- this
18 would not shift it further to the right, so my
19 apologies if I misspoke, but we had had -- we've been
20 having these communities in this -- in District 5 until
21 this iteration.

22 So can I provide those boundaries, Chairwoman?

23 COMMISSIONER MEHL: So would this increase
24 the -- the spread or decrease the spread in District 4?

25 COMMISSIONER LERNER: It would increase the

1 spread.

2 COMMISSIONER MEHL: Okay. So this is now --
3 we're now going to have the total opposite argument
4 from you that we just had in District 6.

5 COMMISSIONER LERNER: Yes, we are.

6 COMMISSIONER MEHL: Okay.

7 COMMISSIONER LERNER: We're going to have an
8 argument that says that what you have done, if you look
9 at the spread for Republican districts they're quite
10 wide, but the spread for Democratic districts are quite
11 narrow, and -- and so what this is doing is balancing
12 that out, so it is actually the competitiveness piece.
13 So I would like to see all of the districts at the same
14 competitive level as District 4 is right now, if we
15 could make it that way.

16 COMMISSIONER YORK: I would say the spread --

17 COMMISSIONER LERNER: I'm not suggesting we do
18 that. I'm just saying --

19 COMMISSIONER YORK: The spread --

20 COMMISSIONER LERNER: -- that would be ideal.
21 But we're not -- what I'm doing is saying that this is
22 actually the -- the competitive piece you have asked me
23 not to focus on. This is not a competitive argument.
24 This is an argument of like communities who have asked
25 to be together and asked to be in a particular district

1 and trying to accommodate them when they have been
2 accommodated in all the other maps in that district
3 until this one, so I'm just trying to put that back
4 where it was and -- and go back to that same iteration
5 that we had, and it doesn't affect anything but
6 District 4 and District 5. It's a -- it's a complete
7 community of interest argument.

8 CHAIRPERSON NEUBERG: I'm interested. I think
9 CD4 is great, and CD5 is what it is, and, you know, if
10 there is a way to increase competitiveness in CD4
11 without compromising the natural communities that are
12 working together, I'm all ears.

13 COMMISSIONER YORK: So just to refresh,
14 currently Fountain of the Sun East, Arizona Golf
15 Resort, Leisure World, Sunland Village West, the
16 Superstition Mall area, Superstition Springs golf
17 community, Desert Sands Golf Course are all in District
18 4, and those are all communities of interest, and they
19 all reside along the 60, and they -- in what we
20 consider the East Valley.

21 COMMISSIONER LERNER: And they all requested
22 to be in District 5. We heard from those communities
23 very strongly that that's their preference, and if
24 that's what we keep coming back to in a number of the
25 other arguments, I'm being as consistent as you all.

1 You say that this is the group that they want to be
2 with, so I'm trying to put them where they -- where
3 they have requested.

4 The boundary -- I'll give you the boundary and
5 you can take a look at that. So this will also
6 actually do something in terms of -- well, I'll just
7 give you the boundaries and then I'll give you the
8 explanations for them, as the Chairwoman has requested,
9 to make sure that we're meeting the Constitutional
10 requirements.

11 So the boundary in Mesa is west of -- west to
12 Power Road, so what you're going to basically be doing
13 is west to Power Road to include Leisure World in
14 District 5, and basically Mesa east of Power Road goes
15 very nicely into District 5, and that's an area that
16 they have -- again, we've had that throughout.

17 MR. D. JOHNSON: Commissioner Lerner, before
18 you run the information --

19 COMMISSIONER LERNER: Sure.

20 MR. D. JOHNSON: -- just so you want the whole
21 length of Power Road, everything east of that, or was
22 there a north and south edge of that?

23 COMMISSIONER LERNER: Yes, everything east of
24 that. Move the boundary in Mesa west to Power Road.
25 We're just taking that -- that boundary that puts

1 Leisure World in District 5. Mesa east of -- that --
2 that will put basically that part of Mesa as well as
3 the retirement communities into District 5. East Mesa,
4 that part of Mesa has a lot more in common with San Tan
5 Valley, Mesa, Gilbert, and other retirement
6 communities, and we've heard a lot of that from folks
7 in that area, Apache Junction.

8 MR. D. JOHNSON: So that's a move of 51,500
9 people.

10 COMMISSIONER LERNER: Well, what we're going
11 to do is just take some folks from Chandler. And,
12 actually, there is a pocket of Latino voters -- voters
13 that would probably be better served in District 4 that
14 are currently in District 5. So we're just -- that's
15 what I mean. It's just a switch between the two. And
16 I can give you their boundaries.

