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December 2, 2021

Arizona Independent Redistricting Commission
1110 W. Washington, Suite 127
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Dear Commissioners,

Twenty years ago, Arizona voters established the Independent Redistricting Commission to provide a fair, equitable, and transparent process for drawing legislative and congressional maps. The voters clearly and unequivocally expressed their intention that self-interested politicians be removed from this task and instead put the awesome power of redistricting into the hands of average, everyday Arizonans. As leaders of the Democratic caucuses in the Arizona Legislature, we respect the decision of the voters and value the independence of the redistricting process. Simply put, it is better for our democracy when the voters choose their elected officials and not the other way around. Arizona has led the nation as a role model for independent redistricting and we are proud of that legacy. We do, however, have some concerns that the actions of this commission may call into question its independence and may cause Arizonans to have doubts about the integrity of the process and the fairness of the resulting maps.

There have been a series of split votes among the commissioners on a range of important decisions, from hiring employees and consultants to crucial decisions on the draft map. For example, on a 3-2 vote with the Chairwoman siding with the Republican commissioners, the Commission voted to hire an executive director who had previously worked for a Phoenix City Councilmember and former Republican congressional candidate. The newly hired executive director had previously worked for Martha McSally's Republican Senate race and received significant payments from the Republican National Committee.

Following that decision, the Chairwoman again voted with the Republican commissioners to hire Timmons/National Demographic Corporation as its mapping firm, despite knowing their concerning history of ignoring input from communities of color, misrepresenting the Voting Rights Act, and using incomplete redistricting data. As further evidence of their partisan tilt, those same mapping experts were recently nominated in Virginia as Special Masters for the Republican Party in that state's redistricting process.

As the Commission began the critical work of deliberating on the draft maps, we saw further partisan influence undermining the independence of the Commission. The Commission considered a map – out of hundreds submitted by the public – that was created by the 2nd Vice Chair of the Pima County Republican Party, for which support was orchestrated by a sitting Republican senator from Pinal County, Vince Leach. But Senator Leach was not open and transparent about his role in crafting the southern Arizona Republican district. He hid behind a well-respected organization, and it was only through a public records request that his role was finally revealed. And despite his deception – or perhaps because of it – those legislative configurations in Southern Arizona have remained in the draft map despite not conforming to several constitutional criteria. To date, this is the *only* public mapping submission that has been considered without incorporating significant adjustments. And again, the vote to adopt this partisan map,

which was labeled 9.2, was 3-2 with the Chairwoman voting with the Republican commissioners. The proposed map that was supported by the Democratic commissioners, labeled 9.0, was rejected on a vote of 2-3 with the Chairwoman siding with the Republican commissioners again.

Throughout the mapping process, the Chairwoman has repeatedly sided with the Republican commissioners as maps were discussed. In five out of six split votes during the October drafting process, the Chairwoman voted with Republican commissioners. These actions of the Commission, and the resulting draft maps, suggest a politically imbalanced Commission that is not seeking to represent all voices in Arizona but is instead prioritizing the wishes of one political party.

In addition to the concerns we have regarding the commissioners' pattern of voting, we also want to bring your attention to some concerns we have with the draft maps themselves. The Commission has created a draft legislative map that fails to uphold the spirit of our independent commission, positioning Arizona to lose the legacy of fair and balanced maps. Below we examine several examples where we believe the Commission is not complying with all of the constitutional criteria and responsibilities of redistricting.

A. Districts shall comply with the United States Constitution and the United States Voting Rights Act

The adopted draft legislative map creates few districts in which Latinos could elect a legislator of their choosing. Though the Latino Coalition demonstrated that additional districts could be drawn to further achieve representation without compromising the other constitutional criteria, the Commission instead chose to include fewer Latino-majority districts, thereby undermining the voices of this growing community. The adopted draft map only creates seven Latino ability-to-elect districts. Proportional representation for Latinos would result in as many as nine districts to reflect the Latino population in the state overall, and the Latino Coalition demonstrated a moderate proposal of eight Latino-majority districts.

