

President Karen Fann and Speaker Rusty Bowers respectfully submit the following comments regarding the Legislative District Draft Plan 10.0 adopted by the Independent Redistricting Commission.

First, the IRC's own "competitive metric" of 9 recent election results shows a 15-15 partisan district split in the 10.0 Draft Plan, and some have advocated such a 15-15 split. But to create such a split would not fairly represent the partisan make-up of Arizona, where there are over 130,000 more registered Republicans than Democrats. And such an even split would violate the state constitution by elevating the conditional "competitiveness" criterion above the six mandatory criteria the IRC must follow. The state constitutional criteria are clear. Competitive districts can be drawn only if "to do so would create no significant detriment to the other goals."

One of the constitution's mandatory goals is respecting communities of interest, and the IRC has done a good job of recognizing communities of interest in most of the rural parts of the state. We support keeping Yavapai County intact, which complies with the constitutional criterion to respect "county boundaries." However, the 10.0 Draft Plan does not recognize communities of interest in a number of districts in Maricopa County. Some lines have been drawn solely for the purpose of achieving a more competitive outcome while disregarding communities of interest. For example, the McCormick Ranch area is clearly a community of interest, yet it is split between LD 4 and LD 8 in the 10.0 Draft Plan. The McCormick Ranch area belongs entirely in LD 4.

In other changes, the IRC has modified "competitive" districts and made them less competitive without any reasonable justification. An example of this is LD 9, which in the Legislative Draft Plan 6.2 was a highly competitive district with a 2.0% vote spread. That district has been modified in the 10.0 Draft Plan so that it is now a 6.8% vote spread and is no longer really competitive. This problem can be solved by exchanging population along the shared border between LD 9 and LD 10 to bring the partisan split in LD 9 back to a truly competitive level while keeping communities of interest intact.

Next, although the state constitution requires "equal population to the extent practicable" in legislative districts, the IRC made some changes in the 10.0 Draft Plan that do not prioritize that goal. For example, LD 2 and LD 4 were modified from the 9.2 plan in a way that causes their population deviations to go from under 2% to 4.98% and 4.53% respectively in the 10.0 Draft Plan. The only purpose for the change was stated to be increased competitiveness. This appears to violate the Constitution, because competitiveness cannot create a "significant detriment to the

other goals,” in this case population equality. The LD 2 population deviation in the 10.0 Draft Plan now amounts to 11,878 people over the ideal, and LD 4 is now 10,795 over the ideal population. On the other hand, the proposed LD 28 in the 10.0 Draft Plan is 4.95%, or 11,792 persons below the ideal district size. This amounts to an overall population deviation in the 10.0 Draft Plan of almost 10%, which is an unjustifiably high deviation among the districts. Population inequality among districts unfairly strengthens the impact of voters in underpopulated districts while weakening the impact of voters in overpopulated districts.

We believe that the IRC has already committed to a relatively low overall population deviation, which would comply with the constitutional requirement of “equal population to the extent practicable.” The U.S. Supreme Court mandated one person, one vote nearly sixty years ago. Making good on this guarantee is the overriding purpose of redistricting, and creating equal-population districts is particularly critical in fast population growth states like Arizona. As matters currently stand, we have one state senator currently representing over 305,000 constituents, and another representing fewer than 195,000 constituents. This enormous disparity in representation happened in just eight years, largely due to the 2011 IRC’s over-populating virtually all of the Republican districts and under-populating almost all of the Democratic districts.

The Commission can resolve all of the problematic issues we have raised. We thank you for your willingness to serve in this complex, exhausting, and often thankless endeavor. We have some similar experience in that regard.