17 MR. FLAHAN: The change you're requesting on
18 Power Road, is that what it looks like on the screen
19 there so we can commit that?

20 COMMISSIONER LERNER: Yes, everything east.

21 CHAIRPERSON NEUBERG: Commissioner Lerner, I
22 just have a broader question as it relates to where
23 you're going with this, because, again, I've been on
24 record that there is a lot that I like about CD4. Not
25 only is it competitive, but I think that the likely

1 elected leader is going to represent people who are
2 deeply committed to urban issues, light rail, you know,
3 transportations, and all of those things. There is
4 just so much that's going right, so I'm curious where
5 you're headed with this. Like what -- what is the
6 ultimate goal here and the other compromises that will
7 need to be made to accommodate this?

8 COMMISSIONER LERNER: The only other -- where
9 I'm headed here is -- and, actually, we have to make
10 one more change to make sure you've got Leisure World
11 in there -- is to simply combine, place these
12 retirement communities in a district that they have
13 actually expressed an interest in being in, to align
14 them with other communities of interest that they're
15 in. And there is a piece in Chandler where the pop --
16 minority population has been split to try to make those
17 whole. It's two changes, and that should accommodate
18 both groups -- both groups. The retirement communities
19 have been in CD5 previously, and then this iteration of
20 the map shifted that.

21 The other thing is when we talk about
22 transportation corridors, I 100 percent agree that Mesa
23 needs to be part of it, but that's much more West Mesa,
24 not this far east part of Mesa. In terms of things
25 like light rail, it's not going out to this far. The

1 folks that are east of Power Road are much more aligned
2 with places like Apache Junction, Gold Canyon, those
3 communities, and so putting them in the same district
4 with them aligns them with like communities of
5 interest.

6 That's all I'm -- all I'm trying to do, and
7 I'm trying to -- in our original draft map that we had
8 the boundary was Power Road. This aligns with that
9 draft map that we began with as well.

10 And then the other piece is keeping North
11 Chandler together, especially the minority community,
12 instead of splitting it. Right now those folks are not
13 going to be served as well in District 5 as they would
14 be in District 4. There is a strong minority community
15 that we could put together back into District 4, which
16 is where it was previously.

17 So it's an -- it's an even switch between the
18 two districts. It won't affect the overall makeup of
19 each of the districts in terms of one being more D, one
20 being more R, but it does align two groups together
21 with communities that -- that they will align better
22 with, and that's the retirement community in District 5
23 and the minority community in District 4 --

24 MR. D. JOHNSON: Commissioner Lerner --

25 COMMISSIONER LERNER: -- so that's my purpose,

1 Chairwoman.

2 MR. D. JOHNSON: Commissioner Lerner, you
3 mentioned possibly needing one more piece for Leisure
4 World.

5 COMMISSIONER LERNER: Just to make sure
6 Leisure World was in District 5.

7 MR. D. JOHNSON: So do you want us -- so the
8 north edge of Leisure World is Broadway. Do you want
9 us to come down to Southern, or all the way to the
10 freeway?

11 COMMISSIONER LERNER: You can just -- I mean,
12 just to capture Leisure World in there. I don't know
13 if there is another retirement community to the south
14 of that. But I was really just trying to replicate
15 what we had in our draft map. That's all.

16 MR. FLAHAN: So on the screen that's
17 highlighted --

18 CHAIRPERSON NEUBERG: Can I just say one
19 thing? I would like deeply to incorporate all of those
20 minority groups that we've spoken about in the Chandler
21 area, but when we're talking about congressional
22 districts and the level of population that's required
23 to be considered I'm just not sure we can go with that
24 level of detail of those specific communities as we're
25 making decisions about what's right for the broader

1 population.

2 COMMISSIONER LERNER: Would I be able to show
3 you this change --

4 CHAIRPERSON NEUBERG: Sure.

5 COMMISSIONER LERNER: -- and then you can
6 consider that?

7 CHAIRPERSON NEUBERG: Absolutely.

8 COMMISSIONER LERNER: When you're prepared
9 I'll give you the second half of this.

10 MR. D. JOHNSON: Just getting the numbers for
11 the Leisure World between Broadway and Southern, west
12 to -- that's 3,101. So all together we're taking
13 54,505 into D5, and then --

14 COMMISSIONER LERNER: And, again, it's just a
15 swap between the two.

16 MR. D. JOHNSON: And then we're ready for you
17 to give us the swap.

18 COMMISSIONER LERNER: So just to balance that
19 population we're going to go to Chandler north of Pecos
20 Road, so the boundary there is Warner -- Pecos to
21 Warner, Alma School to McQueen, so basically everything
22 north in that area.