For context, the 2011 approved legislative map created seven Latino ability-to-elect districts. Since the time those maps were adopted, each district has grown significantly in Latino voting strength because of the increase in Latino voting age residents. The "packing and cracking" of Latino voters in the adopted draft map raises significant concerns under the VRA. Specifically, draft district 24 appears to be packed to dilute overall Latino electoral strength. Draft districts 22 and 23 also include highly racially polarized voting areas that dilute the performance of Latino voting strength.

Additionally, we believe the Commission has not given due consideration to the submissions of tribal communities, failing to draft even one map that contained the requests of the Navajo Nation. Under the adopted draft map, District 6 would limit the ability-to-elect a Native American candidate in the primary election due to historically low turnout among Native American voters. The district performs in general elections, but it can potentially limit Native Americans' opportunity to elect two Native American State House members and a State Senator.

B. Congressional districts shall have equal population to the extent practicable, and state legislative districts shall have equal population to the extent practicable

The population deviation in the legislative districts appears to largely favor Republican interests. Population deviations were not utilized to uphold VRA criteria as requested by the Navajo Nation, but instead the greatest deviations are in districts where Democrats are packed, like districts 11 and 21, or in districts that are underpopulated to favor Republicans, like district 28. Population deviation should not be used to favor partisan outcomes in legislative districts, particularly at expense of other mapping criteria.

C. Districts shall be geographically compact and contiguous to the extent practicable; and D. District boundaries shall respect communities of interest to the extent practicable

This Commission has been applying the definition of community of interest so broadly that there seem to be no boundaries as to what a community of interest truly is. District 17 has separated a number of communities from their neighbors, thereby undermining fair representation for these communities at the

legislature. In the November 5th Commission meeting, the Commission's own mapper described evaluating compactness as asking, 'are we bypassing people to get to another group of people', and district 17 is certainly a district that bypasses geographically close communities in order to connect far-flung suburbs for partisan goals.

Furthermore, when citing her support of this district 17 configuration, the Chairwoman said that 'right-of-center voters' deserved an ability to elect someone to represent them, suggesting that a partisan district would be the only way to accomplish fair representation. Gerrymandering a Republican district for partisan outcomes is simply not necessary. Members of our Democratic caucus have served alongside Republican members from Tucson like Ethan Orr in currently enacted district 9 and Todd Clodfelter in currently enacted district 10 over the last decade, proving that when Tucsonans want to be represented by a Republican, they effectively secured such a change at the ballot box. Ignoring the will of voters and drawing a partisan district instead of a competitive one disregards history, takes power away from voters, and ignores the constitutional obligation to create competitive maps when there is no significant detriment to the other constitutional goals. Competitive districts have not caused significant detriment to voters of either major party in Tucson.

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

The Commission has been, at best, inconsistent, and at worst, directly partisan, in applying visible geographic features. South Mountain in Maricopa County, for example, has been a clear geographic boundary for legislative districts, however the Catalina Mountains in Tucson have been ignored and skirted for the drawing of partisan districts. Public testimony identified Mingus Mountain in Yavapai County as a clear geographic boundary for communities on both sides, yet the Commission has ignored such vocal testimony.

F. To the extent practicable, competitive districts should be favored where to do so would create no significant detriment to the other goals

Competitive districts are, in many communities, the way to allow diverse yet connected communities and political interests a chance to be heard. Competitive districts are those where a candidate from either party could reasonably win a seat and as a result, where candidates and elected officials must compete most for the right to represent a community. The Commission adopted several measures of competitiveness, but even by its own analysis of the districts, only two legislative districts in the adopted draft map would truly see a competitive race over the next decade. Far too many districts still remain safe for either party, failing to deliver to voters a competitive race.

In the past, our Democratic caucuses have not provided specific input and mapping advice to the Commission because we believe that the voters in Arizona have spoken clearly that they do not want to see politicians constructing the districts and choosing their voters. Today, we still believe that an independent commission can create a fair and balanced map that reflects the state of Arizona and its residents properly, ensuring good representation for the next decade. However, this can only be accomplished when the five commissioners are 'committed to applying the provisions of [the Arizona constitution] in an honest, independent and impartial fashion and to upholding public confidence in the integrity of the redistricting process.' We raise the concerns above and call on the Commission to renew its commitment to a balanced and fair map that will represent Arizonans fairly throughout the state.

Sincerely,



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Senate Democratic Leader



Reginald Bolding Jr.
House Democratic Leader