23 COMMISSIONER YORK: That splits Chandler.

24 COMMISSIONER LERNER: Chandler is already
25 split.

1 COMMISSIONER YORK: Not much.

2 COMMISSIONER LERNER: It -- it's already
3 split. So just takes that minority community and
4 places it into District 4. It's a very strong
5 community, and it's split right down the middle.

6 COMMISSIONER YORK: The community is not
7 53,000 people.

8 COMMISSIONER LERNER: The community is this --
9 this area that we're talking about helps unite North
10 Chandler, and it brings in a community that has been
11 split right down the middle at -- at Country Club.

12 MR. FLAHAN: Could you give us the boundaries
13 again?

14 COMMISSIONER LERNER. Sure. The boundaries
15 are Warner Road to Pecos and Alma School to McQueen.
16 And if you need to balance you could -- there is -- you
17 could actually go further west if need be. Actually,
18 you probably want to go all the way over to Price, and
19 that should do it, and that will take that entire
20 community and group them together. And that's just the
21 part of North Chandler, instead of them being split.
22 That's a big community.

23 CHAIRPERSON NEUBERG: From my perspective that
24 doesn't interfere with any communities of interest. It
25 doesn't interfere with compactness or other

1 Constitutional requirements. I mean, I'm comfortable
2 in entertaining this change.

3 COMMISSIONER LERNER: Thank you, Chairwoman.

4 COMMISSIONER YORK: It puts the -- the
5 Chandler high -- Hamilton High School District in a
6 different area than -- than currently it is in D5.

7 COMMISSIONER LERNER: It can -- and that
8 extends -- you can extend that -- you may need to for
9 population extend it west.

10 COMMISSIONER MEHL: We had the retirement
11 communities together. I mean, this doesn't do anything
12 to improve that, and the -- this is --

13 COMMISSIONER LERNER: It does. It does
14 actually quite a bit for the minority community, if you
15 take a look at -- they were split completely in half in
16 that area.

17 COMMISSIONER MEHL: Show me where the minority
18 community is in this area.

19 COMMISSIONER LERNER: You're welcome to look
20 at my computer. I've got it right up here.

21 COMMISSIONER YORK: So do we -- we think it's
22 north of the --

23 COMMISSIONER LERNER: It's split right here.

24 COMMISSIONER MEHL: But it's just -- it's a
25 small community. That's a few thousand people that you

1 could move to make an adjustment, and we would -- we
2 would certainly take a look at that, but you're -- it
3 isn't --

4 COMMISSIONER LERNER: Well, if you want to
5 just move that -- I was trying to population balance.
6 If you just wanted to move them in there, we could do
7 that. I was trying to do -- sort of take care of both,
8 but if there is a way to do one that's fine. That was
9 my ultimate goal, and to try to make sure that the
10 retirement communities were together, but -- and that
11 was the main purpose of doing both.

12 COMMISSIONER YORK: Can we look at the
13 competitiveness change, just out of curiosity?

14 MR. D. JOHNSON: Well, first we have to get it
15 balanced.

16 COMMISSIONER LERNER: And we're just looking
17 at preferably north of Pecos, but if we needed to go to
18 the freeway for balance that's fine.

19 MR. FLAHAN: So we've gone down to the -- the
20 freeway on McQueen, and we still need to pick up 11,626
21 in D4 and lose 10,893. Where would you like us to go
22 from that?

23 COMMISSIONER LERNER: So how many did you have
24 to move in the Power Road -- I mean, I'm sorry, yeah,
25 how many was that, and then how many was in this

1 community?

2 MR. FLAHAN: That was --

3 COMMISSIONER LERNER: My focus -- I mean, I
4 wanted to try to make sure this community was not
5 split. If Commissioner Mehl says we could just work on
6 that and we could find other ways to do it, we could
7 work through that. I don't know how to do that right
8 off the top of my head, and I was trying to be as clean
9 as possible on this.

10 MR. D. JOHNSON: So Power Road plus Leisure
11 World totaled 54,545 people, and we moved -- and we're
12 11,000 short now so we've moved back 44,000. So you
13 could either pick more down here into District 4 or go
14 back and put -- put part of the Power Road area back
15 into District 4, whatever your preference is.

16 COMMISSIONER LERNER: Just want to look at
17 where you are. You went up to -- you went up to
18 Warner?

19 MR. FLAHAN: The top border of the part that
20 sticks out towards the east, the top border, is Warner
21 Road.

22 COMMISSIONER LERNER: I'm sorry?

23 MR. FLAHAN: That is Warner road.

24 COMMISSIONER LERNER: That's Gilbert, right,
25 so we're at the border of Gilbert. Is that correct?

1 MR. FLAHAN: Let us turn on the boundary of
2 Gilbert. In the top corner, yes, McQueen is the
3 boundary of Gilbert in the red line.

4 COMMISSIONER LERNER: And what about further
5 north? Is that Chandler right there, that little
6 piece?

7 MR. FLAHAN: That is Chandler, yes.

8 COMMISSIONER LERNER: So maybe we could just
9 add that in and that gets Chandler, more of Chandler in
10 there. I don't think this changes any of the numbers
11 that significantly for competitiveness.

12 COMMISSIONER YORK: Might as well move it all
13 around.

14 MR. D. JOHNSON: So that pocket got us another
15 2,935 in District 4. Now it's short by 8,609.

16 COMMISSIONER LERNER: I'm not trying to make
17 a big change. I was not trying to do -- blow up this
18 area. I was trying to make sure these communities --
19 just so you understand, Chairwoman, what I was trying
20 to accomplish here, and so I don't know if there is
21 areas that were added in that were not requesting to be
22 in District 5. We went down -- can you show the east
23 side of the border?

24 MR. FLAHAN: Up north on Power Road?

25 COMMISSIONER LERNER: Yes, please.

1 COMMISSIONER YORK: We had the Latino
2 community in the District 5.

3 COMMISSIONER LERNER: We have the Latino
4 community now moved in that border area over to
5 District 4. That's what I was asking.

6 COMMISSIONER YORK: I was thinking maybe it
7 was easier to unite the Latino community in District 5.

8 COMMISSIONER LERNER: I'm sorry?

9 COMMISSIONER YORK: Maybe it would be easier
10 to unite the Latino community in West Chandler in
11 District 5 than -- I mean, yeah, in District 5, and
12 make a few changes in 4 on the eastern boundary than to
13 move 55,000 people around.

14 COMMISSIONER LERNER: No. I think they --
15 they will be better represented by being whole in
16 District 4. How many did we move total in just that
17 District 4 piece? Because we -- we could probably even
18 make that a little smaller and make fewer changes
19 there. At this point we have all of North Chandler
20 in -- done now. Correct? You've -- from -- from the
21 north of the freeway, from Pecos? Have we made as much
22 of North Chandler whole?

23 CHAIRPERSON NEUBERG: I --

24 MR. D. JOHNSON: Everything west of McQueen is
25 in -- all of Chandler west of McQueen and north of the

1 freeway is in District 4 now.

2 CHAIRPERSON NEUBERG: I want to reiterate, I
3 think we've done a remarkable job with CD4. I do know
4 that there are some crossover minority communities, the
5 Asian community, Latino community, African American
6 communities. They're centering particular in areas
7 that when we go back to our LD map I think we're going
8 to be able to target in those areas even more
9 specifically. But -- but when I look at these maps I
10 see it as synergistic, something that would work well
11 with those populations to give them a CD district that
12 would only further enable to empower them, and I don't
13 see anything that would inhibit the growth of -- of
14 these communities to achieving even greater political
15 expressions, so --

16 COMMISSIONER LERNER: I believe that these
17 communities will be better served if they are in
18 District 4, and if we want to make a smaller block to
19 target to combine them back into their neighborhoods --
20 these are single -- these are neighborhoods that are
21 aligned, and we could balance -- balance this.

22 CHAIRPERSON NEUBERG: Can you -- if you're
23 recommending a specific targeted street by street, you
24 know, group with a certain number and you want to
25 switch it somewhere and you feel that it collectively

1 helps all people being represented, of course there
2 would be no discouragement from pursuing that.

3 COMMISSIONER LERNER: Well, I would like at
4 the boundaries that -- that I've given on this area.
5 If we went from Warner to McQueen, this is the group
6 that I believe should be combined together as a
7 community because they are a single community. Warner
8 to McQueen -- I'm sorry. Let me make sure I can see
9 this. I'm sorry. Warner to Pecos, and McQueen, to be
10 specific, to Alma School. That community is -- that
11 puts the -- that community together. And they are --
12 when you look at them on the map, I mean, if we even
13 go -- there is another large community over by Frye and
14 the freeway, but if we at least capture this group,
15 that's the area I'm talking about. And, again, you're
16 welcome to see this on my map.

17 CHAIRPERSON NEUBERG: Colleagues, you know,
18 given that we're looking at this from a congressional
19 perspective, would any of this seriously alter our
20 calculations about Constitutional criteria with the
21 other districts? Is this something that you would be
22 comfortable deferring to Commissioner Lerner on?

23 COMMISSIONER YORK: Well, first, so I think
24 what I heard from Commissioner Lerner, so our original
25 north boundary in that corner of Chandler was Ray Road.

1 Correct? I believe.

2 COMMISSIONER LERNER: But this does -- if you
3 look at the boundaries of Chandler, this does a nice
4 job of combining Chandler.

5 COMMISSIONER YORK: I understand. Let me
6 finish. So you're -- you're trying to achieve two
7 things --

8 COMMISSIONER LERNER: Yep.

9 COMMISSIONER YORK: -- moving a conservative
10 retirement community out of District 4, and injecting
11 a -- another community that is the direct opposite. So
12 originally the way we agreed to this map was to create
13 quite a bit more competitive District 4. I'm not
14 opposed to trying to figure out how to move the
15 minority community into D4, but I am opposed to moving
16 as much of the retirement communities out of D4. I
17 think we had them together nicely on the west side of
18 the 202, so that -- that's kind of where we're at.

19 COMMISSIONER LERNER: So somewhere along the
20 line the change went from saying that the retirement
21 communities should be in District 5, which was one
22 thing that you were all -- the conservative retirement
23 communities that you just mentioned should be in
24 District 5, which has been your position. Then this
25 district became competitive, which is great, but the

1 other districts, Republican districts, are not, so it's
2 a targeting of this particular district to make it more
3 competitive. And as you know I always am in favor of
4 competitiveness. However, it's not occurring in the
5 Republican districts. Those are very safe.

6 So in this case I would say that we would --
7 we were just trying to align communities of interest,
8 previously had been together in District 5, had
9 expressed a desire to be in District 5, had expressed a
10 connection to Apache Junction and Gold Canyon and
11 places east, trying to put them together where they had
12 given testimony and provided lots of information that
13 that's their preference. And then putting the Latino
14 communities that are in that part of Chandler in the
15 older parts of Chandler, the north piece together,
16 rather than splitting that community up.

17 So that's -- that's the purpose that's focused
18 on the communities that have desires to be in
19 particular -- be represented by particular districts
20 and also to not be split up, just to clarify.

21 COMMISSIONER YORK: What was the voter spread
22 on D4 before we made these changes?

23 MR. D. JOHNSON: In the original 12.1 it was
24 4.9, and it's now 7.24. I should note as well District
25 4 here is -- as we're looking at it is still short on

1 population by 8,600 and some, so if we balance that
2 out, you know, somehow that might bring it back down
3 under 7 percent.

4 COMMISSIONER LERNER: And -- and that's -- and
5 that is -- be fine with me to make it -- to bring it
6 back down. I'm perfectly happy to have it be more
7 competitive as part of that. I -- I did not intend for
8 it to grow to that height I will say.

9 CHAIRPERSON NEUBERG: With implications being
10 where? So -- so if we take CD4 and make it more
11 competitive, where would the other Democrats go?

12 COMMISSIONER LERNER: No. It would be -- I
13 still believe we need to add that group right in that
14 area. If we don't -- maybe we don't move out as many
15 people on the east side. That would provide some
16 balance. But we need to add -- that community should
17 be together. That's -- that was really my focus, and I
18 was moving some of those because they had preferred to
19 be in District 5. So literally I was just trying to
20 address two different communities of interest with one
21 move, but I'm -- I would be okay if we want to just
22 make slight -- smaller modifications to make sure that
23 this particular community that we have here in this
24 corner of Chandler gets into District 4, which is a
25 smaller population. Correct?

1 MR. D. JOHNSON: So I was going to say if you
2 want to balance this and see where that ends up, we
3 could look at -- right now there is that odd notch of
4 Gilbert in D4 right along McQueen. We could put that
5 in and then go over to Power and take whichever 8,000
6 people you think would be appropriate that have -- that
7 we just moved we could move back into 4.

8 COMMISSIONER LERNER: Move back into District
9 4. That's fine. I mean, again, I wasn't -- I had no
10 idea what was going to happen with the competitiveness,
11 and I did not intend for it to go to that height.
12 Completely honest on that. I was just trying to
13 address two communities of interest in one move. So I
14 would say that would be fine to add some folks back in
15 from the East Valley into District 4.

16 COMMISSIONER MEHL: And, Commissioner Lerner,
17 when we get to District 1 and we find communities of
18 interest that we think are important to move and it
19 happens to then have the result of increasing the vote
20 spread in District 1, are you going to be comfortable
21 with that?

22 COMMISSIONER LERNER: If it's communities of
23 interest that you can -- can justify, if it's not just
24 a shopping mall or golf course, yes. But the thing is
25 that with District 1, I feel it's already got a lot of

1 disparate communities of interest in there.

2 COMMISSIONER MEHL: And in District 6 then --

3 COMMISSIONER LERNER: But it's interesting for
4 me --

5 COMMISSIONER MEHL: -- I assume that you might
6 be more comfortable than we were thinking previously
7 with the -- with the --

8 COMMISSIONER LERNER: I am not comfortable --

9 COMMISSIONER MEHL: -- narrow vote spread that
10 is in the current map.

11 COMMISSIONER LERNER: I'm not comfortable with
12 the way we have done District 6, as you know, or
13 District 7. We've made -- we have made an effort to
14 make a big compromise on that. Right now, Commissioner
15 Mehl, if you look at the point spread and the vote
16 spread, you have really nothing to worry about, because
17 there are four extremely solid, strong Republican
18 districts with double digit vote spreads. If you look
19 at the Democrat ones, there are two VRA districts that
20 have higher vote spreads, but the other Democratic --
21 or, actually, there is only one Democratic-leaning
22 district, which is District 4, and it is in single
23 digits. There are no double digits other than the two
24 VRA, so I don't think -- from a competitiveness
25 standpoint if you would like to we could make them all

1 single digits, but we would have to blow up the map,
2 which we don't want to do, and I would be fine with
3 that. So speaking to me about competitiveness when
4 we -- when you have all double digits in there I don't
5 think is a -- a fair argument.

6 My goal here would be to see what we can do --
7 did you just make those adjustments, Doug? If you
8 could see if you could get that community that we were
9 talking about into District 4, I would appreciate it,
10 because right now they are completely split, and I
11 think they would be better off being together.

12 And that would make a smaller change, Madam
13 Chair.

14 COMMISSIONER YORK: She's talking about the
15 Latino community.

16 COMMISSIONER LERNER: Correct.

17 MR. D. JOHNSON: So just to take this last
18 notch so that -- and then the question is so now 4 is
19 still short by 8,018, so over on Power where would you
20 want us to take those back? Should we start at the
21 north, the south --

22 COMMISSIONER LERNER: Sure.

23 MR. D. JOHNSON: -- Leisure World?

24 COMMISSIONER LERNER: We wanted to try -- my
25 goal on -- on Power was simply for the retirement

1 communities. Again, if that doesn't work, it was to
2 try -- to try to balance the population. That's all.

3 MR. D. JOHNSON: So we could start at where
4 Power meets the 202 and just start taking --

5 COMMISSIONER LERNER: In the north.

6 MR. D. JOHNSON: -- population in the north
7 that's inside the 202. I'm just --

8 COMMISSIONER LERNER: Sure.

9 CHAIRPERSON NEUBERG: I -- I just want to
10 bring our deliberation back to our Constitutional
11 criteria. I understand it's so natural to see this all
12 through the lens of partisanship, but too much I'm
13 hearing, you know, conclusions based not on the
14 specific roads or people or maps. I'm hearing
15 conclusions based on what faulty, imperfect data say
16 which party may come out 5-4 or 4-5. So I am imploring
17 my colleagues to try to rise above that and focus on
18 the communities, and I think if we do that the numbers
19 will all, you know, fall into place. I just don't find
20 focusing on those numbers to be a compelling
21 Constitutional reason for me to be following that
22 argument. I just want to be honest about that, so --

23 COMMISSIONER LERNER: And, Chairwoman, I am in
24 agreement with you on that. This change was not -- I
25 had no idea what the numbers were going to end up.

1 CHAIRPERSON NEUBERG: Okay. Thank you.

2 COMMISSIONER YORK: I would go across

3 University to the 202.

4 MR. FLAHAN: So do you want us to go across

5 University over to the 202 --

6 COMMISSIONER YORK: Yes.

7 MR. FLAHAN: -- or do you want us to go back

8 and take another chunk from Power Road, Commissioner

9 Lerner?

10 COMMISSIONER LERNER: I'll -- I'll let

11 Commissioner York -- if he has some suggestions I'm

12 fine with that.

13 COMMISSIONER YORK: I mean, I don't know where

14 we're at. No, no. Just take across University to the

15 202. We're trying to leave the retirement communities

16 together. The farthest south you can go is Main

17 Street. Why can't we take the block to the east?

18 Yeah.

19 MR. D. JOHNSON: So we're --

20 COMMISSIONER YORK: Yeah, we're going to be a

21 little --

22 MR. D. JOHNSON: Hit our number at this point.

23 COMMISSIONER YORK: What?

24 MR. D. JOHNSON: We've hit our number at this

25 point.

1 COMMISSIONER YORK: Yeah, but that's cleaner
2 along University than it is down there. We're going to
3 be a little over in 4 and a little under in 5.

4 MR. D. JOHNSON: Yeah, we were taking that
5 because I thought you wanted us to continue it on
6 Power. But, yes, we can certainly take that, and then
7 that puts 4 over by 600, and we can just find a block
8 or two somewhere for 600.

9 COMMISSIONER LERNER: I was fine with whatever
10 Commissioner York wanted to do on that.

11 MR. D. JOHNSON: Does that make sense? Zoom
12 out.

13 COMMISSIONER YORK: This makes District 5 less
14 competitive.

15 COMMISSIONER MEHL: 4.

16 COMMISSIONER YORK: No, 5.

17 COMMISSIONER LERNER: It wasn't even
18 competitive anyway.

19 COMMISSIONER YORK: I understand, but now it's
20 less competitive.

21 COMMISSIONER LERNER: Well, as I've said all
22 along if we could find ways to do that to make them all
23 in single digits, we would be happy to do that, but
24 that's not the way this map is looking.

25 COMMISSIONER YORK: Well, I don't think that's

1 the way our citizens live, but that's another
2 conversation.

3 COMMISSIONER LERNER: Well, and that's the
4 truth, and that's -- that's why I was trying to do some
5 of those combining. You're right.

6 MR. D. JOHNSON: So we were being guided there
7 by the 202 as it came down to pick up population. If
8 it's better to come down all the way on Power to
9 Broadway and then --

10 COMMISSIONER YORK: No. It cuts off Leisure
11 World.

12 MR. D. JOHNSON: Oh, yeah, no, just --

13 COMMISSIONER YORK: That's --

14 MR. D. JOHNSON: Does that --

15 COMMISSIONER LERNER: That's fine.

16 MR. D. JOHNSON: So we're balanced at this
17 point, and District 4 is now 6.8 percent vote spread.

18 COMMISSIONER LERNER: So it became a little
19 bit less, and now it's within our competitive range,
20 even though it's the high competitive, which I'm not as
21 taken with.

22 MR. D. JOHNSON: It looks like it's 8 to 1 on
23 swing.

24 COMMISSIONER YORK: I would like to go back to
25 Tucson. It improves the map, and we were going to try

1 to make some changes in 6 and 7.

2 Commissioner Neuberg, where -- where are you
3 at?

4 CHAIRPERSON NEUBERG: You know what, actually,
5 before you move there I'm just reflecting on CD4. I
6 understand we may be moving in a noncompetitive range.
7 I would love to make it as competitive as possible
8 because I think it, you know, encourages members to do
9 due diligence with all of their constituents. But --
10 but the interests of these communities of interest
11 really do align well, and I would not want to hurt them
12 for the sake of competitiveness. We do not prioritize
13 competitiveness because we don't want to cause
14 detriment to the ability of communities to, you know,
15 empower themselves to influence elected leaders to
16 represent them, and I just think CD4 is going very,
17 very well, and I would hope that our conversation about
18 competitiveness doesn't ruin the spirit of what this
19 district does for our state.

20 And I believe, Commissioner York, you had a
21 question about maybe CD5. What was your specific
22 question?

23 COMMISSIONER YORK: Oh, 5 is less competitive
24 now, more Republican leaning. And I was more
25 interested in where you were at with the maps, what --

1 how -- how would you like us to proceed?

2 CHAIRPERSON NEUBERG: My greatest concern
3 about, you know, CD5, as always, even though I know a
4 lot of people feel that having less of a spread, let's
5 say getting to 10, some people think it's not
6 meaningful because it may not alter the outcome of an
7 election, but in my mind moderating all districts does
8 require candidates, primary candidates, to be able to
9 speak to all constituents. I think it has a moderating
10 effect on our state. I think it brings people
11 together, so I'm a huge fan of it.

12 Having said that, it can't be the driving
13 force behind what I think are going to be the driving
14 factors behind the balance in our state, which is going
15 to be 1, 4, and 6. So whatever we do on these other
16 districts I think we have to keep our eyes on honoring
17 the purpose and the function of 1, 4, and 6, which
18 leaves you all a lot of room. I mean --

19 COMMISSIONER LERNER: Well, I think we have --
20 we've -- from my perspective we've talked about 6 and
21 got, I think, a compromise. I know my colleagues on
22 the right may not feel that way, but I feel it's a
23 compromise from where we were. And we made a community
24 of interest adjustment in District 4, which I was open
25 to other flexibility with that, if we could focus on

1 those couple of areas.

2 And now -- and I know my colleague,
3 Commissioner York, made the comment about District 5
4 not being as competitive. I will mention just as a
5 note -- and I appreciate your comments very much,
6 Chairwoman, about the perspective, but just as a note
7 this map that was developed by the Republicans made
8 District 2, which was in our competitive range, less
9 competitive, so it is no longer in even the outside of
10 our competitive range, which is part of what we've --
11 we had been trying to keep it that way because that's a
12 large population in the north of the state with high
13 Native American population, as Commissioner Watchman
14 mentioned, and now it's no longer competitive, and so
15 that is a concern. I don't know how we address --
16 address that, because you've mentioned I think we're in
17 the Maricopa County area, but maybe we come back to
18 that at some point and see if there is a few tweaks.

19 But for now I will just go with whatever the
20 Commission Chairwoman would like to move to.

21 CHAIRPERSON NEUBERG: Well, I have to say if
22 there is a way to make CD2 meet our competitive
23 criteria, even if it doesn't change the odds of who
24 gets elected but it narrows the range and increases
25 accountability from MOCs, I'm all on it. So, you know,

1 if there are ways for the five of us to look at the
2 finer lines of D2 with the surrounding areas that
3 doesn't have a huge impact and it shaves a degree off,
4 that's just a win for all of us, provided it does not
5 cause significant detriment to the communities of
6 interest that we have spent considerable time honoring.
7 So let's get to that conversation.

8 COMMISSIONER YORK: It is 12:30. We've been
9 working on this Commission since February. I propose
10 we take a little lunch break.

11 CHAIRPERSON NEUBERG: Okay. And we're going
12 to return, and to be honest we're not going to stop,
13 because by the end of the day I think the most -- we do
14 have LD work. I would say the most significant work
15 that we have to do today, given the population
16 balancing requirements, we must come up with a map
17 today, and I am committed to doing that on the CD front
18 and with the time to give direction on LDs. We are not
19 that far. We're very close. I am imploring my
20 colleagues, please, think about how we can come closer
21 together. It's really possible.

22 So with that we're going to take a break.

23 Commissioner York, you said 15 minutes? How
24 much did you need?

25 COMMISSIONER YORK: Lunch.

1 CHAIRPERSON NEUBERG: Oh, lunch. What time --
2 oh, we want be fed? Okay. So maybe do we need an
3 hour?

4 COMMISSIONER MEHL: No.

5 COMMISSIONER YORK: Forty-five.

6 COMMISSIONER MEHL: Forty-five minutes.

7 VICE CHAIR WATCHMAN: Forty-five minutes.

8 CHAIRPERSON NEUBERG: Forty-five. Everybody
9 has a different opinion. Surprise.

10 COMMISSIONER YORK: Forty-five.

11 CHAIRPERSON NEUBERG: Thirty-five, forty,
12 forty-five. Let's do 45. All right. We'll take a
13 recess, 45 minutes, and then we will return to our
14 deliberation on the CD maps.

15 (Morning session concluded at 12:31 p.m.)

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23 This transcript represents an unofficial
24 record. Please consult the accompanying video for the
25 official record of IRC proceedings